

**ALABAMA PRIVATE INVESTIGATION BOARD
ADMINISTRATIVE CODE**

Table of Contents

741-X-1	Purpose
741-X-2	Definitions
741-X-3	Organization and Administration
741-X-4	Licensure
741-X-5	Professional Standards of Practice
741-X-6	Disciplinary Action
741-X-7	Education
APPENDICES I	Fee Schedule
APPENDICES II	Forms List

**CHAPTER 741-X-1
Purpose**

As stated in Act 2013-306, the law for the regulation of the profession of private investigation and the establishment of the Alabama Private Investigation Board (APIB), the purpose of this law and the APIB is to provide for the membership, terms, filling of vacancies, powers, including disciplinary powers, and duties of the Board; to provide for the application for and licensure of private investigators; to establish the Alabama Private Investigation Board Fund within the State Treasury and to provide for an appropriation from the fund to the Board; and to provide penalties.

Private investigator services in Alabama affects the public health, safety, and welfare of the citizens of Alabama. It, therefore, should be subject to regulation and control, in the public interest to protect the citizenry against unauthorized and unqualified private investigation services and from unprofessional or unethical conduct by persons licensed to provide private investigation services.

Author: The Alabama Private Investigation Board
Statutory Authority: Code of Alabama (1975) § 34-25B-1 through § 34-25B-29
Date: March 7, 2014

**CHAPTER 741-X-2
Definitions**

- (1) Board – The Alabama Private Investigation Board.
- (2) APIA – The Alabama Private Investigators Association.
- (3) Applicant – any individual seeking licensure by the Board who has submitted an official application and paid the application fee.

- (4) Biennial – every two (2) years.
- (5) Felony – A criminal offense that is defined and punishable under the laws of this state, or an offense committed outside the State of Alabama, which if committed in this state, would constitute a felony under Alabama law; a crime in any other state or a crime against the United States which is designated as a felony; or an offense in any other state, territory, or country punishable by imprisonment for a term exceeding one year.
- (6) Licensed Private Investigator (LPI) – a person licensed by the Board to provide private investigation services.
- (7) Private Investigation – The compensated act of any individual or company engaging in the business of obtaining or furnishing information with reference to any of the following:
 - a) A crime committed or threatened against the United States or any state or territory of the United States.
 - b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, including, but not limited to, the credibility of a person giving testimony in a criminal or civil proceeding, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputations, or character of any person.
 - c) The location, disposition, or recovery of lost or stolen property.
 - d) The cause or responsibility for fires, losses, accidents, damages, or injuries to persons or to property.
- (8) Private Investigator – A person who is engaged in private investigation as defined herein and who is licensed in accordance with this act.
 - a) A person who, for compensation, performs one or more of the private investigation services defined and regulated by this act.
 - b) A person who, for consideration, advertises as providing or performing private investigation. The term does not include an informant who, on a one time or limited basis, as a result of a unique expertise, ability, or vocation, and who provides information or services while under the direction and control of a licensee of the Board, that would otherwise be included in the definition of private investigation.

Author: The Alabama Private Investigation Board
Statutory Authority: Code of Alabama (1975) § 34-25B-1 through § 34-25B-29
Date: March 7, 2014

CHAPTER 741-X-3
Organization and Administration

- 741-X-3-.01 Selection and Composition of the Board**
- 741-X-3-.02 Terms of Office**
- 741-X-3-.03 Officers of the Board**
- 741-X-3-.04 Duties of the Board**
- 741-X-3-.05 Meetings of the Board**
- 741-X-3-.06 Employment of Personnel**
- 741-X-3-.07 Use of Forms**
- 741-X-3-.08 Maintenance and Inspection of Board Records**
- 741-X-3-.09 Rules and Regulations**
- 741-X-3-.10 Petition for Adoption, Amendment or Repeal of a Rule**
- 741-X-3-.11 Declaratory Rulings**
- 741-X-3-.12 Board Member Compensation**
- 741-X-3-.13 Board of Private Investigation Fund**

741-X-3-01 Selection and Composition of the Board

- (1) The Alabama Private Investigation Board shall be composed of eight members.
- (2) Three members appointed by the Governor, two shall be private investigators in this state and one shall be a consumer member who will represent the public at large. The initial terms shall be for three years. Successor members shall be appointed for a term of four years each.
- (3) One member appointed by the Lieutenant Governor shall be a private investigator. The initial term shall be for two years. Successor members shall be appointed for a term of four years.
- (4) One member appointed by the Speaker of the House of Representatives shall be a private investigator. The initial term shall be for two years. Successor members shall be appointed for a term of four years.
- (5) One member appointed by the Attorney General who shall be a private investigator. The initial term shall be for two years. Successor members shall be appointed for a term of four years.
- (6) One member appointed by the Alabama State Bar Association shall be a member in good standing. This position shall be for a term of four years.
- (7) One member appointed by the Alabama Private Investigators Association shall be a private investigator. This position shall be for a term of four years.
- (8) Private investigator members of the Board shall have had five years investigator experience prior to his or her appointment. After August 1, 2018, private investigator members shall have been licensed as an Alabama Licensed Private Investigator for at least five years prior to his or her appointment.
- (9) The composition of the Board shall reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.
- (10) All members shall serve until their successor is appointed.
- (11) Board member Oath of Offices shall be filed with the Secretary of State.
- (12) Members of the Board are immune from civil liability and may not be liable for damages when acting in the performance of their duties.

741-X-3-02 Terms of Office

- (1) Except for the initial Board appointments, the term of office of all members shall be four years.
- (2) No member may be appointed for more than two consecutive full terms.
- (3) A vacancy in an unexpired term shall be filled in the manner of the original appointment.

741-X-3-03 Officers of the Board

- (1) The Board shall elect a Chair and Vice Chair each time a new member is appointed to the Board.
- (2) The Vice Chair shall fill any vacancy in the office of the Chair.
- (3) The duties of the officers shall be as follows:
 - (a) The Chair shall preside at meetings of the Board, appoint members to serve on committees as may be created, serve as ex-officio member of all committees, and determine the rules of order of Board meetings.
 - (b) The Vice Chair shall preside in the absence of the Chair and shall assume the duties of the Chair when necessary.

