

RULES AND REGULATIONS OF THE ARKANSAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES

SECTION 1. GENERAL ORGANIZATION AND HEARING PROVISIONS

Rule 1.1 The Arkansas Board of Private Investigators and Private Security Agencies, hereinafter referred to as the Board, shall meet at least once in each quarter at the call of the Chairman and will continue in session until business is completed insofar as possible. A majority the Board shall constitute a quorum.

Rule 1.2. Special meeting of the Board may be called at anytime by the chairman or by a majority of the membership of the Board.

Rule 1.3 The official address of the Board shall be Arkansas Board of Private Investigators and. Private Security Agencies 1 State Police Plaza Drive Little Rock Arkansas 72209. Regular meetings of the Board shall be held at its official address.

Rule 1.4 Any Person desiring to appear before the Board at any regular meeting on any matter within the jurisdiction of the Board shall at least twenty (20) days prior to such meeting file with the Administrator a written request in which the nature and purpose of the appearance shall be clearly and precisely stated in sufficient detail to fully apprise the Board of the basis and extent of the business. This requirement may be waived by unanimous consent. of the Board members present at any meeting provided that when such a request is in the nature of a complaint against a licensee under the provisions of Act 429 of 1977 as amended or the security department of a private business with the provisions of Rules 1~7 through 1.16 shall be complied with.

Rule 1.5 The Administrator shall arrange the order of business of all meetings of the Board and shall at least ten (10) days prior thereto notify all persons who are to appear before such meeting of the place and time of the meeting.

Rule 1.6 The Administrator shall keep and maintain on file in the Board's office a record of all proceedings of the Board. The Administrator shall keep on file in the Board office copies of all rules and. regulations adopted by the Board copies of all orders issued by the Board and copies of all application and license forms adopted by the Board.

Rule 1.7 Any hearing to be conducted by the Board may be held at regular Board meeting or at a special Board meeting

convened for that purpose.

Rule 1.8 Before denying any application under the provisions of this chapter and its rules and regulations or revoking, suspending or reprimanding any person who is under the jurisdiction of the Board pursuant to Act 429 of 1977; as amended, the Board shall advise the person of his right to a hearing before the Board; provided however that the Board may suspend for a period not exceeding sixty (60) days that person when he has been convicted in any jurisdiction of a felony, class A misdemeanor crime involving an act of violence or crime involving moral turpitude.

Rule 1.9. If as a result of its own investigation or as a result of any complaint made against a person under the jurisdiction of the Board, it is determined that there exists sufficient proof that the actions of the person constitutes a violation of this chapter and/ or its rules and regulations, the Board before taking any action shall provide twenty (20) days written notice to the person of his right to a hearing before the Board. The Board, when issuing an order and notice of hearing shall state the legal authority and jurisdiction under which the hearing is to be held along with a brief and concise statement of the matters of fact and law involved. The order and notice of the hearing shall be served on the person at least twenty (20) days prior to the hearing by mailing a copy to his last known address by certified mail or hand delivering the notice to him personally.

Rule 1.10 The Administrator shall assign a number to each order and notice of hearing 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 in duplicate signed verified, dated, and filed with the Administrator.

Rule 1.11 If the Board determines that there exists good cause to believe that an applicant under the provisions of this chapter and its rules and regulations does not meet the qualifications as outlined herein the Board shall notify the applicant of his right to a hearing before the Board. Upon receipt of a request for such a hearing, the Administrator shall set the matter for a hearing at the next regularly scheduled meeting of the Board or at a special meeting called to hear the matter. Notice of the hearing shall be served on the applicant by mailing the notification to his last known address by certified mail or hand delivering it to him personally.

Rule 1.12 in the conduct of any investigation conducted under the provisions of this chapter and its rules and regulations, the Board may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, documents and records. Any person who is required to

meet any of the qualifications under this chapter and its rules and regulations, whose rights may be affected at any hearing before the Board, may request the issuance of subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, documents and records by filing a written request with the Administrator for the issuance of such subpoenas at least fifteen (15) days prior to the hearing. Any and all costs anticipated must be deposited with the Administrator of the Board at the time of filing such request.

Rule 1.13 The Board shall not be bound by the technical rules of evidence and it may admit and give probative value to any evidence which possesses such probative value as would entitle it to be accepted by reasonable and prudent men in the conduct of their affairs provided however that the Board shall give effect to the rules of privilege recognized by the law and may exclude hearsay; incompetent irrelevant immaterial or repetitious evidence and may make rulings to protect witnesses from undue harassment or oppression.

Rule 1.14 All evidence, including records and document in the possession of the Board of which it desires to avail itself 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 cause. Any person who is required to meet any of the qualifications under this chapter and its rules and regulations whose rights may be affected in any hearing shall have the right to appear personally and by counsel to introduce evidence in their behalf, to cross-examine witnesses and to examine any document or other evidence submitted.

