

**STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL  
PRIVATE INVESTIGATORS LICENSING BOARD**

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**NOTICE OF HEARING FOR THE ADOPTION OF AMENDED REGULATIONS  
OF THE NEVADA STATE PRIVATE INVESTIGATORS LICENSING BOARD**

The Nevada State Private Investigators Licensing Board will hold a public **HEARING Wednesday, December 5, 2007, at 12 p.m.** (or immediately following the regularly scheduled meeting at 9:00 a.m. at the same location on the same day) at:

Grant Sawyer State Office Building  
555 East Washington Avenue  
Suite 4500  
Las Vegas, Nevada 89101

*and via videoconference*

Office of the Attorney General  
100 North Carson Street  
Mock Courtroom  
Carson City, Nevada 89701

The purpose of this hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to chapter 648 of the NAC, LCB File # R086-07 and LCB #R087-07.

The following information is provided pursuant to NRS 233B.0603:

1. *The need for and the purpose of the proposed regulation or amendment.* (A) To include areas of NAC 648 that have been amended so that the board will have the authority to issue violations for licensees not complying with the current regulations. (B) To repeal language that would allow the Board to grant an exemption for peace officers to work for licensees.
2. *Either the terms or the substance of the regulation to be adopted, amended, or repealed, or a description of the subjects*

*and issues involved.* The terms of the proposed amended regulations to be adopted are attached hereto.

3. *The estimated economic effect of the regulation on the business which it is to regulate and on the public.* The estimated economic effect of the proposed regulations to be adopted and amended on the regulated industry and the public are as follows:

A. *Estimated economic effect.* It is estimated that the proposed regulations to be adopted and amended would have a small economic effect as follows:

(i). *Adverse and beneficial effects:* The proposed amended regulations will economically benefit the industry by (A) providing the board the authority to issue violations for non-compliance of licensees and to increase certain amounts for non compliance of NRS and NAC 648. There are no adverse effects for this proposed regulation. (B) this regulation would not allow a licensee to request an exemption to hire any local, state or federal peace officer to work in Nevada.

(ii). *Immediate and long-term effects:* The proposed amended regulations will have similar immediate and long-term effects as the adverse and beneficial effects.

B. *Estimated economic effect on the public:* It is estimated that the proposed regulations to be adopted and amended will not have a negative economic effect on public.

(i). *Adverse and beneficial effects:* The proposed amended regulations do not have an adverse effect. The proposed amended regulations provide for more efficiency in the industry.

(ii). *Immediate and long-term effects:* The proposed amended regulations will have similar immediate and long-term effects for the public.

4. *The estimated cost to the agency for enforcement of the proposed regulation.* There is no estimated cost to the Board beyond costs that are within the allotted legal budget of the Board.

5. *A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.* The proposed amended regulations do not overlap or duplicate any regulations of other state or local government agencies or of any federal agency.
6. *If the regulation is required pursuant to federal law, a citation and description of the federal law.* The proposed amended regulations are not required by federal law.
7. *If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.* The proposed amended regulations are not more stringent than federal regulation.
8. *Whether the proposed regulation establishes a new fee or increases an existing fee.* The proposed amended regulations to be adopted and amended do establish an increase in existing fees.

Persons wishing to comment on the proposed amendments may appear at the public hearing, or may address their comments, data, views or arguments in written form to Elaine Trent, Program Assistant, Private Investigators Licensing Board, Office of the Attorney General, 3476 Executive Point Way #14, Carson City, Nevada 89706. Written submissions must be received on or before November 13, 2007. If no person who is directly affected by the proposed action appears by the required time to make an oral presentation, the Board may proceed immediately to act upon the submissions.

Members of the public who require special accommodations or assistance must notify Elaine Trent, Program Assistant, Private Investigators Licensing Board, Office of the Attorney General, 3476 Executive Point Way #14, Carson City, Nevada 89706 no later than 5 working days prior to the hearing.

