

By: Representative Malone

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 750

1 AN ACT TO CREATE THE PRIVATE INVESTIGATORS LAW; TO DEFINE  
2 TERMS TO BE USED IN THIS ACT; TO CREATE THE MISSISSIPPI STATE  
3 BOARD OF PRIVATE INVESTIGATOR EXAMINERS; TO ESTABLISH  
4 QUALIFICATIONS OF BOARD MEMBERS; TO PROVIDE POWERS AND DUTIES OF  
5 THE BOARD; TO CREATE THE POSITION OF EXECUTIVE DIRECTOR OF THE  
6 BOARD; TO PROVIDE THAT THE BOARD ESTABLISH MINIMUM QUALIFICATIONS  
7 FOR LICENSING; TO AUTHORIZE THE BOARD TO ISSUE DIFFERENT TYPES OF  
8 LICENSES; TO PROVIDE THAT THE BOARD DETERMINE THE SCOPE, FORM AND  
9 CONTENT OF EXAMINATIONS FOR LICENSURE; TO PROVIDE THAT THE BOARD  
10 ESTABLISH PROCEDURES FOR ACCEPTING OR DENYING APPLICATIONS; TO  
11 PROVIDE FOR THE FORM OF THE LICENSE; TO REQUIRE EACH PERSON  
12 PERFORMING THE DUTIES OF A PRIVATE INVESTIGATOR SHALL APPLY TO THE  
13 BOARD FOR A REGISTRATION CARD; TO PROVIDE THAT THE BOARD APPROVE  
14 ALL TRAINING PROGRAMS; TO PROVIDE A SCHEDULE OF FEES; TO PROVIDE  
15 AUTHORITY FOR BOARD TO SUSPEND, REVOKE OR IMPOSE PROBATIONARY OR  
16 OTHER RESTRICTIONS ON LICENSES; TO PROVIDE FOR UNLAWFUL ACTS; TO  
17 PROVIDE PENALTIES FOR UNLAWFUL ACTS; TO AUTHORIZE THE BOARD TO  
18 PROVIDE PUNISHMENT FOR UNLAWFUL ACTS; TO CREATE A SPECIAL FUND IN  
19 THE STATE TREASURY FOR THE MISSISSIPPI STATE BOARD OF PRIVATE  
20 INVESTIGATOR EXAMINERS; TO PROVIDE FOR THE DUTIES OF THE EXECUTIVE  
21 DIRECTOR; TO PROVIDE FOR MEETINGS OF THE BOARD; TO PROVIDE FOR  
22 STANDING COMMITTEES OF THE BOARD; TO PROVIDE FOR ADDITIONAL FEES;  
23 TO PROVIDE FOR INVESTIGATIVE EDUCATIONAL INSTRUCTION; TO PROVIDE  
24 FOR THE DUTIES AND RESPONSIBILITIES OF AN INVESTIGATOR; TO PROVIDE  
25 FOR THE PROCEDURE FOR HEARING COMPLAINTS BEFORE THE BOARD OF  
26 PRIVATE INVESTIGATORS; TO DESCRIBE THE TYPES OF PROFESSIONAL  
27 MISCONDUCT FOR INVESTIGATORS; TO PROVIDE FOR PROCEEDINGS TO  
28 ADJUDICATE AN ADMINISTRATIVE ENFORCEMENT ACTION; AND FOR RELATED  
29 PURPOSES.

30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

31 **SECTION 1.** The Legislature of Mississippi declares that it  
32 is in the best interest of the citizens of Mississippi to require  
33 the licensure of private investigators and businesses.

34 The purpose of this act is to require qualifying criteria in  
35 a professional field in which unqualified individuals may injure  
36 the public. The requirements of this act shall contribute to the  
37 safety, health and welfare of the people of Mississippi.

38 **SECTION 2.** This act shall be known and may be cited as the  
39 "Private Investigators Law."

40           **SECTION 3.** As used in this act, the following terms shall  
41 have the meanings ascribed to them unless the context clearly  
42 requires otherwise:

43           (a) "Applicant" means a person who seeks to be examined  
44 for licensure or certification by the board.

45           (b) "Board" means the Mississippi State Board of  
46 Private Investigator Examiners within the Department of Public  
47 Safety.

48           (c) "Contract private investigator company" means any  
49 person engaged in the business of providing, or which undertakes  
50 to provide, an investigator on a contractual basis for another  
51 person.

52           (d) "Executive director" means the chief administrative  
53 officer of the board.

54           (e) "Licensee" means any person to whom a license is  
55 granted in accordance with the provisions of this act and who may  
56 certify the successful completion of the required minimum training  
57 for private investigator apprentices.

58           (f) "Person" means an individual, firm, association,  
59 company, partnership, corporation, nonprofit organization or other  
60 legal entity.

61           (g) "Principal corporate officer" means the president,  
62 treasurer, secretary, or comptroller or any other persons who  
63 performs functions for the corporation corresponding to those  
64 performed by the foregoing officers.

65           (h) (i) "Private investigator" or "private detective"  
66 means any person who holds out to the general public and engages  
67 in the business of furnishing or who accepts employment to furnish  
68 information or who agrees to make or makes an investigation for  
69 the purpose of obtaining information with reference to the  
70 following:

71                               1. Crimes or wrongs committed.

72                   2. Identity, habits, conduct, business,  
73 occupations, honesty, integrity, credibility, knowledge,  
74 trustworthiness, efficiency, loyalty, activity, movement,  
75 whereabouts, affiliations, associations, transactions, acts,  
76 reputation or character of any person.

77                   3. The location, disposition or recovery of  
78 stolen property.

79                   4. The cause or responsibility for fires,  
80 libels, losses, accidents, damages or injuries to persons or to  
81 properties. However, scientific research laboratories, technical  
82 experts and licensed engineers shall not be included in this  
83 definition.

84                   5. Securing evidence to be used before any  
85 court, board, officer or investigative committee.

86                   (ii) The definition "pi" or "pdetc" shall not  
87 include any of the following:

88                   1. Insurer employees or agents and insurance  
89 adjusters or claims agents who make appraisals for the monetary  
90 value or settlement of damages or monetary value or settlement of  
91 personal injuries.

92                   2. An officer or employee of the United  
93 States, this state or any political subdivision of either while  
94 such officer or employee is engaged in the performance of his or  
95 her official duties within the course and scope of his or her  
96 employment with the United States, this state or any political  
97 subdivision.

98                   3. A person engaged exclusively in the  
99 business of obtaining and furnishing information as to the  
100 financial rating or credit worthiness of persons.

101                   4. An attorney at law licensed to practice in  
102 this state and his or her employees.

103                   5. Undercover agents working with the United  
104 States, this state or any political subdivision while engaged in  
105 the performance of their official duties.

106                   6. A person primarily engaged in the business  
107 of furnishing confidential information for the purposes of a  
108 consumer reporting agency, as defined by the Federal Fair Credit  
109 Reporting Act, 15 USCS 1681 et seq.

110                   7. A person licensed by the Mississippi State  
111 Board of Private Security Examiners only when investigating at his  
112 or her place of employment during the performance of his or her  
113 duties.

114                   8. A person or corporation which employs  
115 persons who do private investigative work in connection with the  
116 affairs of such employer exclusively and who have an  
117 employer-employee relationship with such employer. Neither such  
118 persons or corporations nor their employees shall be required to  
119 register or be licensed under this act.

120                   9. A person engaged as a professional  
121 employment screening consultant conducting face-to-face interview  
122 with an applicant or candidate for employment.

123                   10. A certified public accountant licensed to  
124 practice in this state and his or her employees.

125                   (i) "Registrant" means an individual who holds a valid  
126 registration card issued by the board.

127                   (j) "Registration card" means the identification card  
128 issued by the board to a registrant as evidence that the  
129 registrant has met the required minimum qualifications to perform  
130 the duties of a private investigator or apprentice.

131                   **SECTION 4.** (1) The Mississippi State Board of Private  
132 Investigator Examiners is hereby created within the Department of  
133 Public Safety. The board shall be a body corporate and may sue  
134 and be sued.

135           (2) The board shall be comprised of seven (7) members  
136 appointed by the Governor. One (1) member shall be appointed from  
137 each of the four (4) congressional districts and one (1) at large  
138 as established by law and shall be a resident of the district from  
139 which he or she is appointed. The Governor shall appoint one (1)  
140 licensed attorney to serve on the board from the state at large  
141 and one (1) member from the state at large appointed from a list  
142 of names submitted by the Board of Directors of the Mississippi  
143 Private Investigators Association. Each member of the board shall  
144 be a citizen of the United States of America, a resident of  
145 Mississippi, at least twenty-one (21) years of age and, except for  
146 the attorney appointed from the state at large, shall have been  
147 actively engaged in the private investigator business for the  
148 previous five (5) years, earning at least ninety percent (90%) of  
149 his or her gross income for the year preceding his or her  
150 appointment from the private investigator business. No more than  
151 two (2) board members may be employed by or affiliated with the  
152 same agency. The initial board members shall not be required to  
153 be licensed but shall obtain a license within one hundred eighty  
154 (180) days after appointment to the board. Each subsequent member  
155 shall be a licensed private investigator.

156           (3) The board shall be domiciled in Jackson, Mississippi,  
157 and may meet at such other location in the state as may be  
158 determined by the board.

159           (4) Each member shall serve at the pleasure of the Governor.  
160 Each appointment by the Governor shall be submitted to the Senate  
161 for confirmation.

162           (5) Any vacancy on the board caused by the death,  
163 resignation or disability of a member shall be filled by  
164 appointment by the Governor. A person appointed to fill a vacancy  
165 on the board shall possess the same qualifications and residency  
166 requirements as the person whose position on the board is being  
167 filled by the appointment.

168           (6) Each member of the board shall receive a certificate or  
169 commission from the Governor and before beginning his or her term  
170 of office shall file with the Secretary of State a written oath or  
171 affirmation for faithful discharge of his or her official duties.

172           (7) (a) No member of the board shall receive a per diem but  
173 shall be reimbursed for actual expenses incurred when attending a  
174 meeting of the board of any of its committees and for the time  
175 spent on behalf of the board on official business, not to exceed  
176 ten (10) days in any month.

177           (b) Each member shall be reimbursed, upon approval of  
178 the board as evidenced by voucher, for all necessary travel,  
179 incidental and clerical expenses incurred in carrying out the  
180 provisions of this act.

181           **SECTION 5.** (1) The board shall:

182           (a) Examine all applicants desiring to be licensed as a  
183 private investigator or private investigator agency in the State  
184 of Mississippi.

