



# Alabama Department of Examiners of Public Accounts

## *Report on the* **Private Investigation Board** **Montgomery, Alabama**

October 1, 2018 through September 30, 2022

AUDEMUS JURA NOSTRA DEFENDERE  
ALABAMA STATE HOUSE

*Rachel Laurie Riddle, Chief Examiner*





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**State of Alabama**  
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August 23, 2023

Senator Will Barfoot  
Chairman, Sunset Committee  
Alabama State House  
Montgomery, Alabama 36130

Dear Senator Barfoot:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Private Investigation Board in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Private Investigation Board in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle  
Chief Examiner

**Examiner**  
Rodney Wagstaff



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# **PROFILE**

## **Purpose/Authority**

The Alabama Private Investigation Board, created by Act Number 2013-306, Acts of Alabama, codified as the ***Code of Alabama 1975***, Section 34-25B-1 through 34-25B-29, exercises licensing and regulatory authority over private investigators, certified trainers, and assistant trainers.

The following legislation was passed since the last sunset review of this agency:

Act Number 2023-397, Acts of Alabama, effective September 1, 2023, relating to the Alabama Private Investigation Regulatory Act; to designate as Article 1, Sections 34-25B-1 to 34-25B-29, inclusive, ***Code of Alabama 1975***, to amend Sections 34-25B-2, 34-25B-3, 34-25B-4, 34-25B-7, 34-25B-10, 34-25B-11, 34-25B-12, 34-25B-13, 34-25B-14, 34-25B-17, 34-25B-18, 34-25B-21, 34-25B-22, and 34-25B-26 of the ***Code of Alabama 1975***, relating to the Alabama Private Investigation Board; to add Section 34-25B-12.1 and add a new Article 2, commencing with Section 34-25B-50 to Chapter 25B, Title 34 of the ***Code of Alabama 1975***; to require applicants for private investigator licenses to complete education and work experience; to clarify those fees collected by the board that must be deposited into the Alabama Private Investigation Board Fund; to provide further for the qualifications for licensure as a private investigator; to provide further for criminal history background checks for applicants for licensure; to authorize the board to grant inactive status to licensees and to provide, by rule, for a procedure and fee to reinstate an inactive license; to provide for administrative penalties against any person practicing without a license; to require licensees to report arrests to the board within 72 hours; and to clarify that the number of hours of continuing education required to maintain licensure is 16 hours during the two-year license period; to license private investigator apprentices and allow apprentices to gain work experience through an internship; to provide for licensure of apprentices as private investigators after completing certain requirements; and to provide for licensure of private investigation agencies that do business in the state. This Act has not yet been codified in the ***Code of Alabama 1975***. A copy of the Act can be found in Appendix II of this report.

<b><u>Characteristics</u></b>	
<b>Members and Selection</b>	<p>The Board is comprised of eight members appointed as follows:</p> <p><b>Six Private Investigators:</b></p> <ul style="list-style-type: none"> <li>• Two appointed by the Governor.</li> <li>• One appointed by the Lieutenant Governor.</li> <li>• One appointed by the Speaker of the House.</li> <li>• One appointed by the Attorney General.</li> <li>• One appointed by the Alabama Private Investigators Association.</li> </ul> <p><b>Other Members:</b></p> <ul style="list-style-type: none"> <li>• One consumer member appointed by the Governor.</li> <li>• One member appointed by the Alabama State Bar Association</li> </ul> <p>Seven members currently serving. One private investigator position is vacant.</p> <p><i>Code of Alabama 1975, Section 34-25B-4</i></p>
<b>Term</b>	<p>Board members serve four-year terms and serve until their successors are appointed and qualified by subscribing to the constitutional oath of office. No member may be appointed to succeed himself or herself for more than one full term.</p> <p><i>Code of Alabama 1975, Sections 34-25B-4</i></p>
<b>Qualifications</b>	<p>Private investigator members shall have been licensed by the Board for at least five years prior to appointment.</p> <p>Member appointed by the Alabama State Bar Association must be a member in good standing.</p> <p><i>Code of Alabama 1975, Sections 34-25B-4</i></p>
<b>Consumer Representation</b>	<p>One consumer appointed to represent the public at large. One consumer member serving on the Board.</p> <p><i>Code of Alabama 1975, Section 34-25B-4</i></p>
<b>Racial Representation</b>	<p>No specific statutory requirement. Two minority members are currently serving.</p>
<b>Geographical Representation</b>	<p>No specific statutory requirement.</p>
<b>Other Representation</b>	<p>The membership of the Board shall reflect the racial, gender, geographic, urban, and rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975, Section 34-25B-4</i></p>



<b>Compensation</b>	<p>There is no specific statutory requirement related to compensation.</p> <p>Board members are reimbursed for travel expenses in the same manner as state employees for each day of attendance of Board business.</p> <p><i>Code of Alabama 1975</i>, Section 36-7-20</p>
<b>Attended Board Member Training</b>	<p>One Board member.</p> <p>The former Executive Director.</p> <p>The current Executive Director.</p>
<b><u>Operations</u></b>	
<b>Administrator</b>	<p>The Board has an emergency contract with The Austin Group, LLC for executive director and administrative services. Claire Austin, president of The Austin Group LLC, serves as the Board's Executive Director. The current emergency contract amount is for \$7,000.00 monthly beginning May 19, 2023, and runs for ninety days until August 17, 2023.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-8</p>
<b>Location</b>	<p>60 Commerce Street, Suite 1440 Montgomery, Alabama 36104</p> <p>Office Hours: Monday through Friday 8:30 a.m. – 4:30 p.m.</p>
<b>Employees</b>	The Board does not have employees.
<b>Legal Counsel</b>	<p>Benjamin H. Albritton, Assistant Attorney General, an employee of the Attorney General's Office serves as the Board's legal counsel.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-8</p>
<b>Subpoena Power</b>	<p>The Board or an Executive Director of the Board may subpoena those persons or documents necessary to any investigation undertaken under the <i>Code of Alabama 1975</i>, Section 34-25B-1 through 34-25B-29 if other means including, but not limited to, notification by return receipt registered United States mail, have not produced the desired results. Any subpoena issued shall be limited to investigations by the Board of its members and shall not extend to any other matter.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-25</p>
<b>Internet Presence</b>	<a href="http://www.apib.alabama.gov">www.apib.alabama.gov</a>

<b><u>Financial</u></b>							
<b>Source of Funds</b>	Application and license fees, penalties, and fines.						
<b>State Treasury</b>	Yes, Special Revenue Fund 1642. <i>Code of Alabama 1975</i> , Section 34-25B-7						
<b>Required Distributions</b>	None.						
<b>Unused Funds</b>	The Board retains unused funds at fiscal year-end.						
<b><u>Licensure</u></b>							
<b>Licensees</b>	<p>As of April 26, 2023:</p> <table> <tr> <td>Private Investigators</td><td>544</td></tr> <tr> <td>Certified Trainers</td><td><u>5</u></td></tr> <tr> <td>Total</td><td>549</td></tr> </table> <p><i>Source:</i> Executive Secretary</p>	Private Investigators	544	Certified Trainers	<u>5</u>	Total	549
Private Investigators	544						
Certified Trainers	<u>5</u>						
Total	549						
<b>Licensure Qualifications</b>	<p><b>Private Investigator:</b></p> <ul style="list-style-type: none"> <li>• Pass criminal background check.</li> <li>• At least 21 years old.</li> <li>• Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has subsequently declared the applicant competent.</li> <li>• Has not been convicted of a crime of moral turpitude.</li> <li>• Has not been convicted of a felony crime.</li> <li>• Pass examination.</li> </ul> <p><b>Certified Trainer:</b></p> <ul style="list-style-type: none"> <li>• At least 21 years old.</li> <li>• Has had at least three years' experience satisfactory to the Board with an investigative company or proprietary entity or with any federal, United States Military, state, county, or municipal law enforcement agency relating to the block of instruction.</li> </ul> <p><b>Assistant Trainer:</b></p> <ul style="list-style-type: none"> <li>• Is at least 19 years of age.</li> <li>• Has had at least one year of experience with an investigative company or any United States Military, state, county, or municipal law enforcement agency.</li> </ul> <p><i>Code of Alabama 1975</i>, Sections 34-25B-3, 34-25B-12, and 34-25B-27</p>						

<b>Examinations</b>	<p>The Board has contracted with PSI Services, LLC to conduct the examination program. The examinations are provided through a network of computer examination centers in Alabama. These examination centers are located in Birmingham, Huntsville, Mobile, and Montgomery. The test consists of 50 questions divided into 34 questions related to practical knowledge and 16 questions related to Alabama laws and rules. Examinees are required to score 70% to pass the examination. Applicants pay the \$150.00 examination fee directly to PSI Services, LLC.</p> <table><tr><th colspan="4">Exam Statistics for FY 2019 through FY 2022</th></tr><tr><th></th><th># Taken</th><th># Passed</th><th>% Passed</th></tr><tr><td>First Time Takers</td><td>344</td><td>199</td><td>58%</td></tr><tr><td>Repeat Takers</td><td>137</td><td>97</td><td>71%</td></tr></table> <p><i>Code of Alabama 1975</i>, Section 34-25B-12(5) <b>Source:</b> Executive Secretary</p>	Exam Statistics for FY 2019 through FY 2022					# Taken	# Passed	% Passed	First Time Takers	344	199	58%	Repeat Takers	137	97	71%
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First Time Takers	344	199	58%														
Repeat Takers	137	97	71%														
<b>Reciprocity</b>	<p>The Board may negotiate and enter into reciprocal agreements with the appropriate officials in other states to permit licensed investigators who meet or exceed the qualifications established in the <i>Code of Alabama 1975</i>, Section 34-25B-1 through 34-25B-29 to operate in reciprocal states under mutually acceptable terms.</p> <p>Currently, the Board has a limited reciprocal licensure exemption agreement with Georgia.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-20</p>																
<b>Renewals</b>	<p>Licenses are valid for a period of two years from the date of issuance. No renewal application may be accepted more than 30 days after the expiration date of the license.</p> <p>FY2022 - 80% of renewals were completed online.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-17 <b>Source:</b> Executive Secretary</p>																

<b>Licensee Demographics</b>	<p>The Board collects the personal information of licenses including physical characteristics for the purpose of issuing an identification card.</p> <p><b>Licensee Demographics as of April 26, 2023:</b></p> <p><b>Licensed Private Investigators Based on Gender:</b></p> <p>Male: 443 Female: 106</p> <p><b>Licensed Private Investigators Based on Race:</b></p> <p>White: 467 Black: 72 Hispanic: 9 Indian: 1</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-14 <i>Source:</i> Executive Secretary</p>
<b>Continuing Education</b>	<p>Each licensee shall complete eight hours of continuing professional education acceptable to the Board in each calendar year.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-26</p>

## **SIGNIFICANT ISSUES**

**Significant Issue 2023-001: The accuracy of the Board's financial statements could not be verified due to the following discrepancies:**

- The Board had one deposit totaling \$2,500.00 and another deposit totaling \$300.00 that were both certified twice into the Board's treasury fund resulting in an overstatement of their revenues.
- Deposits totaling \$585.00 for two other agencies managed by The Austin Group, LLC were certified into the Private Investigation Board's treasury fund.

