

## **Board Meeting Minutes October 21, 2015**

The Alabama Private Investigation Board met on October 21, 2015, at the Board office in Montgomery for the purpose of conducting Board business. Those present were as follows: Charles Knight, Chair; Dollye Edmondson, Vice Chair; Charlie Hopkins, Member; Eddie Cox, Member; and Jim Casteel, Member. Those not present were Diandra Debrosse, Member; Tracy Crane, Member; and Albert Thompson, Member. Also present was Paula McCaleb, Executive Director; Frank Mitchell, Investigator; and Todd Hughes, Assistant Attorney General.

The meeting was called to order at approximately 10:04 a.m. with a quorum established in the following members: Charles Knight, Chair; Dollye Edmondson, Vice Chair; Charlie Hopkins, Member; Eddie Cox, Member; and Jim Casteel, Member.

The meeting was advertised on the Secretary of State's website located at [www.sos.alabama.gov](http://www.sos.alabama.gov) and the Board web site in accordance with the Alabama Open Meetings Act.

Charlie Hopkins made a motion to dispense with the reading of the Minutes and approve the Minutes from May 5, 2015, as presented. The motion was seconded by Jim Casteel. The Chair called for a vote from the Board. Voting "aye" were Charlie Hopkins, Jim Casteel, Eddie Cox, and Dollye Edmondson. Voting "nay" were none. The motion passed unanimously.

A motion was made by Jim Casteel for the Board to issue a Ruling stating that fire investigators are required to obtain a private investigator license in accordance with Section 34-25B-2 Definitions that states, "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:....(d) The cause or responsibility for fires, losses, accidents, damages, or injuries to persons or to property." The motion was seconded by Charlie Hopkins. The Chair called for a vote from the Board. Voting "aye" were Charlie Hopkins, Jim Casteel, Eddie Cox, and Dollye Edmondson. Voting "nay" were none. The motion passed unanimously.

A motion was made by Jim Casteel to adopt the proposed Request Form for Mailing Labels with a fee of \$100 to cover production costs, staff time, and mailing. The motion was seconded by Charlie Hopkins. The Chair called for a vote from the Board. Voting "aye" were Charlie Hopkins, Jim Casteel, Eddie Cox, and Dollye Edmondson. Voting "nay" were none. The motion passed unanimously.

A motion was made by Charlie Hopkins to amend the application by removing the requirement to send in the \$300 Licensure Fee and instead to amend the application instructions regarding when this fee would be due. The motion was seconded by Jim Casteel. The Chair called for a

vote from the Board. Voting “aye” were Charlie Hopkins, Jim Casteel, Eddie Cox, and Dollye Edmondson. Voting “nay” were none. The motion passed unanimously.

A motion was made by Jim Casteel to amend the Rules and Regulations as presented. The motion was seconded by Charlie Hopkins. The Chair called for a vote from the Board. Voting “aye” were Charlie Hopkins, Jim Casteel, Eddie Cox, and Dollye Edmondson. Voting “nay” were none. The motion passed unanimously. (See attachment for Rules and Regulations changed in their entirety.)

A motion was made by Eddie Cox to approve the 2016 Board Meeting Dates as follows: January 12<sup>th</sup>, April 12<sup>th</sup>, July 12<sup>th</sup>, and October 11<sup>th</sup>. The motion was seconded by Charlie Hopkins. The Chair called for a vote from the Board. Voting “aye” were Charlie Hopkins, Jim Casteel, Eddie Cox, and Dollye Edmondson. Voting “nay” were none. The motion passed unanimously.

A motion was made by Jim Casteel to approve the Limited License Agreement as proposed and offer it to the Tennessee, Georgia, and Florida Licensure Boards. The motion was seconded by Eddie Cox. The Chair called for a vote from the Board. Voting “aye” were Charlie Hopkins, Jim Casteel, Eddie Cox, and Dollye Edmondson. Voting “nay” were none. The motion passed unanimously.

The Chairman assigned a Legislative Committee to be Chaired by Dollye Edmonson with the following Members to serve as Committee Members: Charlie Hopkins and Jim Casteel.

The Chair announced that the next Board meeting would be held on January 12, 2016.

There being no further Board business, Charlie Hopkins made a motion to adjourn the meeting. The motion was seconded by Dollye Edmondson. The Chair called for a vote from the Board. Voting “aye” were Charlie Hopkins, Jim Casteel, Eddie Cox, and Dollye Edmondson. Voting “nay” were none. The motion passed unanimously. The meeting adjourned at 11:05 a.m.

