

Professional Standards Ethics Bulletin

Private Security Providers



May/June 2016

MAY/JUNE STATISTICS:

Criminal Cases
Opened 48
Closed 117

Notice of Violations
Opened 32
Closed 31

Discretionary Cases
Opened 9
Closed 11

**Termination for
Violation(s) of PSSPA**
Opened 4
Closed 3

Child Support Suspension
Open 24
Closed 18

Emergency Suspension
Open 3

DPSST's Private Security Program provides training and licensing services to its constituents in an industry-initiated effort to enhance professionalism among member-businesses and employees who provide services in the state of Oregon. The program works together with its policy committee members and the Board on Public Safety Standards and Training to establish professional standards provide training to assist constituents in meeting these standards and enforce licensure and certification requirements for private security providers.

The Private Security Certification program is mandated by the Oregon legislature to establish and enforce minimum standards for all private security providers in the state. The minimum standards for this program is defined in Oregon Administrative Rule Chapter 259, Division 60.

The Ethics Bulletin contains examples of situations in which applicants for certification or licensure and current providers have violated the minimum standards. This publication is meant to provide insight into the types of behaviors that resulted in revocation, denial, suspension or civil penalty of private security certification and licensure over the last two months. It is a sampling of cases and not meant to describe all past actions taken by the Department over the last two months.

The Department continues to ensure that private security providers meet the minimum standards established by the legislature and the Board. Questions about these incidents or about the Department's processes and procedures can be directed to the Department: (503) 378-8531 or security.investigators@state.or.us.

wake up with
determination.
go to bed with
satisfaction.

Applicant 1, an Alarm Monitor Professional was convicted of Petty Theft in another jurisdiction within the prior 10-years. The applicant was served with a Notice of Intent to Deny for a mandatory disqualifying crime. Applicant 1 failed to respond to the notice and was disqualified-denied.

Applicant 2, an Unarmed Professional was convicted of Theft 3 within the prior 10-years. The applicant was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 2 withdrew the application and the case was administratively closed.

Applicant 3, an Unarmed Professional was convicted of Burglary 2 in another jurisdiction within the prior 10-years. This crime was equated to an equivalent crime in Oregon. The applicant was served with a Notice of Intent to Deny for a mandatory disqualifying crime. Applicant 3 failed to respond to the notice and was disqualified-denied.

Applicant 4, an Unarmed Professional was convicted of Endangerment in another jurisdiction within the prior 10-years. This crime was equated to an equivalent crime in Oregon. Applicant 4 was served with a Notice of Intent to Deny for a mandatory disqualifying crime. Applicant 4 withdrew the application and the case was administratively closed.

Applicant 5, an Alarm Monitor Professional was convicted of Theft of Property in another jurisdiction within the prior 10-years. Applicant 5 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 5 failed to respond to the notice and was disqualified-denied.

Applicant 6, an Unarmed Professional was convicted of possession of marijuana in another jurisdiction within the prior 10-years. Applicant 6 was served with a Notice of Intent to Deny for a mandatory disqualifying crime. Applicant 6 failed to respond to the notice and was disqualified-denied.

Applicant 7, an Unarmed Professional was convicted of Unlawful Delivery of Marijuana for Consideration in another jurisdiction within the prior 10-years. Applicant 7 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 7 failed to respond to the notice and was disqualified-denied.

Applicant 8, an Unarmed Professional was convicted of Theft 3 when he stole a small item from a retailer while in uniform and working on a PS-20 Temporary Work Permit. Applicant 8 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 8 failed to respond to the notice and was disqualified-denied.

Applicant 9, an Unarmed Professional was convicted of Domestic Battery and Child Abuse or Neglect in another jurisdiction within the prior 10-years. Applicant argued this was not a conviction; however, the court provided a certified copy of the judgement and confirmed on the phone that indeed the applicant was convicted of these crimes. Applicant 9 was served with a Notice of Intent to Deny for disqualifying convictions. Applicant 9 subsequently withdrew his application and the case was administratively closed.

