

OHIO DEPARTMENT OF PUBLIC SAFETY

**Private Investigator
Security Guard Services**

LAWS & RULES



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**Ohio Revised Code
Chapter 4749
Private Investigator Security Guard Services**

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4749.01 Definitions.

As used in this chapter:

- (A) "Private investigator" means any person who engages in the business of private investigation.
- (B) "Business of private investigation" means, except when performed by one excluded under division (H) of this section, the conducting, for hire, in person or through a partner or employees, of any investigation relevant to any crime or wrong done or threatened, or to obtain information on the identity, habits, conduct, movements, whereabouts, affiliations, transactions, reputation, credibility, or character of any person, or to locate and recover lost or stolen property, or to determine the cause of or responsibility for any libel or slander, or any fire, accident, or damage to property, or to secure evidence for use in any legislative, administrative, or judicial investigation or proceeding.
- (C) "Security guard provider" means any person who engages in the business of security services.
- (D) "Business of security services" means either of the following:
- (1) Furnishing, for hire, watchpersons, guards, private patrol officers, or other persons whose primary duties are to protect persons or property;
 - (2) Furnishing, for hire, guard dogs, or armored motor vehicle security services, in connection with the protection of persons or property.
- (E) "Class A license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage in the business of private investigation and the business of security services.
- (F) "Class B license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage only in the business of private investigation.
- (G) "Class C license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage only in the business of security services.
- (H) "Private investigator," "business of private investigation," "security guard provider," and "business of security services" do not include:
- (1) Public officers and employees whose official duties require them to engage in investigatory activities;
 - (2) Attorneys at law or any expert hired by an attorney at law for consultation or litigation purposes;
 - (3) A consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, provided that the consumer reporting agency is in compliance with the requirements of that act and that the agency's activities are confined to any of the following:
 - (a) The issuance of consumer credit reports;
 - (b) The conducting of limited background investigations that pertain only to a client's prospective tenant and that are engaged in with the prior written consent of the prospective tenant;
 - (c) The business of pre-employment background investigation. As used in division (H)(3)(c) of this section, "business of pre-employment background investigation" means, and is limited to, furnishing for hire, in person or through a partner or employees, the conducting of limited background investigations, in-person interviews, telephone interviews, or written inquiries that pertain only to a client's prospective employee and the employee's employment and that are engaged in with the prior written consent of the prospective employee.

(4) Certified public insurance adjusters that hold a certificate of authority issued pursuant to sections 3951.01 to 3951.09 of the Revised Code, while the adjuster is investigating the cause of or responsibility for a fire, accident, or other damage to property with respect to a claim or claims for loss or damage under a policy of insurance covering real or personal property;

(5) Personnel placement services and persons who act as employees of such entities engaged in investigating matters related to personnel placement activities;

(6) An employee in the regular course of the employee's employment, engaged in investigating matters pertinent to the business of the employee's employer or protecting property in the possession of the employee's employer, provided the employer is deducting all applicable state and federal employment taxes on behalf of the employee and neither the employer nor the employee is employed by, associated with, or acting for or on behalf of any private investigator or security guard provider;

(7) Any better business bureau or similar organization or any of its employees while engaged in the maintenance of the quality of business activities relating to consumer sales and services;

(8) An accountant who is registered or certified under Chapter 4701. of the Revised Code or any of the accountant's employees while engaged in activities for which the accountant is certified or registered;

(9) Any person who, for hire or otherwise, conducts genealogical research in this state.

As used in division (H)(9) of this section, "genealogical research" means the determination of the origins and descent of families, including the identification of individuals, their family relationships, and the biographical details of their lives. "Genealogical research" does not include furnishing for hire services for locating missing persons or natural or birth parents or children.

(10) Any person residing in this state who conducts research for the purpose of locating the last known owner of unclaimed funds, provided that the person is in compliance with Chapter 169. of the Revised Code and rules adopted thereunder. The exemption set forth in division (H)(10) of this section applies only to the extent that the person is conducting research for the purpose of locating the last known owner of unclaimed funds.

As used in division (H)(10) of this section, "owner" and "unclaimed funds" have the same meanings as in section 169.01 of the Revised Code.

(11) A professional engineer who is registered under Chapter 4733. of the Revised Code or any of his employees.

As used in division (H)(11) of this section and notwithstanding division (I) of this section, "employee" has the same meaning as in section 4101.01 of the Revised Code.

(12) Any person residing in this state who, for hire or otherwise, conducts research for the purpose of locating persons to whom the state of Ohio owes money in the form of warrants, as defined in division (S) of section 131.01 of the Revised Code, that the state voided but subsequently reissues.

(13) An independent insurance adjuster who, as an individual, an independent contractor, an employee of an independent contractor, adjustment bureau association, corporation, insurer, partnership, local recording agent, managing general agent, or self-insurer, engages in the business of independent insurance adjustment, or any person who supervises the handling of claims except while acting as an employee of an insurer licensed in this state while handling claims pertaining to specific policies written by that insurer.

As used in division (H)(13) of this section, "independent insurance adjustment" means conducting investigations to determine the cause of or circumstances concerning a fire, accident, bodily injury, or damage to real or personal property; determining the extent of damage of that fire, accident, injury, or property damage; securing evidence for use in a legislative, administrative, or judicial investigation or proceeding, adjusting losses; and adjusting or settling claims, including the investigation, adjustment, denial, establishment of damages, negotiation, settlement, or payment of claims in connection with insurance contractors, self-insured programs, or other similar insurance programs. "Independent adjuster" does not include either of the following:

(a) An attorney who adjusts insurance losses incidental to the practice of law and who does not advertise or represent that the attorney is an independent insurance adjuster;

(b) A licensed agent or general agent of an insurer licensed in this state who processes undisputed or uncontested losses for insurers under policies issued by that agent or general agent.

(14) Except for a commissioned peace officer who engages in the business of private investigation or compensates others who engage in the business of private investigation or the business of security services or both, any commissioned peace officer as defined in division (B) of section 2935.01 of the Revised Code.

(l) "Employee" means every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go, or work, or be at any time in any place of employment, provided that the employer of the employee deducts all applicable state and federal employment taxes on behalf of the employee.

Effective Date: 03-24-2003

4749.011 Repealed.

Effective Date: 09-26-1996

4749.02 Administrative rules - personnel.

The director of public safety shall administer this chapter, and for that purpose, may appoint employees and adopt rules that the director considers necessary.

The director shall implement electronic licensing and registration procedures under this chapter not later than December 31, 2006. The application procedures in effect on the effective date of this amendment shall continue until such time as electronic licensing and registration procedures are implemented.

Effective Date: 06-30-1997; 07-01-2004; 03-29-2005

4749.021 Ohio private investigation and security services commission

(A)(1) Any individual, including a partner in a partnership, may be licensed as a private investigator under a class B

(A) There is hereby created the Ohio private investigation and security services commission, consisting of the director of public safety or the director's designee, who shall be a nonvoting member; the superintendent of the highway patrol or the superintendent's designee, who shall be a voting member; and twelve members appointed by the governor with the advice and consent of the senate, as follows:

(1) Three members shall be owners or operators of a business that maintains a class A license and shall have at least five years' experience in this state in the business of private investigation or security services.

(2) One member shall be an owner or operator of a business that maintains a class B license and shall have at least five years' experience in this state in the business of private investigation or security services.

(3) One member shall be an owner or operator of a business that maintains a class C license and shall have at least five years' experience in this state in the business of private investigation or security services.

(4) Two members shall be owners or operators of a business that maintains a class A, B, or C license and shall have at least five years' experience in this state in the business of private investigation or security services.

(5) One member shall be an incumbent chief of police.

(6) One member shall be an active law enforcement officer, not above the rank of lieutenant.

(7) One member shall be an incumbent sheriff.

(8) Two members shall be representatives of the general public who have never had a direct employment relationship with any class A, B, or C licensee.

(B)(1) The governor shall make initial appointments to the commission by January 1, 2005, and the commission shall hold its first meeting, at the call of the director of public safety, in January 2005. Of the initial appointments made to

the commission, three shall be for a term ending December 31, 2005, three shall be for a term ending December 31, 2006, three shall be for a term ending December 31, 2007, and three shall be for a term ending December 31, 2008. Thereafter, terms of office shall be for five years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed, but may serve not more than two complete consecutive five-year terms. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring before the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. The governor, after notice and the opportunity for a hearing, may remove any appointed member for misfeasance, malfeasance, or nonfeasance.

(2) Ninety days before the expiration of a member's term, or in the event of a vacancy, the Ohio association of security and investigation services may submit names to the governor for consideration of appointment to the commission.

(C) The commission shall advise the director of public safety on all matters related to the regulation of private investigation and the business of security services and on all matters related to this chapter. The commission shall advise the director on the format, content, and all other aspects of all private investigation and security services licensure examinations.

(D) In accordance with Chapter 119. of the Revised Code, the department may establish rules on behalf of the commission.

(E) The commission shall meet not less than four times each year. It also shall meet upon the call of the chairperson, upon the request of five members, or at the request of the director of public safety or the director's designee.

(F) At the first regular meeting of each year, which shall be called by the chairperson, the members shall elect a chairperson and a vice-chairperson by a majority vote, and also shall establish its meeting schedule for the remainder of the year. The chairperson and vice-chairperson shall serve until their successors are elected. No member may serve as chairperson more than three times during a five-year term. The chairperson shall preside over the commission's meetings, shall set the meeting agenda, and shall serve as the commission's chief spokesperson and liaison to the department of public safety. The chairperson or vice-chairperson shall approve all vouchers of the commission. Subject to the commission's approval, the chairperson may appoint committees to assist the commission. Committee members may be members of the commission. The vice-chairperson shall exercise the duties of the chairperson when the chairperson is not available.

(G) A quorum of seven appointed members is necessary for a meeting to convene or continue. All actions of the commission shall be by a majority of the members present. Members may not participate or vote by proxy. In accordance with Chapter 121 of the Revised Code, at least fourteen days before a regular meeting and twenty-four hours before a special meeting, the chairperson shall notify all members of the commission in writing of the agenda. Upon a timely request, any member of the commission may have an item added to the commission's agenda.

