

By: Representative Malone

To: Judiciary B

HOUSE BILL NO. 750
(As Passed the House)

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 11. A certified fraud examiner who is a
126 member of the Association of Certified Fraud Examiners.

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

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

133 **SECTION 4.** (1) The Mississippi State Board of Private
134 Investigator Examiners is hereby created within the Department of

135 Public Safety. The board shall be a body corporate and may sue
136 and be sued.

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

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

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

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

168 requirements as the person whose position on the board is being
169 filled by the appointment.

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

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

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

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

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

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

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

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

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

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

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

201 (h) Adopt its official seal.

202 (2) The board may:

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

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

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

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

223 (e) Maintain a current list of licensed private
224 investigators.

225 (f) Appoint a qualified executive director.

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

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

232 (i) Incur all necessary and proper expenses.

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

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

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

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

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

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

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

259 **SECTION 6.** (1) The position of executive director of the
260 board is hereby created. The executive director shall be
261 appointed by the board with consent of the Governor and shall
262 serve as the chief administrator of the board. He or she shall
263 not be a member of the board, but shall be a full-time
264 unclassified employee of the board who shall be paid compensation
265 in an amount to be determined by the board which shall not exceed

266 Fifty Thousand Dollars (\$50,000.00) annually. The office,
267 equipment and furnishings of the board and the executive director
268 shall be initially furnished by the Department of Public Safety.

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

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

277 (a) Is of legal age.

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

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

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

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

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

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

294 (2) If, in the discretion of the board, the applicant
295 provides inadequate information to allow the board to ascertain
296 whether the applicant satisfies the qualifications for licensure,
297 the applicant shall be required to provide additional information

298 for the purpose of the application, or may be required to present
299 himself or herself for an interview for this purpose.

300 (3) An applicant for licensing shall file with the board an
301 application form provided by the board. The form shall require
302 such relevant information about the applicant's character,
303 experience and background as the board may determine and the
304 following:

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

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

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

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

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

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

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

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

331 (b) "Criminal history record information" means
332 information collected by state and federal criminal justice
333 agencies on individuals consisting of identifiable descriptions
334 and notations of arrests, detentions, indictments, bills of
335 information or any formal criminal charges, and any disposition
336 arising therefrom, including sentencing and criminal correctional
337 supervision and release, but does not include intelligence for
338 investigatory purposes, nor does it include any identification
339 information which does not indicate involvement of the individual
340 in the criminal justice system.

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

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

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

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

362 (4) Upon request by the board and upon the board's
363 submission of an applicant's fingerprints, and such other

364 identifying information as may be required, the bureau shall
365 conduct a search of its criminal history record information
366 relative to the applicant and report the results of its search to
367 the board within sixty (60) days after receipt of any such
368 request. The bureau may charge the board a reasonable processing
369 fee for conducting and reporting the results of any such search.

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

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

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

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

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

394 2. Satisfies all other requirements for
395 licensing.

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

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

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

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

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

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

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

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

426 (4) The board shall deny the application for a license if it
427 finds that the applicant, or the qualifying agent, or any of the

428 applicant's owners, partners or principal corporate officers have
429 committed any of the following:

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

432 (b) Practiced fraud, deceit or misrepresentation.

433 (c) Knowingly made a material misstatement in the
434 application for a license.

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

436 (e) Been convicted of a felony.

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

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

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

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

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

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

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

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

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

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

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

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

490 (5) Upon satisfactorily passing the examination administered
491 by the board and paying the required fee the following persons, if

492 otherwise qualified, may be licensed without the necessity of
493 taking the training course:

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

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

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

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

508 (a) Name of licensee.

509 (b) Business name under which the licensee is to
510 operate.

511 (c) Addresses of the locations where the licensee is
512 operating or will operate.

513 (d) Number and date of the license and its date of
514 expiration.

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

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

523 (4) The purchaser, assignee, transferee or surviving or new
524 corporation shall be subject to the same general requirements and

525 procedures set forth in this act to the extent such sections are
526 applicable, and may continue the operation of that licensed
527 business until notified by the board of its final decision on the
528 new application for a license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

593 (4) After receipt of an application for a registration card,
594 the board shall conduct an investigation to determine whether the
595 facts set forth in the application are true. Actions by the board
596 to approve or deny an application for a registration card shall be
597 the same as that action taken to deny or approve an application
598 for license as provided under Section 12 of this act.

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

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

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

620 (b) The board may refuse to renew a registration card
621 and shall promptly notify the cardholder of its intent to refuse.
622 The cardholder, within fifteen (15) days after receipt of such

623 notice, may request a hearing on the refusal, in the same manner
624 and in accordance with the same procedure as that provided in
625 Section 56 of this act.

626 (c) A licensee or employer shall notify the board
627 within ten (10) days after the death or termination of employment
628 of any of its employees who are registrants. Licensees or
629 employers subject to this act shall notify the board within ten
630 (10) days upon receipt of information relating to a registrant's
631 loss of eligibility to hold such a card.

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

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

651 (c) Upon receipt of that new card, the cardholder shall
652 immediately return the old card to the board. The holder may
653 continue to work as an investigator for the new employer while the
654 board is processing the change in application. The holder of a
655 registration card who terminates employment and who is not

656 reemployed as an investigator within five (5) calendar days, shall
657 surrender, within twenty-four (24) hours of the fifth calendar
658 day, the registration card to the former employer. The employer
659 shall return the cancelled registration card to the board within
660 five (5) business days after receiving it.