741-X-3-04 Duties of the Board

- (1) The Board shall perform the following functions:
 - (a) Set licensure fees, including, but not limited to, application, initial, and renewal.
 - (b) Establish standards of continuing education in accordance with those standards developed and accepted by the profession.

- (c) Examine for, approve, deny, suspend, and renew licensure of duly qualified applicants.
- (d) Promulgate and publish rules in accordance with the Administrative Procedures Act.
- (e) Conduct hearings on charges calling for denial, suspension, revocation, or refusal to renew a license.
- (f) Maintain a current roster of licensees.
- (g) Maintain a current list of persons whose license have been suspended, revoked, or denied. The list shall include the name, Social Security number, type, date, and cause of action, penalty incurred, and the length of the penalty. The information on the list, except for the Social Security numbers, shall be available for public inspection during normal business hours.

741-X-3-.05 Meetings of the Board

- (1) The Board shall comply with the Alabama Open Meetings Act.
- (2) A minimum of two regular meetings shall be held each year.
- (3) Special meetings may be called by the Chair or by a quorum of the Board.
- (4) A majority of the members of the Board shall constitute a quorum for the transaction of business.
- (5) A majority of those members on the Board present and voting on any matter shall decide the matter before the Board, except on procedural and evidentiary matters which are provided for in the Administrative Procedures Act.
- (6) Board staff shall keep a record of all regular meetings. The minutes shall be transcribed and presented for approval or amendment at the next regular meeting. The minutes or a true copy thereof, approved by the Board, shall be open to public inspection. The minutes shall reflect:
 - (a) The time and place of each regular meeting of the Board;
 - (b) Names of the Board members present;
 - (c) Names of guests present;
 - (d) Names of staff members present;
 - (e) Place of meeting notice advertisements;
 - (f) All official acts of the Board;
 - (g) When requested by a dissenting Board member, specific reasons shall be recorded; and
 - (h) A roll call vote may be taken upon the request of a Board member.
- (7) Requests to present information to the Board during a regularly scheduled Board meeting shall be in writing to the Executive Director at least fourteen days prior to the meeting. Exceptions may be made in extraordinary circumstances at the direction of the Chair. All requests are subject to review and approval by the Chair. The usual time limitation for presentations will be five minutes with exceptions made by permission of the Chair. Written requests should include:
 - (a) Contact information of the designated spokesperson; and
 - (b) Summary of information to be presented.

741-X-3-.06 Employment of Personnel

The Board may employ an executive director, investigators, inspectors, attorneys and any other agents and employees and assistants as may from time-to-time be necessary to establish and maintain administration and enforcement of the Alabama Private Investigation Regulatory Act and rules and regulations established by the Board. With the exception of the Executive Director, all personnel shall be subject to the provisions of the state Merit System Act.

741-X-3-.07 Use of Forms

Applications shall be made on the prescribed forms approved by the Board. Copies of instructions and forms are available from the office of the Board.

741-X-3-08 Maintenance and Inspection of Board Records

- (1) The Board shall maintain its records in accordance with the Alabama Open Meetings Act.
- (2) Public records maintained by the Board shall be subject to public disclosure pursuant to the Alabama Open Meetings Act and the Alabama Open Records Act.
- (3) Upon request to the Executive Director, public records maintained by the Board shall be available for inspection and duplication at the office of the Board during regular business hours. The inspection and duplication of public records shall be under the supervision of the Executive Director or an authorized designee.
- (4) Any person wishing to obtain copies of public records shall submit a written request to the office of the Board and will be supplied copies upon payment of the cost of copying, handling and postage.
- (5) Public records maintained by the Board that are available for inspection and duplication include, but are not limited to:
 - (a) Board minutes, except those minutes recorded during an executive session that are prohibited from disclosure by the Alabama Open Meetings Act;
 - (b) Names and addresses of current licensees;
 - (c) Names of persons whose licenses have been suspended, revoked, or denied, including the type, date, infraction, the penalty incurred, and length of the penalty;
 - (d) Rules and regulations of the Board, as promulgated and published in accordance with the Sections 41-22-1, et seq., Administrative Procedures Act, Code of Alabama (1975);
 - (e) Other written statements of policy or interpretations formulated, adopted, or used by the Board in the discharge of its duties and functions; and
 - (f) Final orders, decisions, declaratory rulings, and opinions issued by the Board.

741-X-3-09 Rules and Regulations

All rules and regulations of the Board shall be adopted, amended or repealed in accordance with the Sections 41-22-1 et seq., Alabama Administrative Procedures Act, Code of Alabama (1975).

741-X-3-10 Petition for Adoption, Amendment or Repeal of a Rule

- (1) Any interested person may petition the Board requesting the adoption of a new rule or the amendment or repeal of an existing rule. The petition shall be in writing and shall include:
 - (a) The name and address of the petitioner;
 - (b) An exact statement of the proposed additional rule or amendment or identification of the rule to be repealed; and
 - (c) The pertinent facts, data, opinions or arguments in support of the petitioner's position.
- (2) Upon submission of the petition, the Board shall initiate rule-making proceedings or deny the petition in writing on the merits, stating its reasons for the denial at its next regularly scheduled meeting.
- (3) A petition requesting adoption, amendment, or repeal of a rule may not be considered by the Board if the subject of the petition is the same or similar to the subject presented in another petition considered by the Board within the previous twelve months.

741-X-3-11 Declaratory Rulings

Any person substantially affected by a rule may petition the Board for a declaratory ruling with respect to the validity of a rule or the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the Board.

- (1) The petition shall be in writing and shall include:
 - (a) The name and address of the petitioner;
 - (b) A statement of facts sufficient to show that the person seeking relief is substantially affected by the rule; and

- (c) The rule, statute or order and the reasons for the questions.
- (2) Failure of the Board to issue a declaratory ruling at its next regularly scheduled meeting, following receipt of request, shall constitute a denial of the request. The Board shall provide the petitioner written notification of its decision to deny the request and shall state therein the reason for the denial.
- (3) Circumstances in which rulings shall not be issued include but are not necessarily limited to:
 - (a) Lack of jurisdiction.
 - (b) Lack of clarity of the issue presented.
 - (c) No clear answer determinable.