185           (b) Administer a written examination for prospective  
186 licensees at least twice each year in the City of Jackson.

187           (c) Adopt rules and regulations to govern the practice  
188 of a private investigator in the State of Mississippi.

189           (d) Issue, suspend, modify or revoke license  
190 certificates to practice as a private investigator or apprentice  
191 in the State of Mississippi.

192           (e) Report to the Attorney General of the state all  
193 persons violating the provisions of this act.

194           (f) Elect a chairman and vice chairman, each to serve a  
195 term of two (2) years.

196           (g) Report, no later than October 1 of each year, to  
197 the Governor, the Secretary of State, and the Legislature on its  
198 activities.

199           (h) Adopt its official seal.

200           (2) The board may:

201           (a) Adopt and enforce such rules and regulations,  
202 bylaws and rules of professional conduct as the board may deem  
203 necessary and proper to regulate private investigator businesses  
204 in the State of Mississippi, to provide for the efficient  
205 operation of the board, and otherwise to discharge its powers,  
206 duties and functions under the provisions of this act.

207           (b) Prescribe and adopt regulations, standards,  
208 procedures and policies governing the manner and conditions under  
209 which credit shall be given by the board for participation in  
210 professional education such as the board may consider necessary  
211 and appropriate to maintain the highest standards of the private  
212 investigator industry in the State of Mississippi.

213           (c) Authorize any member of the board to make any  
214 affidavit necessary for the issuance of any injunction or other  
215 legal process authorized under this act or under the rules and  
216 regulations of the board.

217           (d) Issue subpoenas to require attendance and testimony  
218 and the production of documents, for the purpose of enforcing the  
219 laws relative to the private investigator industry and securing  
220 evidence of violations thereof.

221           (e) Maintain a current list of licensed private  
222 investigators.

223           (f) Appoint a qualified executive director.

224           (g) Employ clerical assistance necessary to carry out  
225 the administrative work of the board.

226           (h) Employ legal counsel to carry out the provisions of  
227 this act. The fees of such counsel and the cost of all  
228 proceedings except criminal prosecutions shall be paid by the  
229 board from its own funds.

230           (i) Incur all necessary and proper expenses.

231           (3) The chairman and executive director of the board or, in  
232 their absence, any other member of the board, may administer oaths  
233 in the taking of testimony given before the board.

234 (4) The board shall meet quarterly at regular meetings each  
235 year. A special meeting may be held at such time and place as  
236 specified by the executive director on call of the chairman or any  
237 four (4) members. The executive director shall give written  
238 notice of all meetings to the members of the board and to the  
239 interested public.

240 (5) Four (4) members of the board shall constitute a quorum  
241 for all purposes, including the granting or issuance of licenses  
242 and the rulemaking and adjudicative functions of the board.

243 (6) The board shall have the authority to:

244 (a) Request and obtain state and national criminal  
245 history record information on any person applying for any license  
246 or registration which the board is authorized by law to issue.

247 (b) Require any applicant for any license or  
248 registration, which the board is authorized to issue, to submit  
249 two (2) full sets of fingerprints, in a form and manner prescribed  
250 by the board, as a condition to the board's consideration of his  
251 or her application.

252 (c) Charge and collect from an applicant for any  
253 license or registration which the board is authorized to issue, in  
254 addition to all other applicable fees and costs, such amount as  
255 may be incurred by the board in requesting and obtaining criminal  
256 history record information on the applicant.

257 **SECTION 6.** (1) The position of executive director of the  
258 board is hereby created. The executive director shall be  
259 appointed by the board with consent of the Governor and shall  
260 serve as the chief administrator of the board. He or she shall  
261 not be a member of the board, but shall be a full-time  
262 unclassified employee of the board who shall be paid compensation  
263 in an amount to be determined by the board which shall not exceed  
264 Fifty Thousand Dollars (\$50,000.00) annually. The office,  
265 equipment and furnishings of the board and the executive director  
266 shall be initially furnished by the Department of Public Safety.



267 (2) The executive director shall perform such duties as may  
268 be prescribed by the board. He or she shall have no financial or  
269 business interests, contingent dealings or otherwise, in the  
270 private investigator industry while so employed or for a period of  
271 two (2) years after termination of employment.

272 **SECTION 7.** (1) The board shall base the determination of  
273 the satisfactory minimum qualifications for licensing on whether  
274 or not the applicant satisfies the following criteria:

275 (a) Is of legal age.

276 (b) Is a citizen of the United States or a resident  
277 alien holding proper documentation to work in the United States.

278 (c) Has not been convicted in any jurisdiction of any  
279 felony or of any crime involving moral turpitude.

280 (d) Has not been the subject of any disciplinary action  
281 in another state where the applicant is licensed as a private  
282 investigator.

283 (e) Has not been declared by any court of competent  
284 jurisdiction to be incompetent by reason of mental defect or  
285 disease which has not been restored.

286 (f) Is not a practicing alcoholic or drug addict.

287 (g) If a corporation, shall be incorporated under the  
288 laws of this state or shall be duly qualified to do business  
289 within the state with a valid certificate of authority issued by  
290 the Secretary of State, and shall have an agent for service of  
291 process designated as required by law.

292 (2) If, in the discretion of the board, the applicant  
293 provides inadequate information to allow the board to ascertain  
294 whether the applicant satisfies the qualifications for licensure,  
295 the applicant shall be required to provide additional information  
296 for the purpose of the application, or may be required to present  
297 himself or herself for an interview for this purpose.

298 (3) An applicant for licensing shall file with the board an  
299 application form provided by the board. The form shall require

300 such relevant information about the applicant's character,  
301 experience and background as the board may determine and the  
302 following:

303 (a) If the applicant is an individual, the application  
304 shall be subscribed and sworn to by such person before a notary  
305 and two (2) witnesses.

306 (b) If the applicant is a partnership, the application  
307 shall be subscribed and sworn to by each partner before a notary  
308 and two (2) witnesses.

309 (c) If the applicant is a corporation, it shall be  
310 subscribed and sworn to by at least two (2) principal corporate  
311 officers before a notary and two (2) witnesses.

312 (d) Any individual signing a license application shall  
313 submit with the license application classifiable impressions of  
314 his fingerprints on a form approved by the board.

315 (e) Any individual submitting an application for  
316 licensure shall disclose all disciplinary actions from other  
317 states where the applicant is licensed as a private investigator.

318 (4) Every person covered by this act within the state on  
319 July 1, 2007, shall have one hundred eighty (180) days after the  
320 board is duly constituted to apply to the board for a license to  
321 operate. Any such person filing a timely application may continue  
322 to engage in business pending a final determination of his  
323 application.

324 **SECTION 8.** (1) As used in this section the following terms  
325 shall have the following meaning:

326 (a) "Bureau" means the Mississippi Bureau of Criminal  
327 Identification and Information of the office of state police  
328 within the Department of Public Safety.

329 (b) "Criminal history record information" means  
330 information collected by state and federal criminal justice  
331 agencies on individuals consisting of identifiable descriptions  
332 and notations of arrests, detentions, indictments, bills of

333 information or any formal criminal charges, and any disposition  
334 arising therefrom, including sentencing and criminal correctional  
335 supervision and release, but does not include intelligence for  
336 investigatory purposes, nor does it include any identification  
337 information which does not indicate involvement of the individual  
338 in the criminal justice system.

339 (c) "FBI" means the Federal Bureau of Investigation of  
340 the United States Department of Justice.

341 (d) "Licensure" means any license or registration which  
342 the board is authorized to issue.

343 (2) In addition to any other requirements established by law  
344 or board rules, the board shall require an applicant, as a  
345 condition for eligibility for licensure, to submit two (2) full  
346 sets of fingerprints, on a form and in a manner prescribed by the  
347 board, to permit the board to request and obtain state and  
348 national criminal history record information on the applicant and  
349 to charge and collect from the applicant, in addition to all other  
350 applicable fees and costs, such amount as may be incurred by the  
351 board in requesting and obtaining state and national criminal  
352 history record information on the applicant.

353 (3) In accordance with the provisions and procedures  
354 prescribed by this section, the board shall request and obtain  
355 state and national criminal history record information from the  
356 bureau within the FBI relative to any applicant for licensure  
357 whose fingerprints the board has obtained pursuant to this section  
358 for the purpose of determining the applicant's suitability and  
359 eligibility for licensure.

360 (4) Upon request by the board and upon the board's  
361 submission of an applicant's fingerprints, and such other  
362 identifying information as may be required, the bureau shall  
363 conduct a search of its criminal history record information  
364 relative to the applicant and report the results of its search to  
365 the board within sixty (60) days after receipt of any such

366 request. The bureau may charge the board a reasonable processing  
367 fee for conducting and reporting the results of any such search.

368 (5) The board shall also forward the applicant's  
369 fingerprints and such other identifying information as may be  
370 required to the FBI with a request for a search of national  
371 criminal history record information relative to the applicant.

372 (6) Any and all state or national criminal history record  
373 information obtained by the board from the bureau or FBI which is  
374 not already a matter of public record shall be deemed nonpublic  
375 and confidential information restricted to the exclusive use of  
376 the board, its members, officers, investigators, agents and  
377 attorneys in evaluating the applicant's eligibility or  
378 disqualification for licensure. No such information or records  
379 related thereto shall, except with the written consent of the  
380 applicant or by order of a court of competent jurisdiction, be  
381 released or otherwise disclosed by the board to any other person  
382 or agency.

383 **SECTION 9.** (1) The board is authorized to issue the  
384 following types of licenses to qualified applicants:

385 (a) (i) "Private investigation agency license" issued  
386 to any person or entity, where the individual seeking license or  
387 the partner of the partnership seeking license or the principal  
388 corporate officer of the corporation seeking license:

389 1. Has at least three (3) years experience  
390 within the last ten (10) years either working as a private  
391 investigator or in an investigative capacity; and

392 2. Satisfies all other requirements for  
393 licensing.

394 (ii) The provisions of this paragraph requiring  
395 investigative experience for licensing as a private investigator  
396 agency shall not apply to any person or entity licensed as a  
397 private investigator agency on July 1, 2007.

398 (b) "Private investigator license" issued to any  
399 person, who satisfies the requirements for licensing and is  
400 employed by a licensed private investigator agency.

401 (c) "Apprentice license" issued to any person who  
402 satisfies the minimum requirements for licensing as an apprentice,  
403 as established by rules and regulations promulgated by the board.

404 (2) The individual or the partner of the partnership or the  
405 principal corporate officer of the corporation with the requisite  
406 experience licensed to operate as a "private investigator agency"  
407 may operate as a private investigator and hire others licensed as  
408 a "private investigator."