Respectfully Submitted,

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Charles Knight, Chair

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Dollye Edmondson, Vice Chair

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Paula McCaleb, Executive Director

**CHAPTER 741-X-4**  
**Licensure**

<b>741-X-4.01</b>	<b>Qualifications of Applicants for Licensure</b>
<b>741-X-4.02</b>	<b>Licensure by Work Experience</b>
<b>741-X-4.03</b>	<b>Licensure by Examination</b>
<b>741-X-4.04</b>	<b>Renewal of License</b>
<b>741-X-4.05</b>	<b>Reinstatement of a Lapsed License</b>
<b>741-X-4.06</b>	<b>Change of Name or Address</b>
<b>741-X-4.07</b>	<b>Lost License</b>
<b>741-X-4.08</b>	<b>Verification of Alabama License</b>
<b>741-X-4.09</b>	<b>Fees</b>
<b>741-X-4.10</b>	<b>Fingerprinting</b>
<b>741-X-4.11</b>	<b>Exemptions from Licensure</b>

**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;

OR

- (a) Be an investigator holding a current business license in the state of Alabama on the effective date of the adoption of the rules and regulations of the Board. The opportunity to apply for a private investigator license issued under this rule shall expire 365 days after the implementation of the rules and regulations of the Board. Holders of these licenses shall be eligible to renew their licenses, as are any other licensed private investigators.
- (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, ~~with renewal by April 30th, biennially thereafter.~~
- ~~(4) Any licenses issued during implementation shall be dated May 1, 2014, the initial date of the licensure period, and shall be subject to renewal by April 30, 2016, and biennially thereafter. Licenses issued after the initial date of the licensure period shall be dated to begin at the date the license is issued, but set to expire at the next established renewal date. Licenses will not be prorated. 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-4.02 Licensure by Work Experience**

Private Investigators holding a current business license in the state of Alabama on the effective date of the adoption of the rules and regulations of the Board may apply under the work experience option. The opportunity to apply for a private investigator license issued under this rule shall expire 365 days after the implementation of the rules and regulations of the Board.

The applicant for licensure by Work Experience shall submit:

- (1) A completed application.
- (2) Required fees.
- (3) Copy of a current business license in the state of Alabama.

Private Investigators who are issued licenses during implementation, based on a current state of Alabama business license during implementation, shall be eligible to renew their licenses as are any other licensed private investigators.

**741-X-4-.03 Licensure by Examination**

- (1) The applicant for licensure by Examination shall pass an Examination 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 prior to scheduling examination(s).

**741-X-4-.04 Renewal of License**

- (1) Licensure periods:
  - ~~(a) The private investigator license shall normally be valid for two years, expiring April 30, of even numbered years; or~~
  - ~~(b) The initial licensure period may be abbreviated in order to have the expiration at the established renewal date.~~
- ~~(2) The continuing education earning period is normally 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. In the cases of an abbreviated license period of one year or less, the applicant for renewal shall validate continuing education prorated to the equivalent of eight (8) contact hours for the abbreviated licensure period.~~
- (3) The renewal of license shall be accomplished prior to expiration of the current license.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) The applicant is responsible to supply current mailing address records to the Board.
- (8) 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 Bureau of Investigation (ABI) 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 ABI and FBI and to forward a classifiable hard copy of the applicant's fingerprints to the Board on standard ABI/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 ABI and FBI. The applicant shall pay to the Board all processing fees established by the ABI 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 ABI and FBI fingerprint cards with his or her application and shall pay the Board all processing fees established by the ABI 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 Bureau of Investigation (ABI) 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 ABI or FBI, the applicant shall pay any fees assessed by the ABI 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 Bureau of Investigation (ABI) 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 ABI 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 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: March 7, 2014**

## **CHAPTER 741-X-7 Education**

<b>741-X-7</b>	<b>Education</b>
<b>741-X-7-.01</b>	<b>Continuing Education</b>
<b>741-X-7-.02</b>	<b>Standards for Continuing Education</b>
<b>741-X-7-.03</b>	<b>Private Investigator Trainers</b>
<b>741-X-7-.04</b>	<b>Certified Training Program</b>
<b>741-X-7-.05</b>	<b>Reporting Requirements and Audit</b>

### **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) Initial licensure periods, which have been prorated to have the renewal date fall on the established renewal date, will be prorated for eight (8) contact hours of continuing education if the licensure period is one year or less. Of these required hours, one (1) hour of Ethics will be required.~~
  - (c) 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:
    - (a) 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. No more than eight (8) contact hours of continuing education units of self-study may be applied for renewal of a license.
  - (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: March 7, 2014**