741-X-3-.12 Board Member Compensation

- (1) Each member of the Board shall serve without compensation, but shall be reimbursed for travel expenses incurred in attendance at meetings of the Board and any other business of the Board at its discretion. Mileage rates shall be the same as established for state employees.
- (2) Board members shall also receive a per diem allowance following the guidelines for state employees.
- (3) The reimbursement for expenses shall be paid from funds derived from the Alabama Private Investigation Board.

741-X-3-.13 Board of Private Investigation Fund

- (1) A special trust fund is established in the State Treasury known as the Alabama Private Investigation Board Fund. All funds received by the Board shall be deposited into the fund and shall be expended only to implement and administer this act. No monies shall be withdrawn or expended from this fund for any purpose unless the monies have been appropriated by the Legislature and allocated pursuant to Sections 34-27B-1, et. Seq., Code of Alabama (1975). Any monies appropriated shall be budgeted and allocated pursuant to the Budget Management Act in accordance with Article 4, (commencing with Section 41-4-80) of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriations act. Funds shall be disbursed only upon a written warrant of the State Comptroller upon itemized vouchers approved by the Executive Director.

Author: The Alabama Private Investigation Board

Statutory Authority: Code of Alabama (1975) § 34-25B-1 through § 34-25B-29

Date: March 7, 2014

**CHAPTER 741-X-4
Licensure**

- 741-X-4-.01 Qualifications of Applicants for Licensure**
- 741-X-4-.03 Licensure by Examination**
- 741-X-4-.04 Renewal of License**
- 741-X-4-.05 Reinstatement of a Lapsed License**
- 741-X-4-.06 Change of Name or Address**
- 741-X-4-.07 Lost License**
- 741-X-4-.08 Verification of Alabama License**
- 741-X-4-.09 Fees**
- 741-X-4-.10 Fingerprinting**
- 741-X-4-.11 Exemptions from Licensure**

741-X-4-.01 Qualifications of Applicants for Licensure

- (1) Each individual applicant shall meet the following criteria:
 - (a) Be at least 21 years of age.

- (b) Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease (unless a court of competent jurisdiction has subsequently declared the applicant competent).
 - (c) Has not been convicted of a crime of moral turpitude (with the Board having final determination on the interpretation of moral turpitude).
 - (d) Has not been convicted of a felony crime.
 - (e) Has passed an examination by the Board designed to measure knowledge and competence in the investigation field.
- (2) The applicant shall submit a completed application form and pay all required fees.
 - (3) Implementation for licensure shall begin on the effective date of the adoption of the rules and regulations. The initial licensure period shall be dated to begin on May 1, 2014.
 - (4) All licenses issued or renewed shall be valid for a period of two years from the date of issuance.
 - (5) Persons working as a private investigator, unless otherwise exempt, shall have a valid private investigator license.

741-X-4.03 Licensure by Examination

- (1) The applicant for licensure by Examination shall pass an Examination approved by the Board designed to measure knowledge and competence in the investigation field and shall submit:
 - (a) A completed application
 - (b) Required fees
- (2) Any applicant who seeks to qualify for a private investigators license must apply directly to the independent testing organization selected by the Board to prepare and grade such examination. Payment of any examination (or re-examination) fee shall be the responsibility of the applicant. The independent testing organization will notify each examinee of the results of the examination.
- (3) Applicants for private investigator license must be on file with this office and approved prior to scheduling examination(s).

741-X-4.04 Renewal of License

- (1) Licensure periods:
The private investigator license shall be valid for two years. The continuing education earning period is a two-year period of time in which at least sixteen (16) contact hours shall be accrued (eight (8) hours in each calendar year). This is the time period of the current license.
- (2) The renewal of license shall be accomplished prior to expiration of the current license.
- (3) Failure to renew prior to the expiration date of the current license will result in an additional late fee. Licenses may be renewed up to thirty (30) days after expiration date. Private investigators will not be permitted to work as a private investigator if their license has expired.
- (4) Renewal notices may be mailed or transmitted electronically. Notice shall be sent to the applicant's address of record sixty (60) days prior to the renewal date.
- (5) To be eligible for renewal, the applicant shall:
 - (a) Hold a valid, active Alabama license;
 - (b) Submit a completed and signed renewal application and required fee(s);
 - (c) Meet continuing education requirements;
 - (d) Pass a review of criminal history for criminal convictions and civil fraud findings.
- (6) The applicant is responsible to supply current mailing address records to the Board.
- (7) Failure to receive the renewal application or notice shall not relieve the licensee of the responsibility of renewing the license by the expiration date.
- (9) Any license not renewed within thirty (30) days following the expiration date shall lapse. Any individual who practices with a lapsed license shall be subject to penalties established under Chapter 741-X-6 – Disciplinary Actions.

741-X-4.05 Reinstatement of a Lapsed License

A lapsed license may be reinstated upon submission of a completed application and compliance with the following:

- (1) Payment of current renewal and reinstatement fees and any applicable fine(s).
- (2) Evidence of completion of sixteen (16) contact hours of approved continuing education within twenty-four (24) months preceding application. A maximum of eight (8) contact hours earned through independent study may be used for reinstatement of a lapsed license. Contact hours earned for reinstatement of a lapsed license may not be used toward the continuing education requirement for the next license renewal.
- (3) Submit a completed and signed request for reinstatement form.
- (4) Pass and pay for a review of criminal history for criminal convictions and civil fraud findings.

741-X-4.06 Change of Name or Address

- (1) The applicant or licensee shall notify the Board of any requested name change. Appropriate legal documents and fees shall be submitted prior to changing the name of the licensee on the license card.
- (2) The applicant or licensee shall notify the Board in writing within thirty (30) days of any change in his or her address. The address of record is the address provided by the applicant or licensee.

741-X-4.07 Lost License

The licensee shall promptly report, in writing, the loss of a license card to the Board.

741-X-4.08 Verification of Alabama License

- (1) Verification of licensure will be available by telephone and on a Board maintained web site.
- (2) Upon receipt of a written request, the Board's designee shall provide written verification of Alabama license.