**Significant Issue 2023-002: The Board executed multiple emergency contracts in response to the Board not having an administrative services contract or an Executive Director in place after January 14, 2020. The Board declared an emergency on March 10, 2020, and is still operating under an emergency contract for executive director and administrative services.**

The Board's initial emergency contract began April 22, 2020 with The Austin Group, LLC for executive director and administrative services with an estimated total cost of \$60,000.00. The Austin Group, LLC was paid \$6,000.00 per month. This emergency was estimated to last six months concluding on October 21, 2020. The State Department of Finance's *Fiscal Policy and Procedures Manual*, Chapter 4, Section 5(G) states, "The Comptroller's Office will honor emergency contract payments for a period of one year from the date of declaration posting."

The Board entered a second emergency contract with The Austin Group, LLC for executive director and administrative services until the Board could generate a formal RFP to submit to State Purchasing for open bid and approval. The Board estimated a post emergency would last until an RFP was approved by the Board and Purchasing. This contract began June 14, 2021, with a cost of \$6,000.00 per month and expired on June 13, 2022. The Board continued to pay The Austin Group, LLC for executive director and administrative services for the months of November 2020 through May 2021 despite having no contract in place. *See Significant Issue 2023-003.*

One month later, the Board entered into a third emergency contract with The Austin Group, LLC for executive director and administrative services until the Board could generate a formal RFP to submit to State Purchasing for open bid and final approval. This contract began on July 14, 2021, with a cost of \$7,000.00 per month. This is an increase of \$1,000.00 per month over the amount set in the emergency contract entered into in the previous month. The emergency contract expired on July 13, 2022. Again, the Board estimated a post emergency would last until an RFP was approved by the Board and Purchasing.

Prior to the expiration of the Board's third emergency contract, the Board entered into a fourth emergency contract with The Austin Group, LLC for executive director and administrative services until the Board could generate a formal RFP to submit to State Purchasing for open bid and final approval. This contract began on May 2, 2022, with a cost of \$7,000.00 per month. The emergency contract expired on May 1, 2023, and again the Board estimated a post emergency would last until an RFP was approved by the Board and Purchasing.

The Board entered into a fifth emergency contract with The Austin Group, LLC for executive director and administrative services beginning May 19, 2023, with a cost of \$7,000.00 per month. This emergency was estimated to last 90 days, to conclude on August 17, 2023, and until the RFP is approved by the Board and Purchasing.

**Significant Issue 2023-003:** The Board paid The Austin Group, LLC a total of \$45,100.00 for executive director and administrative services prior to entering into emergency contracts. The Board paid The Austin Group, LLC \$3,100.00 for administrative services provided for the month of March 2020. The first emergency contract was not effective until April 22, 2020. Additionally, the Board paid The Austin Group, LLC \$42,000.00 for administrative services provided for the months of November 2020 through May 2021 when no emergency contract was in place. The first emergency contract was for six months and expired October 21, 2020. The second emergency contract did not become effective until June 14, 2021.

Additionally, thirty-six payments made to The Austin Group, LLC were reviewed. Supporting documentation for twenty-three of these payments (64%) revealed invoices from The Austin Group, LLC were submitted and paid by the Board prior to services for executive director and administrative services actually being rendered. The invoices were submitted at the beginning of the month for which services were being billed. The invoices were then paid before the end of that same month, prior to the services being fully rendered.

The State Department of Finance's *Fiscal Policy and Procedures Manual* Chapter 6, Section 3(c), states, "Generally, the State does not allow prepayment for goods or services because there is no authorizing statute. *However, there are three exceptions: prepayment to the Federal government, travel advances for Department of Revenue examiners, and advance travel/prepaid travel expense.*" Prepayments for contracted services are not recognized as one of the three exceptions.

**Significant Issue 2023-004:** The Board did not hold elections for Chair and Vice-Chair when new members were appointed to the Board as required by statute. A review of minutes from Board meetings held on October 26, 2020, June 1, 2022, and September 8, 2022, did not reflect these elections as required by the *Code of Alabama 1975*, Section 34-25B-6. This section states that the members of the Board shall select from among their members a chair and a vice chair each time a new member is appointed to the Board.

**Significant Issue 2023-005:** One of the Board's private investigator board member positions has been vacant for over two years. The position was vacated on February 7, 2021. The *Code of Alabama 1975*, Section 34-25B-4(e) states, "Any vacancy occurring on the board shall be filled by the appointing authority of the vacating member for the unexpired term." The expiration date for this position is June 13, 2024.

**Significant Issue 2023-006: Complainants responding to our survey have a negative perception of the Board regarding how their complaints were handled.** Six of the eight complainants stated the Board did not communicate the results of its investigation into their complaints. Additionally, five of the eight complainants do not believe the Board did everything it could to resolve their complaints.

A review of the Board's complaint handling process revealed that the Board does not have an efficient system in place to track the status of complaints submitted to the Board. The following inadequacies were noted:

- There is no established system in place to assign an identifier/tracking number to submitted complaints.
- Multiple complaints received against one specific licensee were placed in one master file instead of assigning each complaint a unique identifier for easier tracking.
- Documentation for complaints was misfiled or misplaced.
- Eight complaint files were missing documentation of the Board informing complainants of the results of the investigation.
- There was an instance where the Board closed a complaint with a reason notated that the complainant had been reimbursed fees paid. However, according to the complainant, the respondent (licensee) never reimbursed the fees and supporting documentation to verify the return of the fees was not provided.
- There was an instance noted of the Board not adhering to its complaint handling procedures for a complaint filed May 22, 2020. After investigating and confirming the respondent (licensee) was in violation of the Private Investigation Regulatory Act, the Board created a consent agreement dated April 6, 2021. This consent agreement stated the violations of the Board's laws by the respondent and the disciplinary sanctions of license revocation and levied a \$4,000.00 fine. The following non-compliance was noted:
  - ◆ The Board stated the consent agreement was sent to the respondent. However, the respondent refused to sign the agreement. There was no documentation in the complaint file to demonstrate the consent agreement was sent to the respondent pursuant to ***Administrative Rule*** 741-X-6-.04(2)(c).
  - ◆ Upon the respondent's refusal to sign the consent agreement, the Board did not schedule a disciplinary hearing for the respondent to address the violations before the Board pursuant to ***Administrative Rule*** 741-X-6-.05(2).
  - ◆ Additionally, the Board did not suspend, revoke, or refuse to renew the respondent's license at the time it determined the respondent violated the Alabama Private Investigation Regulatory Act pursuant to ***Administrative Rule*** 741-X-6-.02(1).
  - ◆ There was no documentation in the complaint file to demonstrate that the Board sent written notification to the complainant of the actions taken against the respondent in response to the investigation report pursuant to ***Administrative Rule*** 741-X-6-.04(2)(c).

Based on information provided, the respondent continued to practice as a private investigator. An investigation was opened by a municipal police department in November 2021 and the Board was subpoenaed on March 3, 2022, requesting all information and documents including, but not limited to, complaints, grievances, and employment documents related to the respondent. The Board closed the complaint July 11, 2023, and the respondent's license was placed in an inactive status pending the outcome of a criminal case.

## **STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES**

All prior findings/significant issues have been resolved, except for the following:

**Finding 2019-003:** The Board incorrectly coded fines, mailing labels, refunds, and bad check fees as license fees.

According to the Department of Finance's *Fiscal Policy and Procedures Manual* (FPPM) page 3-4, "Deposits of revenues include taxes, fees, fines, interest, rent, grants, and federal funds. The required codes of revenues are fund, agency, and revenue source code." Additionally, on page 3-18 of the FPPM, "REV/SRC – Enter the four-digit revenue source code from the chart of accounts. Select the revenue source code that describes the receipt that is being certified."

**Current Status:** Unresolved: The Board coded eight of the \$50.00 list fees and one reimbursement of a travel overpayment incorrectly as license fees.

**Finding 2019-007:** The Board did not pay vendors for services received in a timely manner and in the correct fiscal year. Eleven invoices for services incurred in fiscal year 2016 were paid in fiscal year 2017, and two invoices for services incurred in 2017 were paid in fiscal year 2018. We noted the following discrepancies:

- The Attorney General's Office submitted invoices for legal services rendered in April 2016 for \$915.00, and in August 2016 for \$855.00. The Board paid the invoices in November 2017. An \$840.00 invoice for legal services rendered in September 2017 was paid in June 2018.
- The Department of Finance submitted six invoices totaling \$3,341.44 for telecommunications and data processing services rendered in March through September 2016. The Board paid the invoices in November 2017. The Department submitted three invoices totaling \$160.46 for postage costs incurred in March, July, and August 2016. The Board paid the invoices in November 2017.
- A traveler incurred travel expenses for \$704.95 in August and September 2017. The Board paid the travel claim in January 2018.

The Board is responsible for establishing policies and procedures to ensure all invoices are paid in a timely manner and in the current fiscal year.

