

Private Investigators Licensing Board Report submitted in compliance to Executive Order 2023-04

Section 1

Question	Answer
Name of occupational or professional Licensing Board:	Private Investigators Licensing Board (“PILB”)
Address:	3110 S. Durango Drive, Suite 203
City:	Las Vegas
Zip:	89117
Telephone:	(702) 486-5008
Director Name:	Kevin L. Ingram, CPM
Director Email:	kingram@pilb.nv.gov
Has the above-named occupation or professional licensing board suspended the creation of any new regulations that limit or otherwise impact the ability of persons to enter any occupation or profession in Nevada?	The Board is not in the process of creating any new regulations that may limit or otherwise impact admissions into professions under the jurisdiction of the Private Investigators Licensing Board.

Section 2: Complete Columns A-L below for each occupation or profession regulated by the Board.

2a. List the Occupation or Profession regulated by the Board (Name each occupation or profession on a separate line).	Private Investigator Private Patrol Officer Repossessor Process Server Dog Handler Polygraph Examiner
2b. List pertinent regulations pertaining to the entry into the occupation or profession.	<p>The regulations below pertain to all professions/occupations listed in Section 2a. Failure to comply with any of these relevant regulations may restrict entry into any of the professions/occupations regulated by our board:</p> <ul style="list-style-type: none"> NAC 648.220 Financial statement. (NRS 648.030, 648.080): The above regulation is necessary to ensure the public safety and security of Nevada Citizens. In particular, to protect the public from deceitful, predatory, and unqualified business operators that are unable to successfully manage their financial obligations. NAC 648.230 Application by corporation. (NRS 648.030, 648.080): The above regulation is necessary to ensure the public safety and security of Nevada Citizens. In particular, to protect the public from deceitful, predatory, and unqualified business operators, namely the three principal officers, that are unable to successfully manage their financial obligations. Moreover, this regulation is essential to the duties of the agency to ensure list of corporate officers mirrors the officers listed with the Nevada Secretary of State. Furthermore, this regulation is essential to the function of this agency in determining liability for potential litigation and accountability for any disciplinary action.