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

664 **SECTION 17.** (1) The board shall approve all training
665 programs.

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

668 (a) Is approved by the board.

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

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

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

676 (a) Private investigator agency:

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

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

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

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

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

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

684 (b) Private investigator or apprentice investigator:

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

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

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

688 (iv) Initial license fee per investigator or
689 apprentice..... \$ 50.00

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

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

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

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

703 **SECTION 19.** (1) A license shall expire annually on the date
704 of issuance unless renewed by payment of the required renewal fee
705 at least thirty (30) days prior to its expiration. The board
706 shall notify the licensee of the renewal at his or her last known
707 address at least sixty (60) days in advance of the expiration and
708 on the expiration date. If a license is not renewed within thirty
709 (30) days after the expiration date, it shall be deemed to have
710 lapsed and to be invalid. The delinquent private investigator
711 business or the private investigator shall apply again for initial
712 licensure. If the license renewal is made prior to the thirty-day
713 grace period but after the expiration date, the private
714 investigator business shall pay a fine of Thirty-five Dollars
715 (\$35.00) and an additional Twenty Dollars (\$20.00) per
716 investigator.

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

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

724 **SECTION 20.** (1) A person holding a license to engage in the
725 private investigator business issued to him or her by a proper
726 authority of any state, territory or possession of the United
727 States, or the District of Columbia, which has licensing
728 requirements comparable to Mississippi, and who in the opinion of
729 the board otherwise meets the requirements of this act, upon
730 application, may be licensed without further examination.

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

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

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

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

748 (c) Providing false testimony before the board.

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

750 (e) Professional incompetency or gross negligence.

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

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

758 (h) Aiding or abetting a person to evade the provisions
759 of this act or knowingly combining or conspiring with an
760 unlicensed person, or acting as an agent, partner, associate or
761 otherwise, of an unlicensed person with intent to evade provisions
762 of this act.

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

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

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

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

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

780 (a) Provide contract or private investigator service
781 without possessing a valid license.

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

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

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

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

791 (f) Violate any provision of this act or any rule or
792 regulation of the board.

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

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

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

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

808 (d) Possess a license or registration card issued to
809 another person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

882 (b) Cause written minutes of every meeting to be taken
883 and maintained;

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

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

889 (e) Attest all itemized vouchers for payment of
890 expenses of the board;

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

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

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

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

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

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

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

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

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

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

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

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

927 (b) Finance committee, whose duties include periodic
928 review of the budget, recommendations regarding the establishment
929 of fees charged by the board and recommendations to the board
930 regarding all expenditures in excess of Five Hundred Dollars
931 (\$500.00); and

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

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

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

949 (30) minutes. Each person making public comments shall identify
950 himself or herself and the group, organization or company he or
951 she represents, if any.

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

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

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

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

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

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

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

973 (a) Part I shall be designated for investigative
974 agencies; and

975 (b) Part II shall be designated for individual
976 investigators.

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

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

980 (a) Minimum statutory requirements for obtaining a
981 license in the State of Mississippi;

982 (b) Instructions explaining requirements of the
983 application; and

984 (c) A schedule of licensing fees for an agency and
985 individual.

986 (4) Information requested on the application shall include
987 the following:

988 (a) Company, partnership or corporation history;

989 (b) Personal history;

990 (c) Marital status;

991 (d) Education;

992 (e) Military service;

993 (f) Employment history;

994 (g) Character references;

995 (h) Investigative history;

996 (i) Miscellaneous questions regarding:

997 (i) Involvement of overthrow by force of our
998 government;

999 (ii) Crimes involving moral turpitude;

1000 (iii) Felony convictions;

1001 (iv) Any unfavorable background incidents the
1002 applicant should share with the board;

1003 (j) Consent for service of process (out-of-state
1004 licensees only); and

1005 (k) Notarized statement confirming the accuracy of the
1006 information contained in the application.

1007 (5) If the applicant is a sole proprietor, he or she must
1008 furnish a copy of his or her occupational license with the
1009 application.

1010 (6) Applicants must submit appropriate fees along with the
1011 application. An administration fee of Twenty-five Dollars
1012 (\$25.00) made payable to the board will be assessed on all checks
1013 returned from the bank and deemed nonsufficient funds.

1014 (7) No person shall make an application to the board as
1015 qualifying agent unless that person intends to maintain and does
1016 maintain that supervisory position on a regular, full-time basis.

1017 **SECTION 36.** In addition to the requirements for licensing
1018 renewal set forth in Section 19 of this act, applicants for
1019 licensing renewal shall be required to submit a certification to
1020 the board that the applicant for license renewal has not been
1021 convicted of a felony during the past year. The fee notice sent
1022 out for licensing renewal shall contain this certification.

1023 **SECTION 37.** (1) A qualified school may be approved to
1024 conduct forty-hour training classes required for licensing by
1025 submitting a letter of request for approval by the board. The
1026 request shall include the following:

1027 (a) Name and location of school;
1028 (b) Owner of school;
1029 (c) Copy of occupational license;
1030 (d) List of course of study;
1031 (e) Name, address, profession and educational and
1032 investigative experience of each instructor teaching a private
1033 investigation course; and

1034 (f) Notarized statement that each instructor has a
1035 minimum of three (3) years supervisory experience with a contract
1036 investigator company or proprietary investigator organization.