**Current Status:** Unresolved: The Board did not pay vendors for services in a timely manner and in the correct fiscal year. Three invoices for services incurred in fiscal year 2020 were paid in fiscal year 2021, and six invoices for services incurred in 2021 were paid in fiscal year 2022. The following discrepancies were noted:

- The Department of Finance submitted an invoice totaling \$109.53 for postage and mailing services provided in September 2020. The Board paid the invoice in July 2021.
- The Office of Information Technology submitted two invoices totaling \$437.46 for communication equipment, telecommunication, and data processing services provided in August and September 2020. The Board paid the invoices in July 2021.
- The Alabama Correctional Industries submitted an invoice totaling \$55.70 for printing services provided in October 2021. The Board paid the invoice in April 2022.
- A vendor submitted an invoice totaling \$98.68 for office supplies provided in July 2021. The Board paid the invoice in May 2022.
- A vendor submitted five invoices totaling \$3,000.00 for monthly web hosting and maintenance services provided in May, June, July, August, and September 2021. The Board paid the invoices in September 2022.



**Finding 2019-008:** The Board did not notify the Secretary of State of vacancies occurring as a result of the expiration of two board members' terms that expired June 13, 2017 and August 3, 2019.

The *Code of Alabama 1975*, Section 36-14-17(c)(1) states, "The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy scheduled to occur on the board as a result of the expiration of a term at least 45 days before the vacancy occurs."

**Current Status:** Unresolved: The Board did not notify the Secretary of State of vacancies occurring in a timely manner. The *Code of Alabama 1975*, Section 36-14-17(c) states, "The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy as follows:

- (1) For a vacancy scheduled to occur on the board as a result of the expiration of a term, at least 45 days before the vacancy occurs.
- (2) For a vacancy occurring for any reason other than the expiration of a term, as soon as possible, and in any case within 15 days after the occurrence of the vacancy."

The following discrepancies were noted:

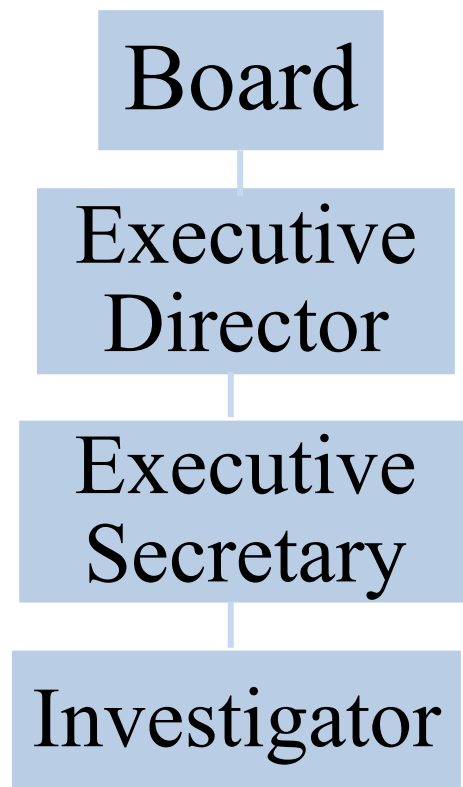
- The Board did not notify the Secretary of State of three vacancies occurring due to term expiration until nineteen (19) business days after the terms expired.
- The Board did not notify the Secretary of State of two vacancies occurring due to resignation until eighty-four (84) business days and one hundred thirty-eight (138) business days after resignation.
- The Board did not notify the Secretary of State of two vacancies occurring due to term expiration.
- The Board did not notify the Secretary of State of a vacancy occurring due to resignation.
- The Board did not notify the Secretary of State of a vacancy occurring due to death.

**Finding 2019-010:** Two members reappointed to the Board did not take the oath of office.

The *Code of Alabama 1975*, Section 34-25B-4(d) states, "Following the initial appointments, all successor members of the board shall be appointed for a term of four years and shall serve until their successors are appointed and qualified by subscribing to the constitutional oath of office, which shall be filed with the Secretary of State."

**Current Status:** Unresolved: Four members reappointed to the Board did not take the oath of office. In addition, as of May 2023, the Board has not filed oaths of office with the Secretary of State since the original appointees took the oath of office in August 2013. With the passage of Act 2023-397, effective September 1, 2023, the Board will no longer be required to file the oaths of office with the Secretary of State.

## **ORGANIZATION**



## **PERSONNEL**

The Board does not employ personnel. The Board has an emergency contract with The Austin Group, LLC for executive director and administrative services. Claire Austin, President of The Austin Group, LLC, serves as the Board's Executive Director. The current emergency contract amount is for \$7,000.00 per month for a period of ninety days, beginning May 19, 2023 and expiring August 17, 2023.

### **Legal Counsel**

Assistant Attorney General Benjamin H. Albritton, an employee of the Attorney General's Office, serves as the Board's legal counsel.

## **PERFORMANCE CHARACTERISTICS**

### **Number of Licensees for the Past Four Fiscal Years**

<b>Type of Licenses</b>	<b>FISCAL YEARS</b>			
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Private Investigators	554	540	534	607
Certified Trainers	5	4	5	6
<b>Total</b>	<b>559</b>	<b>544</b>	<b>539</b>	<b>613</b>

**Operating Disbursements per Licensee FY 2022:** \$168.98

### **Fines/Penalties as a Percentage of Operating Receipts**

	<b>FY 2022</b>	<b>FY 2021</b>	<b>FY 2020</b>	<b>FY 2019</b>
Total Receipts	\$109,165.00	\$94,885.00	\$87,561.25	\$86,630.00
Fines	\$0.00	\$0.00	\$0.00	\$1,450.00
<b>Percentage</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>1.67%</b>

### **Notification of Board Decisions to Amend Administrative Rules**

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes, but notices are posted on the Board's website.

## **COMPLAINT HANDLING**

The *Code of Alabama 1975*, Section 34-25B-25 establishes a Division of Investigation within the Board that serves as its official investigative agency.

The Board's *Administrative Rules* 741-X-6-.04 through 741-X-6-.09 provides for the documentation, receipt, investigation, and resolution of complaints relating to licensees and illegal practices.

<b>Initial Contact/Documentation</b>	Complaints can be self-disclosure, or anyone may file a written complaint using the Board's complaint form, which is available on the Board's website. Complaints are received by mail, hand delivery, email, or fax. Complaints must be in writing and signed but are not required to be notarized. Complainants are sent a letter acknowledging receipt of the complaint.
<b>Anonymous Complaints Accepted</b>	The Board does not accept anonymous complaints.
<b>Investigative Process / Probable Cause Determination</b>	<p>An Investigative Committee consisting of one Board member, one Board counsel, one Board investigator and the Executive Director, reviews the complaint and other information to determine if further investigation is warranted. If warranted, the investigator conducts further investigation under the direction of the Executive Director. At the conclusion of the investigation, an investigative report is submitted for review to the Investigative Committee, who has the authority to act on the report. The investigative committee shall send written notification to the complainant and the private investigator, against whom the complaint was made, of any action it decides to take in response to the investigation report.</p> <p>If the committee determines that an investigation is not warranted, the Executive Director may close the investigative file. The Executive Director shall notify the complainant and the private investigator, against whom the complaint was made.</p>
<b>Negotiated Settlements</b>	The Board does execute negotiated settlements.
<b>Notification of Resolution to the Complainant</b>	Complainants are sent a letter describing the results of the investigation.

**Source:** Executive Secretary

## **Complaint Data**

<b>Schedule of Complaint Resolution FY 2019 through FY 2022</b>					
<b>Year/Number of Complaints Received</b>	<b>Year/Number Resolved</b>				
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023<sup>(1)</sup></b>
2019 / 8	6	1	0	1	0
2020 / 4		3	0	1	0
2021 / 7			5	2	0
2022 / 7				6	1
2023 / 1					1
<sup>(1)</sup> As of April 26, 2023					

**Source:** Executive Secretary

Complaints that took longer than one year to resolve were due to parties being involved in litigation.

**Average Time to Resolve Complaints** – 114 business days.

## **Disposition of Resolved Complaints**

<b># of Complaints</b>	<b>Resolution</b>
4	No Action - Complainant Reimbursed
4	Surrender of Licensure
3	No Jurisdiction - Out of State
2	Cease and Desist
2	Fined
2	No Action - Civil Matter
2	No Jurisdiction - Process Server
2	No Jurisdiction - Non-Licensee
1	No Action - Complaint Withdrawn
1	No Action - Insufficient Evidence
1	No Action - Exempt via 34-25B-24(1)*
1	No Action - Exempt via 34-25B-24(8)(a)**
1	No Action - Internet 1st Amendment Issue
1	No Action - Work product provided

\* An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is performing duties related to his or her employment.

\*\* An attorney-at-law in good standing and licensed to practice law.

## **REGULATION IN CONJUNCTION WITH OTHER ENTITIES**

There is no regulation in conjunction with other state or federal entities.

## **FINANCIAL INFORMATION**

### **Source of Funds**

Application, license fees, penalties, and fines are deposited into the Private Investigation Board Special Revenue Fund 1642 maintained in the State Treasury.

### **Schedule of Fees**

The *Code of Alabama 1975*, Section 34-25B-8(a) allows the Board to promulgate rules necessary to implement this chapter and accomplish its objectives subject to the Alabama Administrative Procedure Act. The fees set by the Board can be found in Appendix I of its *Administrative Rules*.

<b>Fee Type/Purpose</b>	<b>Statutory Authority</b>	<b>Rule</b>	<b>Amount Authorized</b>	<b>Amount Collected</b>
Application Fee	34-25B-13(a)	Appendix I	Set by Board	\$100.00
License Fee	34-25B-13(b)	Appendix I	Set by Board	\$300.00
Renewal Fee	34-25B-7 and 34-25B-17	Appendix I	Set by Board	\$300.00
Late Renewal Fee	34-25B-17(c)	Appendix I	≤ \$200.00	\$200.00
Certified Trainer Fee	34-25B-27(f)	Appendix I	Set by Board	\$500.00
Assistant Certified Trainer Fee	34-25B-27(f)	Appendix I	Set by Board	\$250.00
Bad Check Fee	8-8-15(b)	741-X-4-.07(2)(d)	≤ \$30.00	\$30.00
Mailing Label Fee	Cost Recovery	Appendix I	Set by Board	\$100.00
Law/Rule & Regulation Book (Non-Licensee)	34-25B-21(2)	Appendix I	Set by Board	\$50.00
<b>Penalties / Type</b>				
Civil Penalty – False Statements*	34-25B-15	741-X-6-.09(2)	≤ \$1,000.00	≤ \$1,000.00
Civil Penalty – Violations**	34-25B-18(b)	741-X-6-.09(2)	≤ \$2,000.00	≤ \$1,000.00

\*Plus, assessment of the maximum application fee.