409 (3) The individual licensed as a "private investigator" may  
410 only operate as a private investigator if employed by a licensed  
411 private investigator agency.

412 **SECTION 10.** (1) After receipt of an application for a  
413 license, the board shall conduct an investigation to determine  
414 whether the facts set forth in the application are true.

415 (2) Within sixty (60) days after receipt of an application,  
416 the board shall either issue a license to the applicant or notify  
417 him or her of a denial of the license application.

418 (3) If the board requires additional information from the  
419 applicant to complete its investigation or otherwise to satisfy  
420 the requirements of this act, or if the applicant has not  
421 submitted all required information, the sixty-day period for  
422 action by the board shall commence when the board has received all  
423 such information.

424 (4) The board shall deny the application for a license if it  
425 finds that the applicant, or the qualifying agent, or any of the  
426 applicant's owners, partners or principal corporate officers have  
427 committed any of the following:

428 (a) Violated any of the provisions of this act or the  
429 rules and regulations promulgated by the board.

430 (b) Practiced fraud, deceit or misrepresentation.

431 (c) Knowingly made a material misstatement in the  
432 application for a license.

433 (d) Failed to meet the qualifications of this act.

434 (e) Been convicted of a felony.

435 (5) The board may refuse to issue a license for good cause  
436 shown.

437 **SECTION 11.** (1) The board shall determine the scope, form  
438 and content of the examinations for licensure. The examination,  
439 which shall be written, shall test the applicant's knowledge of  
440 the private investigator business and his or her ability to apply  
441 that knowledge and to assume responsible charge in the practice of  
442 private investigator.

443 (2) The examination shall include such subject areas as  
444 general federal and state constitutional principles and court  
445 decisions related to activities which could result in liability  
446 for invasion of privacy or other activities, search and seizure  
447 laws in general, state criminal laws and related procedures, and  
448 general weapons use and concealed weapons laws. The board shall  
449 review and make use of nationally accepted and appropriate  
450 examinations to the extent practical.

451 (3) The board shall conduct or contract for the conduct of a  
452 forty-hour training class covering the subject areas of the  
453 licensing examination and shall require completion of an approved  
454 training class for a licensed applicant prior to the taking of the  
455 examination.

456 **SECTION 12.** (1) The procedure of the board in approving or  
457 denying an application shall be as follows:

458 (a) If the application is approved, the board shall  
459 notify the applicant in writing that a license shall be issued.

460 (b) If the application is denied, the board shall  
461 notify the applicant in writing and shall set forth the grounds  
462 for denial.

463           (c) (i) If the grounds for denial are subject to  
464 correction by the applicant, the notice of denial shall so state  
465 and the applicant shall be given ten (10) days after receipt of  
466 such notice, or, upon application, a reasonable additional period  
467 of time within which to make the required correction.

468           (ii) If the application is denied, the applicant,  
469 within thirty (30) days after receipt of notice of denial from the  
470 board, may request a hearing on the denial. Within ten (10) days  
471 after the filing of such request for hearing by the applicant, the  
472 board shall schedule a hearing to be held after due notice to the  
473 applicant. The hearing shall be conducted in accordance with the  
474 Administrative Procedures Act.

475           (2) The board shall issue a license as a private  
476 investigator to each applicant who meets the requirements of this  
477 act, passes satisfactorily the examination administered by the  
478 board and pays the required fee.

479           (3) Any applicant who fails an examination may be reexamined  
480 upon expiration of at least thirty (30) days and upon filing a new  
481 application and payment of the reexamination fee.

482           (4) A qualified agency or company in existence on July 1,  
483 2007, may be licensed without an examination, upon approval of the  
484 board, if application is made to the board before January 1, 2008.  
485 In determining the qualifications of an applicant for licensing  
486 under this subsection, an affirmative vote of at least four (4)  
487 members of the board is required.

488           (5) Upon satisfactorily passing the examination administered  
489 by the board and paying the required fee the following persons, if  
490 otherwise qualified, may be licensed without the necessity of  
491 taking the training course:

492           (a) Any person who was a commissioned law enforcement  
493 officer in this state as of July 1, 2007, and who has a valid  
494 certificate from a law enforcement training center accredited by  
495 the Council on Peace Officer Standards and Training.

496 (b) Any person who was a commissioned law enforcement  
497 officer prior to July 1, 2007, and who was certified under the  
498 provisions of Section 45-6-11.

499 (c) Any person who was a commissioned law enforcement  
500 officer in another state as of July 1, 2007, and who holds a  
501 certificate from a law enforcement training center in that state  
502 which meets the requirements that are comparable to that of  
503 Mississippi.

504 **SECTION 13.** (1) The license, when issued, shall be in a  
505 form prescribed by the board and shall include the following:

506 (a) Name of licensee.

507 (b) Business name under which the licensee is to  
508 operate.

509 (c) Addresses of the locations where the licensee is  
510 operating or will operate.

511 (d) Number and date of the license and its date of  
512 expiration.

513 (2) No license shall be assigned or transferred either by  
514 operation of law or otherwise.

515 (3) If a sale, assignment, transfer, merger or consolidation  
516 of a business licensed under this act is completed, the purchaser,  
517 assignee, transferee or surviving or new corporation, who is not  
518 already a licensee, shall immediately apply for a license on a  
519 form prescribed by the board which shall include the general  
520 information required by this act.

521 (4) The purchaser, assignee, transferee or surviving or new  
522 corporation shall be subject to the same general requirements and  
523 procedures set forth in this act to the extent such sections are  
524 applicable, and may continue the operation of that licensed  
525 business until notified by the board of its final decision on the  
526 new application for a license.

527 (5) For good cause shown, the board may extend the period  
528 of time for filing the application required.



529           SECTION 14. (1) (a) Within seventy-two (72) hours after  
530 receipt of the license certificate, the licensee shall cause the  
531 license certificate to be posted and to be displayed at all times  
532 in a conspicuous place in the principal office of the licensee  
533 within the state.

534           (b) Copies of the license certificate shall be  
535 displayed at all times in any other office within the state where  
536 the licensee transacts business.

537           (c) Such license certificates, or copies thereof, shall  
538 be subject to inspection at all reasonable times by the board.

539           (2) It shall be unlawful for any person holding such a  
540 license certificate knowingly and willfully to post or to permit  
541 the posting of the license certificate upon premises other than  
542 those described in the license certificate, or knowingly and  
543 willfully to alter such license certificate.

544           (3) (a) Each license certificate shall be surrendered to  
545 the board within seventy-two (72) hours after it has been revoked  
546 or after the licensee ceases to do business.

547           (b) If the board or a court of competent jurisdiction  
548 has pending before it any matter relating to the renewal,  
549 revocation or transfer of a license, the licensee shall not be  
550 required to surrender the license certificate until the matter has  
551 been adjudicated and all appeals have been exhausted.

552           (c) When the licensee receives final notice that its  
553 license has been revoked, a copy of such notice shall be displayed  
554 and posted in close proximity to the license certificate until the  
555 licensee terminates operations.

556           SECTION 15. The licensee shall notify the board within  
557 thirty (30) days of any changes in its officers, directors or  
558 material change in the information previously furnished or  
559 required to be furnished to the board, or of any occurrence which  
560 could reasonably be expected to affect the licensee's right to a  
561 license under this act.

562           SECTION 16. (1) (a) Each person who in performing the  
563 functions and duties of a private investigator in this state on  
564 July 1, 2007, shall have one hundred eighty (180) days after the  
565 board is duly constituted to apply to the board for a registration  
566 card.

567           (b) A registration card may be issued to an apprentice  
568 by the board pending issuance of a permanent registration card.  
569 The registration card for the apprentice shall be valid for not  
570 more than one (1) year.

571           (c) Individuals required to obtain a registration card  
572 under the provisions of this act shall request an application form  
573 from this board and upon completion thereof shall immediately  
574 forward the sworn application to the board.

575           (d) (i) The board shall prescribe by rule the form for  
576 such applications and procedures for their submission,  
577 consideration and disposition, including the fee to accompany the  
578 application.

579           (ii) To be eligible to apply for a registration  
580 card, an individual shall have the same qualifications required of  
581 an applicant listed under Section 7 of this act.

582           (2) Each investigator shall carry his or her registration  
583 card whenever he or she is performing the duties of a private  
584 investigator, and it shall be exhibited upon request. The  
585 registration card shall entitle the registrant to perform the  
586 duties of a private investigator as long as the registrant  
587 maintains his or her eligibility under the provisions of this act.

588           (3) The registration card shall bear the name of the  
589 employer, an identifying number, photograph and any other  
590 identifying data required by the board.

591           (4) After receipt of an application for a registration card,  
592 the board shall conduct an investigation to determine whether the  
593 facts set forth in the application are true. Actions by the board  
594 to approve or deny an application for a registration card shall be

595 the same as that action taken to deny or approve an application  
596 for license as provided under Section 12 of this act.

597 (5) (a) In the event that the board denies, suspends or  
598 revokes a registration card, the cardholder, upon receipt of the  
599 notice of denial, suspension or revocation, shall immediately  
600 cease to perform the duties of a private investigator, unless  
601 specifically authorized to continue work by order of the board or  
602 by a court of competent jurisdiction within the state.

603 (b) Both the cardholder and the employer shall be  
604 notified by the board of its final action to deny, suspend or  
605 revoke a registration card.

606 (6) (a) Registration cards issued by the board shall be  
607 valid for one (1) year. The registrant shall be required to  
608 advise the board of any changes in his or her status or permanent  
609 address during that period. The cardholder shall file a  
610 registration card renewal form with the board not less than thirty  
611 (30) days prior to the expiration of the card, together with the  
612 fee for renewal. The renewal application shall include a  
613 statement by the registrant that he or she continues to meet the  
614 qualifications for a private investigator as set forth by the  
615 board. The renewal application shall be accompanied by a  
616 statement from the licensee that the registrant has satisfactorily  
617 completed the required training as prescribed by the board.

618 (b) The board may refuse to renew a registration card  
619 and shall promptly notify the cardholder of its intent to refuse.  
620 The cardholder, within fifteen (15) days after receipt of such  
621 notice, may request a hearing on the refusal, in the same manner  
622 and in accordance with the same procedure as that provided in  
623 Section 56 of this act.

624 (c) A licensee or employer shall notify the board  
625 within ten (10) days after the death or termination of employment  
626 of any of its employees who are registrants. Licensees or  
627 employers subject to this act shall notify the board within ten

628 (10) days upon receipt of information relating to a registrant's  
629 loss of eligibility to hold such a card.

