

**NOTICE OF PUBLIC HEARING  
OHIO DEPARTMENT OF PUBLIC SAFETY**

**Date:** September 22, 2014  
**Time:** 10:00 a.m.  
**Location:** Ohio Department of Public Safety  
1970 West Broad Street, Room 134  
Columbus, Ohio 43223

The Ohio Department of Public Safety (ODPS), Private Investigator Security Guard Services (PISGS), will conduct a public hearing for the purpose of soliciting comments regarding the proposed rescission of Chapter 4501:5-1 (Private Investigators) and the simultaneous adoption of Chapter 4501:7-1 (Private Investigator Security Guard Services) to the Ohio Administrative Code (O.A.C). The proposed changes are the result of a completed five-year rule review of Chapter 4501:5-1, pursuant to section 119.032 of the Revised Code (R.C.).

Chapter 4501:5-1 was promulgated when PISGS reported to the Department of Public Safety's (DPS) division of Ohio Homeland Security. Due to DPS reorganization, PISGS is now an independent section of DPS under the Director's office, and in agreement with the Legislative Service Commission, these rules are proposed for simultaneous rescission under Chapter 4501:5-1 and adoption under Chapter 4501:7-1 of the Administrative Code.

During the process of review and renumbering under Chapter 4501:7-1, PISGS determined that rules 4501:5-1-13 "Confidential Information," 4501:5-1-14 "Conflict of Interest," and 4501:5-1-15 "Contracts" should be proposed for total rescission as the rules referenced business practices and business relationships between the licensees and their clients, rather than amplifying the intent of regulatory provisions set forth in Chapter 4749. of the Revised Code. Thus, these rules have not been replaced in Chapter 4501:7-1.

Finally, to enhance readability, PISGS reorganized the rules' contents within new Chapter 4501:7-1.

**4501:7-1-01 "Definitions" (new rule, and in part, replaces 4501:5-1-18)** - This new rule identifies and defines various terms used throughout Chapter 4501:7-1, and in compliance with sections 121.71 to 121.74 of the Revised Code, addresses all material incorporated by reference in Chapter 4501:7-1.

**4501:7-1-02 "Reputation for Integrity" (replaces 4501:5-1-02)** - This rule requires applicants for licensure to provide certain information so that DPS may gauge the reputation for integrity of the applicant, pursuant to division (A) (1) (a) of section 4749.03 of the Revised Code. Proposed substantive changes in this new rule establish that the department may also consider both misdemeanor and felony convictions, as well as an individual's guilty plea to a misdemeanor or felony charge, when determining good reputation. Further, this new rule specifies that the department may only consider those convictions or pleas that occurred no more than one year (misdemeanor) and three years (felony) prior to the date of application.

**4501:7-1-03 "Requirement of new License" (replaces 4501:5-1-03)** - This rule establishes those instances when a new license is required. Proposed substantive changes in this new rule provide that a new license is also required where there is a change to a provider's class of license.

**4501:7-1-04 "License Application" (replaces 4501:5-1-04)** - This rule establishes all of the requirements necessary to apply for licensure as a Class A, Class B, or Class C private investigator and/or security guard provider. Proposed substantive changes to this new rule clarify the documents

(photographs and fingerprints) and application process required of new applicants for license and implement provisions of H.B.98 (130<sup>th</sup> General Assembly) pertaining to applicants who are active members of the armed forces, or spouses of active members. These applications will receive priority processing.

**4501:7-1-05 "Insurance" (replaces 4501:5-1-05)** - This rule establishes the comprehensive general liability insurance requirement for licensure. There are no substantive changes to this new rule.

**4501:7-1-06 "Required Experience" (replaces 4501:5-1-06)** - This rule establishes the experience requirements to obtain a Class A, Class B, or Class C license. Proposed substantive changes in this new rule provide that the DPS Director may consider equivalent experience earned while serving in the military police of any branch of the armed forces of the United States or as a law enforcement officer earned within ten years prior to application.

**4501:7-1-07 "Examinations" (replaces 4501:5-1-07)** - This rule establishes the examination requirement for applicants who apply for a Class A, Class B, or Class C license. Proposed substantive changes in this new rule eliminate the requirement that an applicant shall provide a doctor's certificate if the applicant missed a scheduled written examination due to illness. Other changes provide that notification of written examinations dates will be sent via email, that the examination fee is non-refundable, and the applicant will be given up to ninety days, and no more than three attempts to pass the examination. Additional proposed changes include that the applicant will be notified of available exam dates by e-mail, and clarify that if an applicant fails to pass the examination within ninety days and three attempts, his or her application will be denied and a new application and fee will be required.

**4501:7-1-08 "License" (replaces 4501:5-1-08)** - This rule establishes the requirements for Class A, Class B, or Class C licensees to prominently display issued licenses, and branch licenses, and includes provisions requiring the department to be notified of any changes in licensee addresses or trade names. Proposed changes in this new rule specify that all Class A, Class B, or Class C licenses expire annually on March 1, and that a provider license renewal, qualifying agent renewal, and if applicable, the firearm bearer notational renewal for the qualifying agent must be submitted with the requisite fees to renew a license. Proposed substantive revisions implement provisions of H.B. 98 (130<sup>th</sup> General Assembly) pertaining to renewal of licensees who are active members of the armed forces or spouses of active members.