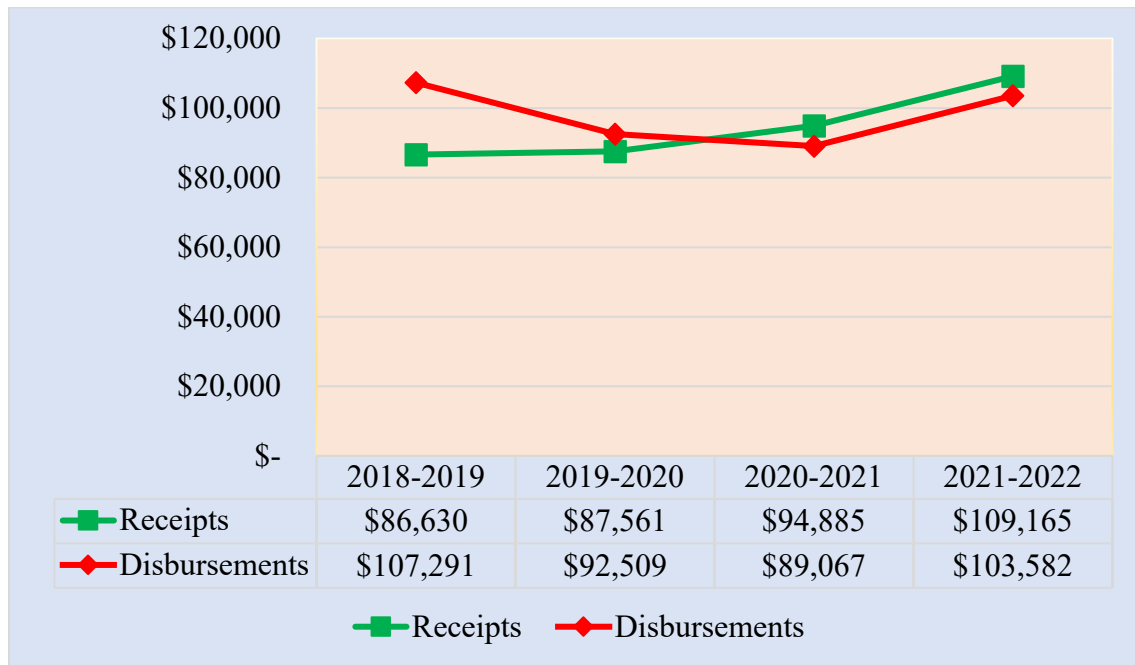
\*\*Per violation

## **Schedule of Receipts, Disbursements and Balances**

October 1, 2018 through September 30, 2022

	<b>2021-2022</b>	<b>2020-2021</b>	<b>2019-2020</b>	<b>2018-2019</b>
<b><u>Receipts</u></b>				
Private Investigator License Fees	\$109,165.00	\$94,885.00	\$87,561.25	\$85,180.00
Professional/Occupational Board Penalties				1,450.00
Total	109,165.00	94,885.00	87,561.25	86,630.00
<b><u>Disbursements</u></b>				
Travel, In-State	1,712.06	1,972.75	4,126.79	4,693.76
Travel, Out-of-State			1,449.88	
Rentals & Leases	832.00	768.00	960.00	512.00
Utilities & Communications	1,672.91	1,828.78	1,950.16	1,988.26
Professional Services	96,014.05	81,309.94	78,980.72	95,813.73
Supplies, Materials, & Operating Expenses	3,351.23	3,187.77	5,041.31	4,283.72
Total	103,582.25	89,067.24	92,508.86	107,291.47
Excess (Deficiency) of Receipts over Disbursements	5,582.75	5,817.76	(4,947.61)	(20,661.47)
Cash Balance at Beginning of Year	125,657.46	119,839.70	124,787.31	145,448.78
Cash Balance at End of Year	131,240.21	125,657.46	119,839.70	124,787.31
Reserved for Year-End Obligations	(17,700.00)	(43,700.00)	(31,026.20)	(20,864.35)
Unobligated Cash Balance at End of Year	\$113,540.21	\$81,957.46	\$88,813.50	\$103,922.96

## Operating Receipts vs. Operating Disbursements



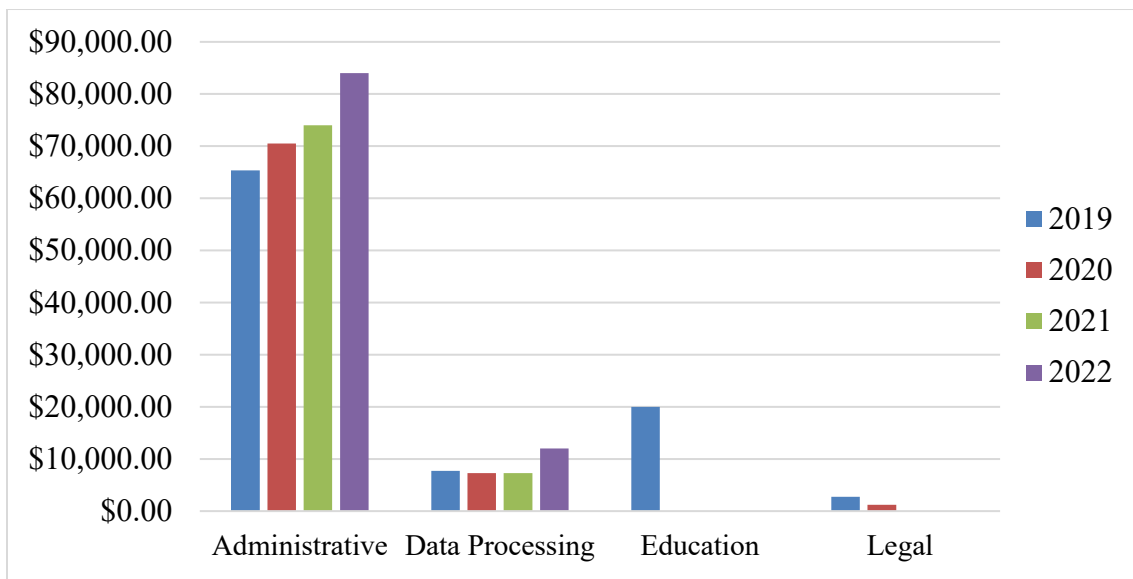


**Summary Schedule of Professional Services Disbursements\***

<b>As of September 30<sup>th</sup></b>				
<b>Type of Service</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
Administrative	\$65,349.30	\$70,523.28	\$74,016.00	\$84,014.40
Data Processing	7,719.43	7,257.44	7,293.94	11,999.65
Education	20,000.00			
Legal	2,745.00	1,200.00		
<b>Total</b>	<b>\$95,813.73</b>	<b>\$78,980.72</b>	<b>\$81,309.94</b>	<b>\$96,014.05</b>

\*Detailed information presented in Appendix III

**Professional Services Disbursements**



# **QUESTIONNAIRES**

## **Board Member Questionnaire**

A letter was sent to all six members (only six members serving at the time of our survey) of the Alabama Private Investigation Board requesting participation in our survey. Three participated in our survey. The percentages are based on the number who responded to the question.

### **1. What are the most significant issues currently facing the Alabama Private Investigation Board and how is the Board addressing these issues?**

**Board Member #1** – “Making sure that we have the rules to make sure the citizens and the industry feels and knows the law. we handle complaints from citizens that feel they don't get what they pay for from some of the investigators so it's important that we let them know we are here for them as well.”

**Board Member #2** – “currently we are working to get our long over due house keeping bill through this session of the Legislature HB75. Pending passage, we have much to do with new rules/regulations along with all the added effort to implement by January 24.”

**Board Member #3** – “1. Agency License has become an issue because consumers are taken advantage of by individuals claiming to be Private investigative Agencies but are not licensed Private investigators. The State does not currently require agency license. Some have found a hole in our current regulations that allow that to occur. We have legislation in the system that can correct this problem. 2. The board does not currently have the authority to issue an inactive license which would allow our Armed Forces service members to maintain their license when deployed. we have introduced legislation that would correct this problem. 3. Young men and women who wish to train and work in this field right out of high School cannot do so under current law, this blocks many of them from entering this field and making above average wages. We have legislation introduced that would offer an apprenticeship license and correct this problem.”

### **2. What, if any, changes to the Board’s laws are needed?**

**Board Member #1** – “we have several changes we are presenting to the legislature now.”

**Board Member #2** – “Working on HB 75. Job training, stiffer penalties for non compliance and a new apprenticeship license.”

**Board Member #3** – “HB 08 is a bill that is a housekeeping bill designed to correct the issues that we deal with on the Board and is supported mutually between the Alabama Private Investigator's Board and the Alabama Private investigators Association . This bill will help our Armed Forces Licensees, better help the Board in efforts to protect the consumer and create jobs for many between the ages of 18 and 21 years old who currently are blocked from this field. The agency license fees are structured to avoid any unnecessary burden on the small business owners in this field. This legislation has passed through committee in the house and has non-partisan support with no opposition.”

### **3. Is the Board adequately funded?**

Yes	3	100%
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**4. Is the Board adequately staffed?**

Yes	3	100%
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**5. Does the Board receive regular reports on its operations from the Executive Director?**

Yes	3	100%
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**6. Has the Board experienced any significant changes to its operations?**

Yes	1	33%
No	2	67%

**7. Does the Board plan any significant changes in its operations?**

Yes	1	33%
No	2	67%

**8. Do you have any other comments you would like to make?**

**Board Member #1** – “No I don't”

**Board Member #2** – “Thank you for your support, assistance and oversight. We want to work with your office and make every effort to remain in compliance while conducting operations in a professional manner to serve licensees and protect the citizens of Alabama.”

**Board Member #3** – “The changes that we anticipate, pending passage of HB 08, will be to offer agency license which will help to protect the consumer and open doors for reciprocal agreements with surrounding state which also serves the consumer as well as the industry. The changes in operations that we have already experienced is the initiative that our executive directors office has taking in acquiring equipment to manufacture Identification cards for licensees which has cut cost, sped up the licensing process and helped to get new licensees out in the field working without lengthy delays.”