(H) Each member of the commission shall receive the member's necessary expenses incurred in the performance of official duties, including travel, hotel, and other necessary expenses. Members of any special committee, which may be appointed by the commission to assist it, who are not members of the commission also, may receive necessary expenses.

(I) The department of public safety shall provide the commission with suitable office and meeting space and necessary technical, clerical, and administrative support. The department shall serve as the official repository of the commission's records. Expenses of the commission shall be paid from the private investigator and security guard provider fund created in section 4749.07 of the Revised Code.

(J) In the absence of fraud or bad faith, the commission, a current or former commission member, or an agent, representative, or employee of the commission is not liable in damages to any person because of any act, omission, proceeding, or decision related to official duties.

Effective Date: 09-16-2004

4749.03 License requirement.

(A)(1) Any individual, including a partner in a partnership, may be licensed as a private investigator under a class B license, or as a security guard provider under a class C license, or as a private investigator and a security guard provider under a class A license, if the individual meets all of the following requirements:

(a) Has a good reputation for integrity, has not been convicted of a disqualifying offense as defined in section 4776.10 of the Revised Code within the last three years or any crime of moral turpitude as that term is defined in section 4776.10 of the Revised Code, and has not been adjudicated incompetent for the purpose of holding the license, as provided in section 5122.301 of the Revised Code, without having been restored to legal capacity for that purpose.

(b) Depending upon the class of license for which application is made, for a continuous period of at least two years immediately preceding application for a license, has been engaged in investigatory or security services work for a law enforcement or other public agency engaged in investigatory activities, or for a private investigator or security guard provider, or engaged in the practice of law, or has acquired equivalent experience as determined by rule of the director of public safety.

(c) Demonstrates competency as a private investigator or security guard provider by passing an examination devised for this purpose by the director, except that any individually licensed person who qualifies a corporation for licensure shall not be required to be reexamined if the person qualifies the corporation in the same capacity that the person was individually licensed.

(d) Submits evidence of comprehensive general liability insurance coverage, or other equivalent guarantee approved by the director in such form and in principal amounts satisfactory to the director, but not less than one hundred thousand dollars for each person and three hundred thousand dollars for each occurrence for bodily injury liability, and one hundred thousand dollars for property damage liability.

(e) Pays the requisite examination and license fees.

(2) A corporation may be licensed as a private investigator under a class B license, or as a security guard provider under a class C license, or as a private investigator and a security guard provider under a class A license, if an application for licensure is filed by an officer of the corporation and the officer, another officer, or the qualifying agent of the corporation satisfies the requirements of divisions (A)(1) and (F)(1) of this section. Officers and the statutory agent of a corporation shall be determined in accordance with Chapter 1701. of the Revised Code.

(3) At least one partner in a partnership shall be licensed as a private investigator, or as a security guard provider, or as a private investigator and a security guard provider. Partners in a partnership shall be determined as provided for in Chapter 1775. or 1776. of the Revised Code.

(B) An application for a class A, B, or C license shall be completed in the form the director prescribes. In the case of an individual, the application shall state the applicant's name, birth date, citizenship, physical description, current residence, residences for the preceding ten years, current employment, employment for the preceding seven years, experience qualifications, the location of each of the applicant's offices in this state, and any other information that is necessary in order for the director to comply with the requirements of this chapter. In the case of a corporation, the application shall state the name of the officer or qualifying agent filing the application; the state in which the corporation is incorporated and the date of incorporation; the states in which the corporation is authorized to transact business; the name of its qualifying agent; the name of the officer or qualifying agent of the corporation who satisfies the requirements of divisions (A)(1) and (F)(1) of this section and the birth date, citizenship, physical description, current residence, residences for the preceding ten years, current employment, employment for the preceding seven years, and experience qualifications of that officer or qualifying agent; and other information that the director requires. A corporation may specify in its application information relative to one or more individuals who satisfy the requirements of divisions (A)(1) and (F)(1) of this section.

The application described in this division shall be accompanied by all of the following:

(1) One recent full-face photograph of the applicant or, in the case of a corporation, of each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A)(1) and (F)(1) of this section;

(2) Character references from at least five reputable citizens for the applicant or, in the case of a corporation, for each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A)(1) and (F)(1) of

this section, each of whom has known the applicant, officer, or qualifying agent for at least five years preceding the application, and none of whom are connected with the applicant, officer, or qualifying agent by blood or marriage;

(3) An examination fee of twenty-five dollars for the applicant or, in the case of a corporation, for each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A)(1) and (F)(1) of this section, and a license fee in the amount the director determines, not to exceed three hundred seventy-five dollars. The license fee shall be refunded if a license is not issued.

(C)(1) Each individual applying for a license and each individual specified by a corporation as an officer or qualifying agent in an application shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The individual shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and fill out the form the superintendent prescribes pursuant to division (C)(1) of section 109.572 of the Revised Code. An applicant who intends to carry a firearm as defined in section 2923.11 of the Revised Code in the course of business or employment shall so notify the superintendent. This notification is in addition to any other requirement related to carrying a firearm that applies to the applicant. The individual or corporation requesting the criminal records check shall pay the fee the superintendent prescribes.

(2) The superintendent shall conduct the criminal records check as set forth in division (B) of section 109.572 of the Revised Code. If an applicant intends to carry a firearm in the course of business or employment, the superintendent shall make a request to the federal bureau of investigation for any information and review the information the bureau provides pursuant to division (B)(2) of section 109.572 of the Revised Code. The superintendent shall submit all results of the completed investigation to the director of public safety.

(3) If the director determines that the applicant, officer, or qualifying agent meets the requirements of divisions (A)(1)(a), (b), and (d) of this section and that an officer or qualifying agent meets the requirement of division (F)(1) of this section, the director shall notify the applicant, officer, or agent of the time and place for the examination. If the director determines that an applicant does not meet the requirements of divisions (A)(1)(a), (b), and (d) of this section, the director shall notify the applicant that the applicant's application is refused and refund the license fee. If the director determines that none of the individuals specified in the application of a corporation as satisfying the requirements of divisions (A)(1) and (F)(1) of this section meet the requirements of divisions (A)(1)(a), (b), and (d) and (F)(1) of this section, the director shall notify the corporation that its application is refused and refund the license fee. If the bureau assesses the director a fee for any investigation, the director, in addition to any other fee assessed pursuant to this chapter, may assess the applicant, officer, or qualifying agent, as appropriate, a fee that is equal to the fee assessed by the bureau.

(4)(a) Subject to divisions (C)(4)(b), (c), and (d) of this section, the director shall not adopt, maintain, renew, or enforce any rule, or otherwise preclude in any way, an individual from receiving or renewing a license under this chapter due to any past criminal activity or interpretation of moral character, except as pursuant to division (A)(1)(a) of this section. If the director denies an individual a license or license renewal, the reasons for such denial shall be put in writing.

(b) Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the director may use the director's discretion in granting or denying the individual a license. Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the director may use the director's discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the director, prior to the effective date of this amendment, was required or authorized to deny the application based on that offense.

In all other circumstances, the director shall follow the procedures the director adopts by rule that conform to division (C)(4)(a) of this section.

(c) In considering a renewal of an individual's license, the director shall not consider any conviction or plea of guilty prior to the initial licensing. However, the director may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal.

(d) The director may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed.

(D) If upon application, investigation, and examination, the director finds that the applicant or, in the case of a corporation, any officer or qualifying agent specified in the application as satisfying the requirements of divisions (A)(1)

and (F)(1) of this section, meets the applicable requirements, the director shall issue the applicant or the corporation a class A, B, or C license. The director also shall issue an identification card to an applicant, but not an officer or qualifying agent of a corporation, who meets the applicable requirements. The license and identification card shall state the licensee's name, the classification of the license, the location of the licensee's principal place of business in this state, and the expiration date of the license, and, in the case of a corporation, it also shall state the name of each officer or qualifying agent who satisfied the requirements of divisions (A)(1) and (F)(1) of this section.

Licenses expire on the first day of March following the date of initial issue, and on the first day of March of each year thereafter. Annual renewals shall be according to the standard renewal procedures contained in Chapter 4745. of the Revised Code, upon payment of an annual renewal fee the director determines, not to exceed two hundred seventy-five dollars. No license shall be renewed if the licensee or, in the case of a corporation, each officer or qualifying agent who qualified the corporation for licensure no longer meets the applicable requirements of this section. No license shall be renewed unless the licensee provides evidence of workers' compensation risk coverage and unemployment compensation insurance coverage, other than for clerical employees and excepting sole proprietors who are exempted therefrom, as provided for in Chapters 4123. and 4141. of the Revised Code, respectively, as well as the licensee's state tax identification number. No reexamination shall be required for renewal of a current license.

For purposes of this chapter, a class A, B, or C license issued to a corporation shall be considered as also having licensed the individuals who qualified the corporation for licensure, for as long as they are associated with the corporation.

For purposes of this division, "sole proprietor" means an individual licensed under this chapter who does not employ any other individual.

(E) The director may issue a duplicate copy of a license issued under this section for the purpose of replacement of a lost, spoliated, or destroyed license, upon payment of a fee the director determines, not exceeding twenty-five dollars. Any change in license classification requires new application and application fees.

(F)(1) In order to qualify a corporation for a class A, B, or C license, an officer or qualifying agent may qualify another corporation for similar licensure, provided that the officer or qualifying agent is actively engaged in the business of both corporations.

(2) Each officer or qualifying agent who qualifies a corporation for class A, B, or C licensure shall surrender any personal license of a similar nature that the officer or qualifying agent possesses.

(3) Upon written notification to the director, completion of an application similar to that for original licensure, surrender of the corporation's current license, and payment of a twenty-five-dollar fee, a corporation's class A, B, or C license may be transferred to another corporation.

(4) Upon written notification to the director, completion of an application similar to that for an individual seeking class A, B, or C licensure, payment of a twenty-five-dollar fee, and, if the individual was the only individual that qualified a corporation for licensure, surrender of the corporation's license, any officer or qualifying agent who qualified a corporation for licensure under this chapter may obtain a similar license in the individual's own name without reexamination. A request by an officer or qualifying agent for an individual license shall not affect a corporation's license unless the individual is the only individual that qualified the corporation for licensure or all the other individuals who qualified the corporation for licensure submit such requests.

