

# ARKANSAS REGISTER

## Transmittal Sheet

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For Office  
Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas State Police

Department Regulatory and Building Operations

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Statutory Authority for Promulgating Rules Act 393

Rule Title: Department of Arkansas State Police Rules for Licensing and Regulation of Private Investigators, Private Security Agencies, Alarm Systems Companies, Polygraph Examiners, and Voice Stress Analysis Examiners.

Intended Effective Date  
(Check One)

Date

<input type="checkbox"/> Emergency (ACA 25-15-204)	Legal Notice Published .....	<u>Jun 13, 2015</u>
<input type="checkbox"/> 30 Days After Filing (ACA 25-15-204)	Final Date for Public Comment .....	<u>Jul 13, 2015</u>
<input checked="" type="checkbox"/> Other <u>September 1, 2015</u> <small>(Must be more than 30 days after filing date.)</small>	Reviewed by Legislatice Council .....	<u>Aug 19, 2015</u>
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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

<u>Sgt. Michael Moyer</u>	<u>michael.moyer@asp.arkansas.gov</u>	<u>Aug 21, 2015</u>
Contact Person	E-mail Address	Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

DEPARTMENT OF ARKANSAS STATE POLICE  
RULES FOR LICENSING AND REGULATION OF PRIVATE INVESTIGATORS,  
PRIVATE SECURITY AGENCIES, ALARM SYSTEMS COMPANIES, POLYGRAPH  
EXAMINERS, AND VOICE STRESS ANALYSIS EXAMINERS

**SECTION 1. TITLE/AUTHORITY/DEFINITIONS**

**Rule 1.0. Title** - These Rules shall be known as the Rules for Licensing and Regulation of Private Investigators, Private Security Agencies, Alarm Systems Companies, Polygraph Examiners, and Voice Stress Analysis Examiners (“Rules”).

**Rule 1.1. Authority; Purpose** - These Rules are issued by the Director’s authority under A.C.A. §§ 17-39-101, et seq., §§ 17-40-101, et seq., and §§ 12-8-104, et seq., and the Arkansas Administrative Procedure Act at A.C.A. §§ 25-15- 201, et seq. The purpose of these Rules is to establish the process and procedures for the licensing and regulation of Private Investigators, Private Security Agencies, Alarm Systems Companies, Polygraph Examiners, and Voice Stress Analysis Examiners.

**Rule 1.2. Effective Date of these Rules** - These Rules shall be effective on and after Tuesday, September 1, 2015.

**Rule 1.3. Definitions** -

- (1) ABAT - Advanced Burglar Alarm Technician.
- (2) Administrator - the designee of the Director of the Department of Arkansas State Police pursuant to A.C.A. § 17-39-110.
- (3) AFPC - Arkansas Fire Prevention Code.
- (4) Applicant - any person who has submitted a properly completed application to be licensed, credentialed, or commissioned under this chapter to the Department.
- (5) Commission holder – person who is a Commissioned Security Officer (CSO) or Commissioned School Security Officer (CSSO).
- (6) Credential holder – person who is a Credentialed Private Investigator (CPI), Manager, Private Security Officer (PSO), Alarm Systems Technician, Alarm Systems Monitor, Alarm Systems Apprentice, Alarm Systems Agent, Assistant Training Administrator (ATA), Training Administrator (TA), Training Instructor (TI), or Branch Office Manager.
- (7) Director – of the Arkansas State Police or his or her designee.
- (8) Department – the Department of Arkansas State Police.
- (9) ESA - Electronic Security Association (formerly National Burglar and Fire Alarm Association (NBFAA)/National Training School (NTS)).
- (10) FAIM – Fire Alarm Installation Methods.
- (11) Hearing Officer - the appointed presiding officer over cases of adjudication pursuant to the Arkansas Administrative Procedure Act.
- (12) Institution of Instruction (IOI) – a teaching entity that has been approved by the department to instruct licensees, credential holders, and commission holders.
- (13) Licensee - person who has been issued a Class A, Class B, Class C, Class D,

- Class E-M, Class E Restricted, Class E-S, Class E Unrestricted, Class G, Polygraph Examiners License, or Voice Stress Analysis Examiners License.
- (14) NESAs - National Electronic Security Alliance.
- (15) NICET - National Institute for Certification in Engineering Technologies.

**Rule 1.4. Authority to issue** - The Director may issue a license, credential, or commission pursuant to these Rules and applicable law, including A.C.A. §§ 17-39-101, et seq. and §§ 17-40-101, et seq.

## SECTION 2. APPLICATION

**Rule 2.0. Penalty for false response or document** - Submitting false answers or false documentation with an application or in other communications with the Department shall subject the applicant to the following:

- (a) Criminal penalty – Class A misdemeanor pursuant to A.C.A. § 5-53-103; and/or
- (b) Non-criminal penalty – Denial, suspension, revocation, or the imposition of fines and restrictions.

**Rule 2.1. Application design** – The application shall be of such size and design so as to include necessary and relevant information required by current Arkansas laws. The Director has the authority to design and revise the initial, renewal, transfer, or replacement application forms as he or she deems necessary.

**Rule 2.2. Application form** - The application form for a license, credential, or commission shall be issued by the Director and shall include:

- (a) The name, address, place and date of birth, and sex of the applicant;
- (b) The driver's license number and social security number of the applicant;
- (c) Any previous address of the applicant for the two (2) years preceding the date of the application;
- (d) A statement as to which license(s), credential(s), or commission(s) the applicant is seeking; and
- (d) Questions related to the applicant's qualifications specified in A.C.A. § 17-39-202, § 17-39-206, § 17-39-304, § 17-40-306, § 17-40-337, or Rule 9.0, Rule 9.1, or Rule 10.4(c) below.

**Rule 2.3. Complete Application** – An application will not be considered by the Department unless it is complete. The documentation received from an applicant shall be deemed complete when it contains all the requirements under Arkansas law and these Rules, as follows:

- (a) The completed application form;
- (b) Non-refundable application fee in the amount prescribed by A.C.A. § 17-39-207, § 17-39-305, or §17-40-302;
- (c) The applicable fees for state and national background checks, as prescribed by law;
- (d) A properly completed, legible, signed waiver authorizing the Department access to the applicant's medical and criminal records;
- (e) Two (2) classifiable sets of fingerprints;
- (f) Two (2) recent passport-style photographs of the applicant;

- (g) Confirmation of the applicant's successful completion of the examination required by the type of license, credential, or commission for which he or she is applying;
- (h) Proof of certification, training, or education required by the type of license, credential, or commission for which he or she is applying;
- (i) Proof of the security bond or insurance policy necessary for the particular license, credential, or commission for which he or she is applying or a sworn statement that the applicant is not required to post a bond or hold an insurance policy pursuant to Arkansas law and these Rules;
- (j) Executed consent form required by A.C.A. § 17-39-204 or a sworn statement that the applicant is not required to execute the consent pursuant to Arkansas law and these Rules; and
- (k) Any other information the Director may require from the applicant to determine the applicant's qualifications to hold a license, credential, or commission.