## **Private Investigator Questionnaire**

A letter was sent to one hundred private investigators requesting participation in our survey. Twenty-six participated in the survey. The percentages are based on the number who responded to the question.

### **1. What do you think is the most significant issue(s) currently facing your profession in Alabama?**

**Respondent #1** – “Reputable companies to work for. [REDACTED] [REDACTED] fraudulently stole from all employees”

**Respondent #2** – “Keeping up with new and changing technology concerning cyber crime.”

**Respondent #3** – “Not enough information allowed to private investigators.”

**Respondent #4** – “I believe the Profession in Alabama is gaining a better reputation than in years past but the Board that Governs our profession lacks structure, knowledge of the profession, and overall care for the providers. I believe we are faced with heavy fees for very little support or direction in our profession.”

**Respondent #5** – “The need for comprehensive background checks on potential licensees.”

**Respondent #6** – “N/A”

**Respondent #7** – “Unknown, as I am in Georgia.”

**Respondent #8** – “Ensuring compliance with all federal, state, local, and county laws, rules, acts, and regulations.”

**Respondent #9** – “unlicensed investigators working there.”

**Respondent #10** – “Paying for a license on a board that is ineffective and doesn’t prevent out of state investigators. Alabama private investigators are being hurt by the existence of the board. The curriculum is outdated and ridiculous, PI for dummies being the basis for licensing makes our state look like a joke.”

**Respondent #11** – “Due to lack of respect, no one wants to work in this profession.”

**Respondent #12** – “The rising cost of liability insurance.”

**Respondent #13** – “Bad investigators”

**Respondent #14** – “The lack of qualified & quality candidates to hire from.”

**Respondent #15** – “The ease in getting the license. I believe we should raise the bar to ensure that we are producing professionals that help the businesses status and level of respect to the people that put their faith in our career.”

**Respondent #16** – “No field training requirements prior to or after taking the PI test”

**Respondent #17** – “Carrying a pistol to protect your client There is no training or reciprocity with other states”

**Respondent #18** – “1) The lack of diversity (age, gender, race, ethnicity, education, and work experience) among licensed PI's. It's an aging, male dominated population. If APIB doesn't take steps to address this, within 5-10 years there will be a lack of qualified eligible PI's - forcing consumers/residents/businesses to utilize PI's from neighboring states 2) Failure to enforce Sec 34-25B-26-b Continuing Professional Education.”

**Respondent #19** – “Not enough work”

**Respondent #20** – “Groups that want to take away the investigator's privilege to obtain information.”

**Respondent #21** – “Unlicensed people claiming to be Private Investigators”

**Respondent #22** – “Need reciprocity with some other states.”

**Respondent #23** – “I am a recent licensee. I have not yet had interactions with the Board.”

**Respondent #24** – “Ethics”

**Respondent #25** – “That we need to be able to wear badges and Identify ourselves as Private, Criminal, or Legal Investigators. We need arresting power as well just like Bounty Hunters, Law Enforcement, and so on.”

**Respondent #26** – “Lack of education of those in legal services.”

**2. Do you think regulation of your profession by the Alabama Private Investigation Board is necessary to protect the public welfare?**

<b>Yes</b>	<b>19</b>	<b>73%</b>
No	3	12%
Unknown	3	12%
No Opinion	1	3%

**3. Do you think any of the Board’s laws, rules, or policies are an unnecessary restriction on the practice of your profession?**

Yes	6	23%
<b>No</b>	<b>16</b>	<b>62%</b>
Unknown	3	12%
No Opinion	1	3%

**4. Are you adequately informed by the Board of changes to and interpretations of the Board’s positions, policies, rules, and laws?**

<b>Yes</b>	<b>14</b>	<b>53%</b>
No	7	27%
Unknown	2	8%
No Opinion	3	12%

**5. Do you consider mandatory continuing education necessary for the competent practice of your profession?**

<b>Yes</b>	<b>16</b>	<b>62%</b>
No	9	35%
No Opinion	1	3%

**6. Does the Board respond to your inquiries in a timely manner?**

<b>Yes</b>	<b>14</b>	<b>53%</b>
No	5	19%
Unknown	7	27%

**7. Has the Board performed your licensing and renewal in a timely manner?**

<b>Yes</b>	<b>19</b>	<b>73%</b>
No	5	19%
No Opinion	2	8%

**8. Do you have any other comments you would like to make?**

**Respondent #1** – “████████████████████ should not be allowed to steal from customers and employees anymore”

**Respondent #2** – “No.”

**Respondent #3** – “I believe license could be a little bit more professionally done.”

**Respondent #4** – “I have been licensed in Tn in 1997 and have worked as a licensed private investigator since then and feel the AL board could structure more like some of the model states that have a higher success rate in keeping members and licensees.”

**Respondent #5** – “None”

**Respondent #6** – “N/A”

**Respondent #7** – “I tried to renew my license online prior to the deadline, but the system was still charging a \$200 late renewal fee and I was unable to correct that. I had to mail in a check.”

**Respondent #8** – “None at this time.”

**Respondent #9** – “no”

**Respondent #10** – “This law should be allowed to sunset and expire.”

**Respondent #11** – “Not at this time.”

**Respondent #12** – “No”

**Respondent #13** – “No”

**Respondent #14** – “We are private fire investigators working on behalf of insurance companies, legal entities & private citizens. The testing procedures & regulations to obtain a private investigators license for Alabama has NOTHING to do with performing a quality fire investigation. Either change the testing & procedures to reflect our expert field of study & investigations, or exempt us from the licensing test & procedures.”

**Respondent #15** – “I would also like to see a licensure procedure added to process services. It is a part of my business and most investigators that I know. Having a competent person trained and checked for this service is paramount to the business.”

**Respondent #16** – “There is a huge deficit in practical training requirements before and after licensing.”

**Respondent #17** – “There needs to be classes given for licensing and none for continuing Ed unless the licensee wants additional training. You learn on the job Also there should be two year sponsorship under a firm then full license”

**Respondent #18** – “(1) The last time APIB Meeting Minutes were posted on the APIB website was March 2022. This is inexcusable - unless the Board did not conduct meetings after March 2022. (2) The cost to be a certified trainer is ridiculously high; and the qualifications are unnecessarily restrictive. As a result we see the same people listed as Certified Trainers, offering the same classes (i.e., lack of creativity and innovation in the types of classes and delivery system offered to Alabama PI's - which encourages PI's to seek CE's outside of the state). (3) And as stated above (in the first question asked) APIB has failed each year (since 2017) to satisfy the requirement to host "one seminar per year in each congressional district to fulfill 8 hours of CE". Appoint someone to focus on training and continuing education - and yes, I'd be interested in that role. (4) There's too much emphasis on certified trainers having law enforcement background. What about experience as a trainer (writing course curriculum, testing on the material)? A good trainer, with the input and assistance of experienced PI's and experts in the field of forensics, criminal and civil law, etc., can provide quality classes that satisfy CE requirements. (5) I wonder how random are the CCE audits. APIB can protect the identities of those being audited and still publicize (to licensees) the number of PI's audited each each and the percentage of licensees found to be non-compliant. That would reassure me that I wasn't being unfairly targeted when I was audited in 2023. I would've benefited from receiving a report from APIB on the audit with recommendations to either keep doing what I'm doing; or stop doing what I've been doing - comments on the courses that I took. (6) I appreciate being able to renew my license online - great improvement. (7) Response times from APIB, to written inquiries, phone calls, audits results, is too slow. There needs to be more communication (i.e, status updates - like a pizza tracker).”

**Respondent #19** – “Renewal should be valid for three years. The current requirement is too expensive.”

**Respondent #20** – “No comment”

**Respondent #21** – “N/A”

**Respondent #22** – “I think they could use more funding. I think they have done a great job with what they have.”

**Respondent #23** – “No”

**Respondent #24** – “No”

**Respondent #25** – “PI's need more power in this field it's just as dangerous as any Law Enforcement job. Wearing the bade symbolizes that we're legit and people have more respect for us.”

**Respondent #26** – “No.”

## **Complainant Questionnaire**

A letter was sent to twenty-six complainants requesting participation in our survey. Eight participated in the survey. The percentages are based on the number who responded to the question.

### **1. Was receipt of your complaint acknowledged?**

Yes	6	75.0%
No	1	12.5%
Unknown	1	12.5%

### **2. Approximately how long after filing your complaint did the Board contact you?**

Within 15 days	1	12.5%
Within 30 days	1	12.5%
More than 30 days	2	25.0%
Unknown	4	50.0%

### **3. Did the Board communicate the results of the investigation into your complaint to you?**

Yes	2	25.0%
No	6	75.0%

### **4. Do you think the Board did everything it could to resolve your complaint?**

Yes	1	12.5%
No	5	62.5%
Unknown	2	25.0%

### **5. Do you have any additional comments you would like to make?**

**Complainant #1** – “As far as I am concerned, the gentleman assigned to review my complaint didn't investigate at all. I never received a call or letter from anyone, I had to call the office and request to speak with someone. When I did all I was told was that "we have known this investigator for a while and what you are alleging is simply not possible". I was never asked about the complaint, and no one mentioned in the complaint that could back up my claim was ever contacted. The "Good ole boys club" is alive and well in Alabama is all I walked away with after this fraud stole \$5,000 and produced not a single item of work product.”

**Complainant #2** – “The board took no action...covered for their buddy. I have no respect whatsoever for them.”

**Complainant #3** – “All assistance appreciated”

**Complainant #4** – “**■. ■■■■■ / ■. ■■■■■**: APIB is a complete fraud and sham. Its only purpose is to provide the guise of legitimacy for corrupt investigators who wish to prey on an unsuspecting public. Having spoken to **■■■■■ ■■■■■** and **■■■■■ ■■■■■** personally it became clear that the client's interest was never their concern. Repeated attempts to follow up with this agency were thwarted by the secretary answering the telephone. I suspect this to be their normal course of business. **■■■■■ ■■■■■**, the investigator, who was arrested under significant charges, unrelated to the case for which I had hired him, was still listed as an investigator with APIB even after my complaint that he defrauded me of \$2,000.00 and failed to provide the complete services for which he had been paid. Liars, thieves, and frauds - are my feelings toward APIB and **■. ■■■■■**. APIB has given **■. ■■■■■** a license and agency to continue his corrupt business practices. Feel free to contact me if you are truly interested in knowing the details of my interaction with APIB and **■. ■■■■■**. Respectfully, **■■■■■ ■■■■■ ■■■■■-■■■■■**,”



**Complainant #5** – “the PI i hired said he did several things, like interviews, but i never got anything in writing as was agreed upon in our contract. multiple phone calls which he would not answer or reply to. i believe he took my money and i never got anything in return. i would not recommend him to my worst enemy.”