(G) If a corporation is for any reason no longer associated with an individual who qualified it for licensure under this chapter, an officer of the corporation shall notify the director of that fact by certified mail, return receipt requested, within ten days after the association terminates. If the notification is so given, the individual was the only individual that qualified the corporation for licensure, and the corporation submits the name of another officer or qualifying agent to qualify the corporation for the license within thirty days after the association terminates, the corporation may continue to operate in the business of private investigation, the business of security services, or both businesses in this state under that license for ninety days after the association terminates. If the officer or qualifying agent whose name is submitted satisfies the requirements of divisions (A)(1) and (F)(1) of this section, the director shall issue a new license to the corporation within that ninety-day period. The names of more than one individual may be submitted.

R.C. § 4749.03

Amended by 129th General Assembly File No. 131, SB 337, § 1, eff. 9/28/2012.

Effective Date: 09-17-1996; 07-01-2004; 07-01-2005; 2008 HB332 08-06-2008

4749.031 Participation in retained applicant fingerprint database and continuous record monitoring service; initial or annual fees.

(A) The department of public safety shall be a participating public office for purposes of the retained applicant fingerprint database established under section 109.5721 of the Revised Code. The department shall elect to participate in the continuous record monitoring service for all persons licensed or registered under this chapter. When the superintendent of the bureau of criminal identification and investigation, under section 109.57 of the Revised Code, indicates that an individual in the retained applicant fingerprint database has been arrested for, convicted of, or pleaded guilty to any offense, the superintendent promptly shall notify the department either electronically or by mail that additional arrest or conviction information is available.

(B) In addition to any other fees charged by the department under this chapter, an applicant for a license under section 4749.03 of the Revised Code, at the time of making an initial or renewal application, shall pay any initial or annual fee charged by the superintendent pursuant to rules adopted under division (F) of section 109.5721 of the Revised Code.

Added by 129th General Assembly File No. 7, HB 114, § 101.01, eff. 6/29/2011.

4749.04 Disciplinary actions.

(A) The director of public safety may revoke, suspend, or refuse to renew, when a renewal form has been submitted, the license of any private investigator or security guard provider, or the registration of any employee of a private investigator or security guard provider, for any of the following:

- (1) Violation of any of the provisions of division (B) or (C) of section [4749.13](#) of the Revised Code;
- (2) Conviction of a disqualifying offense as defined in section 4776.10 of the Revised Code if the offense occurred within the last three years;
- (3) Conviction of a crime involving moral turpitude as defined in section 4776.10 of the Revised Code;
- (4) Conviction of an offense that occurred after the individual was initially licensed, or after the most recent renewal.
- (5) Violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services;
- (6) Testifying falsely under oath, or suborning perjury, in any judicial proceeding;
- (7) Failure to satisfy the requirements specified in division (D) of section [4749.03](#) of the Revised Code.

Any person whose license or registration is revoked, suspended, or not renewed when a renewal form is submitted may appeal in accordance with Chapter 119. of the Revised Code.

(B) In lieu of suspending, revoking, or refusing to renew the class A, B, or C license, or of suspending, revoking, or refusing to renew the registration of an employee of a class A, B, or C licensee, the director may impose a civil penalty of not more than one hundred dollars for each calendar day of a violation of any of the provisions of this section or of division (B) or (C) of section [4749.13](#) of the Revised Code or of a violation of any rule of the director governing private investigators, the business of private investigation, security guard providers, or the business of security services.

R.C. § 4749.04

Amended by 129th General Assembly File No. 131, SB 337, § 1, eff. 9/28/2012.

Effective Date: 03-24-2003; 07-01-2004

4749.05 Notice of change of address - report of presence to local law enforcement.

(A) Each class A, B, or C licensee shall report the location of branch offices to the department of public safety, and to the sheriff of the county and the police chief of any municipal corporation in which the office is located, and shall post a branch office license conspicuously in that office. Application for a branch office license shall be made on a form prescribed by the director of public safety, and a license shall be issued upon receipt of the form and payment of a fee fixed by the director, not exceeding one hundred dollars. If a licensee moves an office, the licensee shall notify, in writing, the department of public safety and any affected sheriff and chief of police within forty-eight hours of the change.

This division does not apply to a licensed private investigator who is engaging in the business of private investigation as a registered employee of a licensed private investigator.

(B) Pursuant to Chapter 119. of the Revised Code, the director of public safety shall adopt rules regarding when a class A, B, or C licensee, or any of such a licensee's employees, is required to report the licensee's or employee's presence and length of stay to the sheriff and police chief of any county or municipal corporation in which the licensee or employee operates. The rules shall include reporting requirements for licenses or employees conducting fraud investigations or physical surveillance.

Effective Date: 11-27-1985; 07-01-2004

4749.06 Registration of employees.

(A) Each class A, B, or C licensee shall register the licensee's investigator or security guard employees, with the department of public safety, which shall maintain a record of each licensee and registered employee and make it available, upon request, to any law enforcement agency. The class A, B, or C licensee shall file an application to register a new employee no sooner than three days nor later than seven calendar days after the date on which the employee is hired.

(B)(1) Each employee's registration application shall be accompanied by one recent photograph of the employee, the employee's physical description, and the registration fee the director determines, not to exceed forty dollars.

(2) The employee shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The employee shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and fill out the form the superintendent prescribes pursuant to division (C)(1) of section 109.572 of the Revised Code. An employee who intends to carry a firearm as defined in section 2923.11 of the Revised Code in the course of business or employment shall so notify the superintendent. This notification is in addition to any other requirement related to carrying a firearm that applies to the employee. The individual or corporation requesting the criminal records check shall pay the fee the superintendent prescribes.

The superintendent shall conduct the criminal records check as set forth in division (B) of section 109.572 of the Revised Code. If an employee intends to carry a firearm in the course of business or employment, pursuant to division (B)(2) of section 109.572 of the Revised Code the superintendent shall make a request of the federal bureau of investigation for any information and review the information the bureau provides. The superintendent shall submit all results of the completed investigation to the director of public safety.

(3) If, after investigation, the bureau finds that the employee has not been convicted of a disqualifying offense as defined in section 4776.10 of the Revised Code within the last three years, the director shall issue to the employee an identification card bearing the license number and signature of the licensee, which in the case of a corporation shall be the signature of its president or its qualifying agent, and containing the employee's name, address, age, physical description, and right thumb print or other identifying mark as the director prescribes, a recent photograph of the employee, and the employee's signature. The director may issue a duplicate of a lost, spoliated, or destroyed identification card issued under this section, upon payment of a fee fixed by the director, not exceeding five dollars.

(C) Except as provided in division (E) of this section, no class A, B, or C licensee shall permit an employee, other than an individual who qualified a corporation for licensure, to engage in the business of private investigation, the business of security services, or both businesses until the employee receives an identification card from the department, except that pending the issuance of an identification card, a class A, B, or C licensee may offer for hire security guard or investigator employees provided the licensee obtains a waiver from the person who receives, for hire, security guard or investigative services, acknowledging that the person is aware the employees have not completed their registration and agreeing to their employment.

(D) If a class A, B, or C licensee, or a registered employee of a class A, B, or C licensee, intends to carry a firearm, as defined in section 2923.11 of the Revised Code, in the course of engaging in the business or employment, the licensee or registered employee shall satisfactorily complete a firearms basic training program that includes twenty hours of handgun training and five hours of training in the use of other firearms, if any other firearm is to be used, or equivalency training, if authorized, or shall be a former peace officer who previously had successfully completed a firearms training course, shall receive a certificate of satisfactory completion of that program or written evidence of approval of the equivalency training, shall file an application for registration, shall receive a firearm-bearer notation on the licensee's or registered employee's identification card, and shall annually requalify on a firearms range, all as described in division (A) of section 4749.10 of the Revised Code. A private investigator, security guard provider, or employee is authorized to carry a firearm only in accordance with that division.

(E) This section does not apply to commissioned peace officers, as defined in division (B) of section 2935.01 of the Revised Code, working for, either as an employee or independent contractor, a class A, B, or C licensee. For purposes of this chapter, a commissioned peace officer is an employee exempt from registration.

(F) The registration of an investigator or security guard employee expires annually on the anniversary date of its initial issuance. Annual renewals shall be made pursuant to procedures the director establishes by rule and upon payment of a renewal fee the director determines, not to exceed thirty-five dollars. The director shall not renew the registration of any investigator or security guard employee who no longer meets the requirements of this section. No background check is required for annual renewal, but an investigator or security guard employee shall report any conviction of a disqualifying offense to the employer and the director of public safety as a condition of continued registration.

R.C. § 4749.06

Amended by 129th General Assembly File No. 131, SB 337, § 1, eff. 9/28/2012.

Effective Date: 03-24-2003; 07-01-2004; 07-01-2005

4749.07 Private investigator and security guard provider fund.

(A) After refund of any license fees as required by section 4749.03 of the Revised Code, the department of public safety shall pay all fees received pursuant to this chapter to the treasurer of state, to be credited to the private investigator and security guard provider fund, which is hereby created.

(B) Moneys received in payment of fines levied pursuant to section 4749.99 of the Revised Code shall be distributed as follows:

- (1) One-third to the general fund of the municipal corporation or township in which the prosecution occurs;
- (2) One-third to the general fund of the county in which the prosecution occurs;
- (3) One-third to the private investigator and security guard provider fund.

Effective Date: 09-26-1996; 07-01-2004

4749.08 Distinguished from law enforcement officer.

(A) No class A, B, or C licensee, or registered employee of a class A, B, or C licensee shall be considered, because of licensure or registration under this chapter, a law enforcement officer for any purpose. Nothing in this chapter shall be construed as granting the right to carry a concealed weapon.

(B) The rules of the department of public safety adopted for the administration of this chapter shall include provisions to assure that any uniform or identification card shall be so designed as to avoid confusion of a private investigator, security guard provider, or registered employee with any law enforcement officer in this state.

Effective Date: 11-27-1985; 07-01-2004

4749.09 Effect of municipal regulation - fees.

Any class A, B, or C licensee, or registered employee of a class A, B, or C licensee, who operates in a municipal corporation that provides by ordinance for the licensing, registering, or regulation of private investigators, security guard providers, or their employees shall conform to those ordinances insofar as they do not conflict with this chapter. No license or registration fees shall be charged by the state or any of its subdivisions for conducting the business of private investigation, the business of security services, or both businesses other than as provided in this chapter.