Rule 1.15 In any hearing held for the purpose of affording any Applicant the opportunity to show his qualifications under this chapter and its rules and regulations the burden of proof shall be on the applicant. In hearings held for the purpose of revoking suspending fining and/or reprimanding any person who has qualified under the provisions of this chapter and its rules and regulations the burden of proof shall be on the Board or complainant.

Rule 1.16 All decisions by the Board shall be in writing and signed by the chairman of the Board or his designee and shall include findings of fact and conclusions of law separately stated in an appropriate order entered in accordance therewith. A copy of the findings of fact and conclusions of law and order shall be sent to each party of the hearing within two (2) days after entry of the order.

Rule 1.17 All applicants shall either provide the Board proof of a state background check or remit to the Board applicable fees

as charged by Information Network of Arkansas for processing the background check.

Rule 1.18 All applicants shall remit to the Board fees as charged by the Federal Bureau of Investigation for the federal background check.

RULE 2.20 An alarm apprentice is a new employee of an alarm system company that will become an alarm system agent or alarm system technician with the alarm system company.

RULE 2.21 The alarm system apprentice may be employed as such, for a period of six (6) months without having to furnish the board proof of NBFSA certification. By the end of the six (6) month period, the alarm system company must furnish the Board with proof of NBFSA certification of the alarm apprentice. The alarm system apprentice shall work under the direct supervision of an alarm system agent or technician.

RULE 2.22 If the Alarm system apprentice leaves the employment of the original alarm system company employing him as an alarm apprentice, the alarm apprentice shall not be employed with another alarm system company as an alarm apprentice for a period of two (2) years from the date of termination from the original alarm system company. The alarm system apprentice may return to the employment of the original alarm system company and complete the remaining six (6) month apprentice time period, which was suspended on the date of termination.

RULE 2.64 NBFA Level 2 referenced in A.C.A. 17-40-318 means NBFSA Level 2A (electronics) and 2B (fire). FAIM (fire alarm installation methods) is a Board approved equivalent for Practical Fire Alarm Course.

RULE 3.23 All commissioned security officers shall wear a Board approved company uniform while performing armored car functions as described in A.C.A. 17-40-102(5).

RULE 3.24 All employees of a security service contractor performing armored car functions as described in A.C.A. 17-40-102(5) shall be commissioned security officers and shall be armed at all times while performing such functions.

RULE 4.21 Any private investigator who accepts employment from an individual to perform any function listed in A.C.A. 17-40-102(3) must execute a contract with the client. The contract must be written or audibly recorded. Said contract 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 what services the retainer will cover. 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. The contract shall contain the following phrase in a conspicuous place: Regulated by the Arkansas Board of Private Investigators and Private Security Agencies, #1 State Police Plaza Drive, Little Rock, 72209, (501) 618-8600.

SECTION II - ALARM SYSTEMS COMPANIES

Arkansas Board of Private Investigators and Private Security Agencies

Rule 2.1 When an alarm systems company that is licensed under the provisions of this chapter and its rules and regulations ceases to conduct business in this State, the company must return all certificates of licensure and all registration cards issued to its employees to the Board, accompanied by a notarized letter stating they are no longer active in business and stating the date they ceased any activity that requires licensing under this chapter and its rules and regulations.

Rule 2.2 The fee for a Class "E" original license is four hundred and fifty dollars (\$450.00).

The fee for renewal of a Class "E" license is one hundred and fifty dollars (\$150.00).

The fee for a Class "F" original license is two hundred and twenty-five dollars (\$225.00)

The fee for renewal of a Class "F" license is seventy-five dollars (\$75.00).

The fee for a Class "G" original license is nine hundred dollars (\$900.00).

The fee for renewal of a Class "G" license is three hundred dollars (\$300.00).

A delinquency fee shall be imposed for the failure to make a timely renewal of any Class "E", Class "F", or Class "G" license. The delinquency fee shall be as follows:

Class E - \$150.00

Class F - \$75.00

Class G - \$300.00

The delinquency fees contained herein shall be imposed if the application for renewal is not received in the office of the Board on or before the date on which it would otherwise expire. A renewal application may be received by the Board at any time within ninety (90) days prior to the expiration of the license but under no circumstances will it be accepted prior to ninety (90) days prior to expiration of said license. The fee to replace a registration identification card issued by the Board is five dollars (\$5.00). Registered employees of a licensee shall report any lost or stolen identification card to the Administrator of the Board and to the licensee within five (5) days of any such loss or theft.

The registration fee for an alarm systems agent alarm systems technician, alarm systems monitor supervisor of technicians and alarm Systems apprentice is twenty dollars (\$20.00).