1037 (2) Course instructors may invite a licensed attorney at law
1038 or licensed Mississippi private investigator to supplement lesson
1039 plans regarding the course taught by the instructor.

1040 (3) Course instructors, whether full or part time, shall
1041 apply for a license and take the written examination prior to
1042 conducting any private investigation classes.

1043 **SECTION 38.** (1) To be licensed, an applicant must pass a
1044 written examination, unless exempt by the grandfather clause,
1045 state statute or board resolution. The passing grade of the
1046 examination shall be as established by the board.

1047 (2) A person who has not successfully passed the examination
1048 can reapply to take the examination twice within a twelve-month
1049 period. If, after two (2) attempts, the individual has not
1050 successfully passed the examination as required, appropriate board
1051 action will be taken.

1052 **SECTION 39.** (1) Licenses, when issued, shall be in the form
1053 of a wall certificate no larger than eight and one-half (8-1/2)
1054 inches by eleven (11) inches in size. The certificate shall
1055 contain the following information:

1056 (a) Name of licensee and/or agency name under whose
1057 authority the license is granted;

1058 (b) Addresses of the agency location(s) (main office
1059 and branch offices) responsible for licensee;

1060 (c) Number of license;

1061 (d) Date of issue;

1062 (e) Date of expiration (to be issued every year and may
1063 be affixed to certificate in lieu of issuing a new certificate);

1064 (f) The official state insignia;

1065 (g) Agency and qualifying agent if licensee;

1066 (h) Private investigator and agency under whose
1067 authority he or she is assigned;

1068 (i) Signature of executive director;

1069 (j) Signature of chairman of the board; and

1070 (k) The official Board of Private Investigator

1071 Examiners seal.

1072 (2) The license certificate shall remain the property of the
1073 board and will be surrendered upon written request from the board.

1074 (3) Licenses issued by the board shall be valid for a
1075 one-year period to begin from the date application was approved by
1076 the board.

1077 **SECTION 40.** (1) Companies wishing to do business in
1078 Mississippi must either incorporate here or be duly qualified to
1079 do business within this state with a valid certificate of

1080 authority issued by the Secretary of State, and shall have an
1081 agent for service of process designated as required by law.

1082 (2) Out-of-state companies, or individuals wishing to do
1083 business in Mississippi, who satisfied all the licensing
1084 requirements outlined by Sections 7 and 8, may do so without
1085 examination if the state under which it holds a valid license has
1086 licensing requirements comparable to those of Mississippi.
1087 Verification of satisfactory completion of such other state's
1088 examination must be submitted to the board. If the out-of-state
1089 company or individual is licensed by a state that does not have
1090 licensing requirements comparable to those of Mississippi, then
1091 the company or individual must satisfy all the licensing
1092 requirements outlined in Sections 7 and 8.

1093 (3) Fees for out-of-state companies are the same as for
1094 in-state companies except that an out-of-state company shall be
1095 required to pay the board for the cost of transportation, lodging
1096 and meals at the Mississippi state rate when an examination of
1097 records is performed if those records are kept out of state.

1098 **SECTION 41.** (1) A licensed agency with its principal place
1099 of business in the State of Mississippi and a previously
1100 unlicensed individual domiciled and residing in the State of
1101 Mississippi may apply for the licensing of the previously
1102 unlicensed individual as an apprentice as follows:

1103 (a) A letter of intent to sponsor shall be sent to the
1104 board by the licensed agency, along with the apprentice
1105 application, indicating the agency's intent to accept the
1106 sponsorship and responsibility for the apprentice applicant.

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

1113 temporary apprentice registration card until the board meets to
1114 consider the application and the issuance of the official
1115 apprentice registration card.

1116 (c) No agency may sponsor any more than six (6)
1117 apprentice investigators at any one time, and no person shall be
1118 licensed as an apprentice if he or she has been licensed as an
1119 apprentice before.

1120 (2) An apprentice license shall be effective for one (1)
1121 year only; and the apprentice shall operate as a private
1122 investigator only under the immediate direction, control and
1123 supervision of the sponsoring agency during that time.

1124 (3) (a) The sponsoring agency shall be directly responsible
1125 for the supervising and training of the apprentice.

1126 (b) In addition, the sponsoring agency shall be
1127 responsible for educating the apprentice in the following areas:

1128 (i) Knowledge of the private investigator business
1129 and the laws regulating same and the rules and regulations
1130 regulating the practice as a private investigator in this state;

1131 (ii) General federal and state constitutional
1132 principles;

1133 (iii) General information regarding invasion of
1134 privacy laws, search and seizure laws and related procedures and
1135 state concealed weapons law;

1136 (iv) Surveillance techniques;

1137 (v) Photograph principles: video and still; and

1138 (vi) General information regarding the assembling
1139 of public information from clerk of court offices and court
1140 records.

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

1145 apprentice is working under the supervision of a licensed sponsor
1146 agency.

1147 (b) During the apprenticeship period, the apprentice
1148 must attend the forty-hour training course approved by the board.

1149 (c) An apprentice license may be transferred to another
1150 agency provided the other agency meets all the requirements of law
1151 and this section of the rules and regulations, particularly the
1152 filing of the letters of intent, regarding sponsorship.

