

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Security Regulatory Board
Rule No.: 832-X-1-.04
Rule Title: Applications; licensure and certification
_____ New X Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety, or welfare? Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be
accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-
22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the
requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all
applicable filing requirements of the Administrative Procedure Division of the Legislative
Reference Service.

Signature of certifying officer _____

Date: December 6, 2012

(DATE FILED)
(STAMP)

Alabama Security Regulatory Board

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Security Regulatory Board

RULE NO. & TITLE: 832-X-1-.04 Applications; licensure and certification.

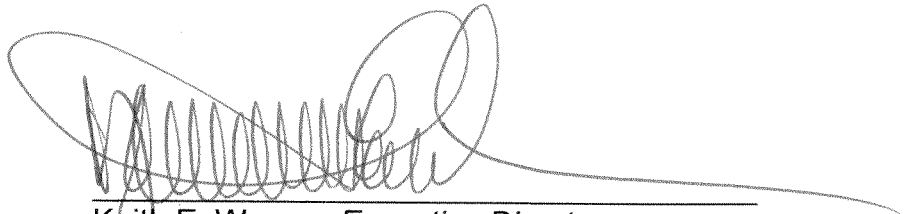
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposed to repeal the unreasonable late fees and propose reasonable late fees under a new rule.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:30 p.m. on Monday, February 4, 2013. Comments should be directed to Keith E. Warren, Executive Director at 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at keith@warrenandco.com or via telephone at 334-420-7232.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Monday, February 4, 2013.

CONTACT PERSON AT AGENCY: Keith E. Warren
Executive Director
2777 Zelda Road
Montgomery, AL 36106
(334) 420-7232

A handwritten signature in black ink, appearing to read 'Keith E. Warren', with a long horizontal flourish extending to the right.

Keith E. Warren, *Executive Director*
Alabama Security Regulatory Board

832-X-1-.04 Applications; licensure and certification.

- (1) General licensure or certification.
 - (a) Any person or entity covered by the Act shall apply to, receive from, and maintain a license or appropriate certification from the Board.
 - (b) Unless otherwise provided for, an applicant for a license or certification shall cease to provide regulated services in the State immediately upon receipt of notice that licensure or certification has been denied by the Board.
 - (c) No personal license or certification shall be issued prior to the Board receiving the applicant's criminal background information.
- (2) Any business or person who voluntarily submits to regulation by the Board shall comply with the same requirements as a business or person mandated to be regulated by the Board.
 - (a) A business or person who voluntarily submits to regulation by the Board shall notify the Board of their intent by submitting the appropriate application to the Board accompanied by a separate document declaring an irrevocable intent to be regulated by the Board.
- (3) Temporary license or certification.
 - (a) Applicants for a license or certification with the Board shall retain a certified copy of the completed application as submitted to the Board as a temporary license or certification until a license or certification is issued or denied by the Board.
1. An applicant for a Company License shall post and display a temporary license at all times in all business offices of the applicant within the State until a license is issued or denied by the Board.
2. An applicant for personal license or certification shall carry their temporary license or certification on their person at all times they are performing any regulated service or activity in the State until a license or certification is issued or denied by the Board.

(b) A complete and notarized original 'ALABAMA SECURITY REGULATORY BOARD, TEMPORARY PERSONAL LICENSE' cut-/tear-off form located at the bottom of the last page of the 'Personal License Application' is a temporary license for the purposes of this section.

(4) Applications for a Contract Security Company license.

(a) Any Contract Security Company not providing regulated services or activities in the State of Alabama on the date that the Board begins accepting applications shall apply to the Board prior to providing regulated services or activities in the State.

(b) Any Contract Security Company providing regulated services or activities in the State of Alabama on the date that the Board begins accepting applications shall apply to the Board on or before the 30th calendar day after the Board begins accepting applications.

(c) Any application for a Contract Security Company license received at the offices of the Board after the applicable date specified in (a) or (b) of this sub-section shall be assessed to a non-refundable late fee ~~of \$500.00~~.

1. The late fee must be paid in full before the Board can issue a Contract Security Company license.

(5) Applications for a personal license.

(a) An individual's personal license application must be received at the offices of the Board on or before the 30th calendar day the applicant performs any regulated service or activity in any calendar year.