741-X-4.09 Fees

- (1) Fees and fines are not refundable.
- (2) Fees are payable by certified check, cashier's check, corporate or business check, money order, or personal check.
 - (a) Counter checks are not an acceptable method of payment. Personal checks shall be imprinted with the name, address, and account number of the applicant or licensee.
 - (b) Personal checks by third parties are not acceptable.
 - (c) Applicants or licensees who submit personal checks returned due to insufficient funds may be prohibited from paying any future fees or fines by personal check.
 - (d) Statutory charges for returned checks shall be paid by the applicant or licensees within ten business days from receipt of notice to remit full payment pursuant to Ala. Code Section 13A-9-13.01 (b) (2) and pay the maximum fee allowed by Ala. Code Section 8-8-15.
- (3) Fines are payable by certified check, cashier's check, corporate or business check, or money order.
- (4) The Board may allow payment of fees by electronic means.
- (5) Payment, regardless of the method, that is not honored by the financial institution may result in disciplinary action and/or reporting to the appropriate legal authorities for possible prosecution.
- (6) A license may not be issued until funds are received by the Board.
- (7) The current schedule of fees and charges are included in the appendix.

741-X-4.10 Fingerprinting

- (1) An applicant shall furnish the Board with three (3) sets of classifiable fingerprints with his or her application for the purpose of allowing the Board to forward the fingerprints to the

Alabama Law Enforcement Agency (ALEA) and Federal Bureau of Investigation (FBI) as required by the Alabama Private Investigation Regulatory Act. An applicant shall be deemed to have furnished the Board with three (3) sets of classifiable fingerprints if he or she causes a private company or agency contracted by the State to electronically transmit the applicant's classifiable prints directly to the ALEA and FBI and to forward a classifiable hard copy of the applicant's fingerprints to the Board on standard ALEA/FBI applicant cards. The Board shall notify every applicant in writing of the name, address and telephone number of any company or agency contracted by the State to provide such a service. All private investigator applicants shall comply with the following requirements regarding the payment for the fingerprinting service:

- (a) All sets of classifiable fingerprints required by this rule shall be furnished at the expense of the applicant;
 - (b) If the applicant chooses to request that the Board process the fingerprint cards, then the applicant shall submit with his or her application three (3) sets of classifiable fingerprints on cards provided by the Board for processing through the ALEA and FBI. The applicant shall pay to the Board all processing fees established by the ALEA and FBI.
 - (c) If the applicant chooses to use the services of a company or agency that has contracted with the state to provide electronic fingerprinting service, then the applicant shall make the arrangements for the processing of his or her fingerprints with the company or agency directly and shall be responsible for payment of any fees associated with processing of fingerprints to the respective agency.
 - (d) In the event the State no longer contracts with any company or agency to provide an electronic fingerprinting service, then the applicant shall submit three (3) classifiable ALEA and FBI fingerprint cards with his or her application and shall pay the Board all processing fees established by the ALEA and FBI.
 - (e) Applicants shall in all cases be responsible for paying application fees as established by the Board regardless of the manner of fingerprinting the applicant chooses.
- (2) In the event an applicant furnishes unclassifiable fingerprints or fingerprints that are unclassifiable in nature to the Board, or the Alabama Law Enforcement Agency or Federal Bureau of Investigation (FBI), the Board may refuse to issue the requested license. For the purposes of this rule, "unclassifiable fingerprints" means that the electronic scan or the print of the person's fingerprints cannot be read, and therefore cannot be used to identify the person. Should an applicant's fingerprints be rejected by the ALEA or FBI, the applicant shall pay any fees assessed by the ALEA or FBI for resubmission.
 - (3) In the event that the fingerprint card submitted by an applicant is rejected or otherwise unable to be processed by the Alabama Law Enforcement Agency (ALEA) and/or the Federal Bureau of Investigation (FBI), the applicant shall submit a new fingerprint card together with any additional fee(s) charged by the ALEA and/or FBI for processing the new fingerprint card.

741-X-4-.11 Exemptions from Licensure

Nothing in these rules shall be construed as preventing or restricting the practice, services, or activities of the following:

- (1) An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is performing duties related to his or her employment.
- (2) An investigation of the internal affairs of a private business entity investigating a current or prospective employee.
- (3) An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is working under a contract for his or her services that his or her employer signed with a third party.

- (4) Any person or professional, including without limitation an attorney providing legal services, who is not primarily engaged in the business of private investigation, but who in conjunction with his or her business or profession may occasionally perform private investigation services.
- (5) Any business or entity that is not primarily engaged in the business of private investigation.
- (6) A consumer-reporting agency as defined by the Federal Fair Credit Reporting Act.
- (7) Any certified public accountant authorized to engage in the practice of public accountancy in this state or any entity licensed or otherwise permitted to engage in the practice of public accountancy in this state or the affiliated entities thereof.
- (8) (a) An attorney-at-law in good standing and licensed to practice law;
 (b) An employee (meeting the definition of employee by the IRS) of a single attorney or single law firm who is acting within the employee's scope of employment of the attorney or law firm; or
 (c) A consultant, accident reconstructionist, or forensic scientist when the person is retained by an attorney, insurance company representative, or appointed by a court to serve as an expert witness or to investigate, or to make tests, conduct experiments, draw conclusions, render opinions or make diagnoses, where those services require the use of training or experience in a technical, scientific, or social science field.
- (9) Any individual engaged in any of the following:
 - (a) Computer or digital forensic services.
 - (b) The acquisition, review, or analysis of digital or computer-based information for evidentiary or other purposes or to provide expert testimony before any court, Board, officer, or investigating committee.
 - (c) Network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network.

Author: The Alabama Private Investigation Board

Statutory Authority: Code of Alabama (1975) § 34-25B-1 through § 34-25B-29

Date: June 21, 2017

CHAPTER 741-X-5 Professional Standards of Practice

- (1) The licensee shall at all times recognize the primary obligation to protect the health, safety and welfare of the public in the performance of the licensee's professional duties.
- (2) The licensee shall perform services only in areas of his/her competence. The following acts or commissions, among others, may be deemed to be incompetence and be cause for denial, suspension or revocation of a private investigator's license:
 - (a) Malpractice – includes but is not limited to recklessness, or excessive errors or omissions in the licensee's professional practice.
 - (b) Disability – includes but is not limited to mental or physical disability or addiction to alcohol or drugs as to endanger health, safety and interest of the public by impairing skill and care in providing professional services.
- (3) In providing services, the licensee shall take into account all applicable laws and regulations. The licensee shall not knowingly provide services resulting in the violation of such laws and regulations.
- (4) The licensee shall be completely objective and truthful in all professional reports, statements, or testimony. He/she shall include all relevant and pertinent information in such reports, statements, or testimony.
- (5) The licensee, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his/her testimony.