1153 **SECTION 42.** Notification required by Section 15 of this act
1154 of changes in information to be furnished by a licensee shall
1155 include:

- 1156 (a) Termination of a branch manager;
- 1157 (b) Change of agency name;
- 1158 (c) Change of agency address;
- 1159 (d) Change of agency telephone number; and
- 1160 (e) Change of ownership if agency is sole
1161 proprietorship.

1162 **SECTION 43.** The registration card shall be no larger than
1163 two and one-fourth (2-1/4) inches by four (4) inches in size. The
1164 registration card shall contain the following information:

- 1165 (a) Name of investigator;
- 1166 (b) Name of agency under whose authority license is
1167 issued;
- 1168 (c) Date of expiration;
- 1169 (d) Current two (2) inches by two (2) inches color
1170 photograph;
- 1171 (e) Driver's license number;
- 1172 (f) Company name;
- 1173 (g) Company address (city and state);
- 1174 (h) License number;
- 1175 (i) Signature of executive director;
- 1176 (j) Signature of license holder;
- 1177 (k) State insignia; and

1178 (1) Board seal.

1179 **SECTION 44.** In addition to the fees provided by Section 18
1180 of this act, the following schedule of fees shall be assessed:

1181 (a) For licensee or any business entity employing more
1182 than one (1) investigator:

1183 (i) Renewal within thirty (30) days after
1184 expiration of license..... \$200.00

1185 (ii) Late fee..... \$ 35.00

1186 (iii) Per investigator..... \$ 20.00

1187 (iv) Transfer of agent..... \$ 25.00

1188 (b) For private investigator employed by a company or
1189 corporation, or apprentice investigator:

1190 (i) Annual renewal license fee..... \$ 50.00

1191 (ii) Replacement fee for a lost, destroyed or
1192 mutilated license..... \$ 25.00

1193 (iii) Renewal within thirty (30) days after
1194 expiration of license..... \$ 50.00

1195 (iv) Late fee..... \$ 35.00

1196 (v) Transfer of agency..... \$ 25.00

1197 (c) Any individual, partnership or corporation actively
1198 operating in the private investigation business since July 1,
1199 2007, who did not apply to the board for a license, will be
1200 assessed an administrative fee in the amount of the yearly renewal
1201 fee as prescribed by law, per year for each year past July 1,
1202 2007.

1203 **SECTION 45.** (1) Each licensed private investigator is
1204 required to complete a minimum of eight (8) hours of approved
1205 investigative educational instruction within the one-year period
1206 immediately prior to renewal in order to qualify for a renewal
1207 license.

1208 (2) Each licensed private investigator is required to
1209 complete and return the Mississippi State Board of Private
1210 Investigative Examiners (MSBPIE) continuing educational compliance

1211 form with the request for license renewal each year. The form
1212 shall be signed under penalty of perjury and shall include
1213 documentation of each hour of approved investigation educational
1214 instruction completed.

1215 (3) Any licensee who wishes to apply for an extension of
1216 time to complete educational instruction requirements must submit
1217 a letter of request setting forth reasons for the extension
1218 request to the Executive Director of the Mississippi State Board
1219 of Private Investigative Examiners (MSBPIE) thirty (30) days prior
1220 to license renewal. The training committee shall rule on each
1221 request. If an extension is granted, the investigator shall be
1222 granted thirty (30) days to complete the required hours. Hours
1223 completed during a thirty-day extension shall only apply to the
1224 previous year.

1225 **SECTION 46.** An investigator shall provide competent
1226 representation to a client. Competent representation requires the
1227 legal knowledge, skill, thoroughness and preparation reasonably
1228 necessary for the investigation.

1229 **SECTION 47.** (1) Both investigator and client have authority
1230 and responsibility in the objectives of the investigation. The
1231 client has ultimate authority to determine the purposes to be
1232 served by the investigation, within the limits imposed by law and
1233 the investigator's professional obligations.

1234 (2) An investigator may limit the objectives of the
1235 representation if the client consents after consultation.

1236 (3) An investigator shall not encourage a client to engage
1237 or assist a client, in conduct that the investigator knows is
1238 criminal or fraudulent. An investigator, however, may discuss the
1239 legal consequences of any proposed course of conduct with a client
1240 and may advise a client to seek legal counsel for assistance in
1241 making a good faith effort to determine the validity, scope,
1242 meaning or application of the law.

1243 (4) When an investigator knows that a client expects
1244 assistance prohibited by the Rules of Professional Conduct or
1245 other law, the investigator shall consult with the client
1246 regarding the relevant limitations of the investigator's lawful
1247 conduct.

1248 **SECTION 48.** An investigator shall act with reasonable
1249 diligence and promptness in representing a client.

1250 **SECTION 49.** (1) An investigator shall keep a client
1251 reasonably informed about the status of a matter and promptly
1252 comply with a reasonable request for information.

1253 (2) The investigator shall give the client sufficient
1254 information to participate intelligently in decisions concerning
1255 the objectives or the representation and the means by which they
1256 are to be pursued, to the extent the client is willing and able to
1257 do so.

1258 **SECTION 50.** (1) An investigator shall not reveal
1259 information relating to representation of a client unless the
1260 client consents after consultation, except for disclosures that
1261 are impliedly authorized in order to carry out the representation,
1262 and except as stated in subsection (2).

