

*** DRAFT - NOT YET FILED ***

1301:8-5-08

Continuing education.

(A) Application for course approvals.

(1) Any person seeking to offer live classroom or online continuing education courses to licensees and designated ~~salesperson~~employees shall ~~apply to request approval from the superintendent of financial institutions, for approval of the courses on forms prescribed by the superintendent. The application forms and a specified nonrefundable processing fee must be submitted to the superintendent at least thirty days prior to the initial date of the proposed course. The application form shall include the following information:~~ In order for a course to be considered for approval the following information and documentation shall be submitted to the superintendent in writing at least 15 days prior to the initial date of the proposed course.

- (a) The name, address and telephone number of the person proposing to offer the course, and the names and duties of all persons affiliated in an official capacity with the course;
- (b) The names and addresses of the owners of the entity or association if the applicant is an entity or association;
- (c) The policy regarding attendance and procedure for record keeping of attendance;
- (d) A summary of the course, including:
 - (i) A description of the type of training (e.g. seminar, conference, course, other);
 - (ii) The time, date, and location of the course. If the course will be offered more than once, the time, date, and location for each course shall be provided;
 - (iii) The proposed initial date of ~~offering~~ the continuing education course;
 - (iv) Any prerequisite for admission to or participation in the course;
 - (v) The duration of the course;

- (vi) The form of attendance certificate;
 - (vii) Methods of record maintenance;
 - (viii) Textbooks and student materials prescribed;
 - (ix) An outline or syllabus;
 - (x) Attendance or participation fees;
 - (xi) A sample of any intended advertising;
 - (xii) The number of credit hours offered to course participants. Each course shall be a minimum of one credit hour. A credit hour must provide for no less than fifty minutes of instruction. One credit hour consists of fifty minutes of a sixty-minute hour. Breaks, introductions, lunches, announcements, and other non-instruction time are to be excluded in calculating the credit hours requested. ~~Each course shall be a minimum of one credit hour.~~
 - (xiii) The title of the continuing education course, ~~offering.~~
- (e) The names and qualifications of ~~teachers and~~ the course instructors; and
- (f) Any other information required by the superintendent to determine whether the proposed ~~offering~~ continuing education course will maintain or increase a licensee's or designated ~~salesperson's~~ employee's skill, knowledge, or competency in the pawnbroker business.
- (2) Whenever there is a material change in an approved ~~offering~~ continuing education course, the ~~person~~ course provider shall promptly notify the superintendent of the change in writing. ~~An offering person or entity~~ The course provider shall notify the superintendent in writing, at least ten days in advance of the addition of an offering date for an approved course, or change in an offering date for an approved course, and notify the superintendent in writing at least three days in advance of all course changes including locations, times, instructors, or changes in course content.
- (3) Each ~~offering person or entity~~ course provider shall submit to the division of financial institutions, within fifteen days after completion of each

continuing education course, a list of licensees ~~and individuals~~ or employees who successfully completed the course. The list shall include:

- (a) Course title;
- (b) Date conducted;
- (c) Address location where the course was conducted;
- (d) Names of licensees ~~and individuals~~ or employees who successfully completed the course; and
- (e) Pawnbroker license numbers of the licensees;

(B) Course approval criteria.

- (1) The superintendent, when ~~acting on an application for~~ considering approval of a continuing education course, shall apply the following criteria:
 - (a) Courses will not be approved in segments of less than one-half credit hour. No ~~offering will~~ continuing education course shall be approved in which classroom or online instruction exceeds eight credit hours in any one day;
 - (b) Course instructors must meet at least one of the following qualifications: ~~approved by the superintendent:~~
 - (i) Possession of a bachelor's degree in a field related to that in which the person is to teach, from a school listed as an institution of higher learning by the United States department of education, or from a comparable school of a foreign country;
 - (ii) Possession of a valid teaching credential or certificate from this state or another state authorizing the holder to teach in the field of instruction in which the person is to teach;
 - (iii) Five years full-time experience in a profession, trade, or technical occupation in the applicable field; or
 - (iv) Any combination of at least five years of full-time experience relevant to the applicable field and college level education.