- (6) Conflicts of Interest:
- (a) The licensee shall not accept compensation (financial or otherwise) from more than one party for services on or relating to the same investigation, set of circumstances, court case, or issues unless all interested parties consent in writing after full disclosure by the licensee.
 - (b) The licensee shall avoid all known conflicts of interest with his/her employer or client, and shall promptly inform his/her employer or client of any business association, interest, or circumstance which could influence his/her judgment or the quality of his/her services. When such a conflict is unavoidable, the licensee shall forthwith disclose the circumstances to his/her employer or client.
 - (c) The licensee shall take reasonable steps to ascertain the existence of potential conflicts of interests among his/her employers and/or clients. A conflict exists when a private investigator, because of some personal interest, finds it difficult to devote himself/herself with loyalty and singleness of purpose to the best interest of his/her client or employer.
 - (d) No licensee shall contact or cause to be contacted any individual under investigation for the purpose of revealing confidential information to that individual. Any such contact with a subject being investigated, whether intentional or unintentional, shall be made a part of the investigative file of such case.
- (7) Misconduct:
- (a) The licensee shall not knowingly associate with, or permit the use of his/her name or firm name in business venture by any persona or firm which he/she knows, or has reason to believe, is engaging in business or professional practice of a fraudulent or dishonest nature.
 - (b) The licensee shall not furnish any services in such a manner as to enable unlicensed persons to evade the licensure requirements of the Alabama Private Investigation Regulatory Act.
 - (c) The licensee shall not represent, identify, or suggest to anyone that they are associated with any law enforcement agency.
 - (d) The licensee shall not bill a client for services or expenses, which have not been provided or incurred. A complete and comprehensive itemized statement of services and expenses must be provided to the client upon request.
 - (e) Misrepresentation of qualifications and identity.
The licensee shall not falsify or permit misrepresentation of his or her academic or professional qualifications. He or she shall not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of associates, joint ventures, or his or her past accomplishments with the intent and purpose of enhancing his or her qualifications.
 - (f) A licensee may be deemed by the Board to be guilty of misconduct in his/her professional practice if:
 - (i) He/she is convicted in a court of competent jurisdiction of a felony; or misdemeanor, which the Board finds reflects unfavorably on the licensee's fitness for licensure;
 - (ii) His/her license or certificate of registration to practice private investigations in another jurisdiction is revoked, suspended or voluntarily surrendered as a result of disciplinary proceedings.
- (8) Confidential Client Information:
- (a) A licensee shall not disclose any confidential client information without the specific consent of the client.
 - (b) The rule shall not be construed to:
 - (i) Affect in any way the licensee's obligation to comply with a validly issued and enforceable subpoena or summons.
 - (ii) Prohibit review of a licensee's professional practice by the Alabama Private Investigation Board.
 - (iii) Prohibit a licensee from utilizing any such relevant information in the defense of a claim asserted against a licensee.

Author: The Alabama Private Investigation Board
Statutory Authority: Code of Alabama (1975) § 34-25B-1 through § 34-25B-29
Date: March 7, 2014

CHAPTER 741-X-6
Disciplinary Action

741-X-6-.01	Definitions
741-X-6-.02	Grounds for Denial of a License
741-X-6-.03	Grounds for Discipline of a License or Denial of Renewal or Reinstatement
741-X-6-.04	Investigation
741-X-6-.05	Board Action Following an Investigation
741-X-6-.06	Administrative Procedure Act
741-X-6-.07	Final Disposition of Contested Cases
741-X-6-.08	Informal Disposition of Contested Cases
741-X-6-.09	Decisions of the Board
741-X-6-.10	Application Following Denial of Licensure
741-X-6-.11	Reinstatement of a Revoked License

741-X-6-.01 Definitions

- (1) Reprimand: A formal censure by the Board.
- (2) Fine: A monetary penalty imposed by the Board.
- (3) Probation: The monitored service of private investigation, which permits the private investigator to continue to provide inspection services pursuant to specified conditions as set forth by the Board.
- (4) Suspension: The temporary withdrawal of the license by Board action.
- (5) Revocation: The withdrawal of the license by Board action.
- (6) Voluntary Surrender: The voluntary relinquishment of a license that has the force and effect of revocation.

741-X-6-.02 Grounds for Application Denial, Suspension, or Revocation.

The Board may suspend, revoke, or refuse to issue or renew any license issued by it upon finding that the holder or applicant has committed any of the following acts:

- (1) A violation of the Alabama Private Investigation Regulatory Act or any rule promulgated by the Board.
- (2) Fraud, deceit, or misrepresentation regarding an application or license.
- (3) Knowingly and willfully making a material misstatement in connection with an application for a license or renewal.
- (4) A conviction by a court of competent jurisdiction of a felony.
- (5) A conviction by a court of competent jurisdiction of a Class A misdemeanor, if the Board finds that the conviction reflects unfavorably on the fitness of the person for the license.
- (6) The commission of any act which would have been cause for refusal to issue the license or registration card had it existed and been known to the Board at the time of issuance.

741-X-6-.03 Grounds for Discipline of a License or Denial of Renewal or Reinstatement.

The Board may reprimand, fine, probate, suspend, revoke or otherwise discipline a private investigator upon proof that the person:

- (1) Is guilty of fraud or deceit in procuring or attempting to procure a license by:
 - (a) Filing false, forged or altered documents or credentials, including required continuing education documentation.
 - (b) Misrepresenting or falsifying facts in applying for original licensure, renewal, reactivation, or reinstatement of license.

- (c) Having another person appear for a licensing or certification examination.
- (2) Has been convicted of a felony offense.
- (3) Has been convicted of, or has entered a plea of no contest, nolo contendere, nolo contendere, or has entered a plea of guilt, regardless of court disposition (including adjudication withheld), to a charged criminal act involving moral turpitude or gross immorality that would tend to bring reproach upon the private investigator profession. Such criminal acts include, but are not limited to, offenses involving drugs, theft, lewdness, sexual misconduct, abuse, violence, fraud, or any other conduct deemed detrimental to the public's health, safety or welfare.