1263 (2) An investigator may reveal such information to the
1264 extent the investigator reasonably believes necessary:

1265 (a) To prevent the client from committing a criminal
1266 act that the investigator believes is likely to result in imminent
1267 death or substantial bodily harm; or

1268 (b) To establish a claim or defense on behalf of the
1269 investigator in a controversy between the investigator and the
1270 client, to establish a defense to a criminal charge or civil claim
1271 against the investigator based upon conduct in which the client
1272 was involved, or to respond to allegations in any proceeding
1273 concerning the investigator's representation of the client.

1274 **SECTION 51.** Loyalty is an essential element in the
1275 investigator's relationship to a client. Therefore:

1276 (a) An investigator shall not represent a client if the
1277 representation of that client will be directly adverse to the
1278 representations of another client, unless:

1279 (i) The investigator reasonably believes the
1280 representation will not adversely affect the relationship with the
1281 other client; and

1282 (ii) Each client consents after consultation.

1283 (b) An investigator shall not represent a client if the
1284 representation of that client may be materially limited by the
1285 investigator's responsibilities to another client or to a third
1286 person, or by the investigator's own interest, unless:

1287 (i) The investigator reasonably believes the
1288 representation will not be adversely affected; and

1289 (ii) The client consents after consultation. When
1290 representation of multiple clients in a single matter is
1291 undertaken, the consultation shall include explanation of the
1292 implications of the common representation and the disadvantages
1293 and risks involved.

1294 **SECTION 52.** As a general principle, all transactions between
1295 client and investigators should be fair and reasonable to the
1296 client. Furthermore, an investigator may not exploit the
1297 representation of a client or information relating to the
1298 representation to the client's disadvantage. Examples of
1299 violations include, but are not limited to, the following:

1300 (a) An investigator shall not enter into a business
1301 transaction with a client or knowingly acquire an ownership,
1302 possessory, security or other pecuniary interest adverse to a
1303 client unless:

1304 (i) The transaction and terms on which the
1305 investigator acquires the interest are fair and reasonable to the
1306 client and are fully disclosed and transmitted in writing to the
1307 client in a manner which can be reasonably understood by the
1308 client;

1309 (ii) The client is given a reasonable opportunity
1310 to seek the advice of independent counsel in the transactions; and

1311 (iii) The client consents in writing thereto;

1312 (b) An investigator shall not use information relating
1313 to representation of a client to the disadvantage of the client
1314 unless the client consents after consultation.

1315 **SECTION 53.** An investigator who has formerly represented a
1316 client in a matter shall not thereafter:

1317 (a) Represent another person in the same or a
1318 substantially related matter in which that person's interests are
1319 materially adverse to the interests of the former client unless
1320 the former client consents after consultation; or

1321 (b) Use information relating to the representation to
1322 the disadvantage of the former client except when the information
1323 derived from independent sources has become generally known.

1324 **SECTION 54.** (1) Upon initial contact from a private
1325 citizen, a contract may be offered on all matters.

1326 (2) The contract shall contain, but may not be limited to,
1327 the following information:

1328 (a) Name, address and phone number of investigative
1329 agency;

1330 (b) Name, address and phone number of private
1331 investigator responsible for case work;

1332 (c) Schedule of fees to be charged;

1333 (d) Purpose and scope of investigation;

1334 (e) Limitations of responsibility to investigative
1335 agency;

1336 (f) Limitations of responsibility to client;

1337 (g) Signature of client;

1338 (h) Signature of two (2) witnesses;

1339 (i) Date agreement was signed; and

1340 (j) Contracts shall be made in duplicate:

1341 (i) One (1) copy for the client;

1342 (ii) One (1) copy shall be retained in the
1343 investigative case file for a period of three (3) years.

1344 **SECTION 55.** The use of a private investigator badge shall be
1345 optional. Should the investigator choose to carry a badge and
1346 display it, he or she shall be obligated to identify himself or
1347 herself as a private investigator at such times as the badge is
1348 displayed.

1349 **SECTION 56.** A request for a hearing on a complaint before
1350 the Board of Private Investigator Examiners shall contain the
1351 following:

1352 (a) The full name, address and telephone number of the
1353 person requesting the hearing;

1354 (b) The full name, address and telephone number of any
1355 person whose interest could be affected by the hearing;

1356 (c) A plain and concise statement of the complaint;

1357 (d) A receipt showing a copy of the complaint has been
1358 sent to the person or a statement from the executive director
1359 stating that a copy of said complaint had been delivered to the
1360 person named in the complaint;

1361 (e) All complaints or requests for a hearing before the
1362 Private Investigator Examiners Board must be made by certified or
1363 registered mail to the executive director or the Private
1364 Investigator Examiners Board.

1365 **SECTION 57.** In the course of representing a client, an
1366 investigator shall not knowingly:

1367 (a) Make a false statement of material fact or law to a
1368 third person; or

1369 (b) Fail to disclose a material fact to a third person
1370 when disclosure is necessary to avoid assisting a criminal or
1371 fraudulent act by a client, unless disclosure is otherwise
1372 prohibited by this act.

