



Ohio Private Investigation & Security Services Commission (OPISSC) March 20, 2019 Minutes

Commission Meeting Date and Location: March 20, 2019, Ohio Department of Public Safety (DPS), 1970 W. Broad Street, Columbus, Ohio 43223

Commission Members Present: Mr. Rodney Armstrong, Mr. Jay Beighley, Mr. Dwight Holcomb, Mr. Anthony Macisco, Mr. Randy McPeek, Mr. Thomas Stickrath, Mr. Terry Myer, Mr. John Pezzino, Mr. Scott Reinbolt, Mr. Mike Staley, Mr. Mark Wasylyshyn, Mr. Brian Simms

Commission Members Absent: Mr. Ronald Clark, Mr. Chris Johnson for Mr. Richard Fambro

Also Attending: Christy Clark, Aleta Dodson, Dustyn Fox, Brandon Gardner, Karen Huey, Dan Fitzpatrick, Ashleigh Henry, James Borntreger, Emily Mayfield, Brian Quinn, Molly Seitz, Janille Stearmer

Public Attending: Ted Owens, Ohio Special Services Group

Chair Armstrong called the meeting to order at 12:59 P.M.

ROLL CALL:

Mr. Armstrong	Here	Mr. Myer	Here
Mr. Beighley	Here	Mr. Pezzino	Here
Mr. Clark		Mr. Reinbolt	Here
Mr. Holcomb	Here	Mr. Simms	Here
Mr. Johnson for Mr. Fambro		Mr. Stickrath	Here
Mr. Macisco	Here	Mr. Staley	Here
Mr. McPeek	Here	Mr. Wasylyshyn	Here

A quorum was present to conduct business.

NEW BUSINESS

The incoming Director of the Department of Public Safety, Thomas Stickrath, introduced himself to the Commission and expressed his thanks to those serving. Director Stickrath presented Mr. Armstrong with a plaque thanking him for his years of service to the Commission and his role as chair.

ACTION: Motion to elect Mr. Terry Myer as Chair of the OPISSC. Pezzino first. Wasylyshyn second. None opposed. Motion passed.

The Commission agreed to hold off on voting for a new Vice Chair until the following meeting.

ACTION: Motion to approve the minutes of December 6, 2018. Wasylyshyn first. Myer second. None opposed. Motion passed.

COMMITTEE UPDATES

Legislative Committee

Mr. Armstrong provided an update from the Legislative Committee. The Committee addressed the issues with AR pistols. They determined this is not something that the Commission should pursue, but that each company will need to make the decision for themselves and their employees. The Committee also discussed private investigators and security guards being unable to carry rifles because OPOTA does not allow them to complete the course. The Committee determined there would need to be legislative change to make this available to the industry. Mr. Owens agreed to do research whether any other states allow private security to carry rifles to

bolster the argument for a legislative fix. The Committee determined that, before seeking an Attorney General's opinion on the issue of transporting weapons in vehicles, they would seek an opinion from DPS Legal staff. The Committee formulated two questions for Legal to research:

Is an FAB holder required to have a CHL to carry in a vehicle from one job site to another while still on payroll?

Is an FAB holder required to have a CHL to carry in a vehicle when travelling directly to work from home or from home to work?

Training Committee

Mr. Armstrong also provided an update about the Training Committee meeting. The Committee discussed the third training module, Ethics and Conduct, which will likely be ready in May for review by the Commission. The Committee also addressed concerns regarding OPOTA courses that the private investigator security guard industry are not permitted to take. The Committee determined that OASIS and some members of the Commission would need to appeal to OPOTA to open the courses to the industry.

OLD BUSINESS

DPS Legal Opinion

Ms. Henry said that after researching the issue, she has determined that having a firearm bearer notation (FAB) does not allow someone to carry a weapon while driving. ORC 2923.16 dictates how a handgun can be carried in a vehicle and there is no exclusion made for people with an FAB. This is also outlined in PISGS Rule, 4501:7-1-23, "A firearm bearer notation issued in accordance with section 4749.10 of the Revised Code and rule 4501:7-1-22 of the Administrative Code does not authorize an individual to carry a concealed handgun or other dangerous ordnance or exempt any person from the provisions of Chapter 2923. of the Revised Code."

Mr. Myer believes that is an undue burden for private investigators and security guards that have an FAB to have to take apart and stow their weapons when they travel. Mr. Simms pointed out that having a CCW would exempt you from the restriction of ORC 2923.16. Mr. Staley expressed his frustration that more training is required to obtain a FAB than a CCW. Mr. Gardner agreed but stated that ORC 4947 only allows you to carry during the course of your duty and anything outside of that would be subject to ORC 2923.