**Rule 2.4. Transfer license or credential** – An applicant who meets the qualifications set forth in A.C.A. § 17-39-205 or § 17-40-353 may obtain an Arkansas license or credential by submission of the required forms, non-refundable application fee, and national and state background check fees. The transfer applicant must also have his or her background check successfully completed through state and federal background check systems.

**Rule 2.5. Fingerprinting for initial application** - In the event a legible and classifiable set of fingerprints cannot be obtained, as determined by the Department or the Federal Bureau of Investigation, the applicant shall be contacted and shall be required to be fingerprinted again. After two (2) unsuccessful fingerprint card submissions, a name search through the FBI will be conducted. Electronic capture of the fingerprints of the applicant on a device and in a manner approved by the Director is allowed. The Director shall determine the applicant's eligibility for licensing only after successful completion of the FBI fingerprint-based check.

**Rule 2.6. Issuance** – A license, credential, or commission shall be issued by the Director if, after submission of a complete application:

- (a) The applicant satisfies the qualification requirements for the license, credential, or commission for which he or she is applying; and
- (b) The applicant has had his or her background check successfully completed through state and federal background check systems.

**Rule 2.7. Unresolved arrests** - If a check of the applicant's criminal records uncovers any unresolved arrest that may lead to the disqualification of the applicant, the applicant shall obtain a disposition of the open charge and return the disposition to the Department within sixty (60) days. The application will not be processed to completion without the Department having received the disposition information.

**Rule 2.8. Prior offenses** – the Director of the Department shall deny an application if the applicant has been found guilty or has pleaded guilty or “nolo contendere” to any criminal offense listed in A.C.A. § 17-39-202, § 17-39-206, § 17-39-304, § 17-40-306, or § 17-40-337.

- (a) A prior conviction will disqualify the applicant even if the conviction has been sealed or expunged; but

(b) A prior conviction will not disqualify an applicant if the applicant has received a pardon for the conviction in accordance with A.C.A. § 16-93-201, et seq.

(i) To qualify for a commission, the pardon must include a provision for full restoration of firearms rights.

**Rule 2.9. Incomplete application** - Applicants must tender all documents and information necessary for a complete application upon submission. Application deficiencies must be corrected within thirty (30) days. Dispositions must be received within sixty (60) days of request for same or the application shall be voided. Applications not complete after 120 days of submission shall be voided.

**Rule 2.10. Denial** - If the Director denies an application, he or she shall notify the applicant in writing, stating the grounds for denial. The letter shall be sent certified mail, return receipt requested.

**Rule 2.11. New Employees** - If a licensee hires an individual required to be credentialed or commissioned by the Department, the licensee must file an application to obtain credentials or a commission for the employee within 14 days of the hire. The employee may then continue to work for the licensee without a credential card until the application has been processed by the Department. A commissioned applicant cannot work in an armed capacity until the application has been fully processed and the ID card issued.

**Rule 2.12. Upgrades** – A licensee, credential holder, or commission holder may upgrade the status of his or her license, credential, or commission during the active period of his or her license. In order to receive an upgrade, the company or individual must:

- (a) Complete any additional training required by the new license, credential, or commission;
- (b) Successfully complete the examination required by the new license, credential, or commission;
- (c) Undergo and successfully complete new federal and state background checks;
- (d) Pay any fees associated with the federal and state background checks; and
- (e) Pay the difference between the application fee for the initial license, credential, or commission and the application fee for the new license, credential, or commission.

The upgraded license, credential, or credential will expire on the date the initial license, credential, or commission is due to expire.

**Rule 2.13. Fees** – All fees for original licensure, registration, transfer, renewal, and delinquencies shall be charged as outlined in A.C.A. § 17-39-207, § 17-39-210, § 17-39-305, and §17-40-302.

### **SECTION 3. RENEWAL**

**Rule 3.0. Process for renewal of license** – A licensee, credential holder, or commission holder may renew his or her license, credential, or commission no more than ninety (90) days prior to its expiration date by submitting to the Department the following items:

- (a) A completed renewal form provided by the Department;
- (b) A renewal fee in the amount prescribed by law;
- (c) Proof of successful completion of any required continuing education or training within the time period prescribed by law; and
- (d) Two (2) passport-style photographs taken within one (1) year of submitting a new application or of the most recent renewal.

The license shall be renewed upon timely receipt of the items listed herein, subject to a background investigation conducted pursuant to law that does not reveal any disqualifying offense or unresolved arrest that would disqualify a licensee under state or federal law.

**Rule 3.1. Expired card** - Upon renewal of a credential card, the expired card must be returned to the licensee who shall make it a part of the employee's file.

**Rule 3.2. Renewal license denial** - the Director of Arkansas State Police may deny the renewal of a license on the same bases for denial of an initial application for license. If the Director denies the renewal application, he or she shall notify the applicant in writing, stating the grounds for denial. The letter shall be sent certified mail, return receipt requested.

**Rule 3.3. Late Fee** - Delinquency fees shall be imposed in accordance with A.C.A. § 17-39-207, § 17-39-305, and § 17-40-302 if the renewal application is not received by the Department on or before the date on which it would otherwise expire. A renewal application may be submitted to the Department at any time within ninety (90) days prior to the expiration of the license, but under no circumstances will an application be accepted before the ninety (90) days prior to expiration.

**Rule 3.4. Previously issued license, credential, or commission** - Any application for renewal of a previously issued license, credential, or commission that is submitted after the effective date of these Rules shall be evaluated in accordance with the provisions contained herein and current laws and regulations.

#### **SECTION 4. OTHER CHANGES TO LICENSE, CREDENTIAL, OR COMMISSION**

**Rule 4.0. Voluntary Termination** - When a company or individual licensed under these Rules ceases to conduct business in this state, it must return all certificates of licensure and all credential cards issued to its employees to the Department, accompanied by a notarized writing stating it is no longer actively in business and the date it ceased any activity encompassed by these Rules.

