



May 23, 2025

Mr. Mitchell Page
Department of Licensing & Regulatory Affairs
Corporations, Securities, and Commercial Licensing Bureau
PO Box 30018
Lansing, MI 48909

Re: Public Comment on Administrative Rules for Private Security Guard and Security Alarm Agencies - Rule Set 2023-80 LR

Dear Department Officials,

On behalf of the Michigan Association of Security and Investigative Professionals (MASIP) Board of Directors, I respectfully submit the following comments regarding the draft Rule Set 2023-80 LR, pertaining to the regulation of private security guard and alarm agencies.

MASIP is a nonprofit organization founded in 2002 to support and promote the private security and investigative industries throughout Michigan. Our mission is to enhance industry professionalism through ethical standards, continuing education, and responsible business practices. We serve as a unified voice for the professionals in our field and deeply appreciate the Department's ongoing efforts to improve industry professionalism, regulatory clarity and operational standards across the industry.

We thank the Department for the opportunity to submit comments and respectfully offer the following by rule section:

R 28.4001 – Definitions

No comments at this time.

R 28.4002 – Uniforms

MASIP requests clarification regarding whether a badge would satisfy the uniform identification requirement in lieu of name patches. Specifically, can an employee's badge displaying their name meet the requirement to display the employee's name on the uniform, or must the name be "sewn or printed" directly onto the garment?

Additionally, MASIP seeks clarification regarding non-public-facing personnel, such as administrative staff or office workers. Are these employees also subject to the uniform requirement, or is the rule limited to those employees actively engaging in public-facing or field duties?

R 28.4003 – Badges

While MASIP has no objection to the intent of this rule, we note that banning star-shaped badges may induce substantial redesign costs for security agencies whose logos incorporate such elements. We respectfully request that the Department consider a grace period or grandfathering clause to allow agencies to adjust branding in a fiscally responsible manner.

R 28.4004 – Prohibited Terms

No comments at this time.

R 28.4005 – Daily Supervision of Business

MASIP supports increased professionalism and accountability across our industry and supports the spirit of this rule. However, we request clarification on how the rule applies to silent or non-participatory investors and business owners. Our understanding is that the rule is intended to ensure that the qualifying officer is actively involved in daily operations and not that all owners must be physically present. We ask the Department to confirm this interpretation.

R 28.4006 – Employer and Employee Responsibilities

MASIP respectfully seeks clarification regarding what qualifies as a “multijurisdictional criminal background check.” Specifically, does use of the Michigan State Police ICHAT system satisfy this requirement, or must employers obtain fingerprint-based background checks each year?

Our initial concerns lie in the potentially significant cost burden if annual fingerprinting is required, as this could impact all agencies in our industry. We encourage the Department to provide guidance that balances security needs with cost-effective compliance measures.

In addition, MASIP would appreciate clarification of the term “multi-jurisdictional” in this context—does it imply background checks at the federal, state, and local levels, or only across multiple counties or municipalities?

MASIP appreciates the Department's efforts to improve regulatory standards and welcomes the opportunity to provide input. We remain committed to supporting a well-regulated and highly professional security industry in Michigan and look forward to continued collaboration.

Sincerely,



Jared Rodriguez

Executive Director, Michigan Association of Security and Investigative Professionals

Jared.Rodriguez@MainStreetLC.com

517-267-2202 (Office Direct)

616-485.4312 (Cell)



National Association of Security Companies

444 North Capitol St., NW
Suite 607
Washington, D.C. 20001
www.nasco.org



**Department of Licensing and Regulatory Affairs
Corporations, Securities, & Commercial Licensing
Administrative Rules for Private Security Guard and Security Alarm Agencies
Rule Set 2023-80 LR**

Comments of the National Association of Security Companies (NASCO)

Submitted by

Steve Amitay

Executive Director and General Counsel

The National Association of Security Companies (NASCO) is the nation's largest trade association of contract private security companies in the nation. NASCO member companies employ over 500,000 private security officers (aka "security guards") across the United States, including thousands of security guards in the State of Michigan. For over fifty years, NASCO has worked with state legislators and officials to bring about the effective and efficient licensing and regulation of security agencies and security guards.