1373 **SECTION 58.** It is professional misconduct for an
1374 investigator to:

1375 (a) Violate or attempt to violate the Rules of
1376 Professional Conduct or to knowingly assist or induce another to
1377 do so, or do so through the acts of another;

1378 (b) Commit a criminal act or any other act that
1379 reflects adversely on the investigator's honesty, trustworthiness
1380 or fitness as an investigator in other respects;

1381 (c) Engage in conduct involving dishonesty, fraud,
1382 deceit or misrepresentation;

1383 (d) Except upon the expressed assertion of a
1384 constitutional privilege, to fail to cooperate with the Ethics
1385 Committee in its investigation of alleged misconduct; or

1386 (e) Threaten to file criminal charges solely to obtain
1387 an advantage in a civil matter.

1388 **SECTION 59.** An investigative agency must apply and pay all
1389 occupational fees required to conduct business in the jurisdiction
1390 which he or she is to conduct business.

1391 **SECTION 60.** Any licensed private investigator may
1392 voluntarily inform the board by mail of a substance abuse problem
1393 without adverse action taken by the board. In doing so, the
1394 private investigator is subject to the board's recommendation to
1395 enter a substance abuse facility, and upon completion of
1396 successful treatment, shall furnish proof of completion from said
1397 facility. Failure to successfully complete a substance abuse
1398 program will subject the investigator to disciplinary action by
1399 the board.

1400 **SECTION 61.** (1) An investigator shall, when advertising
1401 years of experience, clearly state the actual years of experience
1402 within the private investigative industry.

1403 (2) When advertising years of experience in the private
1404 investigative industry, the ad must indicate if it is a total
1405 number of years for one (1) certain investigator or a combined
1406 total of all investigators.

1407 (3) An investigator shall, prior to advertising a
1408 certification designation furnish the Board of Private
1409 Investigators with a copy of their certificate and the certificate
1410 number.

1411 (4) When using the term certification in advertising, the
1412 certified investigator's name must accompany the designation.

1413 **SECTION 62.** These rules govern the board's imitation,
1414 consideration and adjudication of administrative complaints
1415 providing cause under law for denial, modification, suspension or
1416 revocation of a license, imposition of probation on, or other
1417 disciplinary action against any person requesting or holding a
1418 license, permit, certification or registration issued by the board
1419 or any applicant therefor.

1420 **SECTION 63.** (1) Proceedings to adjudicate an administrative
1421 enforcement action shall be initiated by the filing of a written
1422 complaint with the board. It shall be signed by a member of the
1423 board appointed and designated by it as investigatory officer with
1424 respect to the subject matter of the complaint. The accused
1425 licensee shall be named as respondent in the proceedings.

1426 (2) The complaint shall set forth, in separately numbered
1427 paragraphs, a concise statement of the material facts and matters
1428 alleged and to be proven by the investigating officer including
1429 the facts giving rise to the board's jurisdiction over respondent,
1430 the facts constituting legal cause for the administrative action,
1431 and the statutory, regulatory or other provision alleged to have
1432 been violated by the respondent. The complaint shall conclude
1433 with a request for the administrative sanction or other relief
1434 sought by the investigating officer and shall bear the name,
1435 address and telephone number of counsel engaged by the board to
1436 present the case at evidentiary hearing before the board.

1437 **SECTION 64.** (1) Upon the filing of an administrative
1438 complaint under Section 56, the board shall docket the complaint
1439 and schedule it for hearing before the board not less than

1440 forty-five (45) days nor more than one hundred eighty (180) days
1441 thereafter. For good cause, the time may be lengthened or
1442 shortened as the board determines may be necessary or appropriate
1443 to protect the public interest or upon the motion of the
1444 investigating officer of respondent. In the event that the
1445 respondent's license, permit, certification or registration has
1446 been suspended by the board pending hearing, under Section 21,
1447 evidentiary hearing on the complaint shall be noticed and
1448 scheduled not more than forty-five (45) days after the filing of
1449 the complaint.

1450 (2) A written notice of the complaint and the time, date and
1451 place of the scheduled hearing thereon shall be served upon the
1452 respondent by registered, return receipt requested mail, as well
1453 as by regular first class mail at the most current address for the
1454 respondent as reflected in the official records of the board or by
1455 personal delivery of the complaint to the respondent. The date of
1456 service shall be the day of personal service or the third business
1457 day after the date of posting the registered or certified notice.
1458 The notice shall include a statement of the legal authority and
1459 jurisdiction under which the hearing is to be conducted and shall
1460 be accompanied by a certified copy of the administrative
1461 complaint.

1462 **SECTION 65.** (1) Within fifteen (15) days of service of the
1463 complaint or such longer time as the board, on motion of the
1464 respondent, may permit, the respondent may answer the complaint
1465 admitting or denying each of the separate allegations of fact and
1466 of law set forth therein. Any matter admitted by respondent shall
1467 be deemed proven and established for purposes of adjudication. In
1468 the event that the respondent does not file a response to the
1469 complaint, all allegations therein asserted shall be deemed
1470 denied.

1471 (2) Any respondent may be represented in an adjudication
1472 proceeding before the board by an attorney at law duly admitted to

1473 practice in this state. Upon receipt of service of a complaint
1474 pursuant, or thereafter, a respondent who is represented by legal
1475 counsel with respect to the proceeding shall, personally or
1476 through such counsel, give written notice to the board of the
1477 name, address and telephone number of such counsel. Following
1478 receipt of proper notice of representation, any further notice,
1479 complaint, subpoena, order or other process related to the
1480 proceeding shall be served on the respondent through his or her
1481 designated counsel of record.