**Rule 4.1. Lost or destroyed license or credential card** – A licensee or any credentialed employee of a licensee shall report a lost or stolen license or credential card to the Administrator and the licensee within five (5) days of any such loss or theft. The report shall be in writing, by notarized statement, and a Department form shall be provided for that purpose. If a person complies with this provision, he or she may obtain a replacement license or credential card with up-to-date information upon the payment to the Department of a fee as established by law.

**Rule 4.2. Change of name** - Within fourteen (14) days after the changing of a legal name, the licensee, credential holder, or commission holder shall notify the Director in writing of the change and provide court documentation that officially created the change. A Department form shall be provided for that purpose. If the person would like a new license or credential card printed with updated information, he or she may destroy the old document and apply for a replacement with payment of a fee.

**Rule 4.3. Voluntary surrender** - If a licensee, credential holder, or commission holder voluntarily surrenders his or her license, credential, or commission to the Department in the absence of suspension or revocation proceedings, the Department will accept and cancel it.

## **SECTION 5. GENERAL RULES OF OPERATION & COMPLIANCE**

**Rule 5.0. Manager** - All licensees, except for those licensed under A.C.A. §§ 17-39-101, et seq., shall register a manager. The manager must be in a supervisory position with the company on a daily basis.

(a) An individual who was previously authorized as a manager before the effective date of these Rules may continue serving in the capacity of manager provided he or she submits a notarized statement attesting to his or her familiarity with Act 393 of 2015 and these Rules.

**Rule 5.1. Employee files** - Each licensee shall maintain a record of its licensed, credentialed, and/or commissioned employees. This record shall be kept at the address of the licensee. The records shall contain the following information:

- (a) A complete application for employment of the type that is submitted to the Department;
- (b) One (1) classifiable set of finger prints;
- (c) One (1) passport-style photograph taken within one (1) year of submitting a new application or of the most recent renewal; and
- (d) Records of all certifications provided to the Department for registration.

These records must be maintained by the licensee for a period of one (1) year after the date the employee was terminated.

**Rule 5.2. Personnel transactions** - Each licensee shall furnish the Department a list of personnel transactions on a weekly basis. The list shall include all new employees to be qualified under these Rules and their date of hire and all terminated employees qualified under these Rules and the date of and reason for their termination. If there are no personnel transactions in any given week, the licensee is not required to send a list to the Department.

**Rule 5.3. Termination of manager** - If the manager of any licensee ceases to be the manager for any reason, the licensee shall name a person responsible for the conduct of the company and notify the Department of the changes in writing within fourteen (14) days from the date of cessation of employment. The license shall remain in effect for thirty (30) days from the date the Department receives the notification, during which time the business of the licensee may

continue pending the qualification of another manager. The Department will notify the licensee in writing by certified mail of the date on which the thirty (30) day period expires.

**Rule 5.4. Termination of licensed or credentialed individual** - When an individual whose license or credential was the basis for qualification of a business regulated by these Rules ceases to be connected with the business, the business must notify the Department of the change in writing within fourteen (14) days of cessation. The business may be carried on for thirty (30) days from the date of cessation, during which time the business may associate a new, licensed or credentialed individual for qualification or take the necessary action to wind up the affairs of the business.

**Rule 5.5. Identification** - All licensed, credentialed, or commissioned individuals shall wear their pocket identification or credential card in plain sight while performing any function described in A.C.A. § 17-40-102 and produce said card upon request in such a manner that enables the requestor to identify the licensee, credential holder, or commission holder.

Exception: This Rule does not apply to individuals possessing a Class A or Class D license or a Credentialed Private Investigator, however, he or she must produce his or her credential card or license upon request in such a manner that enables the requestor to identify the licensee or credential holder.

Any card holder who fails to comply with this provision shall be brought to the Department to answer why their registration should not be revoked.

**Rule 5.6. Resemblance to law enforcement** - A badge, uniform, or insignia used by a licensee or its employees cannot resemble those worn by police agencies in the State of Arkansas.

**Rule 5.7. Vehicle usage** - Vehicles used by licensees or their employees are not authorized emergency vehicles. The vehicle may not display flashing or rotating lights on any public road, street, highway, or property, and the drivers must obey all traffic and other laws in responding to an alarm or in the performance of any function listed in A.C.A. § 17-40-102.

**Rule 5.8. Contract display** - All contracts, bid sheets, invoices, and/or bills given to a customer or client and/or any advertisements authorized by a licensee shall contain the company name and license number. All contracts, bid sheets, invoices, and/or bills given to a customer or client shall contain, in a conspicuous place, the following statement:

Regulated by:

Department of Arkansas State Police  
1 State Police Plaza Drive  
Little Rock, Arkansas 72209  
501-618-8600

**Rule 5.9. Company name** - No officer, employee, partner, or other person employed by a licensee may use any company name other than the name approved by and registered with the Department.

**Rule 5.10. Audits** - The Manager is responsible for ensuring that copies of all training documents, including graded applicants' exams, are maintained. The Manager is required to produce copies of any training documents upon request by the Department.

## **SECTION 6. DENIAL, SUSPENSIONS, REVOCATIONS, AND REPRIMANDS**

**Rule 6.0. Compliance** – At all times an applicant, licensee, credential holder, or commission holder must meet the qualifications outlined in this chapter and abide by these rules and A.C.A. §§ 17-39-101, et seq. and §§ 17-40-101, et seq.

**Rule 6.1. Investigation** - The Department shall have the power to conduct an investigation, on its own initiative or as the result of a complaint, to determine whether there exists sufficient proof that an applicant, licensee, credential holder, or commission holder has violated these rules or A.C.A. §§ 17-39-101, et seq. or §§ 17-40-101, et seq. In the course of any such investigation, the Director may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents.

**Rule 6.2. Adverse action** - Upon a determination by the Department that there exists good cause to believe that the acts or omissions of an applicant, licensee, credential holder, or commission holder constitute a violation of these Rules or A.C.A. §§ 17-39-101, et seq. or §§ 17-40-101, et seq., the Department may deny an application; revoke or suspend a license, credential, or commission; levy fines; and/or reprimand a licensee, credential holder, or commission holder.

**Rule 6.3. Notice to employees** - The licensee or manager of a licensee shall notify any employee of charges brought by the Department against the employee or of a denial of license, credential, or commission or of any summons or subpoena to appear before the Director within five (5) days of receipt of such notification. In any case where charges are brought against the employee or of a denial, the licensee, manager, or a designated representative (who holds a supervisory position) shall appear with the employee before the Director.

