

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Private Investigation Board

Rule No.: 741-X-7

Rule Title: **Education**

X New _____ 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 Brandy L. Isenhour
Brandy L. Isenhour, Operations Manager

Date: November 18, 2013

(DATE FILED)
(STAMP)

Alabama Private Investigation Board

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Private Investigation Board

RULE NO. & TITLE:

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

INTENDED ACTION:

To establish Rules & Regulations

SUBSTANCE OF PROPOSED ACTION:

The Alabama Private Investigation Board proposes to establish an Administrative Code or Rules and regulations under which to operate. Specifically, these are to establish initial Rules and Regulations.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

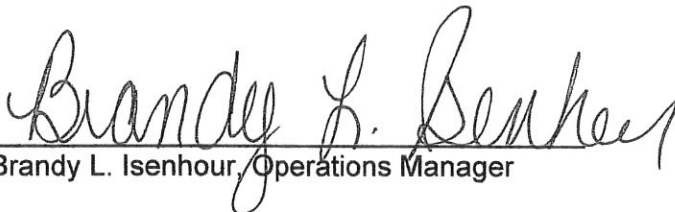
Written comments, views, or arguments will be received by the Alabama Private Investigation Board thru 9:00 am. on December 31, 2013. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 241206, Montgomery, AL 36124, or via fax at 334-274-0684.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

December 31, 2013

CONTACT PERSON AT AGENCY:

Paula McCaleb, Executive Director
334.215.0693



Brandy L. Isenhour, Operations Manager

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) 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:
 - (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. 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: Sections Code of Alabama, 1975, S 34-25B-1, et.seq.

Date: January 7, 2014