As to Rule Set 2023-80 LR ("Rule Set"), NASCO supports R.28.4002 Uniforms. (Rule 2); R.28.4003 Badges. (Rule 3); R. 28.4004 Prohibited words in agency names; names and emblems in advertising. (Rule 4); and R. 28.4005 Daily supervision of business. (Rule 5);

NASCO also supports all but one of the subsections of R. 28.4006 Employer and employee specific responsibilities (Rule 6). Specifically, subsections (1), (3), (4), and (5).

However, NASCO opposes and has serious concerns and questions regarding Rule 6 subsection (2) which states that:

(2) An employer shall conduct an annual multijurisdictional criminal background check of employees to meet the requirements of section 10 of the act, MCL 338.1060.

For the following substantive, statutory, operational, and other reasons, NASCO and its members in Michigan request that LARA table Rule 6 subsection (2) for further analysis and consideration. In the alternative, NASCO urges LARA to modify the background check requirement to a more rational and justifiable interval such as every 2 or 3 years. NASCO also requests that LARA provide the public with more information and details on how the proposed requirement would be satisfied by security agencies.

The Proposed Annual Criminal Background Check Requirement is Unprecedented and Not Supported by Michigan Law and is Not Accurately Supported by LARA

First off, the proposed state requirement that an annual criminal background check be conducted on every security guard working for a licensed security agency in the state of Michigan is unprecedented in the United States. There are NO states or jurisdictions in the United States that require annual criminal background checks to be conducted on all security guards employed by security agencies in their states. None.

I am aware of just one example in the country where there exists an annual state criminal background check requirement for security. However, that requirement, in the District of Columbia is; 1) part of an annual license renewal requirement; and 2) only applies for a certain license type called a “Special Police Officer” which allows a security guard to work armed and gives the security guard arrest authority. And while other states do require recurring criminal background checks to be conducted on security guards, those checks are also part of security guard license renewal processes, which generally are two to five year periods.

Second, the proposed annual criminal background check requirement is not supported by statutory authority. Specifically, MCL 338.1068(2) requires background checks only for “prospective” employees and contains no language related to or requiring additional checks on employees.

Third, the proposed annual criminal background check is not accurately supported/characterized by LARA in the supporting material for the Rule Set.

In the “Request for Rulemaking” for the Rule Set, Question #13 asked:

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The response provided by LARA was:

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level

That “do not exceed” other states response may be an accurate response in relation to all the other parts of the Rule Set, but as noted above, in relation to Rule 6 Subsection 2, the response is grossly inaccurate. If recurring annual background checks are required by Michigan, that would far exceed similar recurring background check requirements of every other state.

Similarly, in the Rule Set’s Regulatory Impact State and Cost-Benefit Analysis (RIS) in the “Comparison of Rules to Federal/State/Association Standard” section, LARA is asked to:

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The response given is:

The proposed rules aim to adopt similar standards to those in other Great Lakes states of similar size to Michigan: Minnesota, Ohio, and Wisconsin. All of these states and Michigan license and regulate private security in their jurisdictions. However, all 3 other states have administrative rules in place

for the private security profession while Michigan does not. The proposed rules would bring Michigan closer to Ohio's regulatory scheme, which has the role of "qualifying officer", but they refer to as "agent" instead of "officer" laid out in rule. The proposed rules compare to Minnesota and Wisconsin in that they are less complex than Minnesota's, which has a regulatory board devoted to the profession, and are less stringent than Wisconsin, which lays out in more detail the requirements all employees must meet in order to be hired, but are similar to those two states in that they too require background checks for employees and specify the wearing of uniforms for all employed private security personnel.

LARA is also asked:

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

The response given is:

The rules do not exceed standards in those states. In fact, even with the rules, Michigan would not be as stringent as Minnesota for example, which has a state Board devoted to the oversight of this industry. The proposed rules are also less stringent than Wisconsin which has more in-depth employee qualifications. The proposed rules are as stringent as Ohio's rules, which lay out the requirements for a "qualifying agent" similar to the "qualifying officer" in the proposed rules, and require criminal background checks of all employees.