**Rule 6.4. Suspension for arrest or criminal charge** - If the licensee, credential holder, or commission holder is arrested or formally charged with a crime that would disqualify him or her from having a license, credential, or commission, he or she shall immediately notify the Department, and the Director shall suspend a license until final disposition of the case. If the Department is notified of such arrest or charges by any law enforcement agency or a court and receives subsequent written verification, the Director shall suspend a license until final disposition of the case. If the charges are dismissed (including a dismissal by nolle prosequi) or the individual is found “not guilty,” then the license, credential, or commission will be returned unless it has expired. If it has expired, then the individual may apply for renewal under these Rules under A.C.A. § 17-39-210 or § 17-40-313.

**Rule 6.5. Suspension for non-payment of child support** - The Department is required by Arkansas law to suspend a license, credential, or commission if so ordered by the Office of Child Support Enforcement (OCSE). Once the Department receives official notification from OCSE to release the suspension, then the license, credential, or commission will be returned, unless it has expired. If it has expired, then the individual may apply for renewal under these Rules under A.C.A. § 17-39-210 or § 17-40-313.

**Rule 6.6. Revocation** - The Director may revoke a license, credential, or commission if during the term of the license, credential, or commission:

(a) An individual becomes ineligible under the criteria set forth in state or federal law or these Rules;

(b) The Department receives notification from any law enforcement agency, court, or the individual that a licensee, credential holder, or commission holder has been found guilty or has pleaded guilty or “nolo contendere” to any crime.

The Director may issue instructions for possible reapplication after revocation.

**Rule 6.7. Temporary Suspension** – Pending an appeal of a denial, suspension, revocation, or reprimand, the Director may suspend a license, credential, or commission when that person has been convicted in any jurisdiction of a felony, class A misdemeanor, crime of violence, or crime involving moral turpitude.

**Rule 6.8. Notice of denial, suspension, revocation, or reprimand** - When the Director denies an application or takes adverse action for violations of these Rules or A.C.A. §§ 17-39-101, et seq., or §§ 17-40-101, et seq., the Department shall provide written notice to the applicant, licensee, credential holder, or commission holder of the denial or adverse action. The notice shall include the basis for the determination, the rules or laws violated, the action taken as a result, and inform the applicant, licensee, credential holder, or commission holder of his or her right to a hearing. The notice shall be sent by certified mail, return receipt requested, to the individual’s last known address.

**Rule 6.9. Fines and consent judgment** - The Director may assess the maximum fines allowed by A.C.A. § 17-39-103 and § 17-40-350 for each violation of these Rules or of A.C.A. §§ 17-39-101, et seq. and §§ 17-40-101, et seq. The Director may authorize the Administrator to enter into consent judgments with the licensee, credential holder, or commissioned holder providing for the payment of agreed upon fines and restrictions in lieu of a hearing or further administrative action.

## **SECTION 7. APPEALS**

**Rule 7.0. Hearing request** - The applicant, licensee, credential holder, or commission holder may request an administrative hearing to appeal the denial or adverse action taken by the Director. The hearing must be requested within ten (10) days of receiving the notice, and the Director shall set the matter for hearing as soon as is practicable by issuing a Notice of Hearing. The Notice of Hearing shall state the legal authority and jurisdiction under which the hearing is to be held, appoint a hearing officer, and contain a brief and concise statement of the matters of

fact and law involved. The Notice of Hearing shall further set forth the time, place, and date of the hearing and shall be served on the person at least fourteen (14) days prior to the hearing by mailing a copy to his or her last known address by certified mail or hand delivering the notice personally.

**Rule 7.1. Docketing** - The Administrator shall assign a file number to each appellate matter and thereafter, all documents pertaining to the matter shall bear that assigned number. All pleadings and motions to be filed relative to the hearing shall be submitted to the Administrator in duplicate, signed, verified, and dated.

**Rule 7.2. Power and authority of hearing officer** - The hearing officer shall conduct the administrative hearing, and he or she may administer oaths, require testimony, and issue subpoenas for the attendance of witnesses and the production of relevant books, papers, documents, or other relevant evidence.

**Rule 7.3. Rights of appellant** - Any person whose rights may be affected at any hearing has the right to appear personally and by counsel to introduce evidence on their behalf, to cross-examine witnesses, to examine any document or other evidence submitted, and to request the issuance of subpoenas pursuant to Rule 7.4.

**Rule 7.4. Subpoenas** - A person desiring the issuance of a subpoena must file a written request with the Administrator for same at least seven (7) days prior to the hearing. The witness or matter to be subpoenaed must be described with such particularity to allow the hearing officer to locate the witness or matters without undue burden or expense. Any costs associated with the subpoenas must be deposited with the Administrator at the time of filing such requests.

**Rule 7.5. Consideration of evidence** - The hearing officer shall not be bound by the technical rules of evidence and he or she may admit any evidence if it is of a type commonly relied upon by reasonably prudent men and women in the conduct of their affairs. However, the hearing officer shall give effect to the rules of privilege recognized by the law, may exclude hearsay, incompetent, irrelevant, immaterial, or repetitious evidence, and may make rulings to protect witnesses from undue harassment or oppression.

**Rule 7.6. Record** - All evidence, including records and documents, considered by the hearing officer shall be offered and made part of the record in a hearing, and no other factual information or evidence shall be considered in the determination of any matter.

**Rule 7.7. Burden of Proof** - In any hearing held for the purpose of affording an applicant the opportunity to contest a denial, the burden of proof shall be on the applicant. In hearings held for the purpose of revocation, suspension, assessment of fines, and/or reprimand of a licensee, credential holder, or commission holder, the burden of proof shall be on the Department or complainant.

**Rule 7.8. Decisions** – The hearing officer shall submit his or her recommendations to the Director within sixty (60) days of the hearing. All decisions shall be in writing and signed by the Director and shall be accompanied by or incorporated into an appropriate order including

findings of fact and conclusions of law. A copy of the decision shall be mailed to the applicant, licensee, credential holder, or commission holder within sixty (60) days of the execution of the Director's decision.

## **SECTION 8. APPROVED INSTITUTIONS OF INSTRUCTION (IOI) AND TRAINING ADMINISTRATORS**

**Rule 8.0. Approval** - A school, college, university, or the security department of a private business may become an approved Institution of Instruction (IOI) to conduct the training required for certification as a licensee, credential holder, or commission holder by these Rules.

- (a) The IOI shall be required to register with the Department.
- (b) The IOI must submit a course syllabus and be approved by the Department.
- (c) Each approved IOI shall provide the Department a list of its instructors and their qualifications (e.g. curriculum vitae, resume, certifications, etc.).
- (d) Each approved IOI shall provide the Department a list of its enrolled students.
- (e) Upon completion of the training, the IOI will be required to issue the student a certificate of completion prepared in accordance with Department requirements.