Effective Date: 11-27-1985

4749.10 Carrying firearm.

(A) No class A, B, or C licensee and no registered employee of a class A, B, or C licensee shall carry a firearm, as defined in section 2923.11 of the Revised Code, in the course of engaging in the business of private investigation, the business of security services, or both businesses, unless all of the following apply:

(1) The licensee or employee either has successfully completed a basic firearm training program at a training school approved by the Ohio peace officer training commission, which program includes twenty hours of training in handgun use and, if any firearm other than a handgun is to be used, five hours of training in the use of other firearms, and has received a certificate of satisfactory completion of that program from the executive director of the commission; the licensee or employee has, within three years prior to November 27, 1985, satisfactorily completed firearms training that has been approved by the commission as being equivalent to such a program and has received written evidence of approval of that training from the executive director of the commission; or the licensee or employee is a former peace officer, as defined in section 109.71 of the Revised Code, who previously had successfully completed a firearms training course at a training school approved by the Ohio peace officer training commission and has received a certificate or other evidence of satisfactory completion of that course from the executive director of the commission.

(2) The licensee or employee submits an application to the director of public safety, on a form prescribed by the director, in which the licensee or employee requests registration as a class A, B, or C licensee or employee who may carry a firearm. The application shall be accompanied by a copy of the certificate or the written evidence or other evidence described in division (A)(1) of this section, the identification card issued pursuant to section 4749.03 or 4749.06 of the Revised Code if one has previously been issued, a statement of the duties that will be performed while the licensee or employee is armed, and a fee the director determines, not to exceed fifteen dollars. In the case of a registered employee, the statement shall be prepared by the employing class A, B, or C licensee.

(3) The licensee or employee receives a notation on the licensee's or employee's identification card that the licensee or employee is a firearm-bearer and carries the identification card whenever the licensee or employee carries a firearm in the course of engaging in the business of private investigation, the business of security services, or both businesses.

(4) At any time within the immediately preceding twelve-month period, the licensee or employee has requalified in firearms use on a firearms training range at a firearms requalification program certified by the Ohio peace

officer training commission or on a firearms training range under the supervision of an instructor certified by the commission and has received a certificate of satisfactory requalification from the certified program or certified instructor, provided that this division does not apply to any licensee or employee prior to the expiration of eighteen months after the licensee's or employee's completion of the program described in division (A)(1) of this section. A certificate of satisfactory requalification is valid and remains in effect for twelve months from the date of the requalification.

(5) If division (A)(4) of this section applies to the licensee or employee, the licensee or employee carries the certificate of satisfactory requalification that then is in effect or any other evidence of requalification issued or provided by the director.

(B)(1) The director of public safety shall register an applicant under division (A) of this section who satisfies divisions (A)(1) and (2) of this section, and place a notation on the applicant's identification card indicating that the applicant is a firearm-bearer and the date on which the applicant completed the program described in division (A)(1) of this section.

(2) A firearms requalification training program or instructor certified by the commission for the annual requalification of class A, B, or C licensees or employees who are authorized to carry a firearm under section 4749.10 of the Revised Code shall award a certificate of satisfactory requalification to each class A, B, or C licensee or registered employee of a class A, B, or C licensee who satisfactorily requalifies in firearms training. The certificate shall identify the licensee or employee and indicate the date of the requalification. A licensee or employee who receives such a certificate shall submit a copy of it to the director of public safety. A licensee shall submit the copy of the requalification certificate at the same time that the licensee makes application for renewal of the licensee's class A, B, or C license. The director shall keep a record of all copies of requalification certificates the director receives under this division and shall establish a procedure for the updating of identification cards to provide evidence of compliance with the annual requalification requirement. The procedure for the updating of identification cards may provide for the issuance of a new card containing the evidence, the entry of a new notation containing the evidence on the existing card, the issuance of a separate card or paper containing the evidence, or any other procedure determined by the director to be reasonable. Each person who is issued a requalification certificate under this division promptly shall pay to the Ohio peace officer training commission established by section 109.71 of the Revised Code a fee the director determines, not to exceed fifteen dollars, which fee shall be transmitted to the treasurer of state for deposit in the peace officer private security fund established by section 109.78 of the Revised Code.

(C) Nothing in this section prohibits a private investigator or a security guard provider from carrying a concealed handgun if the private investigator or security guard provider complies with sections 2923.124 to 2923.1213 of the Revised Code.

Effective Date: 04-08-2004; 07-01-2004; 07-01-2005

4749.11 Investigating applicants.

(A) The director of public safety may investigate any applicant for a class A, B, or C license, any principal officer or qualifying agent of a corporation who is specified in an application for licensure as satisfying the requirements of divisions (A)(1) and (F)(1) of section 4749.03 of the Revised Code, and any employee of a class A, B, or C licensee who seeks to be registered under section 4749.06 of the Revised Code to determine whether the individual satisfies the applicable requirements for licensure or registration.

(B) The director may investigate, on the director's own initiative, the actions or proposed actions of a class A, B, or C licensee, or registered employee of a class A, B, or C licensee to determine whether the person is, has been, or will be in violation of section 4749.13 of the Revised Code. The director shall investigate any of these persons if a verified written complaint is filed indicating that a person has violated, or is or will be violating, section 4749.13 of the Revised Code; the complaint is supported by evidence submitted with it; and the director determines that a prima-facie case exists that a violation of that section is being, has been, or will be committed by the person.

(C) The director may investigate, on the director's own initiative, the actions or proposed actions of a person who is not licensed or registered under this chapter and who appears to be acting as a class A, B, or C licensee, or employee of a class A, B, or C licensee. The director shall investigate such a person if a verified written complaint is filed indicating that a person was, is, or will be acting as a class A, B, or C licensee or employee of a class A, B, or C licensee but is not licensed or registered as such under this chapter; the complaint is supported by evidence that is submitted with it; and the director determines that a prima-facie case exists that the person was, is, or will be acting in the alleged manner.

(D) In connection with investigations under divisions (B) and (C) of this section, the director may file an action with the court of common pleas of Franklin county or the court of common pleas of the county in which the person who is the subject of the investigation resides, is engaging in actions, or proposing to engage in actions, to obtain an injunction, restraining order, or other appropriate relief.

(E) The director may compel by subpoena witnesses to appear and testify in relation to investigations under this chapter and may require by subpoena duces tecum the production of any book, paper, or document pertaining to an investigation. If a person does not comply with a subpoena or subpoena duces tecum, the director may apply to the court of common pleas of Franklin county for an order compelling the person to comply with the subpoena or subpoena duces tecum or, for failure to do so, to be held in contempt of court.

(F) If, in an investigation under division (C) of this section, the director determines that a person is not a class A, B, or C licensee, or a registered employee of a class A, B, or C licensee, and that the person was, is, or will be acting in the alleged manner, the director may issue an order to the person to show cause why the person should not be subject to licensing or registration under this chapter. The director shall hold a hearing on the order, and if following the hearing the director determines that the person has engaged, or is or will be engaging, in activities requiring licensure or registration under this chapter, the director may issue a cease and desist order that shall describe the person and the activities that are the subject of it. The cease and desist order is enforceable in and may be appealed to a court of common pleas pursuant to Chapter 119. of the Revised Code.

(G) In any proceeding or action brought under this chapter, the burden of proving an exemption from the licensure requirements of this chapter is on the person claiming the benefit of the exemption.

Effective Date: 10-12-1994; 07-01-2004

4749.12 Nonresident licenses.

(A) A person who is a resident of another state; is licensed as a private investigator, security guard provider, or as a private investigator and a security guard provider in another state; and wishes to engage in the business of private investigation, the business of security services, or both businesses in this state, shall be licensed pursuant to section 4749.03 of the Revised Code, but the director of public safety may waive the examination requirement of that section and issue a license to a nonresident under the circumstances described in division (B) of this section.

(B) If a nonresident private investigator, security guard provider, or private investigator and security guard provider seeking licensure under this chapter submits with the application and accompanying matter specified in section 4749.03 of the Revised Code proof of licensure in another state, and if the requirements of divisions (A)(1)(a), (b), and (d) and, if applicable, (F)(1) of section 4749.03 of the Revised Code are satisfied and the nonresident meets all current requirements of the laws of the other state regulating the business of private investigation, the business of security services, or both businesses, the director may waive the examination requirement and fee of that section. This waiver authority may be exercised only if the director determines that the other state has a law similar to this division and extends to residents of this state a similar waiver of examination privilege.

Effective Date: 11-27-1985; 07-01-2004

4749.13 Prohibited acts.

(A) No person shall engage in the business of private investigation, the business of security services, or both businesses in this state unless the person is licensed pursuant to this chapter. Each day of continuing violation constitutes a separate offense. Nothing in this chapter shall be construed to require any employee of a class A, B, or C licensee to obtain a class A, B, or C license, provided that an employee shall be registered by a licensee when required by section 4749.06 of the Revised Code. Nothing in this chapter shall be construed to require a partner to be a class A, B, or C licensee except as provided in division (A)(3) of section 4749.03 of the Revised Code. Nothing in this chapter shall be construed to require a director, officer, or qualifying agent of a corporation to individually be a class A, B, or C licensee if the corporation is licensed pursuant to this chapter.

(B) No class A, B, or C licensee, or registered employee of a class A, B, or C licensee shall:

(1) Knowingly violate any provision of this chapter or any rule of the director of public safety adopted for the administration of this chapter;

(2) Knowingly make a false report with respect to any matter with which the licensee or registered employee is employed;

(3) Divulge any information acquired from or for a client to persons other than the client or the client's authorized agent without express authorization to do so or unless required by law;

(4) Knowingly accept employment which includes obtaining information intended for illegal purposes.

(C) No person shall knowingly authorize or permit another person to violate any provision of this chapter or any rule of the director adopted for the administration of this chapter.

(D) No person who is not licensed as a class A, B, or C licensee shall advertise that the person is or otherwise hold self out as a class A, B, or C licensee. This division does not prohibit registered employees from indicating in the course of authorized employment for a class A, B, or C licensee that they are authorized to engage in investigatory, security services activities, or both activities.