630 (7) (a) Any individual who changes his or her permanent  
631 residence to this state from any other state which the board  
632 determines has selection, training and similar requirements at  
633 least equal to those required under this act, and who holds a  
634 valid registration, commission, identification or similar card  
635 issued by the other state through the licensee, may apply for a  
636 registration card on a form prescribed by the board upon the  
637 payment of a transfer fee. Upon certification by the licensee  
638 that the individual has completed the training prescribed by the  
639 other state, the board shall issue the individual a registration  
640 card.

641 (b) In the event that a person who holds a registration  
642 card terminates employment with one (1) employer and is reemployed  
643 within five (5) calendar days as an investigator with another  
644 employer, the new employer, within seventy-two (72) hours of such  
645 reemployment, shall submit to the board a notice of the change on  
646 a form prescribed by the board, together with a transfer fee. The  
647 board shall then issue a new registration card reflecting the name  
648 of the new employer.

649 (c) Upon receipt of that new card, the cardholder shall  
650 immediately return the old card to the board. The holder may  
651 continue to work as an investigator for the new employer while the  
652 board is processing the change in application. The holder of a  
653 registration card who terminates employment and who is not  
654 reemployed as an investigator within five (5) calendar days, shall  
655 surrender, within twenty-four (24) hours of the fifth calendar  
656 day, the registration card to the former employer. The employer  
657 shall return the cancelled registration card to the board within  
658 five (5) business days after receiving it.

659 (8) A registration card shall be subject to expiration and  
660 renewal during the period in which the holder of the card is  
661 subject to an order of suspension.

662 **SECTION 17.** (1) The board shall approve all training  
663 programs.

664 (2) All training required by this act shall be administered  
665 by a licensee who:

666 (a) Is approved by the board.

667 (b) Meets the qualifications of an applicant required  
668 by Sections 7 and 8 of this act.

669 (c) Has a minimum of three (3) years supervisory  
670 experience with a contract investigator company or proprietary  
671 investigator organization.

672 **SECTION 18.** (1) The board shall assess the following  
673 schedule of fees which shall not be refundable:

674 (a) Private investigator agency:

675 (i) Application fee..... \$ 25.00

676 (ii) Examination fee..... \$ 50.00

677 (iii) Reexamination fee..... \$ 25.00

678 (iv) Initial license fee..... \$200.00

679 (v) Annual renewal license fee..... \$200.00

680 (vi) Replacement fee for a lost, destroyed or  
681 mutilated license..... \$ 25.00

682 (b) Private investigator or apprentice investigator:

683 (i) Application fee..... \$ 25.00

684 (ii) Examination fee..... \$ 50.00

685 (iii) Reexamination fee..... \$ 25.00

686 (iv) Initial license fee per investigator or  
687 apprentice..... \$ 50.00

688 (v) Annual renewal license fee..... \$ 50.00

689 (c) The board shall assess a reasonable training class  
690 fee not greater than an amount necessary to cover the actual costs  
691 for the conduct of the training class.

692 (2) All fees shall be paid by check or money order made  
693 payable to the board.

694 (3) Any fees payable by a registrant under this act, or paid  
695 by a licensee on the registrant's behalf, or any deposits which  
696 may be required by a licensee from a registrant under this act,  
697 may be deducted from any wages payable to the registrant by the  
698 licensee. However, no such deduction shall reduce the hourly wage  
699 of the registrant below that required by the applicable minimum  
700 wage law.

701 **SECTION 19.** (1) A license shall expire annually on the date  
702 of issuance unless renewed by payment of the required renewal fee  
703 at least thirty (30) days prior to its expiration. The board  
704 shall notify the licensee of the renewal at his or her last known  
705 address at least sixty (60) days in advance of the expiration and  
706 on the expiration date. If a license is not renewed within thirty  
707 (30) days after the expiration date, it shall be deemed to have  
708 lapsed and to be invalid. The delinquent private investigator  
709 business or the private investigator shall apply again for initial  
710 licensure. If the license renewal is made prior to the thirty-day  
711 grace period but after the expiration date, the private  
712 investigator business shall pay a fine of Thirty-five Dollars  
713 (\$35.00) and an additional Twenty Dollars (\$20.00) per  
714 investigator.

715 (2) The board shall use the same license number when issuing  
716 a renewed license as that issued for the original license or shall  
717 deny renewal within thirty (30) days. The board shall promptly  
718 notify the licensee if it refuses to renew the license.

719 (3) The licensee, within fifteen (15) days after receipt of  
720 the board's notice of refusal, shall cease engaging in the private  
721 investigator business.

722 **SECTION 20.** (1) A person holding a license to engage in the  
723 private investigator business issued to him or her by a proper  
724 authority of any state, territory or possession of the United

725 States, or the District of Columbia, which has licensing  
726 requirements comparable to Mississippi, and who in the opinion of  
727 the board otherwise meets the requirements of this act, upon  
728 application, may be licensed without further examination.

729 (2) The board shall have the power to enter into an  
730 agreement with other states or territories or possessions of the  
731 United States or with the District of Columbia for reciprocity or  
732 recognition of private investigators duly licensed by such states,  
733 territories or possessions or the District of Columbia. The  
734 agreements shall allow those investigators to provide and perform  
735 private investigative work in Mississippi upon such terms as set  
736 forth in the agreement.

737 **SECTION 21.** (1) The board may refuse to issue or may  
738 suspend, revoke or impose probationary or other restrictions on  
739 any license issued under this act for good cause shown which shall  
740 include the following:

741 (a) Conviction of a felony or entry of a plea of guilty  
742 or nolo contendere to a felony charge under the laws of the United  
743 States or of any state.

744 (b) Deceit or perjury in obtaining any certificate or  
745 license issued under this act.

746 (c) Providing false testimony before the board.

747 (d) Efforts to deceive or defraud the public.

748 (e) Professional incompetency or gross negligence.

749 (f) Rendering, submitting, subscribing or verifying  
750 false, deceptive, misleading or unfounded opinions or reports.

751 (g) The refusal of the licensing authority of another  
752 state to issue or renew a license, permit or certificate to  
753 practice in that state, or the revocation of, suspension of, or  
754 other restriction imposed on a license, permit or certificate  
755 issued by such licensing authority.

756 (h) Aiding or abetting a person to evade the provisions  
757 of this act or knowingly combining or conspiring with an

758 unlicensed person, or acting as an agent, partner, associate or  
759 otherwise, of an unlicensed person with intent to evade provisions  
760 of this act.

761 (i) Violation of any provision of this act or any rules  
762 and regulations of the board or rules of professional conduct  
763 promulgated by the board.

764 (2) The board, as a probationary condition or as a condition  
765 of the reinstatement of any license suspended or revoked  
766 hereunder, may require the holder to pay all costs of the board  
767 proceedings, including investigators', stenographers' and  
768 attorneys' fees.

769 (3) A majority vote of the board shall be required for the  
770 revocation of any license. A majority vote of the board shall be  
771 required for suspension of any license or the imposition of costs  
772 or fines in excess of Five Hundred Dollars (\$500.00).

773 (4) Any license certificate suspended, revoked or otherwise  
774 restricted by the board may be reinstated by majority vote of the  
775 board.

776 **SECTION 22.** (1) It shall be unlawful for any person  
777 knowingly to commit any of the following acts:

778 (a) Provide contract or private investigator service  
779 without possessing a valid license.

780 (b) Employ an individual to perform the duties of a  
781 private investigator who is not the holder of a valid registration  
782 card.

783 (c) Designate an individual other than a private  
784 investigator to circumvent the requirements of this act.

785 (d) Knowingly make any false statement or material  
786 omission in any application filed with the board.

787 (e) Falsely represent that a person is the holder of a  
788 valid license or registration.

789 (f) Violate any provision of this act or any rule or  
790 regulation of the board.



791 (2) It shall be unlawful for any private investigator  
792 knowingly to commit any of the following:

793 (a) Make any statement which would reasonably cause  
794 another person to believe that the private investigator functions  
795 as a sworn peace officer, or other official of the state or of any  
796 of its political subdivisions, or an agency of the federal  
797 government.

798 (b) Fail to comply with the regulations issued by the  
799 board or with any other requirements under the provisions of the  
800 act.

801 (c) Divulge to anyone, other than his or her employer,  
802 or to such persons as his or her employer may direct, or as may be  
803 required by law, any information acquired during such employment  
804 that may compromise the employer or assignment to which he or she  
805 has been assigned by such employer.

806 (d) Possess a license or registration card issued to  
807 another person.

808 **SECTION 23.** (1) No person shall engage in the business of  
809 providing private investigators except in accordance with the  
810 provisions of this act and the rules and regulations adopted by  
811 the board hereunder.

812 (2) Whoever willfully violates any provisions of this act  
813 shall be fined not less than One Thousand Dollars (\$1,000.00), nor  
814 more than Five Thousand Dollars (\$5,000.00) or imprisoned for not  
815 less than three (3) months nor more than one (1) year, or both.

816 **SECTION 24.** (1) In addition to or in lieu of the criminal  
817 penalties and administrative sanctions provided in this act, the  
818 board is empowered to issue an order to any person or firm engaged  
819 in any activity, conduct or practice constituting a violation of  
820 any provision of this act, directing such person or firm to  
821 forthwith cease and desist from such activity, conduct or  
822 practice. Such order shall be issued in the name of the State of  
823 Mississippi under the official seal of the board.

824           (2) If the person or firm to whom the board directs a cease  
825 and desist order does not cease and desist the prohibited  
826 activity, conduct or practice within two (2) days from service of  
827 such cease and desist order by certified mail, the board may seek,  
828 in any court of competent jurisdiction and proper venue, a writ of  
829 injunction enjoining such person or firm from engaging in the  
830 activity, conduct or practice.

831           (3) (a) Upon proper showing of the board that such person  
832 or firm has engaged in any activity, conduct or practice  
833 prohibited by this act, the court shall issue a temporary  
834 restraining order restraining the person or firm from engaging in  
835 unlawful activity, conduct or practices pending the hearing on a  
836 preliminary injunction, and in due course a permanent injunction  
837 shall be issued after a hearing, commanding the cessation of the  
838 unlawful activity, conduct, practices complained of, all without  
839 the necessity of the board having to give bond as usually required  
840 in such cases.

841           (b) A temporary restraining order, preliminary  
842 injunction or permanent injunction issued hereunder shall not be  
843 subject to being released upon bond.

844           **SECTION 25.** (1) All fees and funds collected by the board  
845 from every source shall be paid into the State Treasury and shall  
846 be credited to a special fund hereby created in the State Treasury  
847 and designated as the fund for the Mississippi State Board of  
848 Private Investigator Examiners.