741-X-6-.04 Investigation

- (1) Upon self-disclosure or receipt of a written complaint alleging that a private investigator has violated a statute or rule by committing one or more of the actions specified as grounds for disciplinary action, an investigative committee shall be formed consisting of one Board Member, one Board Counsel, one Board Investigator, and the Executive Director.
- (2) The committee shall review the complaint and other information submitted to determine if further investigation is warranted.
 - (a) If an investigation is warranted, the investigator shall work under the direction of the Executive Director to conduct further investigation.
 - (b) At the conclusion of the investigation, the investigator shall submit an investigation report to be reviewed by the investigative committee who has the authority to act on the report as described in Chapter 741-X-6-.05.
 - (c) The investigative committee shall send written notification to the complainant and the private investigator, against whom the complaint was made, of any action it decides to take in response to the investigation report.
- (3) If the committee determines that an investigation is not warranted, the Executive Director may close the investigative file, provided that the matter may be reinvestigated at any time if circumstances so warrant. The Executive Director shall notify the complainant and the private investigator, against whom the complaint was made.

741-X-6-.05 Board Action Following an Investigation

The Board or its authorized designee shall have the power to act on the report of the investigation as follows:

- (1) Dismiss complaint.
- (2) Commence disciplinary proceedings.
- (3) Accept voluntary surrender of a license.

741-X-6-.06 Administrative Procedure Act

The Board hereby adopts by reference as its rules Sections 41-22-1 et seq., Alabama Administrative Procedures Act, Code of Alabama (1975), as amended, governing contested cases, appeals, and related proceedings.

741-X-6-.07 Final Disposition of Contested Cases

- (1) At least thirty days prior to the administrative hearing, a notice of hearing and a copy of the charges shall be served on the applicant or private investigator personally or by registered or certified mail to the last known address shown on records of the Board.
- (2) The Board's complaint may be amended prior to the hearing but no amendment shall be permitted which is not germane to the charge or charges or which materially alters the sufficiency of the complaint.
- (3) A motion for withdrawal of the complaint may be filed with the Board's designee. The circumstances surrounding the attempt to withdraw the complaint may be explained by the person who is attempting to withdraw the complaint and the explanation shall be considered. No complaint that is well founded will be dismissed solely upon the motion of the original complainant.

- (4) Pleadings relating to disciplinary proceedings pending before the Board shall be filed with the Board's designee. Pleadings shall be deemed filed upon actual receipt.
- (5) Requests for subpoenas shall be filed with the Board at least ten days prior to the hearing along with the appropriate subpoena-processing fee. Any expense for service by a sheriff, process server or other entity shall be the responsibility of the party requesting the subpoena. Any expenses incurred relative to subpoenas requested by a respondent, either for witnesses or related to production of documents are the responsibility of the party who requested the issuance of said subpoena.
- (6) The hearing shall be conducted by the Board or by a hearing officer appointed by the Board. All testimony shall be under oath and shall be transcribed by a court reporter scheduled by the Board. Telephonic or other real-time electronic testimony is admissible at the discretion of the hearing officer.
- (7) A continuance may be granted by the Board or its designee upon the filing of a written motion and affidavit detailing the reasons for the continuance. No motion for continuance shall be granted unless filed at least five days prior to the hearing. This provision may be waived upon showing of an emergency.

741-X-6-.08 Informal Disposition of Contested Cases

- (1) Complaints or controversies may be considered and resolved by the Board or Board designee through alternative dispute resolution, informal conferences, meetings, or other informal means. Such informal measures shall be held without prejudice to the right of the Board thereafter to institute formal proceedings based upon the same or related material if circumstances so warrant.
- (2) Informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing and as approved by the Board.

741-X-6-.09 Decisions of the Board

- (1) Based upon the evidence presented at the administrative hearing or pursuant to informal disposition the Board action may be one or more of the following:
 - (a) Dismiss the complaint.
 - (b) Reprimand the respondent.
 - (c) Probate the respondent's license.
 - (d) Suspend the respondent's license. A suspended license is subject to expiration during the suspension period.
 - (e) Revoke the respondent's license.
 - (f) Deny approval of the application.
 - (g) Deny renewal or reinstatement of a license.
 - (h) Impose other sanctions or restrictions.
- (2) The Board may levy a fine not to exceed \$1,000 per violation. Each day of a violation after notice may be considered as a separate violation.
- (3) The decisions of the Board shall be in writing in the form of an order, a copy of which shall be mailed or delivered to the respondent or the respondent's attorney.
- (4) The decisions of the Board shall be subject to public dissemination.
- (5) Appeals from decisions of the Board are to the Circuit Court in Montgomery County, Montgomery, Alabama and are to be perfected in accordance with the Administrative Procedure Act.

741-X-6-.10 Application Following Denial of Licensure

- (1) Application for a license following denial of licensure shall:
 - (a) Include evidence of rehabilitation, or elimination or resolution of the conditions for denial.
 - (b) Be made according to Chapter 741-X-6.
- (2) Board action on applications following denial of licensure may be resolved either informally or through the formal hearing process.

- (3) In considering a subsequent application for licensure, the Board may evaluate factors that include but are not limited to:
 - (a) The severity of the act(s) or omission(s), which resulted in the denial of license.
 - (b) The conduct of the applicant subsequent to the denial of license.
 - (c) The lapse of time since denial of license.
 - (d) Compliance with any conditions stipulated by the Board as prerequisite for a subsequent application.
 - (e) Rehabilitation attained by the applicant as evidenced by statements provided directly to the Board from qualified individuals who have professional knowledge of the applicant.
 - (f) Whether the applicant is in violation of any applicable statute or rule.