In the above responses, LARA makes two references to the proposed annual background check being "similar" or "not exceeding" to the background check standards in Minnesota, Wisconsin and Ohio. Both these references are grossly inaccurate.

Yes, all three states do require criminal background checks for security guards/employees but none of them require annual criminal background checks.

Minnesota only requires a criminal background check upon the initial hiring of a security guard/employee.

Wisconsin requires initial and subsequent background checks on security guards, but those subsequent checks are conducted every two years, not every year. LARA is proposing background checks at a 100% greater or double the frequency of Wisconsin.

Ohio requires an initial criminal background check and requires security officers to renew their licenses annually, but Ohio law specifically states that criminal background checks are not required upon each annual renewal. See below.

Ohio Revised Code Section 4749.06 Registration of employees (emphasis added).

(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.

While perhaps all the other proposed requirements in the Rule Set are “similar” and/or “don not exceed” the standards in Minnesota, Ohio and Wisconsin, that is clearly not an accurate characterization for the proposed requirement for annual criminal background checks.

Third, LARA provides no specific justification or supporting evidence for requiring annual criminal background checks on all security guards in either the Request for Rulemaking or the RIS.

In the Request for Rulemaking RFR), in describing “the general purpose of these rules, including any problems the changes are intended to address.” LARA states,

The general purpose of these rules is to bring more clarity to the regulation of the private security industry. Since the rules for 1968 PA 330 were rescinded in 2014, standards of practice have become disjointed as it pertains to advertising, badges and patches, and subcontracting. These rules aim to fix some of that confusion, foster a safer industry for the public, and establish a fair playing field for licensees.

Yet, given the extremely unprecedented action to require annual criminal background checks, and the costs and burdens it will have on security agencies and employees, LARA does not even mention proposed annual checks in the RFR, let alone provide evidence that annual checks -- as opposed to bi-annual or tri-annual checks that other states use --- will better “foster a safer industry for the public.”

The RIS, while mentioning the annual check requirement proposal, similarly provides no substantive rational or evidence to support such a requirement. In response to a question about the impact on business growth, LARA responds,

In addition to R 28.4001 – 28.4004, R 28.4005 and R 28.4006 help ensure that this growth of industry can be accomplished without sacrificing the health, safety, and welfare of the public since clear expectations for employers and employees are set, and the public can easily discern what authority and responsibility accompany a uniformed employee, including knowing that a criminal background check has been conducted, and that a qualifying officer is regularly present at the place of business to respond to business needs.

And in response to a question about the harm resulting from the behavior the proposed rules are designed to alter, LARA responds,

The harm that results from the targeted behavior described above is that the public suffers confusion about what authority a private security business operates with and may lose trust in both the industry and other law enforcement organizations and the regulatory agencies. The public also suffers from the behavior when the responsibility of an employee and employer differs by interpretation of a business and leads to uneven enforcement of the act. The rules are designed to reign in some of these behaviors, and in particular, the rules requiring security businesses to run annual multijurisdictional criminal background checks of employees will ensure that the public is protected from bad actors.

Again, there is no evidence, reference to studies or experiences of other states to support the assertions that annual checks (as opposed to bi-annual or tri-annual) checks are necessary to avoid “sacrificing the health, safety, and welfare of the public” or “in particular....will ensure the public is protected from bad actors.”

NASCO and its members in Michigan do not oppose requiring subsequent/recurring criminal background checks on security guards but first it is questionable that LARA has the statutory authority to require such checks. Second, even if LARA does have authority, there is no justification based on evidence, or more so, similar state practices, for requiring annual criminal background checks for all security guards (especially unarmed security guards) rather than requiring such checks every two or three years.

The Language and the Estimated Costs and Impacts of the Proposed Annual Criminal Background Check Requirement is Confusing, Inaccurate and Incomplete

The proposed requirement states,

An employer shall conduct an annual multijurisdictional criminal background check of employees to meet the requirements of section 10 of the act, MCL 338.1060.

The requirements of section MCL 338.1060 have nothing to do with conducting background checks and essentially just say that a licensee (agency) shall follow the Law and Agency Rules. Moreover, as previously noted, MCL 338.1068(2) requires background checks only for “prospective” employees and contains no requirement for additional checks.