**Rule 8.1. Training Administrator (TA), Assistant Training Administrator (ATA), and Training Instructors (TI)** - Before a Training Administrator, Assistant Training Administrator, or Training Instructor begins instruction under these Rules he or she must receive a credential through a specific company as its TA, ATA, or TI and be approved by the Department. All approved IOIs shall be required to register a Training Administrator and may register Assistant Training Administrators or Training Instructors. To qualify as a TA, ATA, or TI, the individual must:

- (a) Successfully complete the required examination for the license, credential, or commission on which he or she is instructing.
- (b) Have his or her background check successfully completed through state and federal background check systems.
- (c) If applying as a TA, ATA, or TI for an approved IOI that also maintains a Class B, Class C, or Class G license, the individual must meet the requirements for a manager.
- (d) A TA, ATA, or TI may have his or her training credential suspended or revoked by the Department for a violation of these Rules, A.C.A. §§ 17-39-101, et seq., or A.C.A. §§ 17-40-101, et seq.

**Rule 8.2. Previously approved Training Administrator, Assistant Training Administrator, or Training Instructor** – individuals approved as Training Administrators, Assistant Training Administrators, or Training Instructors prior to the effective date of these Rules who wish to continue conducting firearms training must obtain required Firearms Trainer Certifications, as set forth below in Rule 10.7, by September 1, 2016 in order for the firearms training to be valid and accepted by the Department. If certification is not obtained, guest instructors must be utilized.

**Rule 8.3. Training Certification** – The TA or ATA is required to sign a student's application attesting that all training requirements have been met.

**Rule 8.4. Company Registration of Trainers** – a company that provides training for its employees through the use of a TA or one (1) or more ATAs or TIs is required to identify the trainers used and register those trainers with the Department. Upon the initial registration, the company must submit the trainer’s information and fingerprints for a background check, which must be successfully completed through state and federal background check systems.

**Rule 8.5. Guest Instructor** – Guest instructors or guest “subject matter experts” can be utilized to teach training requirements under the guidance and supervision of a registered Training Administrator.

(a) If a guest instructor teaches any portion of the required training the credentialed Training Administrator or Assistant Training Administrator must be present during the instruction.

(i) This requirement does not apply to instruction provided to private investigator applicants by a two (2) or four (4) year college, university, or technical program with regional and/or national accreditation.

(b) The guest instructor must sign the section of the training page containing the curriculum they instructed and include his or her name, address, telephone number, and date of birth.

**Rule 8.6. Course of Instruction – License, Credential, or Commission** – to become authorized to conduct the training for a particular license, credential, or commission, an approved IOI must submit proof that its course of instruction covers the necessary training requirements and examination topics for that license, credential, or commission.

**Rule 8.7. Termination of Training Administrator, Assistant Training Administrator, or Training Instructor** - If a TA, ATA, or TI ceases to be employed with an approved IOI for any reason whatsoever, the IOI shall notify the Department in writing within seven (7) days. The business of the IOI may be carried on for thirty (30) days from the date the TA was terminated, pending the qualification of another TA. If the IOI fails to have an approved TA when the thirty (30) day period expires, they shall be subject to decertification by the Administrator of the Board.

**Rule 8.8. Current Certifications** - If an IOI is certified by an accrediting association or organization, it shall provide a copy of the current certification to the Department. If the IOI is decertified by the accrediting association or organization, the IOI must notify the Department in writing within seven (7) days of decertification and list the reason(s) why it was decertified.

**Rule 8.9. Ownership Changes** - If the ownership of an IOI changes, it must notify the Department in writing within seven (7) days of such changes and list the new owner.

**Rule 8.10. Violations** - If any IOI violates any provision of these Rules it shall be subject to decertification.

## SECTION 9. ALARM SYSTEMS COMPANIES

**Rule 9.0. Class “E” Unrestricted alarm system company** - installs alarm systems, including those systems in structures that are required by the AFPC to have a fire alarm system. An applicant that is qualified for a Class “E” Unrestricted license is also qualified for a Class “E” Restricted license. To be licensed as a Class “E” Unrestricted alarm system company, the applicant must meet the following qualifications:

- (a) Manager certification requirements - the manager must have completed all of the following courses:
  - (i) NICET
    - (1) Level III; or
    - (2) Level IV.
  - (ii) ESA
    - (1) Level I;
    - (2) Level IIA - Electronics or ABAT; and
    - (3) FAIM.
  - (iii) NESAs
    - (1) Electronics; and
    - (2) Fire Installation and wiring codes.
- (b) Alarm Technician or Alarm Agent requirements - the applicant must have completed one (1) of the following courses:
  - (i) NICET – Level II;
  - (ii) ESA - Level I;
  - (iii) NESAs – Level I; or
  - (iv) Elite CEU – Level I.

**Rule 9.1. Class “E” Restricted alarm systems company** – installs alarm systems in structures that are not required by the AFPC to have a fire alarm system. To be licensed as a Class “E” Restricted alarm system company, the applicant must meet the following qualifications:

- (a) Manager certification requirements – the manager must have completed the following courses:
  - (i) NICET – Level II;
  - (ii) ESA
    - (1) Level 2A Electronics or ABAT; and
    - (2) Level 2B fire systems installation standards or FAIM; or
  - (iii) NESAs
    - (1) Electronics; and
    - (2) Fire Installation and Wiring Codes.
- (b) Alarm Technician or Alarm Agent requirements - the applicant must have completed one (1) of the following courses:
  - (i) NICET – Level II;
  - (ii) ESA – Level I;
  - (iii) NESAs – Level I; or

(iv) Elite CEU – Level I.

**Rule 9.2 Class E-S License Examination** – The licensee or the licensee’s manager shall be required to successfully pass a written examination administered by the Arkansas State Police. The examination will test the licensee’s or licensee’s manager’s knowledge in fire protection and the proper use and placement of single station fire and heat detectors pursuant to the AFPC and NFPA.

- (a) Alarm system agents, alarm system apprentices, and alarm system technicians for Class E-S are exempt from the requirements for NICET Level II, ESA Level I, NESA Level I, or Elite CEU Level I.

**Rule 9.3. Monitoring Companies** – Alarm systems monitors and the managers of alarm system monitoring companies are not required to complete any courses or examinations. The manager of an alarm system monitoring company must execute an affidavit that he or she has read and understands A.C.A. §§ 17-40-101, et seq. and these Rules.

**Rule 9.4. Approved equivalents** - The Director has the authority to modify or expand the training requirements necessary to qualify for a license or credential under this section pursuant to A.C.A. § 17-40-318.