**4501:7-1-09 "Registration of employees" (replaces 4501:5-1-09 and 4501:5-1-10, in part)** - This rule establishes the requirements for Class A, Class B, or Class C licensees to register their employees. Proposed substantive changes in this new rule require registrant applicants to provide passport-style photographs taken within one year prior to the date of application; require all fingerprint impressions to have been taken within 30 days of the date of application; require applicants who intend to carry firearms during their duties as a security guard employee to submit a firearm bearer notation application, along with the requisite fee and evidence of a FBI background check; require licensees to submit a list of their registered employees to DPS on a quarterly basis; and implement provisions of H.B.98 (130<sup>th</sup> General Assembly) pertaining to applicants who are active members of the armed forces, or spouses of active members. These applications will receive priority processing.

**4501:7-1-10 "Issuance of I.D. card to registrant" (replaces 4501:5-1-10, in part)** - This rule requires each Class A, Class B, or Class C licensee to furnish each employee with an identification card issued by DPS. There are no substantive changes to this rule, however, the requirement for licensees to submit a list of employees to DPS quarterly was moved to rule 4501:7-1-09.

**4501:7-1-11 "Records" (replaces 4501:5-1-11)** - This rule requires each licensee to keep true and accurate records in the English language. There are no substantive changes to this rule.

**4501:7-1-12 "Uniforms" (replaces 4501:5-1-12)** - This rule establishes the standards for uniforms worn by registered employees of licensees. There are no substantive changes to this new rule.

**4501:7-1-13 "Publications and vehicle marking restrictions" (replaces 4501:5 -1-16)** - This rule prohibits the use of any publication or vehicle marking which suggests that licensees are law enforcement or official investigative agencies affiliated with the state of Ohio or any of its political subdivisions. Proposed substantive changes to this new rule clarify the purpose of the rule by providing a list of restricted words and phrases.

**4501:7-1-14 "Advertisement identification" (replaces 4501:5 -1-17)** - This rule establishes requirements and restrictions for licensee advertisements and promotional materials. In this new rule, the term DBA ("doing business as") has been replaced with "trade name" as an acceptable designation, in addition to the business legal name, for use in advertisements and promotional materials.

**4501:7-1-15 "Notice of renewals" (replaces 4501:5-1-19)** - This rule requires DPS to give notice to licensees of employee registrations that will expire within sixty days of the notice and establishes that it is the responsibility of each licensee to renew those registrations. There are no substantive changes to this new rule.

**4501:7-1-16 "Renewal of registrations" (replaces 4501:5-1-20)** - This rule establishes the requirements to renew employee registrations. Proposed substantive changes in this new rule require applicants for renewal to provide passport-style photographs taken within one year prior to the date of application and implement provisions of H.B.98 (130<sup>th</sup> General Assembly) pertaining to applicants who are active members of the armed forces, or spouses of active members.

**4501:7-1-17 "Fees" (replaces 4501:5-1-21)** - This rule sets forth a list of all fees related to licensure, registration, and examinations required in Chapter 4501:7-1. Proposed substantive changes in this new rule delete the fee related to renewal of a branch office license.

**4501:7-1-18 "Retained applicant fingerprint database enrollment" (replaces 4501:5-1-22)** - This rule requires each applicant for an initial or renewal license or registration to be enrolled in the retained applicant fingerprint database maintained by the bureau of criminal identification and investigation in compliance with section 4749.031 of the Revised Code. There are no substantive changes to this new rule.

**4501:7-1-19 "Disqualifying offenses" (new rule)** - This rule establishes a list of disqualifying criminal offenses that have a direct nexus to the applicant's fitness and ability to become a licensee or registered employee of a licensee in compliance with SB337 (129<sup>th</sup> General Assembly).

**4501:7-1-20 "Notice of meetings" (new rule)** - This rule establishes the requirements of published notice for all meetings of the Ohio Private Investigation and Security Services Commission in accordance with section 121.22 of the Revised Code.

Any persons affected by the proposed simultaneous rescission and adoption of these rules may appear at the hearing and be heard in person, or by an attorney, or both, or may present their position, argument, or contention in writing. Persons may offer and examine witnesses and present evidence to show that the proposed actions will be unreasonable or unlawful if enacted.

The proposed rules may be accessed electronically via PISGS' website at [http://publicsafety.ohio.gov/pisgs\\_rules\\_notices.stm](http://publicsafety.ohio.gov/pisgs_rules_notices.stm) . Requests for copies of the proposed rules, as well as questions and/or comments may be addressed to Ohio Department of Public Safety, Private Investigators and Security Guard Services, 1952 West Broad Street, Columbus, OH or by phone at (614) 466-5794.