**Complainant #6** – “It's hard to answer the first question because it took several tries to get [REDACTED] to receive the complaint. The online form didn't work. Then the emails provided didn't work. My lawyer got me [REDACTED]'s direct email and I called and followed up with her, she refused to answer the email in writing. It seemed she made every attempt to NOT receive my complaint. Numerous calls had to be placed, and a lawyer had to get involved to even get the complaint received. I asked to have that confirmed in writing and was denied any written reply or confirmation. I continued to follow up on the process through the months of Nov & Dec of 2021. The second question is difficult too, they rarely contacted me. I had to press them to get information at every turn. [REDACTED] [REDACTED] claimed there was an investigation, however he would give no details on what was done. Once the alleged investigation was complete the excuse was that "the board couldn't meet to determine the outcome because of COVID". At this point everyone was well into doing zoom meetings and this seemed like they used COVID to drag their feet. I continued to follow up in Jan, Feb, Mar of 2022 and given the same excuse. I pressed [REDACTED] for what he investigated or found. I asked directly "will this investigation be copied to me when it's closed" [REDACTED] ASSURED me that once the investigation was closed I would get all the info. It was legal consensus that the reason we went through the board rather than suing immediately, is that the board might find something in their investigation that helped our case. Once it was finally deemed closed, I asked for the documents pertaining to his investigation which he promised me, and never received anything. My lawyer, [REDACTED] [REDACTED] also called to try to obtain a copy of these documents and he was also denied. Come to find out, they did not do any kind of "investigation". When these records were ordered by the [REDACTED] Co Sherriff, all the APIB had in their file was my complaint. There are no notes or records whatsoever of them doing any investigation. No calls, no locations, no information. Absolutely no record of anything including any conversations with [REDACTED] [REDACTED], although my lawyer stated verbally that [REDACTED] claimed "they talked to [REDACTED]". My lawsuit was irreparably delayed and damaged by the actions of the APIB. All they did was warn [REDACTED] [REDACTED] (who took my money and did not investigate my case, promised things to me which were not legal, in addition to representing that he was allowed to work in another state with only a GA license). This board was aware that [REDACTED] was acting outside the lines, as he had numerous other complaints which [REDACTED] looked the other way. If it wasn't for the APIB I might have a judgement, instead three years later I'm now waiting for the Sherriff to finish investigating this as a criminal matter since it has come to light that there were so many other victims of [REDACTED]. The APIB knew this guy was a criminal, and I think they should be held accountable. [REDACTED] [REDACTED] and [REDACTED] [REDACTED] are also in a romantic relationship so there is no integrity in this pair. This is clearly a conflict of interest and this board should be disbanded for so many reasons. The only thing the APIB is doing is sheltering shady PI's from being brought to justice. There have been numerous complaints about [REDACTED]. By the time I hired him, his license should have been long since revoked. This should not be an investigation as to whether this board is effective or efficient. YOU NEED TO BE INVESTIGATING CORRUPTION ON THE PART OF [REDACTED] [REDACTED]. There is no question this woman is on the take from someone. [REDACTED] [REDACTED] and [REDACTED] [REDACTED] need to be censured and their licenses revoked. They did not do their job and they looked the other way with [REDACTED] [REDACTED] who has been operating like this for more than a decade. Why would you do that if you weren't getting anything out of it? I want a follow up on what your investigation learns and I want to be notified what action is taken. Thank you. [REDACTED] [REDACTED]”

**Complainant #7** – “I filed my complaint and to the best of my memory, the Board never reached out to me at all. I called them numerous times to check on the status and they would give me a generic response that it was being looked into. [REDACTED] [REDACTED] later said it was being presented to a legal official (I can't remember who) to see if there was enough evidence to pursue it. I never heard anything else from them and they never notified me that the complaint was closed. I paid [REDACTED] [REDACTED] a huge amount of money and have never received any documents or evidence from him at all, so basically, he stole my money. It is my understanding that this is a common practice with him. If the Board had handled my complaint swiftly and seriously, then it would have prevented many people from being swindled by him.”

**Complainant #8** – “I'm not sure what could have been done in our situation. The private investigator we hired conveniently failed to mention he had lost his license. We do not know if he was ever contacted concerning our situation. The board was helpful in telling us how to submit the complaint, which we did, but we never heard anything after that.”

**The Examiners of Public Accounts received the following additional comments via email from Complainant #6:**

Dear [REDACTED],

“Thank you for your messages. I made two attempts to follow up by phone but your voice mail doesn't seem to be working today. I'm sorry that initially, I didn't understand your letter and it sat in a pile of mail for a few days. Once I got my reading glasses and read it carefully, I became very upset. It took me a few more days to recollect, and get out my notes from this incredibly demeaning and painful experience.

You have no idea the calls and time I spent trying to find someone to complain to, about the APIB. I called Birmingham and several state offices, but the best answer I got, was that these people were appointed by politicians and I would have to find the people that appointed them. It seemed hopeless. I couldn't even find a lawyer willing to help. I contacted the AL bar association with no replies.

It's also very difficult to find a lawyer to handle a civil case against any PI. Law firms use PI's so the number of lawyer options is drastically reduced due to conflict of interest. In addition, some people may not be able to sue/complain at all because they don't want their business with the PI to be disclosed. Please consider this, and realize the amount of victims of [REDACTED] [REDACTED] is probably far more than what you see on paper.

If the APIB had done their job, PI [REDACTED] [REDACTED] would have had his license revoked long before he took my case. I have since learned they had numerous complaints against [REDACTED] over the past several years. I have also learned there was no investigation done by the board or [REDACTED] [REDACTED] who claimed he was the investigator on my complaint. The board cannot provide any evidence that there was an investigation. No call records, no meeting notes, no visits to anyone's office, no surveillance, nothing! I spent a lot of time preparing notes and proof to my complaint and I am so offended that the APIB would waste my time like this. This also irreparably damaged my civil case, which it was supposed to assist, by possibly providing info from the "investigation" for use in court. Several lawyers concurred, and all advised me it was best to for the APIB to finish their investigation before filing a lawsuit.



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## **APPENDICES**

## **Appendix I – Applicable Statutes**

### **Section 34-25B-1 Short title.**

This chapter shall be known and may be cited as the "Alabama Private Investigation Regulatory Act."  
(*Act 2013-306, p. 1021, §1.*)

### **Section 34-25B-2 Definitions.**

As used in this chapter, the following terms shall have the following meanings:

(1) FELONY. A criminal offense that is defined and punishable under the laws of this state, or an offense committed outside the State of Alabama, which if committed in this state, would constitute a felony under Alabama law; a crime in any other state or a crime against the United States which is designated as a felony; or an offense in any other state, territory, or country punishable by imprisonment for a term exceeding one year.

(2) PRIVATE INVESTIGATION. The compensated act of any individual or company engaging in the business of obtaining or furnishing information with reference to any of the following:

a. A crime committed or threatened against the United States or any state or territory of the United States.

b. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, including, but not limited to, the credibility of a person giving testimony in a criminal or civil proceeding, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputations, or character of any person.

c. The location, disposition, or recovery of lost or stolen property.

d. The cause or responsibility for fires, losses, accidents, damages, or injuries to persons or to property.

(3) PRIVATE INVESTIGATOR. a. A person who, for compensation, performs one or more of the private investigation services defined and regulated by this chapter.

b. A person who, for consideration, advertises as providing or performing private investigation. The term does not include an informant who, on a one time or limited basis, as a result of a unique expertise, ability, or vocation, and who provides information or services while under the direction and control of a licensee of the board, that would otherwise be included in the definition of private investigation.

c. A person who is engaged in private investigation as defined herein and who is licensed in accordance with this chapter.

(*Act 2013-306, p. 1021, §2.*)

### **Section 34-25B-3 License required; criminal background check.**

No person shall practice private investigation or hold himself or herself out to the public as a private investigator or use any term, title, or abbreviation that expresses, infers, or implies that the person is licensed as a private investigator unless the person at the time holds a valid license to practice private investigation as provided in this chapter. All applicants shall pass a criminal background check based on criteria established pursuant to Section 34-25B-4.

(*Act 2013-306, p. 1021, §3.*)

**Section 34-25B-4 Alabama Private Investigation Board - Creation; composition.**

- (a) There is created the Alabama Private Investigation Board. The membership of the board shall reflect the racial, gender, geographic, urban and rural, and economic diversity of the state.
  - (b) Private investigator members provided for herein shall have had five years of experience as an investigator prior to his or her appointment. Beginning on August 1, 2018, private investigator members who are appointed to the board shall have been licensed pursuant to this chapter as a private investigator for a period of at least five years prior to his or her appointment.
  - (c) The following members shall be appointed to the board:
    - (1) Three persons appointed by the Governor, two of whom shall be private investigators in this state and one of whom shall be a consumer who will represent the public at large. The Governor shall appoint the three members to initial terms of three years. Thereafter, successor members shall be appointed for terms of four years each.
    - (2) One person appointed by the Lieutenant Governor, who must be a private investigator. The Lieutenant Governor shall appoint the member for an initial term of two years. Thereafter, successor members shall be appointed for terms of four years.
    - (3) One person appointed by the Speaker of the House of Representatives who must be a private investigator. The Speaker of the House of Representatives shall appoint the member for an initial term of two years. Thereafter, successor members shall be appointed for terms of four years.
    - (4) One person appointed by the Attorney General who must be a private investigator. The Attorney General shall appoint the member for an initial term of two years. Thereafter, successor members shall be appointed for terms of four years.
    - (5) One person appointed by the Alabama State Bar Association who must be a member in good standing for an initial term of four years. Thereafter, successor members shall be appointed for terms of four years.
    - (6) One person appointed by the Alabama Private Investigators Association who must be a private investigator. The association shall appoint the member for an initial term of four years. Thereafter, successor members shall be appointed for terms of four years.
  - (d) Following the initial appointments, all successor members of the board shall be appointed for a term of four years and shall serve until their successors are appointed and qualified by subscribing to the constitutional oath of office, which shall be filed with the Secretary of State.
  - (e) Any vacancy occurring on the board shall be filled by the appointing authority of the vacating member for the unexpired term.
  - (f) No member may be appointed to succeed himself or herself for more than one full term.
  - (g) The appointing authority may remove a member of the board for misconduct, incompetency, or willful neglect of duty. The board may recommend to the appointing authority suggested administrative actions that may be taken against a board member for missing an excessive amount of meetings.
  - (h) Each member of the board shall receive a certificate of appointment from the Governor before entering upon the discharge of the duties of office.
- (Act 2013-306, p. 1021, §4.)*

**Section 34-25B-5 Alabama Private Investigation Board - Quasi-judicial body; liability of members.**

(a) The board is declared to be a quasi-judicial body. Absent negligence, wantonness, recklessness, or deliberate misconduct, the members and the employees of the board are granted immunity from civil liability and may not be liable for damages when acting in the performance of their duties under this chapter.