Applicant 10, an Unarmed Professional was convicted of Marijuana Possession and Making a False Statement to a Public Official in another jurisdiction within the prior 10-years. The second of these crimes was equated to an equivalent crime in Oregon. Applicant 10 was served with a Notice of Intent to Deny for mandatory disqualifying crimes. Applicant 10 failed to respond to the notice and was disqualified-denied.

Applicant 11, an Unarmed Professional was convicted of Theft of Property in another jurisdiction within the prior 10-years. This crime was equated to an equivalent crime in Oregon. Applicant 11 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 11 failed to respond to the notice and was disqualified-denied.

Applicant 12, an Unarmed Professional was convicted of Resisting Arrest within the prior 10-years. Applicant 12 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 12 failed to respond to the notice and was disqualified-denied.

Applicant 13, an Unarmed Professional was convicted of Petty Larceny in another jurisdiction within the prior 10-years. This crime was equated to an equivalent crime in Oregon. Applicant 13 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 13 subsequently withdrew the application and the case was administratively closed.

Applicant 14, an Unarmed Professional was convicted of a misdemeanor drug charge in another jurisdiction within the prior 10-years. Applicant 14 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 14 subsequently withdrew the application and the case was administratively closed.

Applicant 15, an Unarmed Professional was convicted of Unlawful Possession of Marijuana for Consideration in another jurisdiction within the prior 10-years. Applicant 15 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 15 subsequently withdrew the application and the case was administratively closed.

Applicant 16, an Unarmed Professional is required to register as a sex offender in Oregon. The applicant was served with a Notice of Intent to Deny for a mandatory disqualifying violation of rule. Applicant 16 failed to respond to the notice and was disqualified-denied.

Applicant 17, an Alarm Monitor Professional was convicted of Prostitution in another jurisdiction within the prior 10-years. This crime was equated to an equivalent crime in Oregon. Applicant 17 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 17 failed to respond to the notice and was disqualified-denied.

Applicant 18, an Alarm Monitor Professional was convicted of Retail Theft in another jurisdiction within the prior 10-years. This crime was equated to an equivalent crime in Oregon. Applicant 18 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 18 failed to respond to the notice and was disqualified-denied.

Applicant 19, an Unarmed Professional was convicted of Menacing within the prior 10-years. Applicant 19 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 19 subsequently withdrew the application and the case was administratively closed.

Applicant 20, an Unarmed Professional was convicted of Theft III within the prior 10-years. Applicant 20 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 20 failed to respond to the notice and was disqualified-denied.

Applicant 21, an Unarmed Professional was convicted of Theft III within the prior 10-years. Applicant 21 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 21 failed to respond to the notice and was disqualified-denied.

Applicant 22, an Unarmed Professional was convicted of Theft in another jurisdiction within the prior 10-years. This crime was equated to an equivalent crime in Oregon. Applicant 22 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 22 failed to the respond to the notice and was disqualified-denied.

Applicant 23, an Unarmed Professional was convicted of a misdemeanor drug charge in another jurisdiction within the prior 10-years. Applicant 23 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 23 subsequently withdrew the application and the case was administratively closed.

Applicant 24, an Unarmed Professional was charged with retail theft. Although not convicted of the crime, aggravating circumstances show the applicant stole from their employer. Applicant 24 was served with a Notice of Intent to Deny for discretionary disqualifying misconduct; Dishonesty, Lack of Public Trust, Mistreatment of Others, and Lack of Good Character. Applicant 24 failed to respond to the notice, and was disqualified-denied.

Applicant 25, an Unarmed Professional was convicted of Resisting Arrest within the prior 10-years. Applicant 25 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 25 subsequently withdrew the application and the case was administratively closed.

Applicant 26, an Unarmed Professional was convicted of Assault on a Female in another jurisdiction within the prior 10-years. This crime was equated to an equivalent crime in Oregon. Applicant 26 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 26 subsequently withdrew the application and the case was administratively closed.

Applicant 27, an Unarmed Professional was convicted of Menacing, Strangulation and Assault 4 within the prior 10-years. Applicant 27 was served with a Notice of Intent to Deny for mandatory disqualifying convictions. Applicant 27 failed to respond to the notice and was disqualified-denied.