(b) Any application for a personal license received at the offices of the Board after the 30th calendar day the applicant performs any regulated service or activity in any calendar year shall be assessed a non-refundable late fee ~~of \$100.00~~.

1. The late fee must be paid in full before the Board can issue a personal license or certification.

(6) Applications for Certification as a Qualifying Agent or Certified Trainer.

(a) Applications for certification as a Qualifying Agent or Certified Trainer must be received at the offices of the Board prior to the applicant performing any regulated service or activity.

(b) Any application for a certification received at the offices of the Board after the applicant performs any regulated service or activity shall be assessed a non-refundable late fee of ~~\$100.00~~.

1. The late fee must be paid in full before the Board can issue a personal certification.

(7) Denial, suspension, or revocation of a license or certification; appeals.

(a) Denial

1. Issue or renewal of a license or certification may be denied by the administrative staff of the Board following rules adopted by the Board.

2. Issue or renewal of a license or certification may be denied by the Board by a majority vote of the Board.

(b) Suspension

1. A license or certification may be suspended by the Board by a majority vote of the Board.

2. A vote by the Board to suspend a license or certification pending a revocation hearing shall be considered an emergency suspension as a danger to public safety under §41-22-19(d) and shall be effective immediately upon notice from the Board.

3. A license or certification may be suspended by the administrative staff of the Board for failure to pay any fine assessed by the Board within 15 calendar days of final notice of the assessment.

(c) Revocation.

1. A license or certification may be revoked by the Board by a majority vote of the Board.

(d) Appeals.

1. An appeal of a denial, suspension or revocation of a license or certification by the Board shall be considered a contested case as defined by, and for the purposes of, the Alabama Administrative Procedures Act.

(8) Grounds for denial of a license or certification.

(a) The following shall be grounds for denial of a license or certification.

1. Failure to meet any requirement established by law or by rule adopted by the Board.
2. Engaging in fraud, misrepresentation, deception, or concealment of a material fact in applying for, receiving, or maintaining a license or certification with the Board.
3. Having a disqualifying conviction as defined by the Board.
4. Failure to pay all fees required by the Board.
5. Making any payment to the Board that is dishonored.
6. Having a comparable license or certification denied, revoked, suspended in any other jurisdiction.
7. Having a formal disciplinary action pending in any jurisdiction before any regulatory authority that is comparable in purpose to the Board.
8. Any other reason as determined by the Board that a Contract Security Company or person is unsuitable for licensure or certification by the Board.
9. Any other reason authorized by law.

(9) Grounds for denial of a license or certification renewal.

(a) The following shall be grounds for denial of a license or certification renewal.

1. Any grounds for denial of a license or certification.

2. Failure to comply with any refresher training requirements.
3. Having a disciplinary action pending before the Board.
4. Having a suspended or revoked license or certification.

(10) Grounds for suspension of a license or certification.

(a) The following shall be grounds for suspension of a license or certification.

1. Grounds as specified in §34-27C-5(a).
2. Failure to pay any fine assessed by the Board within 15 calendar days of final notice of the assessment.
3. Engaging in fraud, misrepresentation, deception, or concealment of a material fact when submitting any information, verification, certification, data, record or material required by the Board.
4. Having a similar license or certification suspended or revoked in any other jurisdiction.
5. When there is probable cause to believe that a licensed Contract Security Company or a person with a current license or certification from the Board has violated the Act or any rule adopted by the Board pending a revocation hearing.

(11) Grounds for revocation of a license or certification.

(a) The following shall be grounds for revocation of a license or certification.

1. Grounds as specified in §34-27C-5(a).
2. Being convicted of any disqualifying conviction after receiving a license or certification from the Board.
3. Having a similar license or certification revoked in any other jurisdiction.
4. When it is determined by the Board, pursuant to the provisions of the Alabama Administrative Procedures Act, that a licensed Contract Security Company or a person with

a current license or certification from the Board has violated the Act or any rule adopted by the Board.

Author: Alabama Security Regulatory Board

Statutory Authority: Code of Ala. 1975, §34-27C-3(a)(1)

History: Adopted August 19, 2010; Amended September 16, 2010