1482 **SECTION 66.** (1) Any pleading, motion or other paper
1483 permitted or required to be filed with the board in connection
1484 with a pending adjudication proceeding shall be filed by personal
1485 delivery at or by mail to the office of the board. Any such
1486 writing shall likewise be concurrently served upon complaint
1487 counsel, if filed by or on behalf of respondent, or upon
1488 respondent, through counsel of record, if any, if filed by
1489 complaint counsel.

1490 (2) All such pleadings, motion or other papers shall be
1491 submitted on plain white letter-size (eight and one-half (8-1/2)
1492 inches by eleven (11) inches) bond, with margins of at least one
1493 (1) inch on all sides and text double spaced except as to
1494 quotations and other matter customarily single spaced. Such
1495 documents shall bear the caption and docket number of the case and
1496 shall include the certificate of the attorney or person making the
1497 filing that service of a copy has been effected in the manner
1498 prescribed by subsection (1) of this section.

1499 (3) The board may refuse to accept for filing any pleading,
1500 motion or other paper not conforming to the requirements of this
1501 section.

1502 **SECTION 67.** Motions for continuance of any hearing, for
1503 dismissal of the proceeding and all other prehearing motions shall
1504 be filed not later than thirty (30) days following service of the
1505 complaint on the respondent or fifteen (15) days prior to the

1506 hearing, whichever is earlier. Each prehearing motion shall be
1507 accompanied by a memorandum which shall set forth a concise
1508 statement of the grounds upon which the relief sought is based and
1509 the legal authority therefor. A motion may be accompanied by an
1510 affidavit as necessary to establish facts alleged in support of
1511 the motion. Within ten (10) days of the filing of any such motion
1512 and memorandum or such shorter time as the board may order, the
1513 investigating officer, through complaint counsel, may file a
1514 memorandum in opposition to or otherwise setting forth the
1515 investigating officer's position with respect to the motion.

1516 **SECTION 68.** (1) A motion for continuance of hearing shall
1517 be filed within the delay prescribed by Section 67 of this act,
1518 provided that the board may accept the filing of a motion for
1519 continuance at any time before a hearing upon a showing of good
1520 cause not discoverable within the time otherwise provided for the
1521 filing of a prehearing motion.

1522 (2) A scheduled hearing may be continued by the board only
1523 upon a showing by respondent or complaint counsel that there are
1524 substantial legitimate grounds that the hearing should be
1525 continued, balancing the right of respondent to a reasonable
1526 opportunity to prepare and present a defense to the complaint and
1527 the board's responsibility to protect the public health, welfare
1528 and safety. Except in extraordinary circumstances evidenced by
1529 verified motion or accompanying affidavit, the board will not
1530 ordinarily grant a motion to continue a hearing that has been
1531 previously continued upon motion of the same party.

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

1539 panel for disposition, and any party aggrieved by the decision of
1540 a presiding officer on a motion for continuance may request that
1541 the motion be reconsidered by the entire panel. In any such case,
1542 the panel shall rule on such motion on the papers filed, without
1543 hearing.

1544 SECTION 69. (1) Upon request of the respondent or complaint
1545 counsel and in compliance with the requirements of this section,
1546 the executive director shall sign and issue subpoenas in the name
1547 of the board requiring the attendance and giving of testimony by a
1548 witness and the production of books, papers and other documentary
1549 evidence at an adjudication hearing.

1550 (2) No subpoena shall be issued unless and until the party
1551 who wishes to subpoena the witness first deposits with the board a
1552 sum of money sufficient to pay all fees and expenses to which a
1553 witness in a civil case is entitled. Witnesses subpoenaed to
1554 testify before the board only to an opinion founded on special
1555 study or experience in any branch of science, or to make
1556 scientific or professional examinations and to state the results
1557 thereof, shall receive such additional compensation from the party
1558 who wishes to subpoena such witnesses as may be fixed by the board
1559 with reference to the value of the time employed and the degree or
1560 skill required.

1561 SECTION 70. (1) Unless otherwise requested by the
1562 respondent, the adjudication hearing shall be conducted in closed
1563 session.

1564 (2) At an adjudication hearing, opportunity shall be
1565 afforded to complaint counsel and respondent to present evidence
1566 on any issue of fact and argument on any issue of law and policy
1567 involved, to call, examine and cross-examine any witness and to
1568 offer and introduce documentary evidence and any exhibit required
1569 for a full and true disclosure of the facts and disposition of the
1570 complaint.

1571 (3) Unless stipulation is made between the parties, and
1572 approved by the hearing panel, providing for other means of
1573 recordation, all testimony and other proceedings of an
1574 adjudication shall be recorded by a certified stenographer who
1575 shall be retained by the board to prepare a written transcript of
1576 such proceedings.

1577 (4) During evidentiary hearing, the presiding officer shall
1578 rule upon any evidentiary objection and other procedure question,
1579 but in his discretion may consult with the entire panel in
1580 executive session. At any hearing, the board may be assisted by
1581 legal counsel, retained by the board for such purpose, who is
1582 independent of complaint counsel and who has not participated in
1583 the investigation or prosecution of the case. If the board or
1584 panel is attended by such counsel, the presiding officer may
1585 delegate to such counsel ruling on any evidentiary objection and
1586 other procedural issue raised during the hearing.