The transfer fee for an alarm systems agent alarm systems technician, alarm systems monitor, supervisor of technicians and alarm systems apprentice is twenty dollars (\$20.00)

Rule 2.3 Any licensee employing an individual who is required to be registered with the Board other than the original fourteen (14) day *limit*, that does not have a valid registration card shall be guilty of violation Arkansas Code Annotated 17-40-325 and 17-40-315 (B).

Rule 2.3.5 The licensee or manager of a licensee shall notify any employee required to be registered under this chapter of any charges brought by the Board against said employee or of any denial or registration or any summons or subpoena to appear before the Board.

Rule 2.4 An application for a Class "E" or Class "F" license under the provisions of this chapter and its rules and regulations if the applicant is an individual the manager and any branch manager if the applicant is a partnership or corporation must demonstrate his qualifications by successfully completing an examination on the following:

Arkansas Code Annotated 11-40-101 *et. Seq.* and the rules and regulations promulgated by the Board.

Successful completion of the examination shall consist of making a minimum score of seventy (70%) percent. If any individual fails to successfully complete the required examination, they will not be allowed to retake the examination until a period of five (5) working days have elapsed and pay the reexamination fee, which shall be in the amount of fifty dollars (\$50.00). Failure to pass after two (2) examinations have been administered shall result in the denial of the application in

accordance with Arkansas Code Annotated 17..40-350 (A-5).

Rule 2.5 All alarm systems companies registered and licensed under the provisions of this chapter and its rules and regulations shall furnish to the Board on a weekly basis a list of new employees that are required to register with the Board, listing the date of employment and a list of terminated registered employees listing the date of termination and the reason for termination. on a form prescribed by the Board. If there are no personnel, transactions during the week the company is not required to send any notification to the Board.

Rule 2.6 Each alarm systems company shall maintain a record containing the following information relative to its employees who are required-to be registered with the Board. These records shall be kept at the address of the licensee. The records required to be kept by this rule are:

- (1) A complete application for employment. The application shall be of the same type of application that is submitted to the Board for registration
- (2) One (1) classifiable set of fingerprints.
- (3) One (1) photograph. (**Bust preferred**)
- (4) Records of certifications provided to the Board for registration.

The Board shall devise an information form regarding the provisions of this chapter and its rules and regulations that each employee must complete. This form shall be maintained under the provisions of this rule with regards to paragraph 2.6 (4)

Rule 2.6.1 Class " F" Class "E" level 1" and Class E, level 2" alarm systems technicians and alarm agents shall show proof to the Board the they are NBFSA level 1 certified or Board-approved equivalent. The aforementioned technicians and agents shall have 365 days from the effective date of this rule to obtain said certification. .

Rule 2.6.2 Class "E", level 3" alarm systems technicians shall show proof to the Board that they are NBFSA level 1 certified, Nicet II certified or Board-approved equivalent. The aforementioned technicians shall have two (2) years from the effective date of this rule to obtain said certification. Alarm systems technicians that are registered as alarm systems agents on the effective date of this rule may perform operations listed in Arkansas Code Annotated 17-40-309 for a period of two (2) years from said effective date.

Rule 2.6.3 Class "E, level 3" alarms systems agents and supervisors of technicians shall show proof to the Board that

they are NICET level II certified, NBFAA with Practical Fire Alarm Course certified or Board approved equivalent. The aforementioned alarm systems agents shall have 365 days from the effective date of this rule to obtain said certification. Alarm systems agents and supervisors of technicians that are registered as alarm systems agents on the effective date of this rule may perform operations listed in Arkansas Code Annotated 17-40-309 for a period of two (2) years from said effective date.

Rule 2.7 When an individual to whom an identification card has been issued renews their identification card they shall, upon receiving the renewed card return the expired identification card to the licensee who shall make the expired card a part of the individual's file under Rule 2.6.

Rule 2.8 All alarm systems companies who are licensed under the provisions of this chapter and its rules and regulations must maintain the records under Rule 2.6 for a period of one (1) year after the date the employee terminated.

Rule 2.9 If the manager of any alarms systems company ceases to be the manager for any reason whatsoever the licensee shall .notify the Board in writing within fourteen (14) days from the date of cessation of employment. After the Board receives notification of the manager' s cessation of employment, the licensee will be notified by the Board, by certified mail, that the license of the alarms systems company shall remain in effect for a period not exceeding thirty (30) days from the date the Board was notified. During the thirty (30) day period, the business of the licensee may be continued pending the qualification of another manager. If the licensee fails to notify the Board within fourteen (14)days or to qualify a manager Within the thirty (30) day period, the license shall be subject to penalties as outlined in Arkansas Code Annotated 17-40-350 (A) and 17-40-314.