Mr. Gardner suggested that some in the General Assembly might be willing to pursue a legislative fix to remedy this issue, but OASIS and the private investigator/security guard industry would need to initiate it. Mr. Armstrong pointed out that allowing an FAB holder to carry in a vehicle would be in the interest of "a safer Ohio" and he thinks it may be in DPS's interest to support this issue.

ACTION: Motion to have Director Stickrath explore whether it is in best interest of a safer Ohio to find a remedy for the issue of security guards carrying their weapon while travelling during the course of work. The Commission would also like the Director to know that, as a body, they support a change in statute to alleviate this issue. Pezzino first. McPeck second. None opposed. Motion passed.

Ms. Huey asked if there was any other group or entity that would be affected by this issue. Mr. Owens stated that the bail bond agents industry might also be impacted by this. Ms. Huey suggested that the Commission identify and seek support from other industries that may be impacted similarly.

AR Pistols

Mr. Gardner informed the Commission that he had emailed the former Executive Director of OPOTA, Mary Davis, regarding private investigators and security guards being unable to take the rifle course in order to carry an AR pistol. Mr. Gardner said that OPOTA does not recognize an AR pistol as a handgun; therefore, under ORC 4749 there is no way to carry it with an FAB as a handgun.

Rules Update

Mr. Gardner notified the Commission that the rule change deadline has been extended to December. The industry will get an email from Joe Kirk to highlight some of the proposed rule changes.

Legislative Update

Mr. Fitzpatrick suggested that the contents of Senate Bill 272 be broken up and added to other bills. Many in the General Assembly were not interested in pursuing an occupational licensing bill, so, it will likely be easier to get the changes passed if added to other bills. Mr. Gardner thinks that OASIS, in conjunction with the industry, needs to be the entity to pursue these legislative changes and allow DPS to provide support. Mr. Armstrong outlined the components of the bill that would be most important to push: portability, firearm changes, fine limits and suspensions, and biennial license renewal.

Mr. Wasylyshyn proposed that the Sheriff's Offices take over the FAB process. He said that because they are already responsible for the CCW permits, they have the necessary equipment and training. The Sheriff's Office would add a small fee that would go to employee salaries and training. This would require legislative change and would be a good vehicle for additional changes to ORC 4749. This piece of legislation would have the support and assistance from BSSA. Mr. Myer thinks this could be a great idea to allow increased face time between sheriff's and private investigators/security guards.

ACTION: Motion to allow the Sheriff's Offices to take over the firearm bearer notion portion of the security guard and private investigator registration process and provide support to any legislation that is needed to accomplish this. Myer first. Pezzino second. None opposed. Motion passed.

STAFF REPORTS

Licensing and Registration

Ms. Dodson provided an update regarding the recent licensing renewal process. Ninety-seven percent of licensees used online system to renew. The Licensing and Registration unit will be sending out expiration letters to companies who did not renew soon. Several members of the Commission commented on the efficiency and ease of the process this year.

Enforcement

Ms. Clark introduced James Borntreger as the new Enforcement supervisor. In 2019, 358 guards have been checked at 256 locations and there are currently 34 ongoing cases. The Enforcement unit received a criminal conviction in a Vandalia Municipal court for an unlicensed case.

Mr. Gardner noted that PISGS was merged with Ohio Homeland Security in July of 2018. This has allowed for additional support to the Enforcement section. Mr. Staley asked whether PISGS employees are working on any Homeland Security initiatives. Mr. Gardner said that no, because funds cannot be used for anything other than PISGS work, they will continue to only work exclusively on PISGS related work or they will use percentage based funding for the employee's compensation.

Outreach

Mr. Fox spoke about the presentations he is giving at ILO and OP3 conferences and meetings in order to spread awareness about PISGS initiatives and the private investigator/security guard industry.

PUBLIC COMMENTS

Ted Owens would like the Commission to pursue an opinion from the Attorney General's office regarding carrying a firearm in a vehicle with an FAB. He thinks the motion is a good start, but he would like to ensure that law enforcement stop arresting registrants for this violation. Mr. Owens thinks getting an AG's opinion is the best way to settle this matter.

Mr. Armstrong said that if the Commission wants to seek an AG opinion, they would need to vote. He is concerned, however, that the ruling will not be in the favor of the Commission. Many members agreed.

ACTION: Motion to adjourn. Myer first. McPeck second. Motion passed. The meeting adjourned at 2:10 P.M.
The next scheduled commission date is Wednesday, April 17, 2019, at 1:00 P.M.