(b) Board members and employees shall be defended by the Attorney General in regard to any criminal or civil litigation filed against them based on the performance of their official duties under this chapter.

*(Act 2013-306, p. 1021, §5.)*

**Section 34-25B-6 Alabama Private Investigation Board - Officers.**

At the initial meeting of the board and each time a new member is appointed to the board, the members of the board shall select from among their members a chair to preside over meetings of the board and a vice chair to preside in the absence of the chair.

*(Act 2013-306, p. 1021, §6.)*

**Section 34-25B-7 Alabama Private Investigation Board - Fund.**

There is hereby created in the State Treasury for the use of the Alabama Private Investigation Board a fund to be known as the Alabama Private Investigation Board Fund. All application and license fees, penalties, fines, and any other funds collected by the board under the provisions of this chapter are to be deposited in this fund and used only to carry out the operations of the board. No monies shall be withdrawn or expended from the fund for any purpose unless the monies have been appropriated by the Legislature and allocated pursuant to this chapter. Any monies appropriated shall be budgeted and allotted pursuant to the Budget Management Act in accordance with Article 4 (commencing with Section 41-4-80) of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriations act. There is hereby appropriated to the Alabama Private Investigation Board the sum of all monies collected and deposited into the Alabama Private Investigation Board Fund for each of the fiscal years ending September 30, 2013, and September 30, 2014, to be used for the operations of the board.

*(Act 2013-306, p. 1021, §7.)*

**Section 34-25B-8 Alabama Private Investigation Board - Promulgation of rules; canons of ethics; personnel; legal services.**

(a) The board may promulgate rules necessary to implement this chapter and accomplish its objectives subject to the Alabama Administrative Procedure Act.

(b) The board may promulgate and establish canons of ethics and minimum acceptable professional standards of practice for licensees within any rules that it adopts.

(c) The board may hire personnel necessary or as advisable to carry out the purposes and provisions of this chapter. With the exception of the Executive Director, all personnel shall be subject to the provisions of the state Merit System Act.

(d) The Attorney General shall provide legal services to the board and board employees in connection with official duties and actions of the board.

*(Act 2013-306, p. 1021, §8.)*



**Section 34-25B-9 Alabama Private Investigation Board - Meetings.**

(a) The board shall establish regular and special meetings for the purpose of transacting its business as provided by rules promulgated by the board. Notice of board meetings and meetings of the board shall comply with the Alabama Open Meetings Act.

(b) A majority of the board shall constitute a quorum at any meeting of the board.

*(Act 2013-306, p. 1021, §9.)*

**Section 34-25B-10 Practice of private investigation without a license; location of records.**

(a) Except as otherwise provided in this chapter, it shall be unlawful for any person to act as a private investigator without first obtaining a license from the board. For prosecution purposes, a violation of this chapter is classified as a Class A misdemeanor.

(b) Each person licensed in accordance with this chapter shall designate to the board a physical address where his or her records are to be kept.

*(Act 2013-306, p. 1021, §10.)*

**Section 34-25B-11 License application.**

An application and all information on an application for licensure as a private investigator shall be treated as confidential and shall be filed with the board on forms prescribed by the board. The application shall include all of the following information of the applicant:

(1) His or her full name.

(2) His or her date and place of birth.

(3) All residences during the immediate past five years.

(4) All employment or occupations engaged in during the immediate past five years.

(5) Three sets of classifiable fingerprints.

(6) A list of convictions and pending charges involving a felony or misdemeanor in any jurisdiction.

*(Act 2013-306, p. 1021, §11.)*

**Section 34-25B-12 Qualifications; study guide.**

(a) Each individual applicant shall meet the following criteria that he or she:

(1) Is at least 21 years of age.

(2) Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has subsequently declared the applicant competent.

(3) Has not been convicted of a crime of moral turpitude, with the board having the final determination on the interpretation of moral turpitude.

(4) Has not been convicted of a felony crime.

(5) Has passed an examination to be administered twice annually by the board designed to measure knowledge and competence in the investigation field.

(b) A study guide shall be provided to any applicant seeking to obtain an initial or renewal license under this chapter.

(c) Any investigator currently holding a business license in the State of Alabama shall not have to meet the initial application requirements of this chapter, but shall be issued a license pursuant to this chapter upon application.

*(Act 2013-306, p. 1021, §12.)*

**Section 34-25B-13 Application fees; issuance of license; denial of application.**

(a) Upon receipt of an application for a license pursuant to this chapter, nonrefundable, nonprorateable application fees shall be submitted to the board by the applicant for the following services:

(1) A request that the Alabama Bureau of Investigation compare the fingerprints submitted with the application to fingerprints filed with the Alabama Bureau of Investigation. On subsequent applications, the Alabama Bureau of Investigation, at the request of the board, shall review its criminal history files based upon the name, date of birth, sex, race, and Social Security number of an applicant whose fingerprints have previously been submitted to the bureau for any new information since the date of the fingerprint comparison, and shall furnish any information thereby derived to the board.

(2) A request to submit the fingerprints to the Federal Bureau of Investigation for a search of its files to determine whether an individual fingerprinted has any recorded convictions.

(b) After the approval of the application by the board, the board shall issue a license in a form prescribed by the board to each qualified applicant upon its receipt of a nonrefundable, nonprorateable private investigator license fee as set by the board.

(c)(1) If an application for a license is denied, the board shall notify the applicant in writing and specify the grounds for denial. If the grounds are subject to correction by the applicant, the notice shall so state and specify a reasonable period of time within which the applicant shall make the required correction.

(2) The applicant may submit an application for reconsideration to the board within 30 days from the date of receipt of denial.

(d) The board shall issue a license to all licensees that shall be at least 8" x 10" in size and shall be displayed on a wall of the workplace of the licensee. This license shall be deemed property of the State of Alabama and subject to forfeiture to the state upon revocation.

*(Act 2013-306, p. 1021, §13.)*

**Section 34-25B-14 Identification card.**

(a) The board shall issue to every private investigator licensee an identification card, which shall be issued in credit card size, be permanently laminated, and contain the following information of the licensee:

(1) Name.

(2) Photograph.

(3) Physical characteristics.

(4) Private investigator's license number.

(5) Expiration date of license.

(b) The identification card shall be carried on the person of the licensee when engaged in the activities of the licensee.

*(Act 2013-306, p. 1021, §14.)*

**Section 34-25B-15 Making false statement to the board.**

Making a false statement to the board shall be punishable by a civil penalty not to exceed one thousand dollars (\$1,000) and assessment of the maximum application fee.

*(Act 2013-306, p. 1021, §15.)*

**Section 34-25B-16 Investigation into veracity of application.**

Upon receipt of an application and applicable fees, the board shall conduct an investigation to determine whether the statements made in the application are true.

*(Act 2013-306, p. 1021, §16.)*

**Section 34-25B-17 Expiration and renewal of license.**

- (a) All licenses issued or renewed under this chapter shall be valid for a period of two years from the date of issuance. The board shall provide each licensee with a renewal application 60 days prior to the expiration of the license.
- (b) Each application for renewal shall be reviewed for criminal convictions and civil fraud findings.
- (c) An administrative late fee not exceeding two hundred dollars (\$200) as prescribed by the board shall be assessed on any renewal application postmarked after the expiration date of the license.
- (d) No renewal application may be accepted more than 30 days after the expiration date of the license.
- (Act 2013-306, p. 1021, §17.)*

**Section 34-25B-18 Suspension, revocation, etc., of license; penalties.**

- (a) The board may suspend, revoke, or refuse to issue or renew any license issued by it upon finding that the holder or applicant has committed any of the following acts:
- (1) A violation of this chapter or any rule promulgated pursuant to this chapter.
  - (2) Fraud, deceit, or misrepresentation regarding an application or license.
  - (3) Knowingly and willfully making a material misstatement in connection with an application for a license or renewal.
  - (4) A conviction by a court of competent jurisdiction of a felony.
  - (5) A conviction by a court of competent jurisdiction of a Class A misdemeanor, if the board finds that the conviction reflects unfavorably on the fitness of the person for the license.
  - (6) The commission of any act which would have been cause for refusal to issue the license or identification card had it existed and been known to the board at the time of issuance.
- (b) In addition to, or in lieu of, any other lawful disciplinary action under this section, the board may assess a civil penalty not exceeding two thousand dollars (\$2,000) for each violation.
- (c) A license may be suspended for the remaining license period and renewed during any period in which the license was suspended.
- (Act 2013-306, p. 1021, §18.)*

**Section 34-25B-19 Sufficiency of license to practice; occupational tax or business license fee authorized.**

- (a) No licensee or applicant shall be required to obtain any authorization or license from, or pay any other fee or post a bond in, any municipality, county, or other political subdivision of this state to engage in any activity regulated under this chapter.
- (b) Notwithstanding subsection (a), a municipality, county, or other political subdivision of this state may impose a bona fide occupational tax or business license fee on a licensee.
- (Act 2013-306, p. 1021, §19.)*

**Section 34-25B-20 Reciprocity with other states.**

The board may negotiate and enter into reciprocal agreements with the appropriate officials in other states to permit licensed investigators who meet or exceed the qualifications established in this chapter to operate in reciprocal states under mutually acceptable terms.