Rule 2.10 The licensee must notify the Board in writing of the identity of the individual who is to meet the requirements as outlined in Arkansas Code Annotated 17-40-306 (D). Failure to submit proof to the Board by-the individual that he meets the qualification as outlined in this section within the allotted time frame shall result in the licensee facing the penalties outlined in Arkansas Code Annotated 17-40-350 (A-5).

Rule 2.11 Alarm systems technicians, alarm systems agents, supervisors of technicians and alarm apprentices shall wear in

plain sight their pocket identification card issued by the Board while performing any function listed in Arkansas Code Annotated 17-40-102 (6).

Rule 2.12 An alarm systems installation or service vehicles shall display the company name and alarm systems license number on both sides of said vehicles. The aforementioned display shall be no less than three (3) inches high and shall be of contrasting color from the vehicle color.

Rule 2.13 All contracts, bid sheets, invoices, bills given to a customer or any advertisement authorized by a licensed alarm system company shall contain the alarm systems company license number. All contracts bid sheets invoices, bills given to a customer shall contain in a conspicuous place the following:

Regulated by: Arkansas Board of Private Investigators
and Private Security Agencies
1 State Police Plaza Drive
Little Rock, Arkansas 72209
501-618-8600

An alarm systems company licensees shall have 365 days from the effective date of these rules and regulations to comply with this rule. This rule does not apply to contracts existing on June 1, 1998.

Rule 2.14 No officer, employee, partner or other person employed by a licensee may use a company name other than the name approved by and registered with the Arkansas Board of Private Investigators and Private Security Agencies.

Rule 2.15 All Class "E" and Class "F" *companies* shall, if not exempt as provided under Arkansas Code Annotated 17-40-314, register a manager. The manager must be in a supervisory position with the company on a daily basis.

Rule 2.17 Vehicles operated by licensees or their employees are not emergency vehicles. They shall 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 performing other duties authorized pursuant to A.C.A. 17-40-101 et seq.

Rule 2.35 The licensee or the manager of a licensee shall notify, within five (5) days of receipt of notification, any employee required to be registered under this chapter of any charges brought by the Board against said employee or of any denial or registration or renewal and any summons or subpoena to

appear before the Board. The licensee manager of a licensee or his designated representative (who shall be in a supervisory position) shall appear with the employee before the Board in cases where charges are brought or of denial of registration.

SECTION III - SECURITY AGENCIES

Rule 3.1 When a Class "B" or Class "C" company who is licensed under the provision of this chapter and its rules and regulations ceases to conduct business in this state the Company must return all certificates of licensure and all registration cards issued to its employees to the Board accompanied by a notarized letter stating they are no longer in business stating the date they ceased any activity that requires licensing under this chapter and its rules and regulations.

Rule 3.2 The fee for a Class "B" original license is four hundred fifty dollars (\$450.00).
The fee for renewal of a Class "B" license is one hundred fifty dollars (\$150.00).

The fee for a Class "C" original license is six hundred dollars (\$600.00).

The fee for renewal of a Class "C" license is two hundred and fifty dollars (\$250.00).

The fee for a Class "G" original license is nine hundred dollars (\$900.00)

The fee for renewal of a Class "G" license is three hundred dollars (\$300.00).

A delinquency fee shall be imposed for the failure to make a timely renewal of a Class "B" Class "C" or Class "G" license. The delinquency fee shall be as follows:

Class B - \$150.00

Class C - \$250.00

Class D - \$300.00

The delinquency fees contained herein shall be imposed if the application for renewal is not received in the office of the Board on or before the date on which it would otherwise expire. A renewal application may be received by the Board at anytime within ninety (90) days prior to expiration of said license. The fee to replace a registration identification card issued by the Board is five dollars (\$5.00). Registered employees of a licensee shall report any lost or stolen registration identification card to the Administrator or the Board and to the licensee within five (5) days.

The registration fee for a private security officer and a commissioned security officer is twenty dollars (\$20.00).

The transfer fee for a private security officer and a commissioned security officer is twenty dollars (\$20.00).

Rule 3.3 (A) Any licensee employing an individual, other than the original fourteen (14) day limit, that does not have a valid registration card shall be guilty of violating Arkansas Code Annotated 17-40-325 and 17-40- 315 (B).

Rule 3.3 (B) If the manager of any Class "A," Class "B", or Class "G" company ceases to be the manager for any reason whatsoever, the licensee shall name a person responsible for the conduct of the company and notify the Board in writing within fourteen (14) days from the date of cessation. The Board will then notify the licensee by certified mail, that the license of the Class "B" Class "C or Class "G" company shall remain in effect for a period not to exceed thirty (30) days within which time the company must qualify a new manager. If the Class "B", Class "C", or Class "G" company fails to notify the Board within fourteen (14) days of cessation of the manager or fails to name a person responsible for the conduct of the company within fourteen (14) days or to qualify a manager within the thirty (30) day period the licensee shall be subject to penalties as outlined in Arkansas Code Annotated 17-40-314.