A copy of this notice and the regulations to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulations to be amended will be available at the Nevada State Private Investigators Licensing Board, Office of the Attorney General, 3476 Executive Point Way #14, Carson City, Nevada 89706, and at the main public library in each of Nevada's counties except Washoe County and Clark County for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations and amendments are also available in the State of Nevada Registrar of Administrative Regulations, which

is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the Board, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of intent to act upon a regulation, notice of workshop and notice of hearing has been posted at the following locations:

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

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

**LCB File No. R086-07**

September 5, 2007

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

AUTHORITY: §1, NRS 648.030 and 648.162.

A REGULATION relating to private security-related professions; revising the fines imposed upon licensed private investigators, private patrolmen, process servers, repossessioners, dog handlers, security consultants, and polygraph examiners or interns for violations of certain statutes and regulations; and providing other matters properly relating thereto.

**Section 1.** NAC 648.431 is hereby amended to read as follows:

648.431 1. If a notice of violation is issued, the Board will impose a fine of not more than the following amounts for violations of the provisions listed:

	First Offense	Second Offense	Third and Subsequent Offense
NRS 648.135 .....	\$50	\$100	\$200
Subsection 4 of NRS 648.140 .....	100	200	300

Subsection 2 of NRS 648.142 .....	<del>{10}</del> 25	<del>{30}</del> 50	<del>{60}</del> 75
Subsection 3, 4 or 5 of NRS 648.142.....	<del>{25}</del> 50	<del>{50}</del> 100	<del>{100}</del> 200
<b>Subsection 1 of NAC 648.530 .....</b>	<b>50</b>	<b>100</b>	<b>200</b>

2. If a notice of violation is issued, the Board will impose a fine of not more than the following amounts for violations of the provisions listed:

Subsection 1 of NRS 648.148 .....	<del>{25}</del> \$50
Subsection 2 of NRS 648.148 .....	75
Subsection 1 of NRS 648.149 .....	50
NAC 648.380 .....	25
<del>{Subsection 1 of NAC 648.530 .....</del>	<del>50}</del>
<b>NAC 648.525.....</b>	<b>100</b>

3. If a notice of violation is issued, the Board will impose a fine upon a licensee calculated per employee of not more than the following amounts for violations of the provisions listed:

<i>First</i>	<i>Second</i>	<i>Third</i>
<i>Offense</i>	<i>Offense</i>	<i>and</i>
		<i>Subsequent</i>
		<i>Offense</i>

Subsection 2 of NRS 648.060 .....	<del>[\$25]</del> <b>\$50</b>	<b>\$75</b>	<b>\$100</b>
Subsection 2 or 3 of NRS 648.140 .....	<del>[\$10]</del> <b>25</b>		
<b>NAC 648.341</b> .....	<b>25</b>	<b>50</b>	<b>75</b>
<b>NAC 648.343</b> .....	<b>25</b>		
Subsection 1 of NAC 648.345.....	<b>750</b>		

4. If a notice of violation is issued, the Board will impose a fine of not more than:

(a) For the first violation of a provision of NAC 648.350, \$500; and

(b) For the first violation of subsection 2 of NAC 648.530, \$300.

→ In the case of a second or subsequent violation, the Board will take any disciplinary action authorized pursuant to NRS 648.175 which the Board deems appropriate.

5. If a notice of violation is issued, the Board will impose a fine of not more than \$150 on a licensee's employee who violates subsection 4 of NAC 648.345.

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

**LCB File No. R087-07**

September 5, 2007

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

AUTHORITY: §1, NRS 648.030 and 648.140.

A REGULATION relating to private security-related professions; removing the exemption that may be granted by the Private Investigator's Licensing Board which allows licensees to employ certain unlicensed persons who are also employed in law enforcement or by certain public employers; 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}~~ A licensee may not employ an unlicensed person who is or becomes employed:

- ~~{(a)}~~ 1. As a peace officer, as defined in NRS 169.125;
- ~~{(b)}~~ 2. By a federal, state or local law enforcement agency; or
- ~~{(c)}~~ 3. 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 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.]~~