



Ohio Private Investigation & Security Services Commission (OPISSC) April 25, 2013 Minutes

Commission Meeting Date and Location: April 25, 2013, Ohio Department of Public Safety, 1970 W. Broad Street, Columbus, Ohio 43223

Commission Members Present: Mr. Rodney Armstrong, Mr. Mike Cohen, Mr. Steven Cotner, Mr. Dennis Deskins, Mr. Gregg Hollenbaugh, Mr. Bryan Kirk, Mr. Jeffrey Parson, Mr. Ralph Portier, Mr. Joseph Powell, Mr. Brian Simms

Commission Members Absent: Mr. John Born, Mr. Tom Charles, Mr. Dwight Holcomb, Mr. Mark Wasylshyn

Also Attending: Richard Baron, Aleta Dodson, Julie Faulconer, Pat Gehrisch, Mark Gibson, Tracy Proud, Paul Rapp, Andy Spencer, Anne Vitale

Visitors Attending: David Chase, Allied Barton; Robert Fiatal, Ohio Peace Officer Training Commission; Justin Hykes, Ohio Attorney General's Office; Mike Moran; Terry Myer, Columbus Detective Agency; Alfred Nomo, Forensics EDP Agency; David Stelzer, Tactical Response Group

Mr. Mike Cohen, Chair, called the meeting to order at 1:05 PM.

ROLL CALL:

Mr. Rodney Armstrong	Here	Mr. Gregg Hollenbaugh	Here
Mr. John Born		Mr. Bryan Kirk	Here
Mr. Mike Cohen	Here	Mr. Jeffrey Parson	Here
Mr. Gibson for Mr. Charles	Here	Mr. Ralph Portier	Here
Mr. Steven Cotner	Here	Mr. Joseph Powell	Here
Mr. Dennis Deskins	Here	Mr. Brian Simms	Here
Mr. Dwight Holcomb		Mr. Mark Wasylshyn	Here

A quorum was present to conduct business.

Richard Baron, Director of Homeland Security (HLS) for the Department of Public Safety (DPS), gave a brief update regarding security measures relative to large gatherings in light of the Boston incident. HLS is interested in providing and receiving information regarding any large gatherings or any trends in order to mitigate it upfront. Their objective is to prevent a similar event from occurring in Ohio. He reported there are no imminent threats and requested to contact the fusion center if anything suspicious is heard or seen.

OLD BUSINESS

Rewrite of 4749.

Mr. Cohen said DPS e-mailed a rewrite of 4749 to everyone. Ms. Vitale said the rewrite does not include changes discussed at the Legislative Committee meetings that occurred since the last Commission meeting. She is waiting for the firearms language to be finalized. Mr. Cohen said the firearm training has been one of the main discussions and a meeting with representatives from the Ohio Police Officer Training Academy (OPOTA) was held. Mike Moran, Legislative Committee Chairman, reported that the committee met with OPOTA representatives, including Director Fiatal, and had a candid discussion about industry's issues with the firearms training. The committee and OPOTA representatives requested a consensus docket of bullet points of the problem areas and suggested improvements for presentation at their next commission meeting scheduled for May 16. Mr. Moran distributed a copy of the document he compiled that contained the concept of operations, issues with the status quo, and proposed legislative language that would need changed.

The three bullet points regarding the proposed firearm concept of operations included: OPOTC Private Security Firearms Instructors shall teach the 20-hour course of handguns and long gun; sixteen additional hours would be developed for shotgun and/or rifle, and the training would be valid until the end of the following calendar year on December 31; employees will shoot the applicable OPOTC peace officer courses of fire annually to re-qualify which can be conducted by any OPOTC certified firearms instructor, does not require advance permission to conduct requalification, and the requal is good until December 31 of the following year (same as peace officers); and OPOTC instructors will sign a form prescribed by DPS that the individual would present to a sheriff or DPS to issue a Firearm Bearer (FAB) card. If the sheriff does it, they will enter the information into the ODPS database and transmit the requal document to ODPS (entering in LEADS may be an option).

The three bullet points regarding issues with the status quo included: the initial firearms training and recertification process is too lengthy and complicated to move at the speed of private business, which prevents licensed companies from bidding on contracts and employing people; the annual firearms requalification process lacks parity with that set forth for peace officers and other law enforcement officers; and no provisions have been made in the Ohio Administrative Code (OAC) rules by OPOTC for training the security industry with long guns other than shotguns (patrol rifles), and the industry needs the law to catch up with the reality of current best practices.

The document also includes suggested legislative language changes for 4749.10 (firearms) and notes that other areas that would need modified include 109.78 (Attorney General's section) and Ohio Revised Code chapter 311 (allow sheriffs to administer FAB). Mr. Moran said the only other thing of significance would be law enforcement officers qualified under HR 218 would be exempt. The major shift from the current system being proposed is on the re-qualifications. Right now companies have to open an academy, pay a fee, get a roster, and line up an instructor. The industry also wants to make re-qualification consistent with how it is done for peace officers. Mr. Moran said Mr. Wasylyshyn informed him that he has had conversations with the Buckeye State Sheriffs' Association (BSSA), who would not be opposed to doing this, and DPS Director Charles, who is in favor of it.