Rule 3.4 Any individual who fails to renew a security officer's Commission and continues working while holding an expired commission shall be held liable as outlined in Arkansas Code Annotated 17-40-335 .(1 & 2).

Rule 3 .5 In addition to those requirements set forth by Act 429 of-1977 as amended, and these rules and regulations, an applicant for manager or ownership of a security services contractor company must meet at least one of the following:

(A) Have two (2) consecutive years experience in the capacity of a supervisor performing security related duties with documentation from their employers that they held a supervisory position and performing security-related duties was their primary occupation while employed with the company.

(B) Have two (2) consecutive years experience in a security related field with a law enforcement agency or a branch of the United States Armed Services.

(C) Have completed a course of instruction in the security field by an approved school. An approved school shall consist of a school, properly licensed, and the course of instruction must have been submitted to the Arkansas Board

of Private Investigators and Private Security Agencies for their approval.

Rule 3.6 All Class "B" Class "C" and Class "G" companies shall, if not exempt as provided under Arkansas Code Annotated 17-40-314, register a manager. The manager must be in a supervisory position with the company on a daily basis.

Rule 3.7 Each Class "B" Class "C" and Class "G" company shall maintain the following information relative to its employees that are required to be registered with the Board as private security officers or commissioned security officers.

(1) A complete application for employment. The application shall be the same type of application that is submitted to the Board for registration.

(2) One (1) classifiable set of fingerprints.

(3) One (1) photograph (bust preferred).

(4) Records of initial training and any subsequent training.

If the company is licensed under the provisions of this chapter and its rules and regulations as a Class "G" licensee they must also maintain the records as outlined in Rule 2.6 with relation to employees who are registered as alarm agents, alarm technicians, supervisor of technicians, alarm apprentices and managers.

Rule 3.8 All Class "B" Class "C" and Class "G" companies licensed under the provisions of this chapter and its rules and regulations must maintain the records under Rule 3.7 for a period of one (1) year after the date the employee terminated.

Rule 3.9 All Class "B" Class "C" and Class "G" companies licensed under the provisions of this chapter and its rules and regulations shall furnish to the Board on a weekly basis a list of new employees that are required to register with the Board listing the date of employment and a list of terminated registered employees listing the date of termination and the reason on a form prescribed by the Board. If there are no personnel transactions during the week, the company is not required to send any notification to the Board.

Rule 3.10 When an individual that is employed by a Class "B," Class "C" or Class "G" license renews their registration

card they shall return the expired card to the licensee, who shall make it a part of the records as outlined in Rule 3.7.

Rule 3.11 An application for a Class "B," Class "C" or Class "G" license under the provisions of this chapter and its rules and regulations if the applicant is an individual the manager and any branch manager if the applicant is a partnership or corporation must demonstrate his qualifications by successfully completing an examination on the following:

- (1) Legal limitations on the use of firearms.
- (2) The power and authority of private security officers.
- (3) The provisions of this chapter and its rules and regulations.
- (4) Field note taking and report writing.

(5) Range firing, procedure and firearm safety.

Successful completion of the examination shall consist of making & minimum score of seventy (70%) percent. If any individual fails to successfully complete the required examination, they will not be allowed to retake the required examination until a period of five (5) working days have elapsed and pay the reexamination fee, which shall be in the amount of fifty dollars (\$50.00). Failure to pass after two (2) examinations have been administered shall result in the denial of the application in accordance with Arkansas Code Annotated 17-40-350 (A-5)

Rule 3.12 A person to whom a registration card has been issued under this chapter and its rules and regulations shall wear in plain sight their identification card issued by the Board while performing any function listed in Arkansas Code Annotated 17-40-102 (4) and 17-40-102 (6) and present said card upon request to any individual in such a manner that enables the individual to identify the licensee or registrant. This rule does not apply to registrant private investigators.

Rule 3.13 All employees of a Class "B," Class "C" and Class "G" licenses and employees of the security department of a private business who are required to be registered with the Board as private security

Officers must complete the following training requirements and take the

Required examinations:

SUBJECT	EXAM HOURS REQUIRED
EXAM	

Legal authority of private security officers	2
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Familiarity with this chapter and its rules and regularities

If the employee is a commissioned security officer he must also complete the following course in firearms training which will include, but not be limited to the following:

SUBJECTS EXAM

Legal limitations on the use of firearms

Weapons, Safety Marksmanship, and Range Safety

Successfully qualify on the firing range ruing a course of instruction that has been approved by the Board.