741-X-6-11 Reinstatement of a Revoked License

- (1) Application for reinstatement:
 - (a) May be made twelve months after the effective date of revocation unless otherwise specified in Order or Agreement.
 - (b) Shall be made according to forms and guidelines provided by the Board.
- (2) Applications for reinstatement of a revoked license may be resolved informally or through the formal hearing process.
- (3) In considering reinstatement of a revoked license, the Board may evaluate factors that include but are not limited to:
 - (a) Severity of the act(s) that resulted in revocation of the license.
 - (b) Conduct of the applicant subsequent to the revocation of license.
 - (c) Lapse of time since revocation.
 - (d) Compliance with all reinstatement requirements stipulated by the Board.
 - (e) Rehabilitation attained by the applicant as evidenced by statements provided directly to the Board from qualified individuals who have professional knowledge of the applicant.
 - (f) Whether the applicant is in violation of any applicable statute or rule.

Author: The Alabama Private Investigation Board

Statutory Authority: Code of Alabama (1975) § 34-25B-1 through § 34-25B-29

Date: March 7, 2014

**CHAPTER 741-X-7
Education**

- 741-X-7 Education**
- 741-X-7-01 Continuing Education**
- 741-X-7-02 Standards for Continuing Education**
- 741-X-7-03 Private Investigator Trainers**
- 741-X-7-04 Certified Training Program**
- 741-X-7-05 Reporting Requirements and Audit**

741-X-7-01 Continuing Education

- (1) Each licensee shall complete eight (8) hours of continuing professional education acceptable to the Board in each calendar year. A private investigator shall be individually accountable for continued competence to provide private investigation services and shall maintain documentation to support all continuing education necessary for renewal.
- (2) The Board may prescribe a continuing education program for reentry into practice.
- (3) Units of measure for continuing education shall be:
 - (a) 1 contact hour = 50 minutes
 - (b) 0.5 contact hour = 25 minutes
 - (c) 15 contact hours = 1 academic semester credit hour

- (d) 10 contact hours = 1 academic quarter credit hour
- (4) Hours required.
 - (a) Each licensed private investigator shall complete sixteen (16) contact hours of continuing education over the two-year licensure period. Of these required hours, two (2) hours in Ethics will be required over the two-year licensure period.
 - (b) Any course accepted for credit shall be at least 25 minutes in length.
- (5) Waiver or extension of continuing education.
 - (a) The Board may grant an extension of the deadline to complete the required hours of continuing education if it can be shown that compliance was beyond the control of the person seeking the waiver.
 - (b) Deadline extensions will be considered only on an individual basis and may be requested by submitting the following items to the Board office:
 - (i) A written request for a deadline extension and a written and signed explanation of the reason for the request; and
 - (ii) Any documentation, which supports the reason(s) for the deadline extension requested or which is subsequently requested by the Board.
 - (c) A deadline extension approved by the Board is effective only for the renewal period for which the waiver is sought.

741-X-7-.02 Standards for Continuing Education

- (1) The Board or another organization recognized by the Board may approve providers of continuing education.
- (2) The Alabama Private Investigators Association continuing education activities, which pertain to private investigation, shall be considered prior approved, providing they meet all other requirements for contact hours.
- (3) The continuing education program must be a formal program of learning which contributes directly to the professional competence of the licensee.
- (4) The following additional methods may be utilized for obtaining continuing education hours:
 - (a) By taking and passing (with a grade of C or better) a college or university course which comprises part of the professional requirements for a formal education in a criminal justice education program, or any course that shall enhance a private investigator's professional growth and development.
 - (b) Membership in professional organizations, holding office in, or participating on Boards or committees pertaining to Private Investigation may be counted up to two (2) hours for each renewal period.
 - ~~(c)~~ By completing a self-study course, such as a course offered on the internet, which has been approved by the Alabama Private Investigators Association or the Board for a specific number of continuing education hours.
 - (d) Preparation and presentation of a lecture approved for continuing education hours under these rules shall be eligible for two (2) contact hours for each contact hour of presentation for the first presentation. Subsequent presentations of the same lecture will not be awarded additional contact hours.
- (5) Private investigator related educational offerings as described in this Chapter will be acceptable for continuing education credit provided the courses meet minimum time requirements for contact hours as stated in 741-X-7-.01 (3) and provided these organizations and their affiliates maintain records documenting educational programs and rosters of licensed private investigators who attend their programs. Such documentation shall be retained for three (3) years and made available to the Board upon request. An acceptable Continuing Education Provider is defined as any individual, organization, institution, association, firm, or other entity that provides ongoing training services to the private investigator that directly relates to the practice of private investigation. Acceptable Continuing Education Providers are listed below:
 - (a) Associations – The Board will accept continuing education credits for instruction provided by legitimate private investigator associations. This shall include, but is

not limited to, state and national associations which are properly incorporated and in good standing with the appropriate incorporating body.

- (b) Company Training – Companies may develop continuing education courses to provide training solely for their own employees.
 - (c) Institutions – Institutions that provide training for profit.
 - (d) Distance Learning – Distance learning shall include, but is not limited to, online internet-based training and correspondence courses.
 - (e) Individuals and Firms – Individuals and firms that provide training for profit.
 - (f) State Board or Commission – Continuing Education approved by a Licensure Board or Commission for Private Investigators.
- (6) The Board specifically reserves the right to approve or disapprove credit for continuing education claimed under this Chapter.
- (7) Continuing education credit will not be allowed for the following:
- (a) Regular work activities.
 - (b) Independent unstructured or self-structured learning such as home study programs, except as authorized pursuant to Chapter 741-X-7-.02(4)(c).
 - (c) Training specifically related to policies and procedures of an agency.

741-X-7-.03 Private Investigator Trainers

- (1) Qualifications of Certified Trainers - Any person offering private investigation training must first be certified by the Board. In order to qualify as a Certified Trainer or instructor, or both, the trainer shall meet the following criteria:
- (a) Is at least 21 years of age.
 - (b) Has had at least three years' experience satisfactory to the Board with an investigative company or proprietary entity or with any federal, United States Military, state, county, or municipal law enforcement agency and relating to the block of instruction.
- (2) Assistant Trainers shall be under the supervision and control of the Certified Trainer by whom they were appointed. The Certified Trainer shall be held accountable for the performance of each Assistant Trainer.
- (3) Qualifications of Assistant Trainers - Assistant Trainers may work under the supervision of a Certified Trainer in the implementation of a training program. In order to qualify as an Assistant Trainer, the applicant shall meet the following criteria:
- (a) Is at least 19 years of age.
 - (b) Has had at least one year of experience with an investigative company or any United States Military, state, county, or municipal law enforcement agency.
- (4) An application for Certified or Assistant Trainer shall be filed with the Board in the prescribed form.
- (5) The Board shall be notified in writing within ten (10) days of any material change in information furnished in connection with an application for trainer certification.
- (6) Upon approval of a Certified Trainer or Assistant Trainer application, the applicant shall pay a fee for certification (see Appendices I – Fees). Certification shall expire two (2) years after the date of issuance and shall be renewable biennially for a renewal fee (see Appendices I – Fees).