849           (2) The monies in the fund shall be used solely to  
850 effectuate the provisions of this act and only in the amounts  
851 appropriated each year by the Legislature to the board.

852           (3) All unexpended and unencumbered monies in the fund at  
853 the end of the fiscal year shall remain in the fund. The monies  
854 in the fund shall be invested by the Treasurer in the same manner  
855 as monies in the State General Fund. All interest earned on  
856 monies invested by the Treasurer shall be deposited in the fund.

857           **SECTION 26.** The adoption of any rule or regulation,  
858 guideline, substantive procedure or code of conduct by the board  
859 shall be subject to the provisions of the Administrative  
860 Procedures Act; however, such rules shall be subject to  
861 legislative oversight by the House Judiciary B Committee and  
862 Senate Business and Financial Institution Committee.

863           **SECTION 27.** The chairperson (chair) of the Board of Private  
864 Investigator Examiners (board) shall exercise general supervision  
865 of the board's affairs, shall preside at all meetings when  
866 present, shall appoint the committees within the board and shall  
867 perform all other duties pertaining to the office as deemed  
868 necessary and appropriate.

869           The vice chairperson shall perform the duties of the chair in  
870 his or her absence or such other duties as may be assigned by the  
871 chair.

872           **SECTION 28.** (1) The executive director shall be the chief  
873 administrative officer and shall serve at the pleasure of the  
874 board.

875           (2) Subject to the supervision of and direction of the  
876 board, the executive director shall:

877                   (a) Act as the board's recording and corresponding  
878 secretary and shall have custody and maintain the records of the  
879 board;

880                   (b) Cause written minutes of every meeting to be taken  
881 and maintained;

882                   (c) Arrange the order of business of all meetings and  
883 notify all persons who are to appear at such meeting;

884                   (d) Act as treasurer and receive and deposit all funds,  
885 and keep the records and books of account of the board's financial  
886 affairs;

887                   (e) Attest all itemized vouchers for payment of  
888 expenses of the board;

889 (f) Prepare such reports to the Governor and  
890 Legislature as required by law or as requested by same;

891 (g) Keep the board's seal and affix it to such  
892 instruments and matters that require attest and approval of the  
893 board; and

894 (h) Perform such other duties as directed by the board.

895 (3) The executive director may spend up to Five Hundred  
896 Dollars (\$500.00) for board purchases without prior approval by  
897 the board or the chair.

898 **SECTION 29.** (1) Meetings shall be announced and held in  
899 accordance with the Administrative Procedures Act. A quorum to  
900 transact any business of the board shall not be less than four (4)  
901 of its members.

902 (2) The executive director shall give a written notice to  
903 all interested members of the public who make a timely written  
904 request for notice of any board meeting.

905 (3) Minutes of meetings will be made available upon written  
906 request to the board and a monetary fee will be assessed in  
907 accordance with the Division of Administration rules and  
908 regulations governing public records of any individual or company  
909 requesting such minutes.

910 (4) Each board member shall have one (1) vote on all matters  
911 before the board. Proxy voting is not allowed. A majority vote  
912 of the members at any meeting shall be required for any board  
913 actions.

914 **SECTION 30.** (1) The official seal of the board consists of  
915 the Mississippi state seal with the title of the board in the  
916 outer circle.

917 (2) No person or licensee shall use any facsimile  
918 reproduction or pictorial portion of the seal of the State of  
919 Mississippi on any badge, credentials, identification card or  
920 other means of identification used in connection with any activity  
921 regulated under this act.

922           **SECTION 31.** (1) Standing committees of the board are:

923                   (a) General committee, whose duties include special  
924 projects as authorized by the chair;

925                   (b) Finance committee, whose duties include periodic  
926 review of the budget, recommendations regarding the establishment  
927 of fees charged by the board and recommendations to the board  
928 regarding all expenditures in excess of Five Hundred Dollars  
929 (\$500.00); and

930           (2) The chair shall appoint members to any committees as  
931 needed to fulfill the duties of the board.

932           **SECTION 32.** Any complaint to the board must be in writing,  
933 signed by the individual making said complaint and include an  
934 appropriate means by which to contact said individual for  
935 investigative purposes.

936           **SECTION 33.** A public comment period shall be held at or near  
937 the beginning of each board meeting. Persons desiring to present  
938 public comments shall notify the board chairman or the executive  
939 director no later than the beginning of the meeting. However, to  
940 assure that an opportunity is afforded all persons who desire to  
941 make public comments, the chairman shall inquire at the beginning  
942 of the meeting if there are additional persons who wish to  
943 comment. The chairman shall allot the time available for the  
944 public comments in an equitable manner among those persons  
945 desiring to comment, limiting each person to a maximum of three  
946 (3) minutes, with the total comment period not to exceed thirty  
947 (30) minutes. Each person making public comments shall identify  
948 himself or herself and the group, organization or company he or  
949 she represents, if any.

950           **SECTION 34.** In addition to the definitions set forth in  
951 Section 3 of this act, the following terms shall have the meanings  
952 ascribed unless the context clearly requires otherwise:

953           (a) "Branch office" means a separate office which is  
954 part of a company licensed by the Board of Private Investigator  
955 Examiners.

956           (b) "Branch manager" means the individual having prima  
957 facie responsibility and liability for a branch office.

958           (c) "Personal service" means process served on any  
959 person, when required, may be made by the board mailing, by  
960 certified or registered mail, to the person's last known address.

961           (d) "Qualifying agent" means a responsible officer or  
962 executive employee of an investigative company.

963           (e) "Rule" means any agency statement of general  
964 applicability that implements, interprets or prescribes law or  
965 policy, or describes the procedure or practice requirements of the  
966 board. It does not include statements concerning only the  
967 internal management or organization and not affecting private  
968 rights or procedures.

969           **SECTION 35.** (1) The board shall issue a two-part  
970 application:

971           (a) Part I shall be designated for investigative  
972 agencies; and

973           (b) Part II shall be designated for individual  
974 investigators.

975           (2) Application shall be sent to all persons requesting  
976 application for licensing in the State of Mississippi.

977           (3) The application shall contain the following information:

978           (a) Minimum statutory requirements for obtaining a  
979 license in the State of Mississippi;

980           (b) Instructions explaining requirements of the  
981 application; and

982           (c) A schedule of licensing fees for an agency and  
983 individual.

984           (4) Information requested on the application shall include  
985 the following:

- 986 (a) Company, partnership or corporation history;  
987 (b) Personal history;  
988 (c) Marital status;  
989 (d) Education;  
990 (e) Military service;  
991 (f) Employment history;  
992 (g) Character references;  
993 (h) Investigative history;  
994 (i) Miscellaneous questions regarding:  
995 (i) Involvement of overthrow by force of our  
996 government;  
997 (ii) Crimes involving moral turpitude;  
998 (iii) Felony convictions;  
999 (iv) Any unfavorable background incidents the  
1000 applicant should share with the board;  
1001 (j) Consent for service of process (out-of-state  
1002 licensees only); and  
1003 (k) Notarized statement confirming the accuracy of the  
1004 information contained in the application.

1005 (5) If the applicant is a sole proprietor, he or she must  
1006 furnish a copy of his or her occupational license with the  
1007 application.

1008 (6) Applicants must submit appropriate fees along with the  
1009 application. An administration fee of Twenty-five Dollars  
1010 (\$25.00) made payable to the board will be assessed on all checks  
1011 returned from the bank and deemed nonsufficient funds.

1012 (7) No person shall make an application to the board as  
1013 qualifying agent unless that person intends to maintain and does  
1014 maintain that supervisory position on a regular, full-time basis.

1015 **SECTION 36.** In addition to the requirements for licensing  
1016 renewal set forth in Section 19 of this act, applicants for  
1017 licensing renewal shall be required to submit a certification to  
1018 the board that the applicant for license renewal has not been

1019 convicted of a felony during the past year. The fee notice sent  
1020 out for licensing renewal shall contain this certification.

1021 **SECTION 37.** (1) A qualified school may be approved to  
1022 conduct forty-hour training classes required for licensing by  
1023 submitting a letter of request for approval by the board. The  
1024 request shall include the following:

1025 (a) Name and location of school;

1026 (b) Owner of school;

1027 (c) Copy of occupational license;

1028 (d) List of course of study;

1029 (e) Name, address, profession and educational and  
1030 investigative experience of each instructor teaching a private  
1031 investigation course; and

1032 (f) Notarized statement that each instructor has a  
1033 minimum of three (3) years supervisory experience with a contract  
1034 investigator company or proprietary investigator organization.

1035 (2) Course instructors may invite a licensed attorney at law  
1036 or licensed Mississippi private investigator to supplement lesson  
1037 plans regarding the course taught by the instructor.

1038 (3) Course instructors, whether full or part time, shall  
1039 apply for a license and take the written examination prior to  
1040 conducting any private investigation classes.

1041 **SECTION 38.** (1) To be licensed, an applicant must pass a  
1042 written examination, unless exempt by the grandfather clause,  
1043 state statute or board resolution. The passing grade of the  
1044 examination shall be as established by the board.

1045 (2) A person who has not successfully passed the examination  
1046 can reapply to take the examination twice within a twelve-month  
1047 period. If, after two (2) attempts, the individual has not  
1048 successfully passed the examination as required, appropriate board  
1049 action will be taken.

1050 **SECTION 39.** (1) Licenses, when issued, shall be in the form  
1051 of a wall certificate no larger than eight and one-half (8-1/2)



1052 inches by eleven (11) inches in size. The certificate shall  
1053 contain the following information:

1054 (a) Name of licensee and/or agency name under whose  
1055 authority the license is granted;

1056 (b) Addresses of the agency location(s) (main office  
1057 and branch offices) responsible for licensee;

1058 (c) Number of license;

1059 (d) Date of issue;

1060 (e) Date of expiration (to be issued every year and may  
1061 be affixed to certificate in lieu of issuing a new certificate);

1062 (f) The official state insignia;

1063 (g) Agency and qualifying agent if licensee;

1064 (h) Private investigator and agency under whose  
1065 authority he or she is assigned;

1066 (i) Signature of executive director;

1067 (j) Signature of chairman of the board; and

1068 (k) The official Board of Private Investigator

1069 Examiners seal.

1070 (2) The license certificate shall remain the property of the  
1071 board and will be surrendered upon written request from the board.

1072 (3) Licenses issued by the board shall be valid for a  
1073 one-year period to begin from the date application was approved by  
1074 the board.