The above subjects for commissioned personnel must be completed and certified to the Board before a security officer commission will be issued and must be no less than four (4) hours in duration. Each commissioned security officer shall annually as a prerequisite to the renewal of their commissions complete the firearms training described above.

A commissioned security officer shall not carry a firearm while performing his duties unless he has successfully qualified with such firearm in accordance with the aforementioned firearms training. If a commissioned security officer violates this provision, he shall be subject to immediate suspension by the administrator of the Board and be brought before the Board to show just cause why his commission should not be revoked.

Rule 3.14 All employees of a Class "B," Class "C" and Class "G" licensees and employees of the security department of a private businesses who are registered with the Board as private security officer must complete the following renewal training requirements within ninety (90) days prior to the expiration of their registration card and submit proof upon renewal that the following training requirements have been met:

SUBJECT HOURS REQUIRED EXAM

Legal authority of private security officers

Familiarity with this chapter and its rules and regulations

(A) Meet the qualifications as outlined in Rule 3.5 of these rules and regulations.

(B) Be in compliance with the provisions of this chapter and its rules and regulations

(C) The designated training administrator may have assistant training personnel; however, certification to the Board that the required training (D) All training personnel must complete an

examination on the topics as outlined in Rule 3.11. The reexamination standards and has been completed must be made by the designated training administrator or the designated assistant training administrator fees as outlined in Rule 3.11 apply to all training personnel.

Rule 3.15 Each Class "B," Class "C" and Class "G" license and the security department of a private business shall be allowed to conduct their own training for their security personnel and will designate to the Board a "Training Administrator." The training administrator and all training personnel must meet the following requirements unless waived by the Board:

Rule 3.16 When an individual licensed or registered under the provisions of this chapter and its rules and regulations is involved in any incident where a firearm is discharged, he/she shall submit a written report to his/her employer detailing such incident. Within twelve (12) hours after such incident occurs. The report shall be on a form prescribed by the Board. The licensee or, in the case the licensee is a corporation or partnership, the manager shall submit a copy of such report to the office of the Board within forty-eight (48) hours after such incident occurs

Rule 3.17 Any security guard company and private businesses who are required to register their employees under this chapter and its rules and regulations, if used, shall have an approved metallic badge or approved cloth insignia. If worn, the badge must be attached to the left breast of the uniform. If a cap or hat is worn, it must have an approved metallic badge or cloth insignia attached to the front of such cap or hat. An approved metallic badge or approved cloth insignia shall consist of one that has been submitted to and approved by the Arkansas Board of Private Investigators and Private Security Agencies. The badge and insignia cannot resemble a badge worn by police agencies in the State of Arkansas

Rule 3.18 When an employee of a Class "B," Class "C" or Class "G" licensee or the security department of a private business who is registered under the provisions of this chapter and its rules and regulations fails to return any issued equipment to their employer upon the request of said employer they shall not be eligible to transfer their registration as outlined in Arkansas Code Annotated 17-40-329. The registrant may transfer

only after such time as they have received certification from the company that all equipment has been returned and supplied proof of such certification to the Board

Rule 3.19. No officer, employee, partner or other person employed by a licensee may use a company name other than the name approved by and registered with the Board.

Rule 3.20 The licensee or the manager of a licensee shall notify any employee required to be registered under this chapter of any charges brought by the Board against said employee or of any denial of registration or any summons or subpoena to appear before the Board. The licensee, manager of a licensee or his designated representative (who shall be in a supervisory position) shall appear with the employee before the Board in cases where charges are brought or of denial of registration.

Rule 3.21 Except in cases of "Shoplifting" as defined in Arkansas Code Annotated 5-36-116(a), no employee of a licensee may arrest detain or otherwise take any action that a private citizen may not take.

Rule 3.22 Vehicles operated by licensees or their employees are not emergency vehicles. They shall 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 performing other duties authorized pursuant to A. C.A. 17-40-101 et seq.

SECTION IV PRIVATE INVESTIGATION COMPANIES AND INDIVIDUALS

Rule 4.1 The fee for a Class "A" original license is four hundred fifty dollars (\$450.00).

The fee for a renewal of a Class "A" license is one hundred fifty dollars (\$150.00).

The fee for a Class "D" original license is two hundred twenty five dollars (\$225.00).

The fee for renewal of a Class "D" license is seventy-five dollars (\$75.00).

A delinquency fee shall be imposed for the failure to make a timely renewal of a Class "A" or a Class "D" license The delinquency fee shall be as follows:

Class A - \$150.00

Class D - \$75.00

The delinquency fees contained herein shall be imposed if the application for renewal is not received in the office of the Board on or before the date on which it would otherwise expire. A renewal application may be received by the Board at any time within ninety (90) days prior to the expiration of the license but in no circumstances will it be accepted prior to ninety (90) days of the expiration date.