**Rule 9.5. Licensee and Credential Holder Examination** - An applicant for a license or credential under this Section must demonstrate his or her qualifications by successfully completing an examination covering A.C.A. § 17-40-101, et seq. and these Rules.

- (a) The Owner of a company is exempt from an exam if they have a credentialed Manager.
- (b) The applicant must take the examination in person. If the applicant is a partnership or corporation, the manager and any branch manager must take the examination.
- (c) Scoring seventy percent (70%) or above on the examination constitutes successful completion.
- (d) If an applicant fails to successfully complete the required examination he or she:
  - (i) Must wait five 5 working days to be eligible to retake the test; and
  - (ii) Pay a re-examination fee of \$50.00 if the test is administered by the Department.
- (e) Failure to successfully complete the examination after two (2) attempts shall result in cancellation of the pending application. Upon cancellation, the applicant must re-apply as a new applicant and is subject to pay required application fees.

**Rule 9.6. Apprentices** – an individual may be employed as an alarm system apprentice for a period of six (6) months without providing proof of NICET Level II, ESA Level I, NESA Level I, or Elite CEU Level I certification to the Department. At the expiration of the six (6) month period, the alarm system company must provide proof of certification to the Department, or the individual must cease work as an apprentice. All alarm system apprentices must work under the direct supervision of an alarm system agent or technician.

**Rule 9.7. Vehicle appearance** - All vehicles used by licensees or their employees under this section must display the company name and license number on both sides of the vehicle. The display shall be no less than 3 inches high and shall be a contrasting color from the vehicle color.

## **SECTION 10. SECURITY AGENCIES**

**Rule 10.0. Private Security Officer (PSO)** – An applicant for a PSO credential must complete Phase I training requirements and pass an examination administered by the Training Administrator, Assistant Training Administrator, or Trainer.

**Rule 10.1. Commissioned Security Officer (CSO)** - An applicant for a CSO credential must complete Phase I and Phase II training requirements and pass an examination administered by the Training Administrator, Assistant Training Administrator, or Trainer.

**Rule 10.2. Commissioned School Security Officer (CSSO)** – An applicant for a CSSO credential must complete Phase I, Phase II, and Phase III training requirements and pass an examination administered by the Training Administrator, Assistant Training Administrator, or Trainer. Any individual holding a CSSO commission is responsible for ensuring the dissemination of all security plans instituted or adopted by the school to other employees of the school.

**Rule 10.3. Phase I** - the training requirements for Phase I must be taught to all PSO, CSO, and CSSO applicants and shall consist of eight (8) hours minimum on the following subjects:

(a) Legal Authority

- (i) Legal authority of PSOs;
- (ii) Classification of crimes;
- (iii) Arrests and detentions by PSOs;
- (iv) Use of force, including:
  - (1) Non-deadly force;
  - (2) Deadly force;
  - (3) Civil penalties; and
  - (4) Criminal penalties.
- (v) Case studies and discussion;
  - (1) Common crimes encountered by PSOs;
  - (2) Other crimes; and
  - (3) Appropriate actions for PSOs.
- (vi) Company/site/account specific legal issues – discussion geared toward the specific legal issues relating to the type of property to which the PSO is assigned (e.g. college, school, university, hotel, bar, etc.); and
- (vii) A.C.A. §§ 17-40-101, et seq. and these Rules, including:
  - (1) Purpose of the statute;
  - (2) Who is covered by the statute;
  - (3) Definitions;
  - (4) Minimum qualifications for PSOs, CSOs, and CSSOs, including, but not limited to:

- a. Disqualifying factors;
  - b. Fee structure; and
  - c. Renewals.
- (5) PSO, CSO, and CSSO responsibilities;
- (6) Key provisions of the statute, including:
  - a. Training requirements;
  - b. Reporting requirements; and
  - c. Penalties for violations.
- (b) Field Note Taking and Report Writing
  - (i) Importance and purpose of reports;
  - (ii) Required equipment and an explanation of importance;
  - (iii) Notebook contents and an explanation of importance;
  - (iv) The six (6) most important questions that must be answered by a report;
  - (v) A review of basic English grammar, and writing skills; and
  - (vi) Practical exercises, such as:
    - (1) A review of several examples of well written reports;
    - (2) A review of several examples of poorly written reports; and
    - (3) Practice of writing one or more reports and critique by the instructor.

**Rule 10.4. Phase II** – In addition to Phase I training, the training requirements for Phase II must be taught to all CSO and CSSO applicants and shall consist of sixteen (16) hours minimum (at least eight (8) hours in the classroom and eight (8) hours on the firing range) on the following subjects:

- (a) Use of Deadly Force and Arkansas Law
  - (i) Relevant statutes and case law;
  - (ii) Discussion about fleeing individuals;
  - (iii) Discussion of the criminal ramifications of firing a warning shot;
  - (iv) Criminal penalties;
  - (v) Civil penalties; and
  - (vi) Other considerations.
- (b) Weapons and Safety
  - (i) Fundamental firearm safety;
  - (ii) Weapons nomenclature;
  - (iii) Cleaning and maintenance;
  - (iv) Storage; and
  - (v) Weapon retention.
- (c) Live Fire Training, Marksmanship, and Qualifications
  - (i) Range procedures and range safety;
  - (ii) Fundamentals of firearms;
  - (iii) Holster drills;
  - (iv) Movement drills;
  - (v) Dry fire exercises;
  - (vi) Clearing stoppages;
  - (vii) Practice and evaluation;
  - (viii) Tactical and emergency reloading;

- (ix) Pistol qualification course – the course must mirror the Arkansas Commission on Law Enforcement Standards and Training ([www.clest.org](http://www.clest.org)) firearms qualification course; and
- (x) Rifle or shotgun qualification course – required if a CSO is required to carry a rifle or shotgun during the course of their employment – the course must mirror the [www.clest.org](http://www.clest.org) rifle/shotgun qualification course.