1075 **SECTION 40.** (1) Companies wishing to do business in  
1076 Mississippi must either incorporate here or be duly qualified to  
1077 do business within this state with a valid certificate of  
1078 authority issued by the Secretary of State, and shall have an  
1079 agent for service of process designated as required by law.

1080 (2) Out-of-state companies, or individuals wishing to do  
1081 business in Mississippi, who satisfied all the licensing  
1082 requirements outlined by Sections 7 and 8, may do so without  
1083 examination if the state under which it holds a valid license has  
1084 licensing requirements comparable to those of Mississippi.

1085 Verification of satisfactory completion of such other state's  
1086 examination must be submitted to the board. If the out-of-state  
1087 company or individual is licensed by a state that does not have  
1088 licensing requirements comparable to those of Mississippi, then  
1089 the company or individual must satisfy all the licensing  
1090 requirements outlined in Sections 7 and 8.

1091 (3) Fees for out-of-state companies are the same as for  
1092 in-state companies except that an out-of-state company shall be  
1093 required to pay the board for the cost of transportation, lodging  
1094 and meals at the Mississippi state rate when an examination of  
1095 records is performed if those records are kept out of state.

1096 **SECTION 41.** (1) A licensed agency with its principal place  
1097 of business in the State of Mississippi and a previously  
1098 unlicensed individual domiciled and residing in the State of  
1099 Mississippi may apply for the licensing of the previously  
1100 unlicensed individual as an apprentice as follows:

1101 (a) A letter of intent to sponsor shall be sent to the  
1102 board by the licensed agency, along with the apprentice  
1103 application, indicating the agency's intent to accept the  
1104 sponsorship and responsibility for the apprentice applicant.

1105 (b) Upon receipt of a letter of intent to sponsor and  
1106 the completed application from the apprentice candidate, the  
1107 chairman of the board shall issue a letter acknowledging the  
1108 receipt of same, provided the apprentice license applicant  
1109 satisfies the requirements promulgated by the board and all fees  
1110 required by law have been paid. The letter shall serve as a  
1111 temporary apprentice registration card until the board meets to  
1112 consider the application and the issuance of the official  
1113 apprentice registration card.

1114 (c) No agency may sponsor any more than six (6)  
1115 apprentice investigators at any one time, and no person shall be  
1116 licensed as an apprentice if he or she has been licensed as an  
1117 apprentice before.

1118           (2) An apprentice license shall be effective for one (1)  
1119 year only; and the apprentice shall operate as a private  
1120 investigator only under the immediate direction, control and  
1121 supervision of the sponsoring agency during that time.

1122           (3) (a) The sponsoring agency shall be directly responsible  
1123 for the supervising and training of the apprentice.

1124                   (b) In addition, the sponsoring agency shall be  
1125 responsible for educating the apprentice in the following areas:

1126                           (i) Knowledge of the private investigator business  
1127 and the laws regulating same and the rules and regulations  
1128 regulating the practice as a private investigator in this state;

1129                           (ii) General federal and state constitutional  
1130 principles;

1131                           (iii) General information regarding invasion of  
1132 privacy laws, search and seizure laws and related procedures and  
1133 state concealed weapons law;

1134                           (iv) Surveillance techniques;

1135                           (v) Photograph principles: video and still; and

1136                           (vi) General information regarding the assembling  
1137 of public information from clerk of court offices and court  
1138 records.

1139           (4) (a) The apprentice registration card shall remain valid  
1140 for only one (1) year from the date of the letter serving as the  
1141 temporary registration card or issuance of the official apprentice  
1142 registration card, whichever is first, and only so long as the  
1143 apprentice is working under the supervision of a licensed sponsor  
1144 agency.

1145                   (b) During the apprenticeship period, the apprentice  
1146 must attend the forty-hour training course approved by the board.

1147                   (c) An apprentice license may be transferred to another  
1148 agency provided the other agency meets all the requirements of law  
1149 and this section of the rules and regulations, particularly the  
1150 filing of the letters of intent, regarding sponsorship.

1151           **SECTION 42.** Notification required by Section 15 of this act  
1152 of changes in information to be furnished by a licensee shall  
1153 include:

- 1154           (a) Termination of a branch manager;
- 1155           (b) Change of agency name;
- 1156           (c) Change of agency address;
- 1157           (d) Change of agency telephone number; and
- 1158           (e) Change of ownership if agency is sole  
1159 proprietorship.

1160           **SECTION 43.** The registration card shall be no larger than  
1161 two and one-fourth (2-1/4) inches by four (4) inches in size. The  
1162 registration card shall contain the following information:

- 1163           (a) Name of investigator;
- 1164           (b) Name of agency under whose authority license is  
1165 issued;
- 1166           (c) Date of expiration;
- 1167           (d) Current two (2) inches by two (2) inches color  
1168 photograph;
- 1169           (e) Driver's license number;
- 1170           (f) Company name;
- 1171           (g) Company address (city and state);
- 1172           (h) License number;
- 1173           (i) Signature of executive director;
- 1174           (j) Signature of license holder;
- 1175           (k) State insignia; and
- 1176           (l) Board seal.

1177           **SECTION 44.** In addition to the fees provided by Section 18  
1178 of this act, the following schedule of fees shall be assessed:

- 1179           (a) For licensee or any business entity employing more  
1180 than one (1) investigator:
  - 1181           (i) Renewal within thirty (30) days after  
1182 expiration of license..... \$200.00
  - 1183           (ii) Late fee..... \$ 35.00

1184 (iii) Per investigator..... \$ 20.00  
 1185 (iv) Transfer of agent..... \$ 25.00  
 1186 (b) For private investigator employed by a company or  
 1187 corporation, or apprentice investigator:  
 1188 (i) Annual renewal license fee..... \$ 50.00  
 1189 (ii) Replacement fee for a lost, destroyed or  
 1190 mutilated license..... \$ 25.00  
 1191 (iii) Renewal within thirty (30) days after  
 1192 expiration of license..... \$ 50.00  
 1193 (iv) Late fee..... \$ 35.00  
 1194 (v) Transfer of agency..... \$ 25.00  
 1195 (c) Any individual, partnership or corporation actively  
 1196 operating in the private investigation business since July 1,  
 1197 2007, who did not apply to the board for a license, will be  
 1198 assessed an administrative fee in the amount of the yearly renewal  
 1199 fee as prescribed by law, per year for each year past July 1,  
 1200 2007.

1201 **SECTION 45.** (1) Each licensed private investigator is  
 1202 required to complete a minimum of eight (8) hours of approved  
 1203 investigative educational instruction within the one-year period  
 1204 immediately prior to renewal in order to qualify for a renewal  
 1205 license.

1206 (2) Each licensed private investigator is required to  
 1207 complete and return the Mississippi State Board of Private  
 1208 Investigative Examiners (MSBPIE) continuing educational compliance  
 1209 form with the request for license renewal each year. The form  
 1210 shall be signed under penalty of perjury and shall include  
 1211 documentation of each hour of approved investigation educational  
 1212 instruction completed.

1213 (3) Any licensee who wishes to apply for an extension of  
 1214 time to complete educational instruction requirements must submit  
 1215 a letter of request setting forth reasons for the extension  
 1216 request to the Executive Director of the Mississippi State Board

1217 of Private Investigative Examiners (MSBPIE) thirty (30) days prior  
1218 to license renewal. The training committee shall rule on each  
1219 request. If an extension is granted, the investigator shall be  
1220 granted thirty (30) days to complete the required hours. Hours  
1221 completed during a thirty-day extension shall only apply to the  
1222 previous year.

1223 **SECTION 46.** An investigator shall provide competent  
1224 representation to a client. Competent representation requires the  
1225 legal knowledge, skill, thoroughness and preparation reasonably  
1226 necessary for the investigation.

1227 **SECTION 47.** (1) Both investigator and client have authority  
1228 and responsibility in the objectives of the investigation. The  
1229 client has ultimate authority to determine the purposes to be  
1230 served by the investigation, within the limits imposed by law and  
1231 the investigator's professional obligations.

1232 (2) An investigator may limit the objectives of the  
1233 representation if the client consents after consultation.

1234 (3) An investigator shall not encourage a client to engage  
1235 or assist a client, in conduct that the investigator knows is  
1236 criminal or fraudulent. An investigator, however, may discuss the  
1237 legal consequences of any proposed course of conduct with a client  
1238 and may advise a client to seek legal counsel for assistance in  
1239 making a good faith effort to determine the validity, scope,  
1240 meaning or application of the law.

1241 (4) When an investigator knows that a client expects  
1242 assistance prohibited by the Rules of Professional Conduct or  
1243 other law, the investigator shall consult with the client  
1244 regarding the relevant limitations of the investigator's lawful  
1245 conduct.

1246 **SECTION 48.** An investigator shall act with reasonable  
1247 diligence and promptness in representing a client.

1248           **SECTION 49.** (1) An investigator shall keep a client  
1249 reasonably informed about the status of a matter and promptly  
1250 comply with a reasonable request for information.

1251           (2) The investigator shall give the client sufficient  
1252 information to participate intelligently in decisions concerning  
1253 the objectives or the representation and the means by which they  
1254 are to be pursued, to the extent the client is willing and able to  
1255 do so.

1256           **SECTION 50.** (1) An investigator shall not reveal  
1257 information relating to representation of a client unless the  
1258 client consents after consultation, except for disclosures that  
1259 are impliedly authorized in order to carry out the representation,  
1260 and except as stated in subsection (2).

1261           (2) An investigator may reveal such information to the  
1262 extent the investigator reasonably believes necessary:

1263           (a) To prevent the client from committing a criminal  
1264 act that the investigator believes is likely to result in imminent  
1265 death or substantial bodily harm; or

1266           (b) To establish a claim or defense on behalf of the  
1267 investigator in a controversy between the investigator and the  
1268 client, to establish a defense to a criminal charge or civil claim  
1269 against the investigator based upon conduct in which the client  
1270 was involved, or to respond to allegations in any proceeding  
1271 concerning the investigator's representation of the client.

1272           **SECTION 51.** Loyalty is an essential element in the  
1273 investigator's relationship to a client. Therefore:

1274           (a) An investigator shall not represent a client if the  
1275 representation of that client will be directly adverse to the  
1276 representations of another client, unless:

1277           (i) The investigator reasonably believes the  
1278 representation will not adversely affect the relationship with the  
1279 other client; and

1280           (ii) Each client consents after consultation.