- (c) The following entities may offer continuing education following approval of the superintendent:
- (i) Colleges or universities;
 - (ii) Community or junior colleges;
 - (iii) Pawnbrokers or pawnbroker-related organizations;
 - (iv) Proprietary schools;
 - (v) Individuals;
 - (vi) Other providers approved by the division; or
 - (vii) State or federal agencies or commissions.
- (d) Passage of an examination by a licensed pawnbroker or designated ~~salesperson~~employee shall not be a requirement for successful completion of a continuing education course.
- (e) The superintendent shall approve courses for continuing education which maintain and increase the skill, knowledge and competency of state licensed pawnbrokers and their designated ~~salesperson~~employees and which fall within the following areas:
- (i) Retail and safety and security;
 - (ii) Appraisal of precious stones and precious metals;
 - (iii) Copyright and trademark laws;
 - (iv) Use of the internet as it relates to the pawnbroker business;
 - (v) Compliance with federal laws applicable to the pawnbroker business such as firearms, bankruptcy, search and seizure, and lending laws;
 - (vi) Compliance with state laws applicable to the pawnbroker business

such as second hand dealers law, search and seizure, and the pawnbroker act;

(vii) Computer software application and training relating to the pawnbroker business; ~~and~~

(viii) Courses that address issues related to human trafficking; and

~~(viii)~~(ix) Any other training which the superintendent deems to be relevant to the efficient and lawful operation of a pawnbroker business.

(f) The following courses will not be considered by the superintendent to meet the continuing education requirements for licensed pawnbrokers and their designated ~~salesperson~~employees:

~~(i) Courses designed to prepare applicants for the demonstration of a working knowledge of pawnbroker practices required by section 4727.03 of the Revised Code;~~

~~(ii)~~(i) Courses in mechanical and business skills such as typing, speed reading, memory improvement or language;

~~(iii)~~(ii) Sales promotion or other meetings held in conjunction with the general business of the attendee or his business associates;

~~(iv)~~(iii) Meetings which are a normal part of in-house staff training;

~~(v)~~(iv) That portion of any course devoted to breakfast, lunch, and dinner or other refreshment; or

~~(vi)~~(v) Courses consisting entirely of videotaped information.

(vi) A concealed carry course shall not be counted toward the continuing education requirements under section 4727.19 of the Revised Code more than once every other licensing cycle.

(g) The superintendent ~~will~~shall approve an online course for continuing education credit based upon a satisfactory review of the following criteria:

(i) The application materials shall be submitted in writing pursuant to

this rule and must demonstrate the following:

~~(ii)~~(a) The course is designed to ~~assure~~ensure that students actively participate in the instructional process while completing the course by utilizing techniques that require substantial student interaction with the computer program;

~~(iii)~~(b) If in each unit of instruction there is no activity from the student after fifty minutes of instruction time, the course will shut down and the student will have to begin from the beginning of the unit;

~~(iv)~~(c) The provider utilizes procedures that provide reasonable assurance of student identity and that the student receiving the continuing education credit for completing the course actually performed all of the work required to complete the course; and

~~(v)~~(d) The provider utilizes a clock~~or~~ timer on each screen to control navigation through the course to ensure that course completion time equals the amount of continuing education credit hours received.

(2) Paragraph ~~(B)~~(B)(1)(f) of this rule does not limit the superintendent's authority to disapprove any application that fails to meet the standards of this rule.

(3) If the superintendent approves an online course pursuant to paragraph (B)(1)(g) of this rule, the superintendent shall designate the number of credit hours to be assigned to the course.

(C) Alternative methods of course approval by the superintendent:

(1) The superintendent may, upon the request of a person licensed under chapter 4727. of the Revised Code, approve any course that meets the criteria set forth in paragraph (B) of this rule. Licensees seeking approval of a course under this section shall submit the request for approval in writing, and shall provide sufficient information about the course to demonstrate that the course meets the requirements of paragraph (B) of this rule.

(a) If requesting approval prior to a designated employee taking a course, all information must be submitted to the superintendent in writing at least 15 days in advance of the course.