Mr. Cohen opened it up for Commission member questions. Mr. Kirk said page one references the issuance of the cards. He said when he left the Legislative Committee meeting early, he did not have a clear idea whether DPS is in favor of the sheriffs issuing the FAB card. Mr. Moran said what he is reflecting was the consensus of the industry, not what DPS wants to do. Mr. Kirk was unclear if this was what we were going to present to OPOTA. Mr. Moran said the definition of "we" is the issue. What "we", the department, or "we", the commission committee, does is two different things. Discussion of details that still need worked out include paying of fees, development of connectivity of information regarding the FAB cards between the sheriff's office and DPS, how to get the forms from the sheriff's office to DPS, and if the sheriffs would charge an additional processing fee for FAB cards. An fee of \$5 or \$10 may be charge through the sheriff's office. Mr. Wasylyshyn said it would cost \$1 to create the card; the sheriffs are already set up to do ID cards for CCW, and have the printers and staff. A benefit comes on the backend where there is a link between local law enforcement and armed security guards.

Mr. Kirk said there were members of the commission that weren't at that committee meeting for the discussion of having the sheriffs' process the FAB card, and was unclear if that had been decided when he left the meeting. Mr. Moran agrees it had not been decided, but believes there was a consensus of people in the industry and agrees that the department did not make it exquisitely clear if they were in favor or not of doing it because he heard a little bit of noise in both directions.

Mr. Cohen asked if the OPOTA representatives would like to comment. Mr. Fiatal said he would take any proposals to the OPOTC, but it is their decision and he did not want to prognosticate on what they might decide. Mr. Moran said once the proposal is ready, it will be presented to OPOTOC for review. Mr. Simms recommended getting a letter from the Executive Director of the BSSA saying they are okay with it. Mr. Moran said he spoke to Mr. Wasylyshyn who indicated the BSSA is not ready to do that now because they do not yet have our proposal. Mr. Moran said he will make any tweaks or changes to the document and get it to OPOTC and BSSA.

ACTION: Motion to approve the proposal prepared by Mike Moran to be submitted to the Buckeye State Sheriffs' Association for their response and approval. When that is received, it will then be forwarded to OPOTC. Kirk first. Parson second. None opposed. None abstained. Motion passed.

Mr. Moran said the training was designed in the 1970's and has not been addressed for forty years. He wanted to be clear that no one has ever commented that the program itself is poor or the people teaching aren't qualified. The complaints are procedural issues and the speed at which certificates are turned around, other than the long gun piece, which is a missing piece. Mr. Fiatal said he would probably be remiss not to let you know that the peace officer gets a significant amount more instruction and range time before they take the qualification and Mr. Moran agreed that is true.

COMMITTEE REPORTS

Training Committee Report, Rodney Armstrong

Mr. Armstrong said the DPS e-Learning group has given specific training unit assignments to the subject matter experts that are due to be returned to DPS by May 7. Since this is based on New York training, they are ensuring it is applicable to Ohio. Once DPS receives the subject matter expert reviews, they will begin putting together the online training course. There will not be any cost to the individual for the training. A completion date can't be determined until DPS receives their submission on May 7th.

Licensing Renewal Update, Aleta Dodson

Ms. Dodson reported this was the first time license renewals were available for online submission. Of the 90% that filed by the deadline, 74% renewed online; 16% renewed by mail. That is a significant percentage for the first year of availability. Approximately 10% of the submissions require additional documents to be supplied before their licenses can be approved, but all should be licensed by May 1.

Investigative Report, Paul Rapp

Mr. Rapp introduced the newest and fourth investigator, Pat Gehrisch, who will work out of the Findlay office and cover northwest Ohio. The other investigators include James Borntragger (northeast), Tiffany Gehrlich-Orr (southwest), and Christy Clark (central and southeast). Mr. Rapp reported that PISGS continues to receive the same types of complaints. He also point out that the Licensing and Registration Unit receives a lot of registration applications with missing information, such as QA's not signing the form, missing birthdates, etc., and requested companies review the forms before submitting them. Omissions like that delay the approval process. Mr. Rapp reported BCI results are being received quicker; on average within two weeks.

OLD BUSINESS

Rewrite of 4749.

Mr. Cohen reiterated that the firearm proposal will go to the BSSA for review and a request for a letter of endorsement. He would like to receive the endorsement letter prior to the May 16th OPOTC meeting. Mr. Moran will reach out to Sheriff Wasylyshyn regarding that. Mr. Cohen said that will be the last piece the Commission needs to supply to DPS for the 4749 rewrite. Ms. Vitale said the Commission has all the language with the exception of the firearm piece and the changes discussed at the recent Legislative Committee meetings. A few grammatical issues were pointed out. Ms. Vitale fielded questions and confirmed that PISGS will define "conditional license" as enacted in law by SB 337, section C regarding suspensions will be removed entirely, and there are plans for two exams in the future. Mr. Powell questioned the significance of the November 27, 1985, date on page 21 and Mr. Moran said it was for grandfathering people who had training at that point in time when the legislation was revised in 1985.

Mr. Cohen said the next scheduled Commission meeting is May 23rd and many members said they could not attend on that day. A tentative date of June 6th was decided upon. Mr. Cohen said the Legislative Committee would meet on May 23rd to make sure all of the information is complete that needs submitted to DPS and OPOTC, and the letter from BSSA has been

received. Ms. Dodson will try to find a room for June 6th and notify commission members if the date is definite. Mr. Kirk requested he be notified of any committee or sub-committee meetings dealing with firearms.

PUBLIC COMMENTS

Alfred Nomo, Forensics EDP Agency, requested the provider application be changed to reflect that if an officer of the company who is not the qualifying agent who wants to be registered should do so when making the initial license application. He also requested that the employee registration form be changed to allow for another signature other than the qualifying agent (QA). Mr. Rapp said the qualifying agent is responsible for signing those and a lot of companies use signature stamps for when the QA is unavailable to sign. Mr. Moran said if it is in rule, the rule would need changed. If not, the form just needs revised.

ACTION: Motion to adjourn. Simms first. Kirk second. None abstained. None opposed. Motion passed.

The meeting was adjourned at 2:38 PM.