Legality aside, the language of the proposed requirement simply requires an employer to conduct a multi-jurisdictional (national) criminal background check of its existing employees.

Currently, throughout the United States and in Michigan, security guard companies use commercial background check companies to conduct state and national (“muliti-jurisdictional”) criminal background check using an employee’s name and/or non-fingerprint based personally identifiable information in other contexts. Thus, by the clear language of the proposed requirement, such commercial background checks should suffice to meet the requirement.

NASCO and its members in Michigan request clarification that such a national criminal background check, which complies with the language of the proposed requirement, would satisfy the requirement?

NASCO and its members in Michigan also seek clarification as to when the checks must be conducted. All by a certain date? Each check based on when someone was hired? When?

However, the RIS’ description and responses about the requirement seem to both confirm and contradict this plain language-based assumption that a security company would be able to use commercially available checks. In addition, the RIS contains inaccurate or incomplete information as to the cost and burdens of conducting backgrounds checks in Michigan.

On Page 6, in response to a question regarding the impact of the requirement on small businesses, LARA states,

For those that will be affected, the probable effect on them will be to begin conducting, if they have not already, annual criminal background checks on their guards,

This response clearly seems to indicate that it is already possible, and companies may already be annual conducting --- on their own --- criminal background checks, like the commercial checks described above. It also seems to be a recognition that as private entities, security companies do not have direct access to FBI fingerprint-based background checks for their employees.

However, if a company (small business) is not already conducting annual checks then LARA provides a response that contradicts the notion that commercial checks would satisfy the requirement. In such a situation LARA states the new requirement,

(M)ay create a new cost for them in the form of paying for a criminal background check at about \$40 per check in accordance with section 3 of 1935 PA 120, fingerprinting residents of the state act, MCL 28.273

LARA is now providing additional details about the check requirement --- beyond the plain language of the requirement --- that seems to imply that the requirement for a employer “to conduct a multi-jurisdictional criminal background check” means, as is described in MCL.28.273, that the employer must pay the department of state police to fingerprint and conduct a fingerprint based criminal check which costs up to \$30, and process and conduct a name-based criminal check which costs \$10.

So that is \$40 per person, per year, plus the cost and time burden of every security guard having to get fingerprinted every year. For large and small companies this will be a significant cost burden. This also means that the State Police will have to fingerprint and conduct checks, every year, on the tens of thousands of security guards who will be subject to the requirement.

NASCO also questions the accuracy of the \$40 per year estimate in the RIS for the annual background checks. As MCL.28.273 clearly states, the \$30 fee limit on fingerprint-based checks and the \$10 limit on name-based checks, both sunset on Oct 1, 2027. That means, without the legislature passing a new law, background check fees for employers are going up. Moreover, the RIS cost estimate also does not include additional costs that may be imposed by fingerprint vendors that would be utilized to complete this requirement if an FBI background check is required.

NASCO and its members again request clarification as to what type of “multi-jurisdictional” criminal background check would satisfy the annual check requirement. If only check “in accordance” with MCL 28.273 are permitted, NASCO and its members in Michigan additional request to see a cost estimate for the annual background check requirement once the fee limit is lifted in two years.

And as mentioned above, if the proposed requirement is put into effect that will mean that tens of thousands of security guards in Michigan will need to get printed and checked by the State police each year, and this will likely result in an increased burden and delays in police fingerprinting and background check processing. There was no mention of the effect that such increased demand will have on the State Police. Did the State Police offer input on the requirement?

NASCO and its members in Michigan to see information related to possible delays in obtaining the annual state police conducted criminal checks and how the state police will handle the increased workload.

There is a Better, Less Costly, and Less Burdensome Alternative to Requiring Annual Criminal Backgrounds to be Conducted on Security Guard

Currently, there are states that because they have enrolled security guards (and their fingerprints) in the FBI Rap Back program are notified by the FBI whenever a security guard is arrested or there is a change in a guard's criminal history record. Rap Back eliminates the need for repeated/recurring background checks on security guards, and it is a more timely and effective means to stop "bad actors" from working as security guards in Michigan than conducting annual static background checks. It also eliminates the costs and burdens associated with having to conduct repeated/recurring fingerprinting and background checks.