Effective Date: 11-27-1985; 07-01-2004

4749.14 Effect of child support default on license.

On receipt of a notice pursuant to section 3123.43 of the Revised Code, the director of public safety shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Effective Date: 03-22-2001; 07-01-2004

4749.99 Penalty.

(A) Except as otherwise provided in this division, whoever violates division (A) of section 4749.13 of the Revised Code is guilty of a misdemeanor of the first degree. Whoever violates division (A) of section 4749.13 of the Revised Code and previously has been convicted of one or more violations of division (A) of that section is guilty of a felony of the fifth degree. If the offender previously has been convicted of two or more violations of division (A) of that section, the offender shall be fined ten thousand dollars and also may be imprisoned not more than one year.

(B) Whoever violates division (B), (C), or (D) of section 4749.13 of the Revised Code shall be fined not less than one hundred or more than one thousand dollars, imprisoned not more than one year, or both.

Effective Date: 07-01-1996

Ohio Administrative Code
Chapter 4501:7-1
Private Investigator Security Guard Services

4501:7-1-01 Definitions.

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in Chapter 4501:7-1 of the Administrative Code can be found in paragraph (H) of this rule.]

(A) "Military" means any of the armed forces of the United States, a reserve component of the armed forces of the United States, the Ohio National Guard or the national guard of any other state, the Ohio military reserve, and the Ohio naval militia.

(B) "Identification card" or "I.D. card" means a card issued by the department to an employee of, or a qualifying agent of, a class A, class B, or class C licensee which contains the personal and employer information set forth in sections 4749.03 and 4749.06 of the Revised Code. An identification card shall, when applicable, contain one or more firearm bearer notations as specified in division (A)(3) of section 4749.10 of the Revised Code.

(C) "Investigator" has the same meaning as "private investigator," set forth in division (A) of section 4749.01 of the Revised Code.

(D) "Provider" means any person who engages in the business of private investigation, the business of security services, or both, and has the same meaning as "licensee."

(E) "Qualifying Agent" is the owner, officer or a hired person of the company that fulfills the experience requirements as stated in Chapter 4749. of the Revised Code.

(F) "Veteran" means anyone who is serving or has served under honorable conditions in any component of the armed forces, including the national guard and reserve.

(G) "Working hours" means any hours in an active pay status.

(H) Incorporated materials:

(1) "Employee Registration Application," form "PSU 0015," dated May 2014, may be obtained at <http://www.pisgs.ohio.gov/pisgs.stm>;

(2) "Employee Registration Renewal," form "PSU 0017," dated May 2014, may be obtained at <http://www.pisgs.ohio.gov/pisgs.stm>;

(3) "Employee Termination Report," form "PSU 0013," dated April 2014, may be obtained at <http://www.pisgs.ohio.gov/pisgs.stm>;

(4) "Firearm Bearer Notation Application," form "PSU 0016," dated April 2014, may be obtained at <http://www.pisgs.ohio.gov/pisgs.stm>;

(5) "Multiple Change Application," form "PSU 0011," dated April 2014, may be obtained at <http://www.pisgs.ohio.gov/pisgs.stm>;

(6) "Provider Application," form "PSU 0006," dated May 2014, may be obtained at <http://www.pisgs.ohio.gov/pisgs.stm>;

(7) "Provider Branch Office Application," form "PSU 0010," dated April 2014, may be obtained at <http://www.pisgs.ohio.gov/pisgs.stm>;

(8) "Provider License Renewal," form "PSU 0012," dated August 2014, may be obtained at <http://www.pisgs.ohio.gov/pisgs.stm>;

(9) "Qualifying Agent Application," form "PSU 0007," dated May 2014, may be obtained at <http://www.pisgs.ohio.gov/pisgs.stm>;

(10) "Qualifying Agent Renewal," form "PSU 0053," dated May 2014, may be obtained at <http://www.pisgs.ohio.gov/pisgs.stm>;

(11) "Quarterly Report," form "PSU 0014," dated April 2014, may be obtained at <http://www.pisgs.ohio.gov/pisgs.stm>;

Prior Effective Dates: 08/10/89

(12) "WebCheck Instructions," form "PSU 0019," dated October 2, 2013, may be obtained at <http://www.pisgs.ohio.gov/pisgs.stm>.

Replaces: 4501:5-1-18

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.01 , 4749.03 , 4749.06 , 4749.10

4501:7-1-02 Reputation for integrity.

When determining whether an applicant for licensure has a good reputation for integrity pursuant to division (A)(1)(a) of section 4749.03 of the Revised Code, the department of public safety may consider:

(A) If the applicant has been convicted of, or plead guilty to, a misdemeanor within one year of the date of application;

(B) If the applicant has been convicted of, or plead guilty to, a felony within three years of the date of application;

(C) If the applicant has ever operated a business of private investigation, business of security services, or both without being licensed under Chapter 4749. of the Revised Code;

(D) If the applicant has ever operated a business of private investigation, business of security services or both without general liability insurance coverage while licensed under Chapter 4749. of the Revised Code; or

(E) If the applicant has ever violated any provision of Chapter 4749. of the Revised Code or the rules promulgated thereunder or any order of the department.

Replaces: 4501:5-1-02

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.03

Prior Effective Dates: 8/10/89, 10/07/04

4501:7-1-03 Requirement of new license.

(A) A new license is required where there is:

- (1) A change in the form of business organization; or
- (2) A change to the legal name of the licensee as registered with the Ohio secretary of state; or
- (3) A change in the class of a license; or
- (4) Failure to renew a current license by the licensee by the first day of March each year.

(B) The department of public safety shall be notified in writing within ten days of any change in the controlling interest of a corporation, any change in officers of a corporation, any change of partners of a partnership, any increase or decrease in the number of partners of a partnership or any change in the legal name of the licensee.

Replaces: 4501:5-1-03

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.03

Prior Effective Dates: 1/1/70, 7/7/78, 8/10/89, 10/7/04

4501:7-1-04 License applications.

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (H) of rule 4501:7-1-01 of the Administrative Code.]

(A) As used in this chapter, "provider" and "licensee" have the same meaning as, and refer to, the holder of a class A, class B, or class C license issued in accordance with this chapter and Chapter 4749. of the Revised Code.

(B) Each applicant for a class A, class B, or class C license shall submit a "Provider Application" to the director of the department of public safety (department) accompanied by the license fee provided for in section 4749.03 of the Revised Code. A "Branch Office Application" shall be submitted for each additional business location accompanied by the branch license fee provided for in section 4749.05 of the Revised Code. The license fee may be paid by check or money order payable to Ohio treasurer of state, or if submitted on-line, may be paid by credit card.

(C) Each "Provider Application" must be accompanied by a "Qualifying Agent Application" and the qualifying agent (QA) examination fee provided for in division (A)(1)(e) of section 4749.03 of the Revised Code. The examination fee may be paid by certified check or money order payable to Ohio treasurer of state, or if submitted on-line, may be paid by credit card. A passport style photograph that measures two by two inches, taken within one year of submission, and bearing a reasonable likeness to the applicant must be submitted with the "Qualifying Agent Application."

(1) The fingerprint impressions submitted under division (C)(1) of section 4749.03 of the Revised Code shall not have been obtained more than thirty days prior to the filing of the application for a license, as outlined on "WebCheck Instructions."

(2) If a qualifying agent intends to carry a firearm in the course of business or employment, the QA shall submit a "Firearm Bearer Notation Application" accompanied by the fee provided for in section 4749.10 of the Revised Code to the department and notify the bureau of criminal investigation (BCI) at the time of fingerprinting. BCI shall make a request to the federal bureau of investigation (FBI) about the applicant and review the information in the manner set forth in division (B)(2) of section 109.572 of the Revised Code. The information provided by the FBI shall be submitted to the director of the department of public safety by direct copy.

(3) If the results of the criminal records check described in division (C)(1) of section 4749.03 of the Revised Code indicate that the applicant may have a criminal record in one or more jurisdictions or in one or more states other than Ohio, the director may make further inquiries and request further information from the applicant in order to complete the investigation of the applicant.

(D) The "Provider Application" and "Qualifying Agent Application" shall include a question that easily identifies the applicant for licensure and applicant for QA as a veteran or as the spouse of a veteran. Applicants currently serving in the military must provide a copy of their military identification card or that of their spouse, or a veteran must provide a copy of their DD214 or that of their spouse along with the application, which will allow the department to verify the identification of the applicant as a veteran or spouse of a veteran. Processing of applications for veterans or their spouses shall, to the extent possible, be expedited and prioritized

(E) When all requirements for application are met, the application for a license shall be approved, and a wall license will be issued along with the approved QA registration card.

Replaces: 4501:5-1-04

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.03

Prior Effective Dates: 1/1/70, 8/10/89, 11/16/01, 10/7/04

4501:7-1-05 Insurance.

(A) All applicants for licensure shall submit evidence of comprehensive general liability insurance coverage, or equivalent guarantee approved by the director. Coverage shall be verified by the insurer and certified as to the minimum amounts specified in section 4749.03 of the Revised Code.

Each insurance record (policy) must list the "Department of Public Safety Private Investigator Security Guard Services" (department) as the certificate holder, and contain a provision requiring the insurer to notify the department no later than ten days prior to the policy's cancellation and not later than seven days after its lapse.

(B) All license holders must maintain the comprehensive general liability insurance coverage verified by the insurer and certified as to the minimum coverage thereunder.

Replaces: 4501:5-1-05

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.03

Prior Effective Dates: 1/1/70, 8/10/89, 10/7/04

4501:7-1-06 Required experience.

(A) As set forth in section 4749.03 of the Revised Code, "two years experience" shall be defined as a minimum of four thousand working hours over the twenty-four month period immediately preceding the date an application for licensure is received by the department of public safety (department).

(B) Except as provided in paragraphs (C) and (D) of this rule, an applicant for a class B license shall have at least four thousand working hours of experience in investigatory work, an applicant for a class C license shall have at least four thousand working hours of experience in security services work, and an applicant for a class A license shall have at least four thousand working hours of experience consisting of at least one thousand working hours of experience in investigatory work and at least one thousand working hours of experience in security services work, and the remaining hours of working experience in either investigatory or security service work, or both.