(b) If requesting approval after a designated employee has taken a course, all

information must be submitted to the superintendent in writing prior to the licensee's renewal date, and must include proof of attendance in the course and documentation of successful completion by the designated employee to the satisfaction of the superintendent.

- (2) The superintendent may, sua sponte, approve any course after making a determination that the course meets the criteria set forth in paragraph (B) of this rule.
- (3) The superintendent shall retain the right to refuse to approve any course that fails to meet the criteria set forth in paragraph (B) of this rule, or if insufficient information is provided to support approval of the course.
- (4) If the superintendent approves a course pursuant to this paragraph, the superintendent shall designate the number number of credit hours to be assigned to the course.
- (5) This paragraph shall not apply to the approval of online courses.

~~(C)~~(D) Continuing education credit may be granted for participation, other than as a student, in continuing education courses approved by the superintendent or in other processes or programs approved by the superintendent which relate to pawnbroker practices or techniques. Participants receiving such credit may include, but are not limited to:

- (1) Instructors of approved continuing education courses may receive continuing education for the number of unduplicated subject matter hours taught for each different course;
- (2) An individual who has authored pawnbroker articles or textbooks may receive continuing education credit for the published article or textbook upon the submission of the following:
 - (a) A copy of the published article or textbook;
 - (b) A summary of the article or textbook, with date of publication;
 - (c) The number of copies sold or circulation of the publication carrying the article; and
 - (d) An explanation of how the material published meets the criteria set forth in paragraph (B) of this rule.

~~(D) Pawnbroker attendees.~~

- ~~(1) If a corporation is licensed as a pawnbroker, the twelve hours of continuing education instruction required by section 4727.19 of the Revised Code shall be completed by the manager or the successor of the manager named in the license application submitted pursuant to section 4727.04 of the Revised Code.~~
 - ~~(2) If a partnership is licensed as a pawnbroker, the twelve hours of continuing education instruction shall be completed by one of the partners.~~
 - ~~(3) If a limited liability company is licensed as a pawnbroker, the twelve hours of continuing education instruction shall be completed by one of the members.~~
 - ~~(4) If a sole proprietor is licensed as a pawnbroker, the twelve hours of continuing education instruction shall be completed by the sole proprietor.~~
- (E) Individuals, designated salespersons. For purposes of determining compliance with division (A) of section 4727.16 of the Revised Code, the term "employee" shall mean any individual, including a licensee, who has direct contact with customers, whether on a full time-part time, or seasonal basis, such as an individual or licensee that sells or purchases merchandise, or makes a loan on behalf of a pawnbroker.
- ~~(1) The individual who completes the twelve hours of continuing education required in division (A) of section 4727.19 of the Revised Code will be considered to have satisfied the licensee's requirement under that division for all of the licensee's related branches.~~
 - ~~(2) The phrase "more than three employees" as used in division (B) of section 4727.19 of the Revised Code shall not include the individual who completed the twelve hours of continuing education required by division (A) of section 4727.19 of the Revised Code when calculating the number of employees. In a location where the individual who completed the twelve hours of continuing education is regularly present to conduct business, "more than three employees" means that a salesperson shall be designated to satisfy division (B) of section 4727.19 of the Revised Code when a fourth employee is present.~~
 - ~~(3) In the event that the originally designated individual or salesperson is unable to comply with the continuing education requirements and has not fulfilled the continuing education requirements referenced in divisions (A) to (C) of section 4727.19 of the Revised Code, the newly designated individual or salesperson must complete any remaining required continuing education credit hours of the original designated individual or salesperson within the required period.~~
- (F) In the event that the licensee, pursuant to paragraph (E) of rule 1301:8-5-03 of the

Administrative Code, designates a new employee for purposes of completing the continuing education requirements referenced in division (A) of section 4727.19 of the Revised Code, the newly designated employee must complete any remaining continuing education credit hours for that place of business within the required period.

(G) For the licensing cycle ending June 30, 2018, a licensee shall be considered to have met the continuing education requirements set forth in section 4727.19 of the Revised Code if the licensee has met the requirements of that section as in effect July 1, 2016, or as in effect June 30, 2018. For each licensing cycle thereafter, a licensee is required to comply with the requirements set forth in section 4727.19 as in effect June 30, 2018.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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