NASCO strongly advises that LARA considers enrolling security guards into the FBI Rap Back Program, rather than mandating recurring fingerprinting and background checks for security guards in Michigan. For more info see this [Rap Back Overview](#)

Conclusion

While requiring subsequent criminal background checks after a security guard is initially employed is common in the United States, it is completely unprecedented in the United States to require such checks on an annual basis. Specifically, it is also completely inaccurate to state that such a requirement is similar or would not exceed the background check requirements for security guards in Michigan's Great Lake state peers. Also, there is no evidence to support the assertion that annual checks will, or will better than two- or three-year checks, ensure the public is protected from bad actors. In addition, no consideration has been given to the very likely possibility that starting in 2027, the costs to employers of the initial and annual checks will go up significantly from the estimate provided in the RIS. Finally, no consideration or information has been provided regarding how having to fingerprint and conduct checks on tens of thousands of security guards every year will impact the fingerprinting and checks processes and timelines of the State Police.

For these reasons, NASCO and its members in Michigan strongly request that LARA delay the requirement at this time to obtain more information on its need and impact and consider alternatives, including enrolling Michigan security guards in the FBI Rap Back Program. Alternatively, the requirement should be amended to extend the time interval for recurring post-initial hiring background checks from annual to either every two or three years and LARA should clarify that commercial background checks are acceptable.

MEMORANDUM

.

20 May 2025

To: Mr. Mitchell Page
Department of Licensing and Regulatory Affairs,
Corporations, Securities, and Commercial Licensing Bureau

From: Michael McDaniel, General Counsel,
City Shield Security Services, LLC

Re: MI Office of Administrative Hearings and Rules, LARA Request for
Rulemaking for Private Security Guard and Security Alarm Agencies

Thank you for the opportunity to offer our thoughts and concerns on the Proposed Rules for Private Security Guard Companies. City Shield Security Services LLC (CSS) is a subsidiary of the Amerishield Protection Group. We are a Detroit-based contract security provider, a woman-owned small business and a State of Michigan designated Veteran Friendly Employer.

CSS has three concerns: (1) whether the limitations to be imposed on the use of badges is impermissibly vague and subjective, (2) the proposed prohibition on the use of the word “officer” and (3) the apparent expansion of employees to be subjected to a criminal background check.

1. Whether the limitations to be imposed on the use of badges in Proposed Rule 3 is impermissibly vague and subjective.

R 28.4003 Badges.

“ Rule 3. A badge must not be star-shaped and it must not resemble a law-enforcement personnel badge that could deceive or confuse the public.”

First, Proposed Rule 3 uses the word “and” between the two prohibitions, that is, prohibits use of “star-shaped” badges AND badges that “resemble a law-enforcement personnel badge.” “And,” in grammatical terms, is of course a conjunction— a word whose function is to connect specified items.

“And” means “along with or together with.” Webster’s Third New International Dictionary 80 (1993).

CSS has no issue with the rule as written with the conjunction requiring both requirements to be met for a badge to be considered solely available to law enforcement agencies. Historically, police badges have been star-shaped. The earliest police badge in the US is believed to have been introduced in 1845. The badge was made of copper, in the form of an eight-pointed star. The obverse bore the Seal of the City of New York (the city) and the word “POLICE¹.”

But, if it was the intent of the drafters of the Proposed Rules to be in the disjunctive, so that a private security guard company uses a badge that someone might interpret as resembling a “law-enforcement personnel badge,” but that is not star-shaped, then CSS has several concerns.

While the use of badges in the shape of a star is concededly affixed in the minds of citizens as a symbol of sheriffs, Texas Rangers and other LE authority,² the rest of the rule is too vague to be enforceable. The MI Court of Appeals summarized the applicable law in *Exclusive Capital Partners, LLC vs City of Royal Oak* _Mich App_ (2024) *for publication*, as follows:

‘It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined.’ *People v Howell*, 396 Mich. 16, 20 n 4, 238 N.W.2d 148 (1976), quoting *Grayned v City of Rockford*, 408 U.S. 104, 108-109, 92 S Ct 2294, 33 L Ed 2d 222 (1972). Vague laws implicate three related, core concerns:

First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards

¹ See <https://nypdhistory.com/staves/> Accessed April 28, 2025.

