

**REVISED ADOPTED REGULATION OF THE  
PRIVATE INVESTIGATOR'S LICENSING BOARD**

**LCB File No. R109-09**

Effective October 15, 2010

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY : §§1 and 3, NRS 648.1493 and 648.1495; §§2 and 4-6, NRS 648.1495; §§7-9, NRS 648.1493.

A REGULATION relating to private investigators; providing for the issuance, suspension and reinstatement of a provisional registration under certain circumstances; establishing a system for maintaining certain records of persons registered with the Private Investigator's Licensing Board; requiring a licensee to file a change of employment notice with the Board on behalf of certain employees; establishing fees; and providing other matters properly relating thereto.

**Section 1.** Chapter 648 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

**Sec. 2. 1.** *A licensee shall not employ a person unless the person employed by the license is provisionally registered or registered. A licensee shall immediately terminate the employment of a person employed by a licensee if the Board notifies the licensee that the Board has denied, suspended or revoked the provisional registration or registration of the person.*

*2. If a person applies for employment with a licensee, the licensee or a designated employee of the licensee shall review the system of records maintained by the Board pursuant to section 5 of this regulation to determine whether the person is registered, is provisionally registered or has had his or her registration or provisional registration denied, suspended or revoked.*

*3. If a licensee determines that the person is not registered or provisionally registered, and is not subject to denial, suspension or revocation, the licensee must instruct the person to:*

*(a) Complete the application for registration;*

*(b) Obtain two complete sets of fingerprints or provide a receipt for electronic submission of fingerprints to the Board;*

*(c) Pay all applicable fees; and*

*(d) Unless otherwise instructed by the Board, submit the application for registration to the Board.*

*4. If a licensee determines that the provisional registration or registration of a person who applies for employment with the licensee has been denied, suspended or revoked by the Board, the licensee:*

*(a) Shall not accept an application for registration from the applicant; and*

*(b) Shall notify the applicant that he or she must contact the Board to obtain information concerning the denial, suspension or revocation.*

*5. If a licensee determines that a person who applies for employment with the licensee is provisionally registered or registered with the Board, the licensee shall provide such information to the Board not less than 5 business days after the licensee makes the determination.*

*6. Each licensee must maintain a passport-size photograph of each person employed by the licensee. The licensee shall retain the photograph for not less than 5 years after the last date on which the person is employed by the licensee. The photograph may be in the form of a photograph or may be digitally stored, but the photograph must be capable of being reproduced and available at the request of the Board.*

*7. Any person who violates the provisions of this section is subject to disciplinary action by the Board.*

*8. A licensee shall maintain written documentation establishing that the licensee received an application from each applicant for employment before accessing the Internet website established pursuant to section 5 of this regulation for at least 4 years after the date of receipt of the application.*

*9. The Board will interpret “employed by” as used in NRS 648.060 and this section to include a person who performs the same duties as an employee.*

**Sec. 3. 1. The Board will review each application for registration for completeness.**

*2. The Board will conduct an investigation of the applicant to determine whether the applicant is eligible to be or continue to be an employee of a licensee.*

*3. The Board may deny an application for registration within 90 days after receipt of the complete application for any reasonable cause.*

*4. The Board will deny an application for registration if the applicant has been convicted of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon.*

*5. If the Board denies an application for registration, the Board shall provide notice of the denial to the applicant and the applicant’s employer. The notice to the applicant must include notice of the right of the applicant to appeal the decision to the Board.*

*6. If the Board denies an application, the applicant may appeal the denial by filing a request for appeal with the Board not later than 30 days after the applicant receives notice of the denial. If the applicant does not request an appeal, the decision of the Board to deny the application is deemed final.*

*7. If the Board approves the registration of an applicant, the applicant is eligible for employment with a licensee unless the applicant's registration expires, is suspended or is revoked.*

**Sec. 4.** *An application for registration is confidential. A licensee or any employee of a licensee shall not access or use any information contained in an application for any purpose unless:*

- 1. The applicant provides written consent to the licensee; or*
- 2. Otherwise permitted by law.*

**Sec. 5.** *1. The Board will establish and maintain an Internet website that contains a system of records which:*

*(a) Contains information regarding each person who is registered with the Board, including, without limitation, the contact information of the licensee who employs the person; and*

*(b) Identifies each person whose registration is expired, is denied by the Board, or is otherwise suspended or revoked.*

*2. The portion of the Internet website that contains the system of records may only be accessed in the manner authorized by this section and section 2 of this regulation.*

*3. Before a licensee grants any employee access to the portion of the Internet website that contains the system of records maintained by the Board, the licensee shall provide the Board with the name, social security number and date of birth of the employee.*

*4. Upon the termination of employment of the employee or the reassignment of the employee to a position that no longer requires the employee to access the portion of the*

*Internet website that contains the system of records, the licensee shall immediately notify the Board of the termination or reassignment.*

*5. Except as otherwise provided in this section and section 2 of this regulation, the information contained in the system of records is confidential and must not be disclosed by any licensee or employee of a licensee.*

**Sec. 6. 1.** *If a person who is registered becomes employed by another or additional licensee, the new employer shall file a change of employment notice with the Board by entering the information required by the Board into the system of records contained on the Internet website established pursuant to section 5 of this regulation not later than 5 business days after the employee becomes employed with the new employer.*