Applicant 28, an Unarmed Professional was convicted of Theft 3 within the prior 10-years. The applicant was served with a Notice of Intent to Deny for a mandatory disqualifying violation of rule. Applicant 28 withdrew the application and the case was administratively closed.

Applicant 29, an Unarmed Professional was convicted of Unlawful Possession of Marijuana in another jurisdiction within the prior 10-years. Applicant 29 was served with a Notice of Intent to Deny for mandatory disqualifying crimes. Applicant 29 failed to respond to the notice and was disqualified-denied.

Applicant 30, an Alarm Monitor Professional was convicted of Furnishing Alcohol to a Minor in another jurisdiction within the prior 10-years. This crime was equated to equivalent crime in Oregon. Applicant 30 was served with a Notice of Intent to Deny for a mandatory disqualifying crime. Applicant 30 failed to respond to the notice and was disqualified-denied.

Applicant 31, an Unarmed Professional was convicted of Transporting a Controlled Substance-Cocaine, when it was found in a safe in the trunk of their car within the prior 10-years. The open safe contained money, cocaine and scales. The suspect denied knowing how the safe came to be in their car. Applicant 31 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 31 failed to respond to the notice and was disqualified-denied.

Applicant 32, an Unarmed Professional was convicted of Assault in another jurisdiction within the prior 10-years. This crime was equated to an equivalent crime in Oregon. Applicant 32 was served with a Notice of Intent to Deny for a mandatory disqualifying conviction. Applicant 32 failed to respond to the notice and was disqualified-denied.

Applicant 33, an Alarm Monitor Professional was convicted of DUII, while under the influence of a controlled substance in another jurisdiction within the prior 10-years. Applicant 33 was served with a Notice of Intent to Deny for a mandatory disqualifying crime. Applicant 33 withdrew the application and the case was administratively closed.

Applicant 34, an Unarmed Professional was convicted of Delivery of Marijuana within the prior 10-years. Applicant 34 was served with a Notice of Intent to Deny for a mandatory disqualifying crime. Applicant 34 withdrew the application and the case was administratively closed.

Applicant 35, an Unarmed Professional was convicted of Criminal Trespass 1 within the prior 10-years. Applicant 35 was served with a Notice of Intent to Deny for a mandatory disqualifying crime. Applicant 35 withdrew the application and the case was administratively closed.

Applicant 36, an Unarmed Professional was convicted of Assault 4 and Reckless Endangerment in another jurisdiction within the prior 10-years. These crimes were equated to equivalent Oregon crimes. Applicant 36 was served with a Notice of Intent to Deny for mandatory disqualifying crimes. Applicant 36 withdrew the application and the case was administratively closed.

Applicant 37, an Alarm Monitor Professional was convicted of Hindering Apprehension in another jurisdiction within the prior 10-years when they hid a felony suspect from the police during a search. Applicant 37 was served with a Notice of Intent to Deny for a mandatory disqualifying crime. Applicant 37 withdrew the application and the case was administratively closed.

Applicant 38, an Alarm Monitor Professional was convicted of Leaving a Child in a Vehicle in another jurisdiction within the prior 10-years. This crime was equated to equivalent Oregon crime. Applicant 38 was served with a Notice of Intent to Deny for a mandatory disqualifying crime. Applicant 38 withdrew the application and the case was administratively closed.

Provider A, an Armed/Unarmed Professional was presumably terminated for a violation of the Private Security Services Providers Act (PSSPA). Provider A was served with a Notice of Intent to Revoke certification for discretionary disqualifying misconduct. Provider A provided mitigating information showing they were not discharged for cause as previously reported by their employer. The Department issued a stay pending the outcome of their union grievance. The company subsequently withdrew its notice of a violation of the private security services providers act, The Department accepted Provider A's mitigation and they retained their Armed/Unarmed Professional certification.

Provider B, an Unarmed Professional was convicted of two counts of Criminal Mistreatment. Provider B was served with a Notice of Intent to Revoke certification for mandatory disqualifying convictions. Provider B's surrendered the card prior to the issuance of a final order and the case was administratively closed.