² In 1987 the Texas Legislature enacted Texas Government Code Sec. 411.017 making it illegal to manufacture, sell or possess a real Texas Ranger badge or replica of the current design in the State of Texas. Texas Ranger badges have 5 points, while Sheriffs badges in Michigan have six points.

for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application. Third, but related, where a vague statute abuts upon sensitive areas of basic First Amendment freedoms,” it “operates to inhibit the exercise of those freedoms. Uncertain meanings inevitably lead citizens to steer far wider of the unlawful zone than if the boundaries of the forbidden areas were clearly marked.” [Grayned, 408 U.S. at 108-109, 92 S.Ct. 2294 (quotation marks, citations, and alterations omitted).]

We have previously observed in other contexts, “[a] statute or ordinance may be void for vagueness if (1) it is overbroad and impinges on First Amendment freedoms, (2) it does not provide fair notice of the conduct it regulates, or (3) it gives the trier of fact unstructured and unlimited discretion in determining whether the statute has been violated.” *Yankee Springs Twp v Fox*, 264 Mich App 604, 606, 692 N.W.2d 728 (2004).

There are two points at which the proposed rule is unduly vague: its use of the verb “resemble” and its use of the phrase “law enforcement personnel badge.” Words are to be given their plain meaning wherever possible. The Merriam- Webster dictionary defines “resemble as “to be like or similar to” Neither the word nor its definition provides sufficient clarity, standards, or direction for a private security company to be able to determine whether they have violated this proposed rule. Whether something *resembles* another object is highly subjective to the individual viewer.

The rule would leave to LARA’s agents the ability to make subjective, arbitrary decisions on whether the shape, coloration, internal graphics or wording of the badges or patches of CSS or any private security company under the Act resembles that of a police badge in one of the 573 law enforcement agencies³ in MI.

³See https://cops.usdoj.gov/html/dispatch/11-2024/Michigan_accreditation.html#:~:text=Michigan%20is%20home%20to%20573,more%20than%2018%2C000%20sworn%20officers. Accessed April 27, 2025.

LARA’S website proffers the following guidance: “A badge or shield may not resemble that of a local police department, a county sheriff’s department, or the Michigan State Police. Examples of insignia not to include on a badge or shield include things such as a star, an eagle, or the seal of the State of Michigan⁴. Guidelines, however, are for informative purposes only and are not enforceable.

Besides the undue subjectivity, the wording “law enforcement personnel badge” is also too vague and ambiguous to be enforceable. The only place that language has ever been used in Michigan before was in the earlier rules promulgated by the Department of Labor and Economic Growth. There is no definition for the phrase. Almost every municipal law enforcement jurisdiction in Michigan designed and introduced their own badges and patches, with varying colors, internal details, shapes and accouterments.

There is NO standard shape to a “law enforcement personnel badge.” This lack of standardization of police badge means that there are no objective requirements for a police badge. Without standardization, any enforcement of “law enforcement personnel badge” is subjective, because a Michigan law enforcement agency could decide to change their logo or their shape of their shield tomorrow to resemble that of CSS. CSS would then be in violation of the proposed rule.

Finally, the shield shape used by CSS for its badges and patches does NOT “resemble” the shape of any LE badges or shoulder patches in Michigan. The symbol of a shield has existed in heraldry for centuries. The CSS Badge is based on the “kite shield” carried by Normans during the Battle of 1066. Kite shields were long and teardrop-shaped to provide greater protection to its handler. Their shape was adapted to have a flat top edge, during the late 12th Century⁵. The shape was widely adopted across Western Europe and was carried during some of the Crusades, giving this shape of shield the name, the “Crusader shield.” This modified shape forms the basis for the CSS badge. A shield-shape is used because a shield represents protection and defense, the qualities needed for a security company.

