

Minimum Standards for Certification or Licensure

Where did the Criminal Disqualifier List go?

As of November 1, 2012, the Oregon Administrative Rules (OAR) 259-060-0005 thru 0600 have been revised. To review all the changes, click on [OAR Division 60](#). The previous criminal standard is now absorbed into what is referred to as the Moral Fitness Standard. To fully understand please refer to both OAR 259-060-0020 and 0300. If you have additional questions, please contact the Department at 503-378-8532 or 8533 to speak to a Compliance Specialist.

OAR 259-060-0020 Minimum Standards for Certification or Licensure:

(1) Age. Private security providers must be:

- (a) At least 18 years of age to be certified as an unarmed private security professional or licensed supervisory manager; and
- (b) At least 21 years of age to be certified as an armed private security professional or instructor or be licensed as an executive manager.

(2) Education.

- (a) Applicants for certification or licensure must provide documentary evidence of one of the following:
 - (A) A high school diploma;
 - (B) Successful completion of the General Education Development (GED) test; or
 - (C) Other documentation verifying a high school education or GED, which may be accepted at the discretion of the Department.
- (b) Evidence of the above will consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted at the discretion of the Department.
- (c) Individuals who were certified or licensed on or before November 1, 2012 are exempt from the education requirements identified in subsection (2)(a).

(3) Training. An applicant for certification or licensing must satisfactorily complete the applicable training requirements prescribed by these rules.

(4) Moral Fitness. All private security providers must be of good moral fitness as determined by a criminal background check, department investigation or other reliable sources.

- (a) Lack of good moral fitness includes, but is not limited to, mandatory**

and discretionary disqualifying misconduct as described in OAR 259-060-0300.

(b) For the purposes of this standard, the Department, through the Policy Committee and the Board, has defined core values that are integral to the private security profession. These values are:

(A) Honesty. Honesty includes integrity, credibility, acting honorably and maintaining confidences;

(B) Character. Good character includes being respectful and courteous, being faithful, diligent and loyal to the employer's charge, using discretion, demonstrating compassion and exhibiting courage;

(C) Fair Treatment of Others. Fair treatment of others includes treating others equitably, demonstrating good judgment and not being discriminatory;

(D) Public Trust. Public trust includes maintaining public confidences, being law-abiding and adhering to recognized industry standards; and

(E) Respect for the laws of this state and nation.

(5) Minimum Standards for Armed Certification.

(a) An applicant for certification as an armed private security professional or firearms instructor must not:

(b) Have been committed to the Mental Health and Development Disability Services Division under ORS 426.130, or similar order in another jurisdiction;

(c) Have been found to be mentally ill and subject to an order under ORS 426.130 prohibiting the person from purchasing or possessing a firearm as a result of that mental illness;

(d) Be prohibited under US Code Title 18, Section 922(g)(8) (relating to civil restraining orders including stalking or harassment) from possessing a firearm in interstate commerce; or

(e) Be prohibited under any law of this state or any federal law from purchasing, owning or possessing a firearm.

OAR 259-060-0300 Denial/Suspension/Revocation:

(1) It is the responsibility of the Board, through the Private Security and Investigator Policy Committee, to set the standards, and of the Department to uphold them, to ensure the highest level of professionalism and discipline. The Board will uphold these standards at all

times unless the Board determines that neither the safety of the public or respect of the profession is compromised.

Mandatory Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure

(2) The Department must deny or revoke a certification or license of any applicant or private security provider after written notice and hearing, upon a finding that the applicant or private security provider:

- (a) Has been convicted of a person felony as defined by the Criminal Justice Commission in [OAR 213-003-0001](#) or any crime with similar elements in any other jurisdiction;
- (b) Is required to register as a sex offender under ORS 181.595, 181.596, 181.597 or 181.609; or
- (c) Has, within a period of ten years prior to application or during certification or licensure, been convicted of the following:
 - (A) Any felony other than those described in subsection (a) above in this or any other jurisdiction;
 - (B) A person misdemeanor as defined by the Criminal Justice Commission in [OAR 213-003-0001](#) or any crime with similar elements in any other jurisdiction;
 - (C) Any crime involving any act of domestic violence as defined in ORS 135.230 or any crime with similar elements in any other jurisdiction;
 - (D) Any misdemeanor or felony conviction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic, or dangerous drug in this or any other jurisdiction;
 - (E) Any misdemeanor arising from conduct while on duty as a private security provider; or
 - (F) Any of the following misdemeanors:
 - 161.405(2)(d) (Attempt to Commit a Class C Felony or Unclassified Felony)
 - 161.435(2)(d) (Solicitation of a Class C Felony)
 - 161.450(2)(d) (Conspiracy to Commit a Class A misdemeanor)
 - 162.075 (False Swearing)
 - 162.085 (Unsworn Falsification)
 - 162.145 (Escape III)
 - 162.235 (Obstructing Governmental or Judicial Administration)