(C) Equivalent experience such as, but not limited to, specialized education in criminal justice or law enforcement, or honorable service in the military police or similar military security position in any of the branches of the armed forces of the United States, or significant experience as a law enforcement officer, as defined in division (A)(11) of section 2901.01 of the Revised Code, or as a peace officer as defined in division (B) of section 2935.01 of the Revised Code obtained within the last ten years prior to the date of application, may be deemed by the director of public safety to be sufficient to satisfy the experience requirement.

(D) If specialized education as defined in paragraph (C) of this rule is submitted as equivalent experience, an applicant for a class A license shall also have at least one thousand working hours of experience in investigatory work and at least one thousand working hours in security services work, an applicant for a class B license shall have at least two thousand working hours of experience in investigatory work, and an applicant for a class C license shall have at least two thousand working hours of experience in security services work.

(E) Equivalent experience such as, but not limited to, management in the business of private investigation, management in the business of security services, or both, may be deemed by the director of public safety to be sufficient to satisfy the experience requirement as defined in paragraph (A) of this rule.

Replaces: 4501:5-1-06

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.03

Prior Effective Dates: 1/1/70, 8/10/89, 12/15/98, 11/16/01, 10/7/04

4501:7-1-07 Examinations.

(A) Under division (C)(3) of section 4749.03 of the Revised Code, the qualifying agent will be notified by e-mail of available exam dates once licensing requirements are met. All exams are held in Columbus, Ohio at 1952 west Broad street. If the qualifying agent fails to appear for an examination, except as provided herein, the application may be denied and a new application together with a new fee shall be required.

(B) If the applicant's failure to appear for the scheduled examination is due to illness, the applicant shall be admitted to the next scheduled examination. No applicant shall be excused from taking the scheduled examination for any other reason than illness, unless in the department's judgment, the applicant would suffer undue hardship thereby. Examination fees are non-refundable.

(C) Upon appearing for the examination, the identity of the applicant shall be verified by producing for inspection a driver's license or other photographic identification acceptable to the department of public safety (department).

(D) The examination devised by the department shall test the applicant on knowledge of Chapter 4749. of the Revised Code, the rules promulgated thereunder, and other aspects of the private investigation and / or security services business.

(E) An applicant will be given up to ninety days and no more than three attempts following the notification of eligibility to pass the examination or the application shall be denied and a new application together with a new fee shall be required.

(F) The department may waive examination and experience verification requirements for a new licensee, partner in a partnership, or a qualifying agent if the applicant previously qualified a business for licensure within six months of the date of application.

Replaces: 4501:5-1-07

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.03

Prior Effective Dates: 1/1/70, 8/10/89, 10/7/04

4501:7-1-08 License.

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (H) of rule 4501:7-1-01 of the Administrative Code.]

(A) The license required to be obtained by each licensee under the provisions of section 4749.03 of the Revised Code shall at all times be posted in a conspicuous place in the principal place of business of the licensee.

(1) Licensees shall, within ten days, notify the department of public safety (department) in writing using the "Multiple Change Application" of any change of address of such principal place of business, or of any change of the business name or trade name designation under which the business is conducted or contact information. A licensee shall not have a name so similar to that of another licensee as to be confusing or likely to mislead the public. A business name or trade name designation can be used by no more than one licensee, except that licensees operating under valid franchise agreements with a lawfully registered franchisor may operate under the same name.

(2) In the event of suspension, revocation or nonrenewal of the license issued under the provisions of section 4749.04 of the Revised Code, or if the business of the licensee under such license is discontinued for any other reason, the licensee shall immediately return the license and the qualifying agent's (QA) identification card to the department. If a licensee fails to return the license or QA identification card, the department may consider such failure as grounds for denial if the licensee later applies for a new license. The department may notify the local law enforcement authorities in whose jurisdiction the former licensee operated of the termination of licensure.

(B) Each licensee who maintains one or more branch offices shall obtain a branch office license pursuant to the provisions of division (A) of section 4749.05 of the Revised Code for each of such branch offices by submitting a "Provider Branch Office Application" accompanied by the fee provided for in section 4749.05 of the Revised Code. The fee may be paid by certified check or money order payable to Ohio treasurer of state, or if submitted on-line, may be paid by credit card.

(1) Licensees shall, within 48 hours, notify the department in writing using the "Multiple Change Application" of any change of address at such branch office.

(2) In the event of suspension, revocation or nonrenewal of the license under which the licensee is authorized to conduct the business of private investigation or security services, or if such business is discontinued for any other reason, the licensee shall immediately return all branch office licenses to the department.

(C) All licenses shall expire annually on the first day of March following the date of issuance under the provisions of section 4749.03 of the Revised Code.

(1) On the second day of January of each year, the department will notify the licensee by e-mail that the license will expire on March first, and must be renewed after January second and by midnight of March first if the company wants to remain in business.

(2) Each class A, class B, or class C licensee shall submit a "Provider License Renewal" and "Qualifying Agent Renewal" accompanied by the renewal fee provided for in section 4749.03 of the Revised Code or may renew on-line at <http://pisgs.ohio.gov/pisgs.stm>. The fee may be paid by certified check or money order payable to Ohio treasurer of state, or if submitted on-line, may be paid by credit card. A passport style photograph that measures two by two inches, taken within one year of submission, and bearing a reasonable likeness to the qualifying agent (QA) must be submitted with the "Qualifying Agent Renewal." The QA must continue to meet the qualifications set forth in section 4749.03 of the Revised Code.

(a) The firearm bearer (FAB) notation expires annually on expiration date of the identification card.

(b) A qualifying agent with a FAB notation, must submit a "Firearm Bearer Notation Application" accompanied by the fee provided for in section 4749.10 of the Revised Code.

(D) Pursuant to sections 4749.03 and 5903.10 of the Revised Code, the holder of an expired license, who was a member of the uniformed services, or the spouse of a member of the uniformed services, shall be granted a renewal of the license at the usual cost and without penalty if either of the following applies:

(1) The license was not renewed because the holder was in active service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.

(2) The license was not renewed because the holder's spouse was in active service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state, and the service resulted in the holder's absence from this state.

A renewal shall not be granted unless the holder or the spouse of the holder, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the release or discharge.

Replaces: 4501:5-1-08

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.03 and 4749.05

Prior Effective Dates: 7/18/76, 7/7/78, 8/10/89, 11/16/01, 10/7/04

4501:7-1-09 Registration of employees.

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (H) of rule 4501:7-1-01 of the Administrative Code.]

(A) Each licensee shall register his investigator and security guard employees with the department of public safety (department).

(B) Each licensee shall submit an "Employee Registration Application" to register a new investigator or security guard employee with the department accompanied by the registration fee provided for in section 4749.06 of the Revised Code. The registration fee may be paid by check or money order payable to Ohio treasurer of state, or if submitted on-line, may be paid by credit card. A passport style photograph that measures two by two inches, taken within one year of submission, and bearing a reasonable likeness to the applicant must be submitted with the "Employee Registration Application." The application must be submitted no later than seven calendar days after the employee's name is posted on the licensee's payroll records. The licensee must post any employee's name on the licensee's payroll records before that employee works any assignment for the licensee.

(1) The licensee must submit verification of the employee's name, date of birth, and social security number.

(2) The fingerprint impressions submitted under division (B)(2) of section 4749.06 of the Revised Code shall not have been obtained more than thirty days prior to the filing of the employee's application for registration, as outlined on "WebCheck Instructions."

(a) If an employee intends to carry a firearm in the course of business or employment, the employee shall submit a "Firearm Bearer Notation Application" accompanied by the fee provided for in section 4749.10 of the Revised Code to the department and notify the bureau of criminal investigation (BCI) at the time of fingerprinting. BCI shall make a request to the federal bureau of investigation (FBI) about the employee and review the information in the manner set forth in division (B)(2) of section 109.572 of the Revised Code. The information provided by the FBI shall be submitted to the director of the department of public safety by direct copy.

(b) If the results of the criminal records check described in division (B)(2)(a) of section 4749.06 of the Revised Code indicate that the employee applying for registration may have a criminal record in one or more jurisdictions or in one or more states other than Ohio, the director may make further inquiries and request further information from the applicant in order to complete the investigation of the applicant.

(C) "Employee Registration Application" shall include a question that easily identifies the employee as a veteran or as the spouse of a veteran. Applicants currently serving in the military must provide a copy of their military identification card or that of their spouse, or a veteran must provide a copy of their DD214 or that of their spouse along with the application, which will allow the department to verify the identification of the applicant as a veteran or spouse of a veteran. Once military service is verified on their application, and all other requirements are met, applicants for registration who are currently serving in the military, veterans, or their spouses, will be segregated and processed ahead of non-military affiliated applications.

(D) Within ten calendar days after the termination of a registered investigator or security guard's employment, the licensee shall submit to the department an "Employee Termination Report" with the employee's identification card for cancellation.

(E) Four times a year the licensee shall submit to the department a "Quarterly Report" with a current list of registered employees.

Replaces: 4501:5-1-09, 4501:5-10 in part

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.06

Prior Effective Dates: 1/1/70, 8/10/89, 10/7/04

4501:7-1-10 Issuance of I.D. card to registrant.

(A) It shall be the duty of every licensee licensed under the provisions of Chapter 4749 of the Revised Code to furnish each of his investigator and security guard employees with an identification card furnished by the department of public safety (department), and maintain a record thereof.

(B) The licensee shall inform all of his investigator and security guard employees on the first day of employment of all the registration and firearms training provisions of Chapter 4749. of the Revised Code as that chapter applies to such employees and shall ensure that all such employees are properly registered in accordance with sections 4749.06 and 4749.10 of the Revised Code.

(C) Each licensee that uses investigator or security guard employees who have not yet received the identification cards issued by the department, shall obtain a written waiver from each client pursuant to division (C) of section 4749.06 of the Revised Code. Under no circumstances shall an employee carry firearms while engaged in the licensee's business unless the licensee has submitted that employee's registration application and firearms certificate of qualification to the department and has received a firearm bearer notation on the identification card.

(D) Each employee shall produce his identification card upon the request of an authorized representative of the department or any law enforcement authority.

(E) All identification cards shall be considered, and remain, the property of the department. The licensee shall be responsible for the use of the identification card by his employee, and shall return the card to the department upon the termination of the employee.

Replaces: 4501:5-1-10, in part

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.06 , 4749.10

Prior Effective Dates: 1/1/70, 7/7/78, 8/10/89, 10/7/04

4501:7-1-11 Records.