⁴ See <https://www.michigan.gov/lara/bureau-list/cscl/licensing/prof/guards/security-guard-branch-license/uniform> Accessed May 20, 2025.

⁵ See Wikipedia entry on kite shields which references Newman, Paul (2001). *Daily Life in the Middle Ages*. Jefferson: McFarland and Company Incorporated, Publishers. pp. 214–215.

The common shape of many police badges today, with the shield pinched in on the sides, and lobed on the top edge, are based on the US Shield design⁶. This design was not based on a shield that was actually used in Western Europe in the Middle Ages, nor was it used at the beginning of heraldry. Many of US Shield-based police badges also feature an eagle on the top of the badge.

These symbols are NOT present in the CSS Shield, which, as noted above, is based on the chivalric symbolism of a knight in the Middle Ages, protecting and defending his lands.

2. The proposed prohibition on the use of the word “officer” in Proposed Rule 4.

R 28.4004 Prohibited words in agency names; names and emblems in advertising.

“ Rule 4. (1) The following words or terms in an agency name must not be approved by the department:

(a) "Police," "sheriff," "deputy," "peace officer," "**officer**," or "marshal."

The word “officer” is too broad and is capable of modification by use of an adjective to create a panoply of positions unrelated to the concerns of the licensing agency. If the concern is to assure clear boundaries between law enforcement and private security, then that goal is accomplished by the prohibition on the use of the terms “peace officer” and “law enforcement officer” by the proposed rules.

In fact, the use of the term “peace officer” in Proposed Rule 4 is sufficient to assure that the distinction between law enforcement officers and security personnel remains clear to all, as the term “peace officer”, as defined by the MI Legislature, encompasses all categories of law enforcement officer that the rule purports to cover, as it includes “police,” "sheriff," "deputy," "peace officer," and “marshal.”

See MCL 750.215(5):

⁶ See <https://www.greatseal.com/symbols/shield.html> Accessed April 28, 2025.

- (5) As used in this section, "peace officer" means any of the following:
- (a) A sheriff or deputy sheriff of a county of this state or another state.
 - (b) An officer of the police department of a city, village, or township of this state or another state.
 - (c) A marshall [sic] of a city, village, or township.
 - (d) A constable.
 - (e) An officer of the Michigan state police.
 - (f) A conservation officer.
 - (g) A security employee employed by the state pursuant to section 6c of 1935 PA 59, MCL 28.6c.
 - (h) A motor carrier officer appointed pursuant to section 6d of 1935 PA 59, MCL 28.6d.
 - (i) A police officer or public safety officer of a community college, college, or university who is authorized by the governing board of that community college, college, or university to enforce state law and the rules and ordinances of that community college, college, or university.
 - (j) A park and recreation officer commissioned under section 1606 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1606.
 - (k) A state forest officer commissioned under section 83107 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.83107.
 - (l) A federal law enforcement officer.
 - (m) An investigator of the state department of attorney general.
 - (n) A railroad police officer appointed, commissioned, and acting as provided in section 367 of the railroad code of 1993, 1993 PA 354, MCL 462.367.

All of the possible positions of law enforcement personnel that the Agency seeks to assure are viewed as such by the Michigan public are clearly encompassed by law within the definition of a peace officer and, thus, that phrase is sufficient to protect the issues identified by the Agency.

Further, it can be clearly seen that each position of officer in the statute contains a modifier to clarify that position: a conservation officer, a motor carrier officer, a railroad police officer.

The term "officer" by itself without such modification does not further the intention of the rule and so must be deleted from further consideration. In general, an officer is a person who has the obligation to carry out responsibilities and functions of an office, whether it be a duty or charge, a position of trust, or the right to engage in public or private employment⁷.

⁷ From Legal Information Institute, Cornell Law School. See <https://www.law.cornell.edu/wex/officer#:~:text=In%20general%2C%20an%20officer%20is,in%20public%20or%20private%20employment>.

In short, no one would use the term “officer” without a modifier, as it would be unknown to the reader whether one intends to refer to a military officer, a peace officer, a corporate officer, a publicly elected officer, or others. It is used by almost every large organization to designate individuals with assigned specific standing obligations.