*2. A person is deemed provisionally registered as an employee upon the filing of a change of employment notice in accordance with subsection 1. The provisional registration is valid for 90 days after the provisional registration is issued by the Board, unless the Board denies, suspends or revokes the provisional registration.*

*3. The filing of the change of employment notice does not affect the date on which the registration of the employee expires.*

**Sec. 7. 1.** *The Board may suspend a provisional registration issued pursuant to NRS 648.1495 if the Board determines that:*

- (a) The application for the provisional registration is not complete; or*
- (b) The fingerprints submitted by the applicant are illegible or unclassifiable.*

*2. If the Board suspends a provisional registration pursuant to subsection 1, the Board shall notify the applicant and his or her employer of the suspension. The applicant shall not work as an employee of a licensee until the Board reinstates the provisional registration.*

*3. If the Board reinstates the provisional registration of the applicant, the period during which the provisional registration was suspended pursuant to this section must not be included in the 90 days during which the Board may deny the provisional registration pursuant to section 3 of this regulation.*

**Sec. 8. 1.** *Except as otherwise provided in subsection 2, an applicant whose registration has been denied, suspended or revoked by the Board may not reapply for registration earlier than 1 year after the date of the final decision of the Board to deny, suspend or revoke the registration of the applicant.*

*2. An applicant whose registration has been denied, suspended or revoked by the Board on two or more occasions may not reapply for registration earlier than 5 years after the date of the most recent decision of the Board to deny, suspend or revoke the registration of the applicant.*

**Sec. 9. 1.** *The Board will charge and collect the following fees for registration with the Board:*

*(a) If the applicant submits to the Board two fingerprint cards, \$95; or*

*(b) If the applicant submits to the Board a receipt for the electronic submission of fingerprint cards, \$85.*

*2. Each applicant must submit the fee required by subsection 1 with the application for registration.*

*3. The fee required by this section is in addition to any other fee required by law.*

**Informational Statement  
R109-09**

The following is an informational statement for adoption to the Nevada Administrative Code (NAC) 648, for the Board to issue registrations for all employees who work for licensees in the industries regulated pursuant to NRS 648. The following proposed language is required to carry out the functions of the statute.

LCB File No. R-109-09 was noticed for public workshop on November 9, 2009, at the Office of the Attorney General, Mock Courtroom, 100 North Carson Street, Carson City Nevada and video-conferenced to the Attorney General's Office, 555 E. Washington Avenue Suite 4500, Las Vegas Nevada. R-109-09 was submitted to the Legislative Counsel Bureau on August 15, 2009.

At the legislative commission meeting there was concern about some of the language in the adopted language. I requested to remove the item from consideration and to amend the language based upon the members concerns. LCB File No. R-109-09 was noticed for another public workshop on February 19, 2010 at the Office of the Attorney General, Mock Courtroom, 100 North Carson Street, Carson City Nevada and video-conferenced to the Attorney General's Office, 555 E. Washington Avenue Suite 4500, Las Vegas Nevada. R-109-09 was submitted to the Legislative Counsel Bureau on August 3, 2010.

LCB File No. R-009-10 was noticed for public workshop on February 19, 2010, at the Office of the Attorney General, Mock Courtroom, 100 North Carson Street, Carson City Nevada and video-conferenced to the Attorney General's Office, 555 E. Washington Avenue Suite 4500, Las Vegas Nevada. R-009-10 was submitted to the Legislative Counsel Bureau on August 3, 2010.

The notice of hearing was posted at the following locations:

Private Investigators Licensing Board  
Office of the Attorney General, Carson City  
Legislature Building, Carson City Office of the Attorney General, Las Vegas  
Nevada State Library, Carson City  
Washoe County Library, Reno Nevada  
Clark County Library, Las Vegas, Nevada  
Grant Sawyer State Office Building, Las Vegas Nevada

Copies of the proposed regulations were also made available at the Private Investigators Licensing Board for inspection by the public during business hours. A public hearing was held May 11, 2010 at the Grant Sawyer State Office Building, 555 E. Washington Avenue Suite 4500, Las Vegas Nevada and video-conferenced to The Office of the Attorney General, 100 N. Carson Street, Mock Courtroom, Carson City, Nevada, in accordance with Nevada Revised Statute (NRS) 233B.

Copies of the proposed amendment were sent to those persons who are licensed and would be affected. They are licensed pursuant to NRS 648. Copies were also sent to all Nevada

County Public Libraries for compliance with NRS 233B.066. Nine individuals signed in for the Public hearing on May 11, 2010. Thirty individuals signed in for the work shop. There was public comment in favor and in opposition to the proposed regulation in Las Vegas. There was public comment in Carson City in favor of the proposed regulation.

At the public hearing there was no comment on the proposed change that would address the concerns of the commission. The Board voted unanimously to adopt the amendment to R-109-09. The Board considered each section and sub-section of R-009-10, asking for public comment of each section of the regulation. The Board considered and incorporated some of the comments from the work shop into the proposed regulation. The following proposed amendments were made at the public hearing; Section 2(3) The Board voted unanimously to adopt the regulation as amended.

Interested persons may obtain a copy of the public response and industry response by contacting the Private Investigators Licensing Board to request a copy of the minutes or visiting our website at <https://nevadapilb.glsute.us>.

It is estimated that the amendments to the regulation may have some economic impact because of the increase of hours of training.

It is estimated that the agency will be able to enforce the proposed regulations with minimal funds.

The amendment does not overlap or duplicate any other regulation of a state or government agency.