1587 (5) The record in a case of adjudication shall include:

1588 (a) The administrative complaint and notice of hearing,
1589 respondent's response to the complaint, if any, subpoenas issued
1590 in connection with discovery in the case or hearing of the
1591 adjudication, and all pleadings, motions and intermediate rulings;

1592 (b) Evidence received or considered at the hearing;

1593 (c) A statement of matters officially noticed except
1594 matters so obvious that statement of them would serve no useful
1595 purpose;

1596 (d) Offers of proof, objections and rulings thereon;

1597 (e) Proposed findings and exceptions, if any;

1598 (f) The decision, opinion, report or other disposition
1599 of the case made by the board.

1600 (6) Findings of fact shall be based exclusively on the
1601 evidence and on matters officially noticed.

1602 **SECTION 71.** (1) In an adjudication hearing, the board or
1603 the designated hearing panel thereof, may give probative effect to

1604 evidence which possesses probative value commonly accepted by
1605 reasonably prudent men in conduct of their affairs. Effect shall
1606 be given to the rules of privilege recognized by law. The board
1607 or panel may exclude incompetent, irrelevant, immaterial and
1608 unduly repetitious evidence. Objections to evidentiary offers may
1609 be made and shall be noted in the record. Subject to these
1610 requirements, when a hearing will be expedited and the interests
1611 of the parties will not be prejudiced substantially, any part of
1612 the evidence may be received in written form.

1613 (2) All evidence, including records and documents in the
1614 possession of the board which complaint counsel desires the board
1615 to consider, shall be offered and made part of the record, and all
1616 such documentary evidence may be received in the form of copies or
1617 excerpts, or by incorporation by reference. In case of
1618 incorporation by reference, the materials so incorporated shall be
1619 available for examination by the respondent before being received
1620 in evidence.

1621 (3) Notice may be taken of judicially cognizable facts and
1622 of generally recognized technical or scientific facts within the
1623 board's knowledge. Parties shall be notified either before or
1624 during the hearing of the material noticed or sought by a party to
1625 be noticed and they shall be afforded an opportunity to contest
1626 the material so noticed. The board's experience, technical
1627 competence and knowledge may be utilized in the evaluation of the
1628 evidence.

1629 (4) Any member of the board serving as presiding officer in
1630 an adjudication hearing shall have the power to and shall
1631 administer oaths or affirmations to all witnesses appearing to
1632 give testimony, shall regulate the course of the hearing, set the
1633 time and place for continued hearings, fix the time for the filing
1634 of briefs and other documents, if they are required or requested,
1635 and may direct the parties to appear and confer to consider
1636 simplification of the issues.

1637 (5) Except as otherwise governed by the provisions of these
1638 rules, adjudication hearings before the board shall be governed by
1639 the Mississippi Code of Evidence, insofar as the same may be
1640 applied.

1641 **SECTION 72.** The board may make informal disposition, by
1642 default, consent order, agreement, settlement, or otherwise, of
1643 any adjudication pending before it.

1644 **SECTION 73.** (1) The final decision of the board in an
1645 adjudication proceeding shall, if adverse to the respondent, be in
1646 writing and shall include findings of fact and conclusions of law.
1647 It shall be signed by the presiding officer of the hearing panel
1648 on behalf and in the name of the board.

1649 (2) Upon issuance of a final decision, a certified copy
1650 thereof shall promptly be served upon respondent's counsel of
1651 record, or upon respondent personally in absence of counsel, in
1652 the same manner of service prescribed with respect to service of
1653 complaints.

1654 **SECTION 74.** (1) A decision by the board in a case of
1655 adjudication shall be subject to rehearing, reopening or
1656 reconsideration by the board pursuant to written motion filed with
1657 the board within ten (10) days from service of the decision on
1658 respondent. A motion for rehearing, reopening or reconsideration
1659 shall be made and served in the form and manner prescribed by
1660 Section 66 above and shall set forth the grounds upon which such
1661 motion is based.

1662 (2) The board may grant rehearing, reopening or
1663 reconsideration if it is shown that:

1664 (a) The decision is clearly contrary to law and the
1665 evidence;

1666 (b) The respondent has discovered since the hearing
1667 evidence important to the issues which he or she could not have
1668 with due diligence obtained before or during the hearing;

1669 (c) Other issues not previously considered ought to be
1670 examined in order properly to dispose of the matter; or

1671 (d) There exists other good grounds for further
1672 consideration of the issues and the evidence in the public
1673 interest.

1674 **SECTION 75.** (1) The executive director of the board shall
1675 transmit notice of all final license revocations and suspensions
1676 to the licensing agency of every other jurisdiction in which the
1677 respondent is licensed.

1678 (2) Public notice of discipline imposed. The executive
1679 director of the board shall cause notices of all final license
1680 suspensions and revocations to be published in a newspaper of
1681 general circulation in each parish in which the private
1682 investigator maintained an office.

1683 (3) The notice shall:

1684 (a) State the statute or rule or regulation found to
1685 have been violated and which resulted in the suspension or
1686 revocation;

1687 (b) State the penalty imposed for the violation; and

1688 (c) Request members of the public to notify the board
1689 if the disciplined individual is operating as a private
1690 investigator without a license.

1691 (4) These publication requirements are mandatory and will
1692 not be waived.

1693 **SECTION 76.** This act shall take effect and be in force from
1694 and after July 1, 2007, and shall stand repealed on July 1, 2010.