**Rule 10.5. Phase III** - In addition to Phase I and Phase II training, the training requirements for Phase III must be taught to all CSSO applicants and shall consist of thirty-six (36) hours minimum on the following subjects:

- (a) Legal limitations on the use of firearms and on the powers and authority of a CSSO
- (b) Active Shooter Training
  - (i) ALERRT Active Shooter Training – this training must comprise at least sixteen (16) of the total thirty-six (36) hours; and
  - (ii) Incorporating security response with law enforcement.
- (c) Active Shooter Simulations and Live-Fire Range Practice – this training must comprise at least ten (10) of the total thirty six (36) hours and include, but not be limited to:
  - (i) Shoot/don't shoot drills;
  - (ii) Rapid situational awareness; and
  - (iii) Simulated live fire weapon training, such as:
    - (1) Simunition;
    - (2) Paintball;
    - (3) Air soft; or
    - (4) Other simulated weapons.
- (d) Trauma Care
  - (i) Wound management pertaining to active shooter situations; and
  - (ii) CPR training and certification.
    - (1) Note: prior CPR and/or wound management training or certification will not be accepted. CPR and wound management training and certification must be taught during Phase III training to ensure that the certification will not expire during the credential period.
- (e) Defensive Tactics
  - (i) Strikes and kicks, including blocks and stunning strikes;
  - (ii) Handcuffing techniques;
  - (iii) Joint manipulation; and
  - (iv) Weapon disarming techniques.
- (f) Weapon Retention – blocks, strikes, and maneuvers designed to maintain possession and control of a firearm from the holster and from the drawn position.

**Rule 10.6. Law Enforcement Officers** – Certified law enforcement officers are exempt from the training requirements to qualify as a PSO, CSO, or CSSO. The officer must be a current, active law enforcement officer.

**Rule 10.7. Firearms Training Instructor** - A qualified Firearms Training Instructor must conduct the firearms training portion for CSOs and CSSOs. An individual seeking to be a

qualified Firearms Training Instructor must prove that he or she meets the following requirements of the Department:

- (a) Hold a current firearms training instructor certificate from a recognized instruction course, such as:
  - (i) Firearm instructor certificate issued by the Arkansas Law Enforcement Standards and Training Commission;
  - (ii) Firearm instructor certificate issued by any federal, state, or local law enforcement agency;
  - (iii) Certificate of completion of a Certified Pistol Instructor-Basic Pistol Shooting Course and a current certificate of completion of a Range Officer Safety Course by a Chief Range Safety Officer Instructor;
  - (iv) Certificate of completion of a Certified Rifle Shooting Course and a certificate of completion of a Range Officer Safety Course by a Chief Range Safety Officer Instructor; or
- (b) Been approved by the Director of the Arkansas State Police.

**Rule 10.8. Certificate to be included** - A current copy of the Firearm Training Instructor's certificate must be included with the submission of each application for CSO and CSSO.

**Rule 10.9. Renewal training requirements** - renewal training for a PSO, CSO, or CSSO is required every two (2) years and must be completed within the twelve (12) month period prior to renewal. Renewal training must be completed and the applicant must submit certification that the renewal training requirements have been met before a credential or commission will be renewed. An individual may count completed hours of renewal training toward the minimum hours of refresher training required to be completed each year.

**Rule 10.10. Renewal training requirements for PSOs** - the training requirements for renewal of a PSO credential shall consist of a minimum of six (6) hours. The training shall include, but not be limited to, the subjects found in Phase I as described in Rule 10.3, above.

**Rule 10.11. Renewal training requirements for CSOs** - the training requirements for renewal of a CSO commission shall consist of a minimum of twelve (12) hours. The training shall include, but not be limited to, the subjects found in Phase I and Phase II, as described in Rule 10.4 and Rule 10.5, above. The renewal training shall include firing range qualification on an ALETA qualification course and a safety course.

**Rule 10.12. Renewal training requirements for CSSOs** - the training requirements for renewal of a CSSO commission shall consist of a minimum of twenty four (24) hours. The training shall include, but not be limited to, the subjects found in Phase I, Phase II, and Phase III, as described in Rule 10.3, Rule 10.4, and Rule 10.5, above. The renewal training shall include firing range qualification on an ALETA qualification course and a safety course.

**Rule 10.13. Annual refresher training certification** – commissioned individuals must complete annual refresher training. Failure to complete refresher training will result in suspension of the credential.

- (a) CSOs are required to complete a minimum of twelve (12) hours of refresher training each year. The refresher training shall include, but not be limited to, firing range qualification on an ALETA qualification course and a safety course.
- (b) CSSOs and Security Service Contractors holding a CSSO credential are required to complete a minimum of twenty four (24) hours of refresher training each year. The refresher training shall include, but not be limited to the following:
  - (i) Twelve (12) hours of firing range qualification and practice on an ALETA qualification course;
  - (ii) Four (4) hours of ALERRT Active Shooter refresher training; and
  - (iii) Eight (8) hours of simulated Live-Fire weapon training, such as:
    - (1) Simunition;
    - (2) Paintball;
    - (3) Air soft; or
    - (4) Other simulated weapons.

**Rule 10.14. Refresher training form** – once a CSO or CSSO has completed annual refresher training, the Training Administrator or Assistant Training Administrator shall immediately submit the annual refresher training completion form to the Department.

**Rule 10.15. Previously authorized CSOs with a school security department** – An employee of a school security department who was previously registered as a CSO and whose registration is due to be revoked on September 11, 2015 will be converted to a CSSO for the remainder of his or her two (2) year registration (now credential) period, on the following terms:

- (a) Submit a formal request for conversion in writing to the Department prior to September 11, 2015;
- (b) In the first full year from the date of the conversion, the CSSO must complete sixteen (16) hours of ALERRT Active Shooter Training; and
- (c) Prior to renewal of the CSSO credential, the credential holder must complete the required twenty-four (24) hours of renewal training described in Rule 10.12, above.
- (d) The 16 hours of ALERRT Active Shooter Training may count toward the minimum hours of ALERRT Active Shooter Training required to be completed in annual refresher training.

**Rule 10.16. PSO, CSO, and CSSO examination** - An applicant for a credential or commission under this Section must demonstrate his or her qualifications by successfully completing an examination developed and administered by a Training Administrator or Assistant Training Administrator covering A.C.A. § 17-40-101, et seq. and these Rules.

- (a) The length and topics covered by the examination are as follows:
  - (i) PSO examination – minimum of seventy (70) questions on the subjects found in Phase I as described in Rule 10.3, above
  - (ii) CSO examination – minimum of one hundred (100) questions on the subjects found in Phase I and Phase II as described in Rule 10.3 and Rule 10.4, above.
  - (iii) CSSO examination – minimum of 120 questions on the subjects found in Phase I, Phase II, and Phase III as described in Rule 10.3, Rule 10.4, and Rule 10.5, above.

- (b) The applicant must take the examination in person. If the applicant is a partnership or corporation, the manager and any branch manager must take the examination.
- (c) Scoring seventy percent (70%) or above on the examination constitutes successful completion.
- (d) If an applicant fails to successfully complete the required examination he or she:
  - (i) Must wait five (5) working days to be eligible to retake the test; and
  - (ii) Pay a re-examination fee of \$50.00 if the test is administered by the Department.
- (e) Failure to successfully complete the examination after two (2) attempts shall result in cancellation of the pending application. Upon cancellation, the applicant must re-apply as a new applicant and is subject to pay the required application fees.