741-X-7-.04 Certified Training Program.

- (1) Each certified trainer shall provide each student a syllabus/outline prior to their enrollment in a training program. This syllabus/outline shall include:
- (a) the number and type of course(s) to be taught in the training program;
 - (b) The amount of time to be devoted to each course;
 - (c) The title and author of each textbook to be utilized by the certified or assistant trainer(s) in their instruction. If students are required to purchase texts for a program or course, information as to where such text(s) may be purchased and the approximate price thereof should also be included;

- (d) The name of each Certified Trainer responsible for the administration of the training program and the name of each Certified or Assistant Trainer to be utilized in the implementation of the program;
- (e) All fees to be charged to enroll in and complete the training program;
- (f) The maximum number of students to be enrolled in the program at any one time.
- (2) Maintain a record of each student enrolled in the training program for a period of three (3) years after their completion thereof. Such records shall be made available to the Board upon reasonable request.
- (3) Provide classroom space to adequately accommodate students. Students should be seated at individual desks, tables or in a proper learning environment.
- (4) By applying for certification as a trainer, an applicant agrees to permit periodic monitoring of his/her training program by the Board for the purpose of evaluating the program content, instructor performance, or any other relevant aspect of the administration and conduct of such training program.
- (5) The Board may revoke or suspend the certification of a trainer or program if, after reasonable notice and opportunity for hearing, the Board finds that such trainer or program:
 - (a) has violated any provision of the Alabama Private Investigation Regulatory Act, this Chapter, or any other Chapter of the Rules and Regulations of the Board;
 - (b) has become certified through fraud or misrepresentation;
 - (c) has falsified any statement or record required to be submitted or kept hereunder;
 - (d) has been convicted by a court of competent jurisdiction of a felony or a misdemeanor, if the Board finds that such conviction reflects unfavorably on the trainer's fitness for certification;
 - (e) is demonstrably incompetent to conduct private investigator training;
 - (f) has made any material misrepresentation as to the information contained in the syllabus/outline provided to prospective students, or
 - (g) is guilty of misconduct or gross negligence in the operation of a training program.
- (6) If an individual wishes to terminate his/her status as a Certified Trainer, he/she shall notify the Board in writing. The notice shall include the effective date of the desired termination, and shall be accompanied by the certified trainer's original certificate.
- (7) Upon completion of each training program, the certified trainer shall submit to the Board a certified list of the names and addresses of those individuals successfully completing the program.
- (8) No certified trainer, or program shall represent that he/she or any aspect of his/her business or activity, has been recommended or endorsed by the Board.
- (9) Students of Private Investigation Training Programs may not participate in actual private investigation fieldwork. They may, however, participate in mock fieldwork exercises supervised by a certified or assistant trainer.
- (10) No Certified Trainer or Assistant Trainer may utilize students in their training program as apprentice investigators without prior approval of the Board.

741-X-7-.05 Reporting Requirements for Audit

- (1) A private investigator shall:
 - (a) Provide a signed statement of affirmation, under penalty, of the degree of compliance with continuing education requirements for license renewal including but not limited to compliance with:
 - (i) Earning the required number of contact hours of Board-approved or Board-recognized continuing education activities;
 - (ii) The designated earning period;
 - (iii) Content and acceptable activities, and
 - (iv) Any other requirements in these rules.
 - (b) Maintain individual continuing education records for three (3) years following the renewal date for which the contact hours were earned including but not limited to certificates, transcripts, or other documentation of attendance at continuing education activities to substantiate earned contact hours.

- (c) Submit documented evidence of meeting continuing education requirements within thirty (30) days of the date a written request is mailed first class to the address of record of the private investigator.
- (2) A private investigator who fails to comply with reporting requirements, requirements for audit, requests for documents, or submitting false, inaccurate, or incomplete evidence of meeting continuing education requirements shall be subject to disciplinary action by the Board.
- (3) A private investigator who fails to provide evidence meeting continuing education requirements for license renewal shall not have the license renewed.
- (4) Providers:
 - (a) A provider's compliance may be evaluated by participant evaluations, provider evaluation, random on-site visits, or an audit of the provider's reports and records by the Board or its designee.
 - (b) Audits of providers may be conducted upon written complaint by any individual for failure of a provider to meet criteria for approval. The provider shall submit requested documents within thirty (30) days of the date a written request is mailed. Failure to comply may result in sanctions by the Board.
 - (c) A self-evaluation report of compliance with standards shall be submitted to the Board according to Board guidelines as part of the application for continued approval.

Author: The Alabama Private Investigation Board
Statutory Authority: Code of Alabama (1975) § 34-25B-1 through § 34-25B-29
Date: June 21, 2017

**Appendices I
 Fee Schedule**

Application Fee	\$100
License Fee	\$300
Renewal Fee	\$300
Late Renewal Fee (Penalty)	\$200
Certified Trainer Fee	\$500
Assistant Trainer Fee	\$250
Mailing Label Fee	\$100
Law/Rule & Regulation Book (for non-licensees)	\$ 50

Author: The Alabama Private Investigation Board
Statutory Authority: Code of Alabama (1975) § 34-25B-1 through § 34-25B-29
Date: June 21, 2017

**Appendices II
 Forms List**

- Application
- Proof of Citizenship (POC)
- Verification of License from Another State
- Complaint Form
- CEU Reporting Form
- Renewal Application
- Request for Reinstatement Application
- Change of Information Form

Author: The Alabama Private Investigation Board
Statutory Authority: Code of Alabama (1975) § 34-25B-1 through § 34-25B-29
Date: March 7, 2014