The registration fee for a registrant private investigator is two hundred twenty five dollars (\$225.00).

The fee for renewal of a registrant private investigator s registration is seventy-five dollars (\$75.00).

The fee to replace an identification card issued by the Board is five dollars (\$5.00).

The fee to transfer a registrant private investigator s registration is seventy-five dollars (\$75.00).

Registered employees of a licensee shall report any lost or stolen registration identification card to the Administrator of the Board and to the licensee within five (5) days.

Rule 4.2 When a Class "A" or a Class "D" company that is licensed under the provisions of this chapter and its rules and regulations ceases to conduct business in this State, they must return all certificates of licensure and registration cards to the Board accompanied by a notarized letter stating that they are no longer in business stating the date they ceased any activity that requires licensing under this chapter and its rules and regulations.

Rule 4.3 Any Class "A" licensee employing an individual who is required to be registered with the Board other than the original fourteen (14) day limit that does not have a valid registration card shall be guilty of violating Arkansas Code Annotated 17-40-325 and 17-40-315 (B).

Rule 4.4 If the manager of any Class "A" company ceases to be the manager for any reason whatsoever the licensee shall name a person responsible for the conduct of the company and shall notify the Board in writing within fourteen (14) days from the date of cessation. The Board will then notify the licensee by certified mail that the license of the Class A company shall remain in effect for a period not exceeding thirty (30) days within which time the company must qualify a new manager. If the Class "A" company fails to notify the Board within fourteen (14) days or fails to name a person responsible for the conduct of

the company within fourteen (14) days or to qualify another manager within the thirty (30) day period, the licensee shall be subject to penalties as outlined in Arkansas Code Annotated 17-40-350(A) and 17-40-314.

Rule 4.5 In addition to those requirements set forth by this chapter and its rules and regulations an applicant for manager or ownership of an investigation company must meet at least one of the following:

(A) Have two (2) consecutive years experience of performing investigations with documentation from their employers that performing investigations was their primary occupation while employed with that company; or

(B) Have two (2) consecutive years experience in a security-related field with a law enforcement agency or a branch of the United States Armed Services; or, (C) Have completed a course of instruction in the investigative field by an approved school. An approved school shall consist of a school properly licensed and the course of instruction must have been submitted to the Arkansas Board of Private Investigators and Private Security Agencies for their approval.

Rule 4.6 All Class "A" companies shall if not exempt as provided under Arkansas Code Annotated 17-40-314, register a manager. The Manager must be in a supervisory position of the company on a daily basis. The provisions of this rule do not apply to the holders of a Class "D" license.

Rule 4.7 All Class "A" companies shall maintain the following information relative to its employees that are required to be registered with the Board as private investigators:

(1) A complete application for employment. This application shall be the same type of application that is submitted

to the Board for registration;

(2) One (1) classifiable set of fingerprints;

(3) One (1) photograph (bust preferred) and.

(4). Records of initial training and any subsequent training.

The employees of a Class "A" or Class "C" company who are registered as private investigators shall be known as "Registered Private Investigators" and an identification card of

such design shall reflect this.

Rule 4.8 All Class "A" companies that are licensed under the provisions of this chapter and its rules and regulations must maintain the records under Rule 4.7 for a period of one (1) year after the date the employee terminated.

Rule 4.9 All Class "A" companies licensed under the provisions of this chapter and its rules and regulations shall furnish to the Board on a weekly basis a list of new employees that are required to be registered with the Board listing the date of employment and a list of terminated registered employees, listing the date of termination and reason on a form prescribed by the Board. If there are no personnel, transactions during the week the company is not required to send any notification to the Board.

Rule 4.10 When an individual who is employed by a Class "A" company as a registrant private investigator renews their registration card they shall return their expired card to the licensee who shall make it a part of the records as outlined in Rule 4.7.

Rule 4.11 An application for a Class "A" or Class "D" licensee under the provisions of this chapter and its rules and regulations if the applicant is an individual the manager and any branch manager if the applicant is a partnership or corporation, must demonstrate his qualifications by successfully completing an examination on the following:

- (1) The provisions of this chapter and its rules and regulations,
- (2) Field note taking and report writing and
- (3) Arkansas Criminal Code.

Successful completion of the examination shall consist of making a minimum score of seventy (70%) percent. If any individual fails to successfully complete the required examination, they will not be allowed to retake the required examination until a period of five (5) working days have elapsed and pay the reexamination fee, which shall be in the amount of fifty dollars (\$50.00). Failure to pass after two (2) examinations have been administered shall result in the denial of the application in accordance with Arkansas Code. Annotated 17-40-350 (A5).

