



DMA

ONLINE TRAINING FOR ADMINISTRATORS

In this Training Guide you will find:

- What is the DMA?
- Where are the DMA forms found?
- Who needs to fill out the DMA?
- Who retains the completed forms?
- What happens when a positive response is indicated?
- If an application is denied due to a positive response, can the applicant request a review?
- Who can be contacted with questions?



1.) What is the D.M.A.?

What it is

D.M.A. is an acronym for “Declaration Regarding Material Assistance/ Nonassistance to a Terrorist Organization.” The DMA is a questionnaire which must be completed by certain applicants to certify that they have not provided “material assistance” to a terrorist organization.

Its purpose

The DMA was created to provide the state with an additional tool to deter and prosecute acts of terrorism within the state.

Where it came from

The Declaration is a part of Senate Bill 9, which is Ohio’s homeland security and anti-terrorism legislation. The revised version of the bill was signed into law by Governor Taft on January 11, 2006. Sections 2909.32, 2909.33, and 2909.34 of the Ohio Revised Code officially defined and created the DMA.

Defining “Material Assistance”

Material Assistance, as defined by the statute, means any of the following:

- Membership in an organization listed on the U.S. State Department’s Terrorist Exclusion List (TEL),
- Use of the person’s position of prominence within any country to persuade others to support an organization on the TEL,
- Knowingly soliciting funds or other things of value for an organization on the TEL,
- Solicitation of any individual for membership in an organization on the TEL,
- Commission of an act that a person knows, or reasonably should have known, affords material support or resources to an organization on the TEL,
- Hiring or compensating a person known by the person hiring or providing compensation to be a member of an organization on the TEL, or a person known by the person hiring or providing compensation to be engaged in planning, assisting in or carrying out an act of terrorism.

What is the TEL?

The Terrorist Exclusion List is a list of foreign organizations known to support and/or engage in acts of terrorism. The list is maintained by the United States Department of State.

Defining “Material Support or Resources”

Material Support or Resources, as defined by the statute, means currency, payment instruments (check, draft, money order, traveler’s check, cashiers check, teller’s check), other financial securities, funds, transfer of funds, financial services, communications, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets except medicine or religious materials.

2.) Where are the DMA forms found?

The DMA forms can be found in PDF format on the Ohio Homeland Security Web site at: <http://www.homelandsecurity.ohio.gov/>

Where is the TEL found?

The Terrorist Exclusion List can be found on the same Web site. The TEL must be distributed along with the DMA forms for reference.

How are the DMA forms and the TEL distributed?

The DMA forms and the TEL are distributed via the above Web site. The issuing agency or entity is responsible for directing applicants to the online forms and TEL, or printing hard copies of the forms and TEL to provide to the applicant.



3.) Who must complete and submit the DMA forms?

The DMA form applies to applicants for:

- Certain state issued licenses identified by the Department of Public Safety
- All candidates under final consideration for public employment
- Business contracts with and funding from any government entity in an annual aggregate amount greater than \$100,000.00
- Private entities that wish to do business with a government entity that adopts rules requiring pre-certification

There are four separate forms, one for each of the preceding areas. An applicant for a state issued license must complete the “State Issued License” DMA, an applicant for public employment must complete the “Public Employment” DMA, etc.

Which state issued licenses are subject to the DMA?

The list of licenses subject to the DMA can be found on the Ohio Homeland Security Web site.

The agencies, offices, boards and commissions who issue licenses that are subject include:

- Ohio Department of Agriculture
- Ohio Department of Commerce
- Ohio Department of Health
- Ohio Department of Natural Resources
- Ohio Department of Public Safety
- Ohio Department of Transportation
- Ohio Environmental Protection Agency
- Ohio Attorney General’s Office
- Ohio Medical Transportation Board
- Ohio Board of Sanitarian Registration
- Ohio Secretary of State’s Office

Which applicants for public employment must complete and submit the DMA?

Any applicant who is under final consideration for employment by the state, any instrumentality of the state, or political subdivision of the state must complete and submit the DMA to the hiring entity.

Are there any employment positions that are exempt from this requirement?

No.

Are contract employees required to complete and submit the DMA?

Contract Employees are only required to complete and submit a DMA if their annual compensation exceeds \$100,000.00

What types of government business contracts and government funding programs are subject?

Any type of business contract between any person, company, affiliated group, or organization or any person who holds, owns, or otherwise has controlling interest in a company, affiliated group, or organization and the state, instrumentality of the state, or political subdivision of the state in an annual aggregate amount greater than \$100,000.00 excluding the amount of any personal benefit.

What is pre-certification and is it required?

The statute allows for any state agency, instrumentality, or political subdivision to adopt a procedure under which it pre-certifies any person, company, affiliated group, or organization as not providing material assistance to a terrorist organization for the purposes of business it conducts or funding it provides. Any agency or entity may voluntarily adopt this procedure, but it is not required. Certification is effective for one year and must be renewed. Pre-certification is only valid with the agency or entity to which it is submitted. It does not extend to other agencies or entities.