	<ul style="list-style-type: none">• NAC 648.250 Corporations: Contracts of employment. (NRS 648.030): The above regulation is essential to the function of this agency in determining liability for potential litigation and accountability for any disciplinary action. Additionally, the contract establishes how the corporation maintains oversight of the qualifying agent. • NAC 648.260 Qualifying agents for corporations; background investigations. (NRS 648.030) The above regulation is necessary to ensure the public safety and security of Nevada Citizens, by conducting a criminal background. Moreover, this regulation is necessary to protect the public from deceitful, predatory, and unqualified agents that are unable to successfully manage their financial obligations. • NAC 648.270 Partnerships. The above regulation is essential to the function of this agency in determining liability for all partners in potential litigation and accountability for any disciplinary action. • NAC 648.290 Record of criminal history. (NRS 648.030) The above regulation is necessary to ensure the public safety and security of Nevada Citizens, by conducting a criminal background. • NAC 648.325 Insurance required for all services provided under license. (NRS 648.030, 648.135) The above regulation is necessary to ensure the public safety and security of Nevada Citizens. In particular, to protect the public from uninsured business operators. • NAC 648.3385 Employment of unlicensed persons: Registration requirements; duties of licensee; interpretation of "employed by." (NRS 648.030, 648.060, 648.140, 648.1495) The above regulation is necessary to ensure the public safety and security of Nevada Citizens, by conducting a criminal background. Moreover, this regulation is necessary to protect the public from deceitful and predatory registered work card holders. • NAC 648.339 Application for registration: Review and denial or approval. (NRS 648.030, 648.140, 648.1493, 648.1495) The above regulation is necessary to ensure the public safety and security of Nevada Citizens, by conducting a criminal background. This regulation is essential to the function of this agency by streamlining the appeals process for a denied application. • NAC 648.3403 Registration fees due from applicant. (NRS 648.030, 648.140, 648.1493) The above regulation is essential to Board operations in order to recoup reasonable costs associated with: Background fees, SCOPE, administration fees, DPS fees and consumables.
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	<ul style="list-style-type: none">● NAC 648.3447 Reapplication following denial, suspension, or revocation of registration. (NRS 648.030, 648.140, 648.1493) The above regulation is necessary to ensure public safety and security by adding reasonable time and distance from final disposition of the applicant’s criminal history. Additionally, this regulation is essential to the Board’s duties by providing sufficient time for follow up and assessment of the applicant’s character.● NAC 648.348 Course of training: Compliance with established curriculum; failure to comply; request for exemption to conduct course outside this State. The above regulation is necessary to ensure the public safety and security of Nevada Citizens, by confirming compliance of the required curriculum in the training in carrying, handling, and using firearms safely.● NAC 648.395 Licensing: Required instruction. (NRS 648.030, 648.110) The above regulation is necessary to ensure the public safety and security of Nevada Citizens, by confirming that the applicant has completed the requisite education.● NAC 648.480 Eligibility. (NRS 648.030, 648.135) The above regulation is necessary to ensure the public safety and security of Nevada Citizens. In particular, to protect the public from uninsured business operators.● NAC 648.500 Use of home as principal place of business. (NRS 648.030) The above regulation is necessary to ensure the public safety and security of Nevada Citizens, by ensuring compliance with city and county codes.● NAC 648.510 Branch managers. (NRS 648.030) The above regulation is necessary to ensure the public safety and security of Nevada Citizens, by conducting a criminal background.● NAC 648.520 Operation of corporation upon death or disability of or cessation of affiliation with corporation by qualified person. (NRS 648.030) The above regulation is necessary to ensure the public safety and security of Nevada Citizens, by ensuring a qualified agent is replaced within a reasonable amount of time.● NAC 648.540 Business names. (NRS 648.030) The above regulation is necessary to ensure the public safety and security of Nevada Citizens. In particular, to prevent businesses from deceiving Nevada Citizens.● NAC 648.570 Prohibited acts by person neither licensed nor exempted from licensure: Engaging as contractor in activities regulated by chapter 648 of NRS; submitting bid relating to such activities; bid submitted in violation of section void. (NRS 648.030, 648.060) The above regulation is necessary to ensure the public safety and security of Nevada Citizens.
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<p>2c. Provide the fees and other costs associated with the entry into the occupation or profession.</p>	<p>For <u>each</u> of the professions listed in section 2a, the following are the fees and costs associated with the entry for each profession:</p> <ul style="list-style-type: none"> • <u>Application for Licensure</u> <ul style="list-style-type: none"> ○ \$20 application fee ○ \$750 background deposit for the first category of license ○ \$250 background deposit for each additional category of license ○ \$100 for each examination the applicant wishes to take. • <u>Application for Corporate Officer or Member</u> <ul style="list-style-type: none"> ○ \$20 application fee ○ \$250 background deposit for each of the three principal officers of the corporation • <u>Cost of each applicant’s background is based on the following:</u> <ul style="list-style-type: none"> ○ FBI Fingerprint Check: \$40.25 (Made payable to NV DPS). ○ Transunion Credit Report: \$9.36 (Actual cost to our agency. ○ LexisNexis Accurint Report: \$125.00 (Actual cost to our agency. ○ Administrative Hours: \$45.00/hour ○ Investigative Hours: \$100.00/hour • <u>Annual License Fee</u> <ul style="list-style-type: none"> ○ \$500.00 per category of license (pro-rated the first year) ○ \$100.00 per category if held in abeyance. • <u>Work Card Registration Fees (Renewed every 5 years)</u> <ul style="list-style-type: none"> ○ \$85.00- Live scan ○ \$95.00- Fingerprint Card
<p>2d. Is an examination necessary for the entry into the occupation or profession?</p>	<p>Examinations are required for entry to any of the listed professions/occupations in Section 2a as required pursuant to:</p> <ul style="list-style-type: none"> • NRS 648.070, • NRS 648.100, • NRS 648.183, • NRS 648.189, • NRS 648.191, • NRS 648,197, and • NRS 648.199. <p>Regulations pertaining examinations are outlined in following below:</p> <ul style="list-style-type: none"> • NAC 648.310, • NAC 648.341, • NAC 648.342 • NAC 648.343 • NAC 648.345 • NAC 648.346
<p>2e. Are there any other requirements necessary for entry into the occupation or profession? (Please list, if any)</p>	<p>The contents listed in Section 2b, 2c and 2d list the main requirements for licensure for any of the professions listed in Section 2a, at this time.</p>
<p>2f. Provide the Board’s justification for the regulations, fees, and other costs, examinations, and other requirements</p>	<p>In addition to the response outlined in section 2b, the PILB provides additional justifications below:</p> <ul style="list-style-type: none"> • There are inherent risks to public safety without licensing or regulation of the Private Investigator (PI), Private Patrol Officer (PPO), Repossessor (REPO), Process Server (PS) Dog Handler (K-9) and Polygraph Examiner (PE) business sectors as anyone can “hang a shingle” and offer these services. This may include individuals