Rule 4.12 A person to whom a registration card has been issued under this chapter and its rules and regulations must carry such card on their persons at all times while engaged during the course and scope of their duties and present said card upon request to any individual and afford such individual the opportunity to make proper identification of such registered

person. Any card holder who fails to comply with the above shall be brought to the Board to answer why their registration should not be revoked.

Rule 4.13 private investigators must submit written reports to any and all clients upon request of said clients. Written reports shall include but not be limited to the investigative report entailing all relative information obtained during the investigation.

Rule 4.14 No licensee officer director partner or employee of an investigation company shall wear, carry, accept or show any badge or shield purporting to indicate that such person is a private investigator or connected with the investigation business.

Rule.4.15 No licensee, officer, director, partner or employee of an investigations company shall contact or cause to be contacted any individual that he/she has been employed by a client to investigate for the purpose of revealing 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 4.16 No private investigator registration shall be issued to an individual under the provisions of this chapter and its rules and regulations until that individual has successfully completed an examination. The examination shall consist of questions derived from Act 429 of 1977, as amended, and these rules and regulations and shall be administered to the applicant at the office of the Board. A successful completion of the examination shall require a minimum score of seventy (70%). If the applicant fails to successfully pass the required examination he/she shall not be eligible to retake the examination until a period of five (5) working days have elapsed and pay the reexamination fee of fifty dollars (\$50.00).

SECTION V - SCHOOLS AND INSTITUTIONS OF INSTRUCTION

RULE 5.1 An approved school of instruction as outlined under RULE 3.5 and 4.5 shall be required to register with the Board as a "Private Business" (the security department of a private business) and register each student with the Board in accordance with Arkansas Code Annotated 17-40-325 and 17-40-103 (B), except said registration may not include the required training if such training is included in the school course of instruction.

Rule 5.2. All approved schools of instruction as outlined under Rules 3.5 and 4.5 shall be required to register a training administrator. The training administrator and all training personnel who are to instruct any portion of the required training as outlined under Rule 3.13 shall, prior to instructing any of these topics, successfully complete the required examination as outlined in Rule 3.11.

Rule 5.3 All approved schools shall furnish a list of their instructors and credentials of all instructors who teach any portion of the school with regards to security and investigation to the Board for their approval, which shall be made a permanent record of their files maintained by the Board.

Rule 5.4 All approved schools shall furnish to the Board a list of their students in accordance with Board Rules 3.9 and 4.9.

Rule 5.5 The course of instruction for any school approved under Rule 3.5 and 4.5 shall include but not be limited to:

BASIC DOCTRINES OF PRIVATE SECURITY (ORIENTATION)

To include history, ethics, organization and functions of private security. A minimum of 15 clock hours.

PURPOSES OF SECURITY A minimum of 15 clock hours.

CRIMINAL LAW A minimum of 25 clock hours.

CMLLAW A minimum of 25 clock hours.

LEGAL POWERS AND LIMITATIONS A minimum of 5 clock hours.

SECURITY FUNCTIONS

Report writing Patrol Interviewing and Investigations

Surveillance Evidence Public relations

Safety

Interrogation

A minimum of 40 clock hours.

ACT 429 OF 1977, AS AMENDED. A minimum 60 clock hours.

SECURITY

SUPERVISION-MANAGEMENT

Administrative responsibilities Investigative responsibilities. Managerial responsibilities Business communications

A minimum of 60 clock hours.

EMERGENCIES AND DISASTER CONTROL

Natural and manmade
A minimum of 10 clock hours.

SELF DEFENSE

Armed and unarmed A minimum of 10 clock hours.

Rule 5.6 All schools shall maintain a record pertaining to their students. The record shall be maintained in accordance with Rule 3.7.

Rule 5.7 If the training administrator ceases to be employed with an approved school for any reason whatsoever the school shall notify the Board in writing within seven (7) days. The business of the school shall be carried on for a period of no more than thirty (30) days after the date the training administrator terminated pending the qualification of a new training administrator. If the school fails to have an approved training administrator after the thirty (30) day period, they shall be subject to decertification by the Administrator of the Board.

Rule 5.8 If a school is certified by an accrediting association or organization they must maintain at all times with the Board a copy of the certification. If the school is decertified by the accrediting organization or association the school must notify the Board in writing by certified mail within ten (10) days of their decertification listing why they were decertified.

Rule 5.9 .If the ownership of any school changes the school must notify the Board in writing within seven (7) days by certified mail of such changes listing the new person or corporation and upon demand supply to the Board any information of which it desires with reference to the change.

Rule 5.10 If any school violates any provision of this chapter and its rules and regulations, they shall be subject to disciplinary action by the Board as outlined in Arkansas Code Annotated 17-40-350.