162.247 (Interfering with a Peace Officer)
162.295 (Tampering with Physical Evidence)
162.335 (Compounding a Felony)
162.365 (Criminal Impersonation)
162.369 (Possession of a False Law Enforcement Identification Card)
162.375 (Initiating a False Report)
162.385 (Giving False Information to Police Officer for a Citation or Arrest
on a Warrant)
162.415 (Official Misconduct I)
163.435 (Contributing to the Sexual Delinquency of a Minor)
164.043 (Theft III)
164.045 (Theft II)
164.125 (Theft of Services)
164.140 (Criminal Possession of Rented or Leased Personal Property)
164.235 (Possession of Burglar's Tools)
164.255 (Criminal Trespass I)
164.265 (Criminal Trespass while in Possession of a Firearm)
164.335 (Reckless Burning)
164.354 (Criminal Mischief II)
164.369 (Interfering with Police Animal)
164.377(4) (Computer Crime)
165.007 (Forgery II)
165.055(4)(a) (Fraudulent Use of a Credit Card)
165.065 (Negotiating a Bad Check)
165.750 (Improper Use of Emergency Reporting System)
166.115 (Interfering with Public Transportation)
166.240 (Carrying of Concealed Weapons)
166.250 (Unlawful Possession of Firearms)
166.350 (Unlawful Possession of Armor Piercing Ammunition)
166.425 (Unlawful Purchase of Firearm)
167.007 (Prostitution)
167.062 (Sodomasochistic Abuse or Sexual Conduct in Live Show)
167.075 (Exhibiting an Obscene Performance to a Minor)
167.080 (Displaying Obscene Material to Minors)
167.262 (Adult Using Minor in Commission of Controlled Substance Off.)
167.320 (Animal Abuse I)
167.330 (Animal Neglect I)
471.410 (Providing Liquor to a Person Under 21 or Intoxicated Person)
807.620 (Giving False Information to a Police Officer/Traffic)
811.540(3)(b) (Fleeing or Attempting to Elude Police Officer)
Any crime with similar elements in any other jurisdiction.

Discretionary Grounds for Denying, Suspending or Revoking Private Security Certification or Licensure

- (4) The Department may deny or revoke the certification or licensure of any applicant or Private security provider after written notice and hearing, upon finding that an applicant or private security provider:
- (a) Fails to meet the minimum standards for certification or licensure as a private security provider as defined in OAR 259-060-0020;
 - (b) Has falsified any information submitted on the application for certification or licensure or any documents submitted to the Department pertaining to private security certification or licensure;
 - (c) Has violated any of the temporary assignment provisions of OAR 259-060-0120(1);
 - (d) Has failed to submit properly completed forms or documentation in a time frame as designated by the Department;
 - (e) Has failed to pay a civil penalty or fee imposed by the Department when due;
 - (f) Has failed to comply with any provisions found in the Act or these rules; or
 - (g) Lacks moral fitness. For the purposes of this standard, the Department, through the Policy Committee and Board, has defined lack of moral fitness as:
 - (A) Dishonesty. Lack of honesty includes, but is not limited to, untruthfulness, dishonesty by admission or omission, deception, misrepresentation or falsification;
 - (B) Lack of Good Character. Lack of good character includes, but is not limited to, failure to be faithful and loyal to the employer's charge and failure to use discretion and compassion;
 - (C) Mistreatment of Others. Mistreatment of others includes, but is not limited to, violating another person's rights and failure to respect others;
 - (D) Lack of Public Trust. Failure to maintain public trust and confidence includes, but is not limited to, acting in an unlawful manner or not adhering to recognized industry standards; or
 - (E) Lack of Respect for the Laws of this State or Nation. Lack of respect for the laws of this state and nation includes a pattern of behavior which leads to three or more arrests or convictions within a ten-year period prior to application or during certification or licensure.