1281 (b) An investigator shall not represent a client if the  
1282 representation of that client may be materially limited by the  
1283 investigator's responsibilities to another client or to a third  
1284 person, or by the investigator's own interest, unless:

1285 (i) The investigator reasonably believes the  
1286 representation will not be adversely affected; and

1287 (ii) The client consents after consultation. When  
1288 representation of multiple clients in a single matter is  
1289 undertaken, the consultation shall include explanation of the  
1290 implications of the common representation and the disadvantages  
1291 and risks involved.

1292 **SECTION 52.** As a general principle, all transactions between  
1293 client and investigators should be fair and reasonable to the  
1294 client. Furthermore, an investigator may not exploit the  
1295 representation of a client or information relating to the  
1296 representation to the client's disadvantage. Examples of  
1297 violations include, but are not limited to, the following:

1298 (a) An investigator shall not enter into a business  
1299 transaction with a client or knowingly acquire an ownership,  
1300 possessory, security or other pecuniary interest adverse to a  
1301 client unless:

1302 (i) The transaction and terms on which the  
1303 investigator acquires the interest are fair and reasonable to the  
1304 client and are fully disclosed and transmitted in writing to the  
1305 client in a manner which can be reasonably understood by the  
1306 client;

1307 (ii) The client is given a reasonable opportunity  
1308 to seek the advice of independent counsel in the transactions; and

1309 (iii) The client consents in writing thereto;

1310 (b) An investigator shall not use information relating  
1311 to representation of a client to the disadvantage of the client  
1312 unless the client consents after consultation.



1313           **SECTION 53.** An investigator who has formerly represented a  
1314 client in a matter shall not thereafter:

1315           (a) Represent another person in the same or a  
1316 substantially related matter in which that person's interests are  
1317 materially adverse to the interests of the former client unless  
1318 the former client consents after consultation; or

1319           (b) Use information relating to the representation to  
1320 the disadvantage of the former client except when the information  
1321 derived from independent sources has become generally known.

1322           **SECTION 54.** (1) Upon initial contact from a private  
1323 citizen, a contract may be offered on all matters.

1324           (2) The contract shall contain, but may not be limited to,  
1325 the following information:

1326           (a) Name, address and phone number of investigative  
1327 agency;

1328           (b) Name, address and phone number of private  
1329 investigator responsible for case work;

1330           (c) Schedule of fees to be charged;

1331           (d) Purpose and scope of investigation;

1332           (e) Limitations of responsibility to investigative  
1333 agency;

1334           (f) Limitations of responsibility to client;

1335           (g) Signature of client;

1336           (h) Signature of two (2) witnesses;

1337           (i) Date agreement was signed; and

1338           (j) Contracts shall be made in duplicate:

1339           (i) One (1) copy for the client;

1340           (ii) One (1) copy shall be retained in the  
1341 investigative case file for a period of three (3) years.

1342           **SECTION 55.** The use of a private investigator badge shall be  
1343 optional. Should the investigator choose to carry a badge and  
1344 display it, he or she shall be obligated to identify himself or

1345 herself as a private investigator at such times as the badge is  
1346 displayed.

1347         **SECTION 56.** A request for a hearing on a complaint before  
1348 the Board of Private Investigator Examiners shall contain the  
1349 following:

1350             (a) The full name, address and telephone number of the  
1351 person requesting the hearing;

1352             (b) The full name, address and telephone number of any  
1353 person whose interest could be affected by the hearing;

1354             (c) A plain and concise statement of the complaint;

1355             (d) A receipt showing a copy of the complaint has been  
1356 sent to the person or a statement from the executive director  
1357 stating that a copy of said complaint had been delivered to the  
1358 person named in the complaint;

1359             (e) All complaints or requests for a hearing before the  
1360 Private Investigator Examiners Board must be made by certified or  
1361 registered mail to the executive director or the Private  
1362 Investigator Examiners Board.

1363         **SECTION 57.** In the course of representing a client, an  
1364 investigator shall not knowingly:

1365             (a) Make a false statement of material fact or law to a  
1366 third person; or

1367             (b) Fail to disclose a material fact to a third person  
1368 when disclosure is necessary to avoid assisting a criminal or  
1369 fraudulent act by a client, unless disclosure is otherwise  
1370 prohibited by this act.

1371         **SECTION 58.** It is professional misconduct for an  
1372 investigator to:

1373             (a) Violate or attempt to violate the Rules of  
1374 Professional Conduct or to knowingly assist or induce another to  
1375 do so, or do so through the acts of another;

1376 (b) Commit a criminal act or any other act that  
1377 reflects adversely on the investigator's honesty, trustworthiness  
1378 or fitness as an investigator in other respects;

1379 (c) Engage in conduct involving dishonesty, fraud,  
1380 deceit or misrepresentation;

1381 (d) Except upon the expressed assertion of a  
1382 constitutional privilege, to fail to cooperate with the Ethics  
1383 Committee in its investigation of alleged misconduct; or

1384 (e) Threaten to file criminal charges solely to obtain  
1385 an advantage in a civil matter.

1386 **SECTION 59.** An investigative agency must apply and pay all  
1387 occupational fees required to conduct business in the jurisdiction  
1388 which he or she is to conduct business.

1389 **SECTION 60.** Any licensed private investigator may  
1390 voluntarily inform the board by mail of a substance abuse problem  
1391 without adverse action taken by the board. In doing so, the  
1392 private investigator is subject to the board's recommendation to  
1393 enter a substance abuse facility, and upon completion of  
1394 successful treatment, shall furnish proof of completion from said  
1395 facility. Failure to successfully complete a substance abuse  
1396 program will subject the investigator to disciplinary action by  
1397 the board.

1398 **SECTION 61.** (1) An investigator shall, when advertising  
1399 years of experience, clearly state the actual years of experience  
1400 within the private investigative industry.

1401 (2) When advertising years of experience in the private  
1402 investigative industry, the ad must indicate if it is a total  
1403 number of years for one (1) certain investigator or a combined  
1404 total of all investigators.

1405 (3) An investigator shall, prior to advertising a  
1406 certification designation furnish the Board of Private  
1407 Investigators with a copy of their certificate and the certificate  
1408 number.

1409 (4) When using the term certification in advertising, the  
1410 certified investigator's name must accompany the designation.

1411 **SECTION 62.** These rules govern the board's imitation,  
1412 consideration and adjudication of administrative complaints  
1413 providing cause under law for denial, modification, suspension or  
1414 revocation of a license, imposition of probation on, or other  
1415 disciplinary action against any person requesting or holding a  
1416 license, permit, certification or registration issued by the board  
1417 or any applicant therefor.

1418 **SECTION 63.** (1) Proceedings to adjudicate an administrative  
1419 enforcement action shall be initiated by the filing of a written  
1420 complaint with the board. It shall be signed by a member of the  
1421 board appointed and designated by it as investigatory officer with  
1422 respect to the subject matter of the complaint. The accused  
1423 licensee shall be named as respondent in the proceedings.

1424 (2) The complaint shall set forth, in separately numbered  
1425 paragraphs, a concise statement of the material facts and matters  
1426 alleged and to be proven by the investigating officer including  
1427 the facts giving rise to the board's jurisdiction over respondent,  
1428 the facts constituting legal cause for the administrative action,  
1429 and the statutory, regulatory or other provision alleged to have  
1430 been violated by the respondent. The complaint shall conclude  
1431 with a request for the administrative sanction or other relief  
1432 sought by the investigating officer and shall bear the name,  
1433 address and telephone number of counsel engaged by the board to  
1434 present the case at evidentiary hearing before the board.

1435 **SECTION 64.** (1) Upon the filing of an administrative  
1436 complaint under Section 56, the board shall docket the complaint  
1437 and schedule it for hearing before the board not less than  
1438 forty-five (45) days nor more than one hundred eighty (180) days  
1439 thereafter. For good cause, the time may be lengthened or  
1440 shortened as the board determines may be necessary or appropriate  
1441 to protect the public interest or upon the motion of the

1442 investigating officer of respondent. In the event that the  
1443 respondent's license, permit, certification or registration has  
1444 been suspended by the board pending hearing, under Section 21,  
1445 evidentiary hearing on the complaint shall be noticed and  
1446 scheduled not more than forty-five (45) days after the filing of  
1447 the complaint.

1448 (2) A written notice of the complaint and the time, date and  
1449 place of the scheduled hearing thereon shall be served upon the  
1450 respondent by registered, return receipt requested mail, as well  
1451 as by regular first class mail at the most current address for the  
1452 respondent as reflected in the official records of the board or by  
1453 personal delivery of the complaint to the respondent. The date of  
1454 service shall be the day of personal service or the third business  
1455 day after the date of posting the registered or certified notice.  
1456 The notice shall include a statement of the legal authority and  
1457 jurisdiction under which the hearing is to be conducted and shall  
1458 be accompanied by a certified copy of the administrative  
1459 complaint.

1460 **SECTION 65.** (1) Within fifteen (15) days of service of the  
1461 complaint or such longer time as the board, on motion of the  
1462 respondent, may permit, the respondent may answer the complaint  
1463 admitting or denying each of the separate allegations of fact and  
1464 of law set forth therein. Any matter admitted by respondent shall  
1465 be deemed proven and established for purposes of adjudication. In  
1466 the event that the respondent does not file a response to the  
1467 complaint, all allegations therein asserted shall be deemed  
1468 denied.

1469 (2) Any respondent may be represented in an adjudication  
1470 proceeding before the board by an attorney at law duly admitted to  
1471 practice in this state. Upon receipt of service of a complaint  
1472 pursuant, or thereafter, a respondent who is represented by legal  
1473 counsel with respect to the proceeding shall, personally or  
1474 through such counsel, give written notice to the board of the

1475 name, address and telephone number of such counsel. Following  
1476 receipt of proper notice of representation, any further notice,  
1477 complaint, subpoena, order or other process related to the  
1478 proceeding shall be served on the respondent through his or her  
1479 designated counsel of record.

1480        SECTION 66. (1) Any pleading, motion or other paper  
1481 permitted or required to be filed with the board in connection  
1482 with a pending adjudication proceeding shall be filed by personal  
1483 delivery at or by mail to the office of the board. Any such  
1484 writing shall likewise be concurrently served upon complaint  
1485 counsel, if filed by or on behalf of respondent, or upon  
1486 respondent, through counsel of record, if any, if filed by  
1487 complaint counsel.

1488        (2) All such pleadings, motion or other papers shall be  
1489 submitted on plain white letter-size (eight and one-half (8-1/2)  
1490 inches by eleven (11) inches) bond, with margins of at least one  
1491 (1) inch on all sides and text double spaced except as to  
1492 quotations and other matter customarily single spaced. Such  
1493 documents shall bear the caption and docket number of the case and  
1494 shall include the certificate of the attorney or person making the  
1495 filing that service of a copy has been effected in the manner  
1496 prescribed by subsection (1) of this section.