3. The proposed rule (Rule 6) seems to require an annual multi-jurisdictional criminal background check of *all* employees.

R 28.4006 Employer and employee responsibilities.

Rule 6.

(2) An employer shall conduct an annual multijurisdictional criminal background check of **employees to meet the requirements of section 10 of the act, MCL 338.1060.** (emphasis added).

Section 10 of the Act provides:

(1) The department may revoke any license issued under this act if it determines, upon good cause shown, that the licensee or his or her manager, **if the licensee is an individual, or if the licensee is not an individual, that any of its officers, directors, partners or its manager,** has done any of the following:

(c) Been, while licensed or employed by a licensee, convicted of a felony or a misdemeanor involving any of the following:

(i) Dishonesty or fraud.

(ii) Unauthorized divulging or selling of information or evidence.

(iii) Impersonation of a law enforcement officer or employee of the United States, this state, or a political subdivision of this state.

(iv) Illegally using, carrying, or possessing a dangerous weapon.

(v) Two or more alcohol related offenses.

(vi) Controlled substances under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(vii) An assault.

Proposed Rule 2 appears broader than what the law at Section 10 states, but the law prevails over the rule. “[W]hen a statute and an administrative

rule conflict, the statute necessarily controls.” *Grass Lake Improvement Bd v Dep’t of Environmental Quality*, 316 Mich App 356, 366 (2016). See also MCL 24.232(7), “A rule must not exceed the rule-making delegation contained in the statute authorizing the rule-making.” So, while it appears that CSS must now do an annual criminal check for the above-listed criminal offenses, LARA cannot extend this requirement to all employees when the Act, at Section 10, only applies to the licensee and “officers, directors, partners or its manager.” Clarification by LARA is needed here.

CSS notes that MCL 338.1068 does require a background check for new employees but does not impose a recurring or annual background check.

The requirement for an **annual** check is not included in the governing statute nor contemplated by the Legislature, and thus, cannot be imposed by the agency. Such requirement if permissible, would also create a new and substantial financial and administrative burden, if it applies to all employees.

Finally, MCL. 338.1068 refers to a “state and national criminal history background check.” Proposed Rule 6 requires a “multijurisdictional criminal background check.” Clarification by LARA is needed here.

CSS requests that MI Office of Administrative Hearings and Rules fully consider the scope of these proposed rules, Again, we thank you for the opportunity to comment pursuant to the public comment process under the Michigan Administrative Procedures Act.

Please direct your questions, and any edits or amendments to the Proposed Rules to michael.mcdaniel@cityshieldllc.com

From: [Joy Pitman](#)
To: [Page, Mitchell \(LARA\)](#)
Cc: [Jeremy Pitman](#)
Subject: Public Hearing - Changes to Private Security Guard & Security Alarm Agencies
Date: Friday, May 16, 2025 8:14:48 PM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Good evening,

I'm reaching out as a Security Alarm contractor which provides security alarm systems installation, programming, troubleshooting/repairs. We are a very small company with 3 employees and 2 owners. I understand the thought behind a security alarm system installer clearly identifying who they are with a uniform stating the employee name and company name the individual works for. However, anyone can fraudulently create a shirt for any company, so I'm not sure how this would prevent someone touching a company's system with malicious intent.

Additionally, in light of these changes going into effect immediately, and becoming effective 7 days after filing with the Secretary of State, this will put a financial burden on our company. We currently do not have uniforms, nor do we have company shirts with the employees' names imprinted on them. Our company would have to, in a quick turn around, place an order for and purchase new shirts for our employees. Not only that, but we would need to update our employee handbook to reflect the uniform requirement and obtain signatures of receipt of the new handbook, as well as have meetings regarding the new uniforms.

I would respectfully suggest companies with less than 10 (or 15 or 20...whatever is a reasonable number) employees need not comply with the uniform and name requirement.

Thank you for your time and review of my correspondence.

Sincerely,

Joy Pitman
President/CEO
Accurate Networks

Cell - (616) 322-7178
Fax - (269) 205-2049
Ofc - (616) 333-8500 x120