**Rule 10.17. Uniform** - All CSOs shall wear a company uniform in the performance of armored car functions pursuant to A.C.A. § 17-40-102(7).

**Rule 10.18. Limitations** - All CSOs and CSSOs shall carry their weapons only on their assigned site and only in the performance of their assigned duties. The carrying of a weapon is prohibited when the CSO or CSSO is not performing his or her assigned duties.

**Rule 10.19. Discharge of firearm** - When a licensee, credential holder, or commission holder is involved in any incident where a firearm is discharged, he or she shall submit a written report to his or her employer detailing the incident. The report shall be submitted to their employer within 12 hours of the incident and shall be prepared on a form provided by the Department. The licensee, credential holder, commission holder, or his or her manager shall submit a copy of the report to the Department within 48 hours of the incident.

**Rule 10.20. Equipment** - When an employee of a licensee under this Section fails to return any issued equipment to their employer upon said employer's request, the employee shall not be eligible to transfer his or her credential. The employee may only transfer after the prior employer certifies to the Department that all equipment has been returned.

**Rule 10.21. Arrest** - Except in cases of "Shoplifting" as defined by A.C.A. § 5-36-116(a), no employee of a licensee may arrest, detain, or otherwise take any action that a private citizen may not take.

## **SECTION 11. PRIVATE INVESTIGATION COMPANIES AND INDIVIDUALS**

**Rule 11.0. Credentialed Private Investigator (CPI)** - An applicant for a CPI credential must complete a course of instruction taught by an approved IOI and pass an examination administered by the Training Administrator, Assistant Training Administrator, or Training Instructor.

**Rule 11.1. CPI Course of Instruction** – all applicants for a CPI credential must complete the following training requirements:

- (a) Fifteen (15) hours of basic doctrines of private security (orientation) including history, ethics, organization and functions of private security;

- (b) Fifteen (15) hours of purposes of security;
- (c) Twenty-five (25) hours of criminal law;
- (d) Twenty-five (25) hours of civil law;
- (e) Five (5) hours of legal powers and limitations;
- (f) Forty (40) hours of security functions including report writing, patrol, interviewing and interrogation, investigations, surveillance, evidence, public relations, and safety;
- (g) Five (5) hours of A.C.A. § 17-39-101, et seq. and A.C.A. § 14-40-101, et seq.;
- (h) Sixty (60) hours of security supervision management including administrative responsibilities, investigative responsibilities, managerial responsibilities, and business communications;
- (i) Ten (10) hours of emergencies and disaster control; and
- (j) Ten (10) hours of self defense (armed and unarmed).

**Rule 11.2. Private Investigator Examination** – an applicant for a Private Investigator or a Private Investigations Company license under this Section must demonstrate his or her qualifications by successfully completing an examination.

(a) The examination shall consist of a minimum of one hundred (100) questions covering the following:

- (i) The subjects described in Rule 11.1, above;
- (ii) These Rules;
- (iii) Field note taking and report writing; and
- (iv) The Arkansas Criminal Code.

(b) The applicant must take the examination in person. If the applicant is a partnership or corporation, the manager and any branch manager must take the examination.

(c) Scoring seventy percent (70%) or above on the examination constitutes successful completion.

(d) If an applicant fails to successfully complete the required examination he or she:

- (i) Must wait five (5) working days to be eligible to retake the test; and
- (ii) Pay a re-examination fee of \$50.00 if the test is administered by the Department.

(e) Failure to successfully complete the examination after two (2) attempts shall result in cancellation of the pending application. Upon cancellation, the applicant must re-apply as a new applicant and is subject to pay the required application fees.

(f) Applicants who have 5 years of consecutive experience in law enforcement and are either currently employed in law enforcement or retired or former law enforcement within the last 5 years are exempt from examination requirements.

**Rule 11.3. Reports** - Private investigators must submit written reports to any and all clients upon request. Written reports shall include, but not be limited to, the investigative report detailing all relevant information obtained during the investigation.

**Rule 11.4. Badge or Shield** - No licensee, officer, director, partner, or employee of an investigations company shall wear, carry, accept, or show any badge or shield.

**Rule 11.5. Confidential information** - No licensee, officer, director, partner, or employee of an investigations company shall reveal or attempt to reveal confidential information

to the subject of the investigation. Any contact with the subject of the investigation, whether intentional or unintentional, shall be made a part of the investigative file of such case.

**Rule 11.6. Invoices** - All licensees or credential holders shall furnish to the client upon request a complete, comprehensive, itemized statement for services. The statement shall include, but not be limited to, a complete description of the services rendered, hours worked, expenses incurred, and if a Class A company, the number of registrant private investigators used and hours each worked.

**Rule 11.7. Individual prohibition** - No Class D licensee shall express or imply in any communication, whether written, oral, or otherwise, including advertisements, that the licensee is operating as anything other than an individual. This section specifically precludes use of the term(s) “Associates,” “Association,” “Consultants,” or similar terms connoting an association, partnership, affiliation, or alliance with any other individual, company, or entity.

**Rule 11.8. Contracts** – Any licensee or credential holder who accepts employment from an individual to perform any function listed in A.C.A. § 17-40-102(27) must execute a contract with the client. The contract must be written or audibly recorded. It shall state the purpose of the investigation or employment, the fee to be charged, how the fee is computed, and how the fee is to be paid. If a retainer is required, the contract shall state the amount of the retainer and what services will be covered. The contract is to be signed by the investigator and the client or contain an audible recorded oral acknowledgment of understanding by both parties of the contract. Any additional services added by either party shall be in writing or audible recording, added to the contract, and acknowledged by both parties.

**Rule 11.9. Temporary License** – any person who holds a valid license or credential as a private investigator issued by another state may operate in this state for up to ten (10) calendar days without being issued a credential under these Rules or Arkansas law. An out of state investigator seeking authorization under this rule must notify this Department in writing upon the commencement of an investigation.

## **SECTION 12. POLYGRAPH EXAMINERS**

**Rule 12.0. Experience** – An applicant for a polygraph examiner license or an intern polygraph examiner license may satisfy the requirements of A.C.A. § 17-39-202(3) with five (5) consecutive years of investigative experience in law enforcement, the Armed Forces, or the private sector, so long as the applicant performed investigation related duties as his or her primary occupation during that period.