Each licensee shall keep a true and correct record in the English language of all of the business transactions in his office relevant to enforcement of Chapter 4749. of the Revised Code. Such records shall be available at all reasonable hours for inspection by the department of public safety.

Replaces: 4501:5-1-11

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02 , 4749.11

Rule Amplifies: R.C. 4749.11

Prior Effective Dates: 1/1/70, 7/7/78, 8/10/89, 10/7/04

4501:7-1-12 Uniforms.

(A) Registered employees of licensees are not required to wear uniforms. Any uniforms worn by such employees, except as provided in paragraph (D) of this rule, shall be readily distinguishable from the uniforms worn by law enforcement authorities. Identifying patches shall be required on all uniforms. A licensee's patch shall be distinct and shall be visible at all times. The name of the licensee's business shall be clearly displayed on the patches; initials shall be allowed with prior written approval of the department of public safety. Where blazer-type jackets are used, the identifying patch may be worn on either the left breast pocket or on the left sleeve near the shoulder seam.

(B) Registered employees of licensees are not required to wear badges. Any badges used by such employees, except as provided in paragraph (D) of this rule, shall be furnished by the licensee. All badges used shall be numbered for identification, shall include the name of the licensee's business, and shall be clearly marked at all times. The licensee shall keep an up-to-date record showing to whom each badge has been issued. Badges shall be distinct from those of the local or state law enforcement authorities.

(C) Employees of one licensee shall not wear the uniform of another licensee even if a contract or subcontract relationship exists between the two licensees.

(D) Peace officers, as defined in division (B) of section 2935.01 of the Revised Code, with the written consent of the department with which the officer is commissioned, may wear the uniform and badge of the department, within the jurisdiction to which the peace officer is commissioned.

Replaces: 4501-5-1-12

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02 , 4749.08

Rule Amplifies: RC. 4749.08

Prior Effective Dates: 12/1/90, 3/18/93, 5/7/93, 9/10/96, 4/24/00, 10/7/04

4501:7-1-13 Publication and vehicle marking restrictions.

(A) No licensee may publish or cause to be published in any format, whether print or electronic, any advertisement, letterhead, circular, statement or phrase of any sort which suggests that the licensee is an official law enforcement or investigative agency or any other agency or instrumentality of the state of Ohio or any of its political subdivisions. This paragraph shall not be waived by the department of public safety.

(B) Any vehicle used by a licensee that is marked in any manner by the use of painted signs, decals, or other means shall not be of a design so similar to those of the local or state law enforcement authorities as to create confusion.

(1) No vehicle used by a licensee shall be marked with any words or phrase that can be construed as a law enforcement or governmental agency such as, but not limited to:

- (a) Homeland security;
- (b) Highway patrol;
- (c) Bureau of investigation;
- (d) Police;
- (e) Private police;
- (f) Sheriff;
- (g) The word "patrol" used in conjunction with "Ohio" or "State";
- (h) SWAT;
- (i) Cop;
- (j) Public safety;
- (k) Peace Officer;
- (l) Constable;
- (m) Law enforcement;
- (n) Trooper;

- (o) Deputy; or
- (p) Agent.

(2) The provision of paragraph (B)(1) of this rule may be waived in writing by the director of department of public safety.

Replaces: 4501:5-1-16

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02 , 4749.08

Rule Amplifies: R.C. 4749.08

Prior Effective Dates: 1/1/70, 8/10/89, 10/7/04

4501:7-1-14 Advertisement identification.

(A) All advertisements and/or other promotional material shall carry the legal name or trade name designation and the address under which the licensee is licensed to do business. If a licensee chooses to adopt an abbreviated name for advertising purposes, prior written approval shall be obtained from the department of public safety.

(B) If, in its advertising, a corporate licensee identifies one or more of its divisions by name, such names shall not be considered multiple business names or trade names. A corporate licensee shall notify the department of public safety of its designation of a division by name before use of the division name in its advertising.

(C) A licensee shall not use the name of any employee or associate in the heading of any advertisement or other promotional material. If the name of an employee or associate is used in the body of an advertisement or other promotional material, the name shall be in smaller letters and less prominent type size than that used in printing the name of the licensee's business.

Replaces: 4501:5-1-17

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02 , 4749.08

Rule Amplifies: R.C. 4749.08

Prior Effective Dates: 12/31/75, 8/10/89, 10/7/04

4501:7-1-15 Notice of renewals.

(A) The department of public safety (department) shall provide notice to each individual or company holding a license issued pursuant to Chapter 4749. of the Revised Code of the expiration of the registrations of its employees. The notices shall be in writing and shall be provided at a minimum of sixty days prior to the expiration of the registrations.

(B) It is the responsibility of each licensee and individual holding a registration identification card to renew licenses or registrations in accordance with Chapter 4749. of the Revised Code and rule 4501:7-1-16 of the Administrative Code even if the licensee or individual holding a registration identification card fails to receive a renewal notice from the private investigator security guard section due to a change of address, incorrect address, loss of mail by the United States postal service, or any other reason. Failure to receive or obtain a license renewal application shall not relieve the licensee or individual holding a registration identification card from compliance with the requirements of Chapter 4749. of the Revised Code and rule 4501:7-1-16 of the Administrative Code.

Replaces: 4501:5-1-19

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02 , 4749.06

Rule Amplifies: R.C. 4749.06

Prior Effective Dates: 9/22/2005

4501:7-1-16 Renewal of registrations.

[Comment: Information regarding the availability and effective date of the materials incorporated by reference in this rule can be found in paragraph (H) of rule 4501:7-1-01 of the Administrative Code.]

(A) Each registration identification card issued to a private investigator or security guard employee pursuant to section 4749.06 of the Revised Code and rule 4501:7-1-10 of the Administrative Code shall include the date of issuance. Registrations expire annually on the anniversary date of initial issuance.

(B) The department of public safety shall renew a registration issued pursuant to section 4749.06 of the Revised Code if the person holding a valid identification card renews such registration in accordance with this rule on form "Employee Registration Renewal" or renews on-line at <http://pisgs.ohio.gov/pisgs.stm>. A passport style photograph that measures two by two inches, taken within one year of submission, and bearing a reasonable likeness to the applicant must be submitted with the "Employee Registration Renewal." The person holding a valid identification card must continue to meet the qualifications set forth in section 4749.06 of the Revised Code and continue to meet the following renewal requirements:

(1) Certifies that he/she has not been convicted of, or pled guilty to, a disqualifying offense as defined in rule 4501:7-1-19 of the Administrative Code during the previous registration year;

(2) Pays the annual renewal fee as set forth in rule 4501:7-1-17 of the Administrative Code. The fee may be paid by certified check or money order payable to Ohio treasurer of state or if submitted on-line, may be paid by credit card.

If an individual fails to meet the renewal requirements, the registration is expired without the taking of any action by the department. Registrants desiring to register again will be required to make new application to the department in accordance with section 4749.06 of the Revised Code.

(3) The holder of an expired registration issued pursuant to section 4749.06 of the Revised Code, who was a member of the uniformed services, or the spouse of a member of the uniformed services, shall be granted a renewal of the registration at the usual cost and without penalty if either of the following applies:

(a) The registration was not renewed because of the holder's active service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.

(b) The registration was not renewed because the holder's spouse served in active service in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state, and the service resulted in the holder's absence from this state.

Pursuant to division (B) of section 5903.10 of the Revised Code, a renewal shall not be granted under paragraph (B)(3)(a) or (B)(3)(b) of this rule unless the holder or the spouse of the holder, whichever is applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the release or discharge.

(C) The firearm bearer (FAB) notation expires annually on expiration date of the identification card. A private investigator or security guard with a FAB notation, must submit a "Firearm Bearer Notation Application" accompanied by the fee provided for in section 4749.10 of the Revised Code.

Replaces: 4501:5-1-20

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Statutory Authority: R.C. 4749.02 , 4749.06

Rule Amplifies: R.C. 4749.06

Prior Effective Dates: 9/22/05

4501:7-1-17 Fees.

(A) The fees for applications for examination, issuance of licenses or registration cards, replacement or duplicate licenses or registration cards, transfer of licenses, and annual renewal of licenses and registrations are as follows:

(1) Twenty-five dollars for application for examination for an individual applicant and, in the case of a corporation, each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A)(1) to (F)(1) of section 4749.03 of the Revised Code pursuant to division (B)(3) of section 4749.03 of the Revised Code;

(2) Five dollars for each application to license or renew a company pursuant to section 4749.03 of the Revised Code for the fee charged by the bureau of criminal identification to enroll the applicant in the retained applicant fingerprint database pursuant to rules adopted under division (F) of section 109.5721 of the Revised Code;

(3) Three hundred seventy-five dollars for the issuance of each license pursuant to division (B)(3) of section 4749.03 of the Revised Code;

(4) One hundred dollars for the issuance of each branch license pursuant to division (A) of section 4749.05 of the Revised Code;

(5) Two hundred seventy-five dollars for the annual renewal of each license pursuant to division (D) of section 4749.03 of the Revised Code;

(6) Twenty-five dollars for a duplicate of a lost, spoliated, or destroyed license pursuant to division (E) of section 4749.03 of the Revised Code;

(7) Forty dollars for the issuance of each registration identification card pursuant to division (B) of section 4749.06 of the Revised Code;

(8) Twenty-five dollars for the annual renewal of each registration identification card pursuant to division (F) of section 4749.06 of the Revised Code;

(9) Fifteen dollars for the issuance of firearm bearer notation on the qualifying agent and employee registration identification card pursuant to division (A) of section 4749.10 of the Revised Code;

(10) Twenty-five dollars to transfer a private investigator or security guard provider license from one corporation to another corporation or from a sole proprietor to a corporation or to transfer a corporation license to a sole proprietor, pursuant to division (F) of section 4749.03 of the Revised Code;

(11) Five dollars for a duplicate of a lost, spoliated, or destroyed registration identification card pursuant to section 4749.06 of the Revised Code.

(B) Each fee described in paragraph (A) of this rule is a nonrefundable fee payable to the department of public safety except that the three hundred seventy-five dollar initial license fee described in paragraph (A)(3) of this rule shall be refunded if the license application is denied.