<p>necessary for entry into the occupation or profession.</p>	<p>who are drawn toward or who have been convicted of serious felony and misdemeanor crimes just waiting to take advantage of unsuspecting individuals.</p> <ul style="list-style-type: none"> • Private Investigator firms, Private Patrol Officer companies, Dog Handlers and Security Consultants routinely handle or protect sensitive business and personal matters for their clients, which may require the use and protection of confidential and proprietary information and the safeguarding of valuable client assets as well as personnel. Licensing of PI firms and PPO agencies is necessary to protect the public from deceitful, predatory, and unqualified operators and to provide a necessary level of quality assurance to the legal community, corporations, small business owners and the public at large. Prior experience in law enforcement, in public agencies, in the military, and in the private sectors, gives an individual valuable experience in the critical areas of asset and data protection, and in compliance with state and federal laws and regulations governing critical areas of responsibility. • Repossessors, Process Servers and Polygraph Examiners have access to personal and confidential information that is not generally available to the public and if misused or abused can cause undue harm to the public. This highly sensitive information must be protected at all costs to prevent unlawful distribution. • In the matter of deceptive consumer practices by an unqualified provider, the only recourse for a consumer is the civil courts. The civil courts are crowded and a judgment in hand is not worth much if you can't collect on it. The licensing and regulation these professional services give business and consumers an additional option for holding these individuals accountable. Many unlicensed individuals or entities will avoid carrying liability or Workers Comp insurance, just as they will avoid paying any payroll taxes. An unlicensed contractor has a convenient opportunity to avoid state and federal taxes by paying employees "off the books." • The PILB notes that arguments against licensing and regulation are often times based upon economic issues, primarily that excessive regulation prevents qualified individuals from practicing a trade or craft of their own choosing, including individuals who have had minor criminal convictions in their past, thus leading to recidivism in the absence of a job opportunity. However, when minimum standards and qualifications are required for licensing, one's success in a profession depends not only on outside market factors but on the regulatory environment that establishes a level playing field. • Additionally, qualifications for entry into a regulated profession are designed to offer a certain level of assurance to the public in an attempt to help mitigate or eliminate the high cost of consumer fraud and even identity theft. In a regulatory environment, the bar is raised on the force of law when addressing consumer fraud and other illegal or deceptive practices. • By utilizing a uniform application of qualifications and standards, across a diverse section of individuals, the following benefits have been revealed: <ul style="list-style-type: none"> ○ The requirements for licensure are established by law, not by arbitrary criteria. ○ A fair review, without discrimination, of an applicant is guaranteed.
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	<ul style="list-style-type: none"> ○ Review of the applications is conducted by qualified individuals, subject to the rule of law; and ○ A due process for appeals is established. <ul style="list-style-type: none"> ● These benefits, when tied to an exam to ensure the applicant has a base knowledge and understanding of the profession in which they wish to enter, along with an extensive State and Federal fingerprint background and a comprehensive review of finances, judgements, and liens against them, ensure the individual is suitable to conduct business in the State of Nevada. ● Regulating an occupation does not equate automatically to interfering with a service market, nor to the absence of equal employment opportunities available among qualified candidates for a professional job. By recognizing and establishing the minimum standards and practices by which certain businesses must operate, the state has eliminated adverse factors, which tend to increase cost to society at large and to those who pay for that service. Without the licensing of these industries, it is highly probable that it would lead to negative consequences with a substantial increase in consumer fraud and the loss of protection of the citizens of Nevada, private property, and facilities, thus creating additional burdens on our law enforcement.
<p>2g. Do the majority of the states (26 or more) currently license the occupation of profession?</p>	<p>For <u>each</u> of the professions listed in section 2a, please see the attached Excel document. Contained in the excel document is an analysis of the number of states that currently license each profession listed in section 2a. As a quick synopsis:</p> <ul style="list-style-type: none"> ● forty-five (45) other states regulate the Private Investigator profession. ● forty-seven (47) other states regulate the Private Patrol Officer profession. ● thirteen (13) other states regulate the Repossessor profession. ● ten (10) other states regulate the Process Server profession. ● fourteen (14) other states regulate the Dog Handler profession, and ● Twenty-five (25) other states regulate the Polygraph Examiner profession.
<p>2h. Identify any state compacts or any other pathways for licensure reciprocity that may exist regionally, nationally, or internationally for the occupation or profession.</p>	<p>PILB has only the following two authorities pertaining to reciprocity:</p> <ul style="list-style-type: none"> ● NRS 648.115 Licenses: Person licensed as polygraphic examiner in another state. The Board may issue a license to any person who is licensed as a polygraphic examiner in another state if: <ol style="list-style-type: none"> 1. The requirements for the license in that jurisdiction at the time the license was issued are deemed by the Board to be equivalent to the requirements for a license in this State. 2. The jurisdiction extends the same privileges to a person licensed in this State; and 3. The person submits the application and undergoes the investigation required for licensing. ● NAC 648.280 Application for authorization to work on case in this State by person licensed in another jurisdiction; quarterly report to Board. (NRS 648.030) <ol style="list-style-type: none"> 1. A private investigator, reposessor, private patrol officer, polygraphic examiner or process server who: <ol style="list-style-type: none"> (a) Has been licensed and is in good standing in another state or a territory of the United States; (b) Has begun activities for a client in a particular case in that jurisdiction; and (c) Needs to continue the activities of that case in Nevada, <p>Ê may apply to the Executive Director of the Board for authorization to work on that case in Nevada. A licensee of the Board in the appropriate category must agree with the</p>