Provider C, an Unarmed Professional was convicted of Rape 3, stemming from an incident four years prior when they had sex with a 13-year old. Provider C was served with a Notice of Intent to Revoke for a mandatory disqualifying crime, Provider C failed to respond to the notice. Provider C's certification as an Unarmed Professional was revoked.

Provider D, an Unarmed Professional was convicted of Theft 2 when they shoplifted Chapstick® from a retailer. Provider D was served with a Notice of Intent to Revoke for a mandatory disqualifying crime, Provider D failed to respond to the notice. Provider D's certification as an Unarmed Professional was revoked.

Provider E, an Unarmed Professional was convicted of Assault 4. Provider E was served with a Notice of Intent to Revoke for a mandatory disqualifying crime, Provider E failed to respond to the notice. Provider E's certification as an Unarmed Professional was revoked.

Provider F, an Unarmed Professional was convicted of Recklessly Endangering Another. Provider F was served with a Notice of Intent to Revoke for a mandatory disqualifying crime. Provider F failed to respond to the notice. Provide F's certification as an Unarmed Professional was revoked.

Provider G, an Unarmed Professional was convicted of Theft 2. Provider G was served with a Notice of Intent to Revoke for a mandatory disqualifying crime. Provider G subsequently surrendered the card and the case was administratively closed.

Provider H, an Unarmed Professional was charged with retail theft. Although not convicted of the crime, aggravating circumstances show the applicant had more than one previous charge for theft. Provider H was served with a Notice of Intent to Revoke for discretionary disqualifying misconduct; Dishonesty, Lack of Public Trust, Mistreatment of Others, and Lack of Good Character. Provider H failed to respond to the notice. Provider H's certification as an Unarmed Professional was revoked.

Provider I, an Armed/Unarmed Professional was convicted of Theft 1. Provider I was served with a Notice of Intent to Revoke for a mandatory disqualifying crime. Provider I's certification expired prior to the issuance of the final order and the case was administratively closed.

Provider J, an Unarmed Professional reported to work while intoxicated, admitting to drinking at least five drinks. Provider J was served with a Notice of Intent to Revoke for discretionary disqualifying misconduct; Dishonesty, Lack of Public Trust, Mistreatment of Others, and Lack of Good Character. Provider J failed to respond to the notice. Provider J's certification as an Unarmed Professional was revoked.

Provider K, an Unarmed Professional was convicted of Interfering with Public Transportation. Provider K was served with a Notice of Intent to Revoke for a mandatory disqualifying crime. Provider K subsequently surrendered the card and the case was administratively closed.

Provider L, an Executive Manager was found to be non-licensed and working non-certified security professionals. Provider L was issued a Notice of Violation and Civil Penalty for working without licensure. Provider L stipulated to the act and paid a lesser amount of \$2000.00 in civil penalty. The non-certified staff was sent warnings and were monitored until they came in to compliance.

****QUALIFICATIONS FOR EXPUNGEMENTS**

- You have had no other convictions within the past ten (10) years.
- It has been at least three (3) years since you were convicted.
- There are currently no other pending criminal charges against you.
- You have fully complied with all the requirements of your sentence.
 - Examples: Paid fines, Followed court orders, Etc.
- The conviction was for a Felony, Misdemeanor, or Violation of a State or Local Ordinance—most C felonies qualify, many non-person B felonies qualify after 20 years, most A felonies do not qualify.
 - Exceptions: A conviction cannot be set aside if it was for a sex crime, criminal mistreatment in the first degree, endangering the welfare of a minor or child abuse.
- The conviction was not for a state or municipal traffic offense.

****These qualifications only apply to setting aside a conviction record. The requirements for getting a record of arrest expunged are different. If you are seeking to have a record of arrest expunged, please see an attorney.**

Please note: This is not legal advice. This list of qualifications is meant only to assist in a general evaluation of whether a conviction may be expunged and is not meant as specific legal advice. The process is detailed and you should speak with an attorney before filing anything in court.

**PLEASE DISSEMINATE THIS INFORMATION TO ALL
PRIVATE SECURITY PROVIDERS**

www.oregon.gov/dpsst/ps 503-378-8531