4.) Who retains the completed forms once they are submitted?

The agency or entity issuing a license, hiring an employee, entering into a business contract or providing funding subject to the DMA shall retain the completed form along with the application for its records. If the applicant has answered “no” to each of the questions, no further action is necessary by the agency or entity.

5.) What happens if a positive response is indicated on the questionnaire?

What constitutes a positive response?

A positive response is indicated either by the applicant selecting “yes” to any question on the questionnaire, or failing to answer “no” to any question.

What if an applicant refuses to answer any of the six questions?

If an applicant does not answer any of the six questions on the questionnaire, this does constitute a positive response.

What must the issuing agency do following a positive response?

Following a positive response, the government agency or entity shall not issue or renew a license to, employ, conduct business with or provide funding to the applicant.

Who must be notified in the event of a positive response?

The agency or entity shall then notify the Department of Public Safety’s Division of Homeland Security that it has denied an applicant due to a positive response on the DMA.

What if an applicant lies on the DMA?

Refusing to disclose the provision of material assistance once it has knowingly been provided or making false statements on the DMA is a felony of the fifth degree. Any applicant that provides false disclosure is further permanently banned from conducting business with or seeking funding from any state agency, instrumentality of the state, or political subdivision of the state.

What if an applicant provides material assistance to a terrorist organization after they have received a state license, government business contract or funding, or public employment?

- **Licenses:** The issuing agency will revoke the license if the licensee takes any action after licensure that would result in a positive response on the DMA if it were to be administered again. A hearing in accordance with Chapter 119 of the Ohio Revised Code will be conducted by the issuing agency prior to revocation.
- **Business Contract or Funding:** Any person, company, affiliated group or organization that had not provided material assistance at the time the declaration was made, but begins providing material assistance during the course of doing business with or receiving funding from any government entity in the state is prohibited from entering into any additional contracts with or receive funding from the state, instrumentality or political subdivision for a period of ten years after the provision of material assistance is discovered.
- **Employment:** The employer may terminate any employee who takes any action that would result in a positive response on the DMA if it were to be administered again. However, no employer may terminate any employee without following at least one of the following hearing procedures:
 - If the employee is entitled to termination proceedings under a collective bargaining agreement, the employer must comply with those procedures.
 - If the employee is entitled to termination proceedings under division C of Section 124.34 of the Ohio Revised Code, then the employer must comply with those proceedings.
 - If the employee does not qualify for either of the termination proceedings described above, the employer must comply with the procedures outlined in division B of Section 124.34 of the Ohio Revised Code.

Are there any exceptions?

The following types of transactions made by an applicant for government funding or a government business contract do not qualify as material assistance:

- An investment in a company that is publicly traded in any U.S. market
- An investment that is traded on a foreign market where U.S. investors regularly make investments
- An investment that is made through an agent or investment manager who has fiduciary responsibility to the investor
- An investment in public agency debt
- An investment in derivatives that are regulated by a government agency

6.) Can an applicant request a review of the denial of their application due to a positive response on the DMA?

If an applicant feels the denial of licensure, employment, business contracts or funding due to a positive response on the DMA was inappropriate or unjust, they may request a review of the denial.

How long does the applicant have to request a review of the denial?

The statute does not specify a time limit to file a request for a review.

How must the request be filed?

The request forms are available in .pdf format on the Ohio Homeland Security Web site. The forms must be completed and submitted to the Department of Public Safety's Division of Homeland Security by certified mail. The address is provided on the request forms.

Can an applicant request a review with the issuing agency or entity?

The request for a review may only be filed with the Department of Public Safety's Division of Homeland Security.

What happens once the request is filed?

Once the request has been filed, it is considered by the Department of Public Safety and decided upon within thirty days. The department will overturn a denial if all of the following apply:

- The provision of material assistance to an organization on the TEL was made more than ten years before the DMA was filled out, or the provision of material assistance was made within the prior ten years, but the organization was either not on the TEL at the time, or would not have merited inclusion on the TEL if the TEL had existed, or if it was unreasonable at the time to know of the organization's activities that warranted its inclusion on the list.
- It is unlikely that the applicant will provide material assistance to an organization on the TEL in the future
- The applicant does not pose a risk to the residents of the state.

Can the applicant further appeal the case if the department upholds the denial?

The applicant may further appeal the case pursuant to Section 119 of the Ohio Revised Code.

7.) Who can be contacted with questions?

If an applicant has questions

Applicants should initially contact the agency to which they have applied with questions. Further questions may be referred to the Department of Public Safety's Division of Homeland Security.

If an issuing agency/entity has questions

Please contact the Department of Public Safety's Division of Homeland Security.

DMA Information Hotline: (614) 644-3892
Email: dma-info@dps.state.oh.us

This concludes the online DMA training module. Please direct questions to the above contact information.



Ohio Homeland Security
is a division within the
Ohio Department of Public Safety

1970 West Broad Street
Columbus, Ohio 43223

www.homelandsecurity.ohio.gov