	<p>applicant to oversee the applicant’s work in this State and to obligate the licensee’s insurance for protection against liability to third persons to cover the applicant’s activities in this State.</p> <ol style="list-style-type: none"> 2. The application must include: <ol style="list-style-type: none"> (a) Evidence of the applicant’s license and good standing in the other jurisdiction; (b) A brief description of the type of work the applicant intends to do in this State; (c) An estimate of the time necessary to accomplish the work; and (d) A copy of an independent contractor agreement between the applicant and a licensee of the Board in the appropriate category. 3. If the application is in order, the Executive Director may authorize the described work for an appropriate period. 4. In the absence of special circumstances, repeated applications made pursuant to this section constitute a cause for denial of the application. 5. The Executive Director shall provide a quarterly report to the Board indicating the number of applications approved pursuant to this section.
<p>2i. Do the majority of the states (26 or more) allow for licensure reciprocity for the occupation or profession?</p>	<p>After diligent research, the PILB was only able to retrieve information for licensure reciprocity for the category of Private Investigator in the following states:</p> <ul style="list-style-type: none"> • Arkansas - https://www.dps.arkansas.gov/law-enforcement/arkansas-state-police/services-programs/private-investogators-security-companies-alarm-installation-monitoring/ Private Investigators in Arkansas must be licensed, and the state has reciprocal licensing agreements with Tennessee, Louisiana, and Oklahoma. Applicants must be 21 and have two years of investigative experience in law enforcement or working for a Private Investigations firm before they can qualify for a Private Investigator license. • California - https://www.bsis.ca.gov/industries/pi_recip.shtml Private Investigators from Florida, Georgia, Louisiana, and North Carolina may conduct investigations for up to 30 days per case per agency in California and vice versa. Private Investigators from Oregon may conduct investigations for up to 60 days per case per agency in California and vice versa. • Louisiana - https://lsbpie.com/reciprocity.aspx Private Investigators from Arkansas, California, Florida, Georgia, North Carolina, Oklahoma, Oregon, Tennessee, and Virginia may conduct investigations in Louisiana and vice versa. Oklahoma and Arkansas have signed reciprocity agreements with Louisiana allowing Private Investigators in these three states to more easily obtain a Private Investigator license in each of these states once a background check is completed. • Virginia - https://www.dcj.virginia.gov/licensure-and-regulatory-affairs/reciprocity-agreements Private Investigators from North Carolina, Georgia, Oklahoma, Louisiana and Florida may conduct investigations in Virginia for up to 30 days per agency per case, and vice versa. Private Investigators from Tennessee may conduct investigations in Virginia for up to 15 days and vice versa. • North Carolina - https://files.nc.gov/ncdps/documents/files/Private-Investigator-Reciprocal-Agreements.pdf Private Investigators from California, Florida, Georgia, Louisiana, South Carolina and Virginia may conduct investigations in North Carolina for up to 30 days per