Replaces: 4501:7-1-21

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.03 , 4749.031 , 4749.06 , 4749.10

Prior Effective Dates: 09/22/05, 1/2/12

4501:7-1-18 Retained applicant fingerprint database enrollment.

(A) Each individual, including a partner in a partnership, an officer, or a qualifying agent who submits an application to license a company or who submits an application to renew a license pursuant to section 4749.03 of the Revised Code, shall be enrolled in the retained applicant fingerprint database maintained by the bureau of criminal identification and investigation under section 109.5721 of the Revised Code.

(1) Each individual, including a partner in a partnership, an officer, or a qualifying agent who submits an annual renewal application pursuant to section 4749.03 of the Revised Code, and who does not currently have electronic fingerprints on file with the superintendent of the bureau of criminal identification and investigation, shall submit a set of electronic fingerprints directly to the superintendent in the method prescribed in division (C)(2) of section 109.572 of the Revised Code.

(2) The results of the criminal records check shall be sent via direct copy to the director of public safety, private investigator security guard services.

(3) If the results of the criminal records check satisfy the requirements of division (A)(1)(a) of section 4749.03 of the Revised Code, and the license is approved or renewed, the applicant shall be enrolled in the retained applicant fingerprint database. Once enrolled in the retained applicant fingerprint database, the licensee need not submit fingerprints on future renewal dates unless otherwise required under Chapter 4749. of the Revised Code.

(4) If the results of the applicant's criminal records check indicate that the applicant does not have electronic fingerprints on file with the superintendent of the bureau of criminal identification and investigation, then the applicant shall be granted a sixty day extension from the date that the department of public safety notifies the applicant of the records check results. Within this sixty day extension period, the applicant must submit a set of electronic fingerprints to the superintendent in the method prescribed in division (C)(2) of section 109.572 of the Revised Code and the director of public safety must receive results that satisfy the requirements of division (B)(3) of section 4749.06 of the Revised Code.

(5) Failure to provide a fingerprint submission in accordance with this paragraph shall result in a denial of the individual's application for license or application for renewal.

(B) Each employee who is registered or renewed by a class A, B, or C licensee pursuant to section 4749.06 of the Revised Code shall be enrolled in the retained applicant fingerprint database maintained by the bureau of criminal identification and investigation under section 109.5721 of the Revised Code.

(1) Each employee who is registered by a class A, B, or C licensee pursuant to section 4749.06 of the Revised Code shall be automatically enrolled in the retained applicant fingerprint database.

(2) For each employee who is renewed by a class A, B, or C licensee pursuant to section 4749.06 of the Revised Code, and who does not currently have electronic fingerprints on file with the superintendent of the bureau of criminal identification and investigation, the licensee shall submit a set of electronic fingerprints directly to the superintendent in the method prescribed in division (C)(2) of section 109.572 of the Revised Code.

(3) The results of the employee's criminal records check shall be sent via direct copy to the director of public safety, private investigator security guard services.

(4) If the results of the employee's criminal records check satisfy the requirements of division (B)(3) of section 4749.06 of the Revised Code, and the registration is approved or renewed, the employee shall be enrolled in the retained applicant fingerprint database. Once an employee is enrolled in the retained applicant fingerprint database, the employee need not submit fingerprints on future renewal dates unless otherwise required under Chapter 4749. of the Revised Code.

(5) If the results of the employee's criminal records check indicate that the employee does not have electronic fingerprints on file with the superintendent of the bureau of criminal identification and investigation, then the licensee shall be granted a sixty day extension from the date that the department of public safety notifies the licensee of the records check results. Within this sixty day extension period, the licensee must submit a set of

the employee's electronic fingerprints to the superintendent in the method prescribed in division (C)(2) of section 109.572 of the Revised Code and the director of public safety must receive results that satisfy the requirements of division (B)(3) of section 4749.06 of the Revised Code.

(6) Failure to provide an employee's fingerprint submission in accordance with this paragraph shall result in a denial of the employee's registration or renewal.

Replaces: 4501:5-1-22

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Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02

Rule Amplifies: R.C. 4749.03 , 4749.031 , 4749.06

Prior Effective Dates: 01/02/12

4501:7-1-19 Disqualifying offenses.

(A) "Disqualifying offense" means a conviction or plea of guilty to a felony offense that has a direct bearing on an individual's fitness or ability to perform the duties or responsibilities related to the provision of private investigator services, security guard services, or both.

(B) For purposes of sections 4749.03 and 4749.04 of the Revised Code, the following offenses are disqualifying offenses:

- (1) Aggravated burglary as set forth in section 2911.11 of the Revised Code;
- (2) Breaking and entering as set forth in section 2911.13 of the Revised Code;
- (3) Burglary as set forth in section 2911.12 of the Revised Code;
- (4) Deception to secure writing as set forth in section 2913.43 of the Revised Code;
- (5) Endangering children as set forth in section 2919.22 of the Revised Code;
- (6) Forgery as set forth in section 2913.31 of the Revised Code;
- (7) Identity fraud as set forth in section 2913.49 of the Revised Code;
- (8) Misuse of a credit card as set forth in section 2913.21 of the Revised Code;
- (9) Misuse of the law enforcement automated database system (LEADS) as set forth in section 2913.04 of the Revised Code;
- (10) Passing bad checks as set forth in section 2913.11 of the Revised Code;
- (11) Receiving stolen property as set forth in section 2913.51 of the Revised Code;
- (12) Safecracking as set forth in section 2911.31 of the Revised Code;
- (13) Theft as set forth in section 2913.02 of the Revised Code;
- (14) Voyeurism as set forth in section 2907.08 of the Revised Code;
- (15) Wiretapping as set forth in section 2933.52 of the Revised Code;
- (16) An attempt or conspiracy to commit or complicity in committing any of the offenses listed in paragraphs (B)(1) to (B)(15) of this rule, if the attempt, conspiracy, or complicity is a felony;

(17) A violation of any former law of this state, any existing or former law of another state, existing or former law applicable in a military court or an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any of the offenses listed in paragraphs (B)(1) to (B)(15) of this rule.

(C) For purposes of division (B)(3) of section 4749.06 of the Revised Code, "disqualifying offense" means a felony conviction or plea of guilty to any of the offenses listed in paragraphs (B)(1) to (B)(17) of this rule and a conviction or plea of guilty to a crime of moral turpitude, as that term is defined in section 4776.10 of the Revised Code.

Effective: 01/01/2015

Five Year Review (FYR) Dates: 07/01/2019

Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02 , 5502.011

Rule Amplifies: R.C. 4749.03 , 4749.06

4501:7-1-20 Notice of meeting.

(A) For the purpose of this rule "the commission" means the Ohio private investigation and security services commission (OPISSC).

(B) The department of public safety (department) shall post notice of all regularly scheduled meetings of the commission and any of its committees, subcommittees, and workgroups, on the department's website, which may be accessed at <http://pisgs.ohio.gov/pissc.stm> at least fourteen days prior to each regularly scheduled meeting. Such notice shall include the time and place of the meeting and may include the tentative agenda for the meeting. Nothing in this section shall be construed as prohibiting any member of the commission from requesting that an item be added to the agenda in writing once it is posted to the website.

(C) The department shall provide at least twenty-four hour advance notice of the time, place, and purpose of special meetings of the commission and any of its committees, subcommittees and workgroups to any media outlet that has submitted written request for such notice to the department. Notice shall also be posted to the department's website as stated in paragraph (B) of this rule as soon as possible after the meeting is scheduled. In the event that an emergency meeting is scheduled and twenty-four hour notice is not possible, the department shall notify those media outlets who have requested notice in accordance with this paragraph, as soon as is reasonably possible after such meeting is scheduled. The notice requested by representatives of news organizations pursuant to this rule may be general or specific in nature.

(D) Any person may obtain advance notice of any meeting of the commission, its committees, subcommittees and workgroups. Requests for notice of meetings may be submitted to the department in written form, or may be made in person during regular business hours. Written request for notice of meetings may be general in nature or may be specific to meetings where a particular type of business will be considered. Such requests shall be mailed to "Private Investigator Security Guard Services, 1952 West Broad Street, Columbus, Ohio 43223," and shall include the name of the person submitting the request, any organization with which the person is affiliated, mailing address, electronic mail address, if applicable, telephone number, and whether notice is sought for all or specified types of meetings. Requests for notices in a hard copy format shall include one of the following:

- (1) Fifteen self-addressed envelopes with appropriate postage affixed;
- (2) A reasonable postage fee as determined annually by the commission; or
- (3) A valid email address to which notice may be sent.

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Promulgated Under: 119.03

Statutory Authority: R.C. 4749.02 , 121.22

Rule Amplifies: R.C. 4749.021

4501:7-1-21 Process for veteran applications.

Comment: Information regarding the availability and effective dates of the materials incorporated by reference in this rule can be found in paragraph (H) of rule 4501:7-1-01 of the Administrative Code.

(A) The department shall track and monitor "Provider Applications," "Qualifying Agent Applications," "Employee Registration Applications," "Provider License Renewals," "Qualifying Agent Renewals," and "Employee Registration Renewals," that have been received from veterans, as defined in paragraph (F) of rule 4501:7-1-01 of the Administrative Code, and/or spouses of veterans.

(B) The department shall prioritize and expedite a completed "Provider Application,"

"Qualifying Agent Application," "Employee Registration Application," "Provider License Renewal," "Qualifying Agent Renewal," and "Employee Registration Renewal," for veterans and spouses of veterans within four business days of receipt. An application shall be considered complete only when all requirements as set forth in rules 4501:7-1-04, 4501:7-1-08, 4501:7-1-09, and 4501:7-1-16 of the Administrative Code, as applicable, are met and the documentation as required in paragraph (C) of this rule has been provided to the department.

(C) Satisfactory evidence that the applicant or applicant's spouse is a veteran or member of the armed forces includes the applicant's official military identification card, official DD-214 separation document, or other official military documentation approved by the director of the department. A marriage certificate may be required, in addition to evidence of status as a veteran, if the applicant is the spouse of a veteran.

(D) In order to expedite the processing of applications and renewals, especially for individuals facing imminent deployment, the department shall accept necessary information in support of the applications by electronic and other appropriate means.

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Rule Amplifies: R.C. 4749.03 , 4749.06

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