

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

LCB File No. R107-06

Effective July 14, 2006

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

AUTHORITY: §1, NRS 648.030.

A REGULATION relating to the Private Investigator's Licensing Board; revising provisions governing an exemption from the prohibition on a licensee employing certain unlicensed persons; and providing other matters properly relating thereto.

Section 1. NAC 648.338 is hereby amended to read as follows:

648.338 1. Except as otherwise provided in subsection 2, a licensee may not employ an unlicensed person who is or becomes employed:

- (a) As a peace officer, as defined in NRS 169.125;
- (b) By a federal, state or local law enforcement agency; or
- (c) In a position which makes him eligible to contribute to any public employees' retirement system.

2. Upon receipt of a written request for exemption, the Board ~~[will]~~ *may* grant an exemption from the prohibitions set forth in subsection 1 if the Board finds that the private activities of the unlicensed person on behalf of the licensee would not create or tend to create:

- (a) A conflict of interest with his responsibilities to his public employer and his duty to discharge them; or
- (b) The possibility of a use of his position with the public employer for personal advantage in his private activities.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R107-06**

The Private Investigator's Licensing Board adopted regulations assigned LCB File No. R107-06 which pertain to chapter 648 of the Nevada Administrative Code on June 21, 2006.

Notice date: 5/8/2006
Hearing date: 6/21/2006

Date of adoption by agency: 6/21/2006
Filing date: 7/14/2006

INFORMATIONAL STATEMENT

The following is an informational statement for an adoption to the Nevada Administrative Code (NAC) 648, to allow a licensed private investigator to be able to serve legal process in conjunction with an ongoing investigation and to change NAC 648.338 so that the Board has more discretion as to whether or not to allow a licensee to employ peace officers.

LCB File No. R016-05 and R107-06 was noticed for public workshop on May 8, 2006, 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. R016-05 was submitted to the Legislative Counsel Bureau in July of 2005 and R107-06 was submitted in April of 2006. The notice of intended action was filed with the Nevada State Librarian and the Legislative Counsel Bureau.

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. The Board received several written comments. A public hearing was held March 22, 2006 at the Office of the Attorney General, 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 Statue (NRS) 233B. A written comment with an amendment to the proposed regulation was submitted to our office and distributed to the Board members at the Public Hearing. A workshop and public hearing was held on June 21, 2006 at the Office of the Attorney General, 100 N. Carson Street, Mock Courtroom, Carson City, Nevada and video conferenced to Office of the Attorney General, Grant Sawyer State Office Building, 555 E. Washington Avenue Suite 4500, Las Vegas, Nevada

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. Six people attended the public workshop. The Board and the licensees worked together on the final drafted language.

At the public hearing, R016-05 was read and discussed briefly. After hearing all the opposition from the licensed Process Servers, the Board decided not to take action at the March 22, 2006 public hearing meeting, but to bring it to the June meeting. At the June 21, 2006 public hearing the Board listened to the testimony of many licensed process servers as to why they held dual licenses and why the private investigators should not be allowed to serve "any legal process" without a process server license. After some Board discussion the language was changed back to an original version of the amended regulation to read "A private investigator who holds a license issued pursuant to this chapter and chapter 648 of NRS may serve a subpoena issued in conjunction with an ongoing investigation that the private investigator is conducting if he does not charge a fee to serve the subpoena." This was acceptable to the process server industry and the Board adopted the regulation with the amendment.

R107-06 was discussed briefly. There was no public comment or written communication regarding this amendment. The Board adopted it without any amendments.

It is estimated that the amendments to the regulation will have no economic impact.

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.