	<p>agency per case and vice versa. Private Investigators from Tennessee may conduct investigations in North Carolina for up to 15 days per agency per case and vice versa.</p> <ul style="list-style-type: none"> • Oklahoma - https://apps.ok.gov/cleet/Licensing/Private_Investigators/index.html Private Investigators from California, Georgia, Louisiana, North Carolina, Florida and Virginia may conduct investigations in Oklahoma for up to 30 days per agency per case and vice versa. Private Investigators from Tennessee may conduct investigations in Oklahoma for up to 15 days per agency per case and vice versa. • Oregon- https://www.oregon.gov/dpsst/pi/Pages/Home.aspx Oregon has reciprocity agreements with Louisiana and California. Private Investigators from California may conduct investigations in Oregon for up to 60 days per agency per case and vice versa. • Florida- https://www.fdacs.gov/Business-Services/Private-Investigation-Licenses Private Investigators from California, Georgia, Louisiana, North Carolina, Oklahoma, and Virginia may conduct investigations in Florida for up to 30 days per case per agency and vice versa. Private Investigators from Tennessee may conduct investigations in Florida for up to 15 days per case per agency and vice versa. • Tennessee- https://static.secure.website/wscfus/7728539/uploads/reciprocity_agreement.pdf Private investigators from Florida, Georgia Kentucky, North Carolina and Virginia may conduct investigations in Tennessee for up to 15 days per agency per state and vice versa. Private investigators from Alabama may conduct investigations in Tennessee for up to 30 days per agency per case and vice versa. Private investigators from Arkansas and Kentucky may be easily licensed in Tennessee and vice versa – exempt from examination and fingerprinting requirements for licensure. • Georgia- https://sos.ga.gov/board-private-detectives-and-security-agencies Private investigators from California, Florida, Louisiana, North Carolina, Virginia, and Alabama may conduct investigations for up to 30 days in Georgia per agency per case and vice versa. Private investigators from Tennessee may conduct investigations in Georgia for up to 15 days per agency per case and vice versa.
<p>2j. Does Nevada currently participate in any reciprocity program for the occupation or profession?</p>	<p>Please see Section 2h.</p>
<p>2k. If Nevada does not currently participate in any reciprocity program for the occupation or profession, provide a justification as to why.</p>	<p>Not applicable. The Private Investigators Licensing Board participates and/or recognizes some form of reciprocity, as discussed in section 2h, for all professions listed in section 2a.</p>
<p>2L. Provide any recommended revisions to the current regulatory construct that would expedite licensure for the occupation or profession</p>	<p>For purposes of this section of the report, any recommended revisions will be included in the report due on May 1, 2023 and after workshops have been conducted.</p> <ul style="list-style-type: none"> • The fastest way to speed up our licensing process is for us to receive fingerprint results back from the Department of Public Safety faster. When they were fully staffed, we were receiving results in approximately 4-6 weeks, however, there are times we have received results as far out as 11-12 weeks. Currently, we are receiving results in approximately 8 weeks. Our background checks are completed fairly quickly, and we end up waiting on the fingerprint results to get them agendized to appear before the Board.

	<ul style="list-style-type: none"> • Currently, our Board meets quarterly, and they approve all new licenses and change of status of license holders. Another possible solution in speeding up the licensing process would be for the Board to delegate license approval authority to the executive director when an applicant has a clean background, finding no adverse information on the applicant or the company they are affiliated with. That way licenses could be approved as the backgrounds are completed as opposed to waiting for the next quarterly Board meeting. It would be cost prohibitive to hold more frequent Board meeting due to meeting space, Board pay, court reporter pay, etc. The executive director could provide a report to the Board informing them of the approved licenses or change of statuses during the next regularly scheduled Board meeting.
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Section 3

<p>A response is required in any cell that has not been blacked out, which is based on your response in column (G). Provide a recommendation for phasing out the licensing requirement for the occupation or profession that is not subject to licensure requirements in the majority of the states (26 or more) (for any “no” answers in column (G)).</p>	<p>The Private Investigators Licensing Board’s licensing requirements are outlined in the Nevada Revised Statutes, Chapter 648. Accordingly, this Board is not authorized to make recommendations to phase out any licensing requirements (<i>for the professions not subject to licensure requirements in the majority of the states</i>) by July 1, 2023.</p>
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Section 4

<p>A response is required in any cell that has not been blacked out, which is based on your response in column (i) and (j). Provide a recommendation for implementing a program for reciprocity for the occupation or profession that is currently licensed in Nevada, where a majority of states (26 or more) allows for reciprocity, but Nevada does not currently participate in any reciprocity program for the occupation or profession (for any “yes” answers in column (i) combined with any “no” answers for column (j)).</p>	<p>Not applicable. The Private Investigators Licensing Board participates and/or recognizes some form of reciprocity, as discussed in section 2h, for all professions listed in section 2a.</p>
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