1497        (3) The board may refuse to accept for filing any pleading,  
1498 motion or other paper not conforming to the requirements of this  
1499 section.

1500        SECTION 67. Motions for continuance of any hearing, for  
1501 dismissal of the proceeding and all other prehearing motions shall  
1502 be filed not later than thirty (30) days following service of the  
1503 complaint on the respondent or fifteen (15) days prior to the  
1504 hearing, whichever is earlier. Each prehearing motion shall be  
1505 accompanied by a memorandum which shall set forth a concise  
1506 statement of the grounds upon which the relief sought is based and  
1507 the legal authority therefor. A motion may be accompanied by an

1508 affidavit as necessary to establish facts alleged in support of  
1509 the motion. Within ten (10) days of the filing of any such motion  
1510 and memorandum or such shorter time as the board may order, the  
1511 investigating officer, through complaint counsel, may file a  
1512 memorandum in opposition to or otherwise setting forth the  
1513 investigating officer's position with respect to the motion.

1514        SECTION 68. (1) A motion for continuance of hearing shall  
1515 be filed within the delay prescribed by Section 67 of this act,  
1516 provided that the board may accept the filing of a motion for  
1517 continuance at any time before a hearing upon a showing of good  
1518 cause not discoverable within the time otherwise provided for the  
1519 filing of a prehearing motion.

1520        (2) A scheduled hearing may be continued by the board only  
1521 upon a showing by respondent or complaint counsel that there are  
1522 substantial legitimate grounds that the hearing should be  
1523 continued, balancing the right of respondent to a reasonable  
1524 opportunity to prepare and present a defense to the complaint and  
1525 the board's responsibility to protect the public health, welfare  
1526 and safety. Except in extraordinary circumstances evidenced by  
1527 verified motion or accompanying affidavit, the board will not  
1528 ordinarily grant a motion to continue a hearing that has been  
1529 previously continued upon motion of the same party.

1530        (3) If an initial motion for continuance is not opposed, it  
1531 may be granted by the executive director. Any motion for  
1532 continuance of hearing which is opposed shall be referred for  
1533 decision to the presiding officer of the hearing panel designated  
1534 with respect to the proceeding, who shall rule upon such motion on  
1535 the papers filed, without hearing. The presiding officer, in his  
1536 discretion, may refer any motion for continuance to the entire  
1537 panel for disposition, and any party aggrieved by the decision of  
1538 a presiding officer on a motion for continuance may request that  
1539 the motion be reconsidered by the entire panel. In any such case,

1540 the panel shall rule on such motion on the papers filed, without  
1541 hearing.

1542         **SECTION 69.** (1) Upon request of the respondent or complaint  
1543 counsel and in compliance with the requirements of this section,  
1544 the executive director shall sign and issue subpoenas in the name  
1545 of the board requiring the attendance and giving of testimony by a  
1546 witness and the production of books, papers and other documentary  
1547 evidence at an adjudication hearing.

1548         (2) No subpoena shall be issued unless and until the party  
1549 who wishes to subpoena the witness first deposits with the board a  
1550 sum of money sufficient to pay all fees and expenses to which a  
1551 witness in a civil case is entitled. Witnesses subpoenaed to  
1552 testify before the board only to an opinion founded on special  
1553 study or experience in any branch of science, or to make  
1554 scientific or professional examinations and to state the results  
1555 thereof, shall receive such additional compensation from the party  
1556 who wishes to subpoena such witnesses as may be fixed by the board  
1557 with reference to the value of the time employed and the degree or  
1558 skill required.

1559         **SECTION 70.** (1) Unless otherwise requested by the  
1560 respondent, the adjudication hearing shall be conducted in closed  
1561 session.

1562         (2) At an adjudication hearing, opportunity shall be  
1563 afforded to complaint counsel and respondent to present evidence  
1564 on any issue of fact and argument on any issue of law and policy  
1565 involved, to call, examine and cross-examine any witness and to  
1566 offer and introduce documentary evidence and any exhibit required  
1567 for a full and true disclosure of the facts and disposition of the  
1568 complaint.

1569         (3) Unless stipulation is made between the parties, and  
1570 approved by the hearing panel, providing for other means of  
1571 recordation, all testimony and other proceedings of an  
1572 adjudication shall be recorded by a certified stenographer who



1573 shall be retained by the board to prepare a written transcript of  
1574 such proceedings.

1575 (4) During evidentiary hearing, the presiding officer shall  
1576 rule upon any evidentiary objection and other procedure question,  
1577 but in his discretion may consult with the entire panel in  
1578 executive session. At any hearing, the board may be assisted by  
1579 legal counsel, retained by the board for such purpose, who is  
1580 independent of complaint counsel and who has not participated in  
1581 the investigation or prosecution of the case. If the board or  
1582 panel is attended by such counsel, the presiding officer may  
1583 delegate to such counsel ruling on any evidentiary objection and  
1584 other procedural issue raised during the hearing.

1585 (5) The record in a case of adjudication shall include:

1586 (a) The administrative complaint and notice of hearing,  
1587 respondent's response to the complaint, if any, subpoenas issued  
1588 in connection with discovery in the case or hearing of the  
1589 adjudication, and all pleadings, motions and intermediate rulings;

1590 (b) Evidence received or considered at the hearing;

1591 (c) A statement of matters officially noticed except  
1592 matters so obvious that statement of them would serve no useful  
1593 purpose;

1594 (d) Offers of proof, objections and rulings thereon;

1595 (e) Proposed findings and exceptions, if any;

1596 (f) The decision, opinion, report or other disposition  
1597 of the case made by the board.

1598 (6) Findings of fact shall be based exclusively on the  
1599 evidence and on matters officially noticed.

1600 **SECTION 71.** (1) In an adjudication hearing, the board or  
1601 the designated hearing panel thereof, may give probative effect to  
1602 evidence which possesses probative value commonly accepted by  
1603 reasonably prudent men in conduct of their affairs. Effect shall  
1604 be given to the rules of privilege recognized by law. The board  
1605 or panel may exclude incompetent, irrelevant, immaterial and

1606 unduly repetitious evidence. Objections to evidentiary offers may  
1607 be made and shall be noted in the record. Subject to these  
1608 requirements, when a hearing will be expedited and the interests  
1609 of the parties will not be prejudiced substantially, any part of  
1610 the evidence may be received in written form.

1611 (2) All evidence, including records and documents in the  
1612 possession of the board which complaint counsel desires the board  
1613 to consider, shall be offered and made part of the record, and all  
1614 such documentary evidence may be received in the form of copies or  
1615 excerpts, or by incorporation by reference. In case of  
1616 incorporation by reference, the materials so incorporated shall be  
1617 available for examination by the respondent before being received  
1618 in evidence.

1619 (3) Notice may be taken of judicially cognizable facts and  
1620 of generally recognized technical or scientific facts within the  
1621 board's knowledge. Parties shall be notified either before or  
1622 during the hearing of the material noticed or sought by a party to  
1623 be noticed and they shall be afforded an opportunity to contest  
1624 the material so noticed. The board's experience, technical  
1625 competence and knowledge may be utilized in the evaluation of the  
1626 evidence.

1627 (4) Any member of the board serving as presiding officer in  
1628 an adjudication hearing shall have the power to and shall  
1629 administer oaths or affirmations to all witnesses appearing to  
1630 give testimony, shall regulate the course of the hearing, set the  
1631 time and place for continued hearings, fix the time for the filing  
1632 of briefs and other documents, if they are required or requested,  
1633 and may direct the parties to appear and confer to consider  
1634 simplification of the issues.

1635 (5) Except as otherwise governed by the provisions of these  
1636 rules, adjudication hearings before the board shall be governed by  
1637 the Mississippi Code of Evidence, insofar as the same may be  
1638 applied.

1639           **SECTION 72.** The board may make informal disposition, by  
1640 default, consent order, agreement, settlement, or otherwise, of  
1641 any adjudication pending before it.

1642           **SECTION 73.** (1) The final decision of the board in an  
1643 adjudication proceeding shall, if adverse to the respondent, be in  
1644 writing and shall include findings of fact and conclusions of law.  
1645 It shall be signed by the presiding officer of the hearing panel  
1646 on behalf and in the name of the board.

1647           (2) Upon issuance of a final decision, a certified copy  
1648 thereof shall promptly be served upon respondent's counsel of  
1649 record, or upon respondent personally in absence of counsel, in  
1650 the same manner of service prescribed with respect to service of  
1651 complaints.

1652           **SECTION 74.** (1) A decision by the board in a case of  
1653 adjudication shall be subject to rehearing, reopening or  
1654 reconsideration by the board pursuant to written motion filed with  
1655 the board within ten (10) days from service of the decision on  
1656 respondent. A motion for rehearing, reopening or reconsideration  
1657 shall be made and served in the form and manner prescribed by  
1658 Section 66 above and shall set forth the grounds upon which such  
1659 motion is based.

1660           (2) The board may grant rehearing, reopening or  
1661 reconsideration if it is shown that:

1662           (a) The decision is clearly contrary to law and the  
1663 evidence;

1664           (b) The respondent has discovered since the hearing  
1665 evidence important to the issues which he or she could not have  
1666 with due diligence obtained before or during the hearing;

1667           (c) Other issues not previously considered ought to be  
1668 examined in order properly to dispose of the matter; or

1669           (d) There exists other good grounds for further  
1670 consideration of the issues and the evidence in the public  
1671 interest.

1672           **SECTION 75.** (1) The executive director of the board shall  
1673 transmit notice of all final license revocations and suspensions  
1674 to the licensing agency of every other jurisdiction in which the  
1675 respondent is licensed.

1676           (2) Public notice of discipline imposed. The executive  
1677 director of the board shall cause notices of all final license  
1678 suspensions and revocations to be published in a newspaper of  
1679 general circulation in each parish in which the private  
1680 investigator maintained an office.

1681           (3) The notice shall:

1682                 (a) State the statute or rule or regulation found to  
1683 have been violated and which resulted in the suspension or  
1684 revocation;

1685                 (b) State the penalty imposed for the violation; and

1686                 (c) Request members of the public to notify the board  
1687 if the disciplined individual is operating as a private  
1688 investigator without a license.

1689           (4) These publication requirements are mandatory and will  
1690 not be waived.

1691           **SECTION 76.** This act shall take effect and be in force from  
1692 and after July 1, 2007, and shall stand repealed on July 1, 2010.