*(Act 2013-306, p. 1021, §20.)*

**Section 34-25B-21 Copy of statutes and rules provided by board.**

- The board shall provide a copy of this chapter and any rules promulgated under this chapter to the following:
- (1) Each licensee, upon issuance of an original license, and every two years thereafter upon license renewal.
  - (2) Any other person, upon request, for a reasonable fee established by the board.
- (Act 2013-306, p. 1021, §21.)*

### **Section 34-25B-22 Violations.**

(a) The following acts when committed by an individual licensed as a private investigator in Alabama shall constitute a violation punishable as a Class A misdemeanor:

(1) To knowingly make a material misrepresentation as to the ability of the individual to perform the investigation required by a potential client in order to obtain employment.

(2) To make unsubstantiated monetary charges to a client for services not rendered or transportation not utilized.

(3) To knowingly make a false report to a client in relation to the investigation performed for a client.

(4) To continue an investigation for a client when it becomes obvious to the investigator that a successful completion of an investigation is unlikely without first advising the client and obtaining the approval of the client for continuation of the investigation.

(5) To reveal information obtained for a client during an investigation to another individual except as required by law.

(b) Persons licensed pursuant to this chapter shall report any suspected instances of child abuse or neglect to a local law enforcement agency or the Department of Human Resources, or both.

*(Act 2013-306, p. 1021, §22.)*

### **Section 34-25B-23 Application of Administrative Procedure Act.**

The Administrative Procedure Act shall govern all matters and procedures respecting the hearing and judicial overview of any contested case.

*(Act 2013-306, p. 1021, §23.)*

### **Section 34-25B-24 Exceptions.**

This chapter does not apply to the following:

(1) An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is performing duties related to his or her employment.

(2) An investigation of the internal affairs of a private business entity investigating a current or prospective employee.

(3) An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is working under a contract for his or her services that his or her employer signed with a third party.

(4) Any person or professional, including without limitation an attorney providing legal services, who is not primarily engaged in the business of private investigation, but who in conjunction with his or her business or profession may occasionally perform private investigation services.

(5) Any business or entity that is not primarily engaged in the business of private investigation.

(6) A consumer reporting agency as defined by the Federal Fair Credit Reporting Act.

(7) Any certified public accountant authorized to engage in the practice of public accountancy in this state or any entity licensed or otherwise permitted to engage in the practice of public accountancy in this state or the affiliated entities thereof.

(8)a. An attorney-at-law in good standing and licensed to practice law;

b. An employee of a single attorney or single law firm who is acting within the employee's scope of employment for the attorney or law firm; or

c. A consultant, accident reconstructionist, or forensic scientist when the person is retained by an attorney, insurance company representative, or appointed by a court to serve as an expert witness or to investigate, or to make tests, conduct experiments, draw conclusions, render opinions or make diagnoses, where those services require the use of training or experience in a technical, scientific, or social science field.

(9) Any individual engaged in any of the following:

- a. Computer or digital forensic services.
- b. The acquisition, review, or analysis of digital or computer-based information in order to obtain or furnish information for evidentiary or other purposes or to provide expert testimony before any court, board, officer, or investigating committee.
- c. Network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network.

*(Act 2013-306, p. 1021, §24.)*

**Section 34-25B-25 Division of Investigation.**

(a) There is created within the board a Division of Investigation that shall be the board's official investigative agency.

(b) Each licensee shall provide to the investigative division staff all records that pertain to the exact nature of the complaint under investigation and upon the issuance of a subpoena.

(c) The board or an executive director of the board may subpoena those persons or documents necessary to any investigation undertaken under this chapter if other means including, but not limited to, notification by return receipt registered United States mail, have not produced the desired results. Any subpoena issued shall be limited to investigations by the board of its members and shall not extend to any other matter.

*(Act 2013-306, p. 1021, §25.)*

**Section 34-25B-26 Continuing professional education.**

(a) Each licensee shall complete eight hours of continuing professional education acceptable to the board in each calendar year.

(b) The board shall make every effort to ensue at least one seminar per year will be held in each congressional district of the state providing an opportunity to fulfill the continuing professional education requirements of this section, which shall include at least one hour per year on ethics.

(c) The board shall promulgate rules necessary to carry out this section.

*(Act 2013-306, p. 1021, §26.)*

**Section 34-25B-27 Certification required for trainers.**

(a) Any person offering private investigation training must first be certified by the board. The board shall ensure that the instructors employed by the training provider possess both the experience and academic credentials to ensure that the curriculum and instruction will be beneficial to those seeking to enter the profession. In order to qualify as a certified trainer or instructor, or both, the trainer shall meet the following criteria that he or she:

(1) Is at least 21 years of age.

(2) Has had at least three years' experience satisfactory to the board with an investigative company or proprietary entity or with any federal, United States Military, state, county, or municipal law enforcement agency relating to the block of instruction.

(3) Is personally qualified to conduct the training required by this chapter and is certified by the board which shall establish standards for the instruction process.

(b) A certified trainer, in his or her discretion, may instruct personally or use a combination of personal, instruction, audio, and visual training aids.

(c) To assist in the implementation of a training program, the certified trainer may use as an assistant trainer any person who meets each of the following requirements that the assistant:

(1) Is at least 19 years of age.

- (2) Has had at least one year of experience with an investigative company or any United States Military, state, county, or municipal law enforcement agency.
- (d) A certified trainer may be an employee of a private investigative or propriety agency or, if not, employed by an agency as a company under this chapter.
- (e) The certified trainer shall certify that he or she has successfully completed the training and shall submit the certification to the board.
- (f) The training program, fees, and requirements shall be established by rules promulgated by the board.
- (Act 2013-306, p. 1021, §27; Act 2016-64, §3.)*

**Section 34-25B-28 Construction with other laws.**

No criminal or civil action taken under this chapter precludes a prosecution or action under any other law of this state.

*(Act 2013-306, p. 1021, §28.)*

**Section 34-25B-29 Sunset provision.**

The Alabama Private Investigation Board is subject to the provisions of the Alabama Sunset Law of 1981. The board shall automatically terminate on October 1, 2016, and every four years thereafter, unless a bill is passed that it be continued, modified, or reestablished.

*(Act 2013-306, p. 1021, §29.)*



ACT #2023 - 397

1 7B4LEV-3

2 By Representatives Mooney, Treadaway, Bedsole, Pettus, Rogers

3

4 RFD: Boards, Agencies and Commissions

5 First Read: 07-Mar-23

6 2023 Regular Session





## HB75 Enrolled

1 Enrolled, An Act,

2  
3  
4  
5  
6 Relating to the Alabama Private Investigation  
7 Regulatory Act; to designate as Article 1, Sections 34-25B-1  
8 to 34-25B-29, inclusive, Code of Alabama 1975; to amend  
9 Sections 34-25B-2, 34-25B-3, 34-25B-4, 34-25B-7, 34-25B-10,  
10 34-25B-11, 34-25B-12, 34-25B-13, 34-25B-14, 34-25B-17,  
11 34-25B-18, 34-25B-21, 34-25B-22, and 34-25B-26 of the Code of  
12 Alabama 1975, relating to the Alabama Private Investigation  
13 Board; to add Section 34-25B-12.1 and add a new Article 2,  
14 commencing with Section 34-25B-50 to Chapter 25B, Title 34 of  
15 the Code of Alabama 1975; to require applicants for private  
16 investigator licenses to complete education and work  
17 experience; to clarify those fees collected by the board that  
18 must be deposited into the Alabama Private Investigation Board  
19 Fund; to provide further for the qualifications for licensure  
20 as a private investigator; to provide further for criminal  
21 history background checks for applicants for licensure; to  
22 authorize the board to grant inactive status to licensees and  
23 to provide, by rule, for a procedure and fee to reinstate an  
24 inactive license; to provide for administrative penalties  
25 against any person practicing without a license; to require  
26 licensees to report arrests to the board within 72 hours; and  
27 to clarify that the number of hours of continuing education  
28 required to maintain licensure is 16 hours during the two-year  
29 license period; to license private investigator apprentices  
30 and allow apprentices to gain work experience through an  
31 internship; to provide for licensure of apprentices as private





## HB75 Enrolled

investigators after completing certain requirements; and to provide for licensure of private investigation agencies that do business in the state; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. An article heading is added before Section 34-25B-1 of the Code of Alabama 1975, to read as follows:

ARTICLE 1. Private Investigator Licenses, Private Investigator Apprentice Licenses, and Private Investigation Board.

Section 2. Sections 34-25B-2, 34-25B-3, 34-25B-4, 34-25B-7, 34-25B-10, 34-25B-11, 34-25B-12, 34-25B-13, 34-25B-14, 34-25B-17, 34-25B-18, 34-25B-21, 34-25B-22, and 34-25B-26 of the Code of Alabama 1975, are amended to read as follows:

"§34-25B-2

As used in this chapter, the following terms shall have the following meanings:

(1) BOARD. The Alabama Private Investigation Board.

~~(1)~~ (2) FELONY. A criminal offense that is defined and punishable under the laws of this state, or an offense committed outside the State of Alabama, which if committed in this state, would constitute a felony under Alabama law; a crime in any other state or a crime against the United States which is designated as a felony; or an offense in any other state, territory, or country punishable by imprisonment for a term exceeding one year.



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61           ~~(2)~~ (3) PRIVATE INVESTIGATION. The compensated act of  
62 any individual or company engaging in the business of  
63 obtaining or furnishing information with reference to any of  
64 the following:

65           a. A crime committed or threatened against the United  
66 States or any state or territory of the United States.

67           b. The identity, habits, conduct, business, occupation,  
68 honesty, integrity, credibility, including, but not limited  
69 to, the credibility of ~~a person~~ an individual giving testimony  
70 in a criminal or civil proceeding, knowledge, trustworthiness,  
71 efficiency, loyalty, activity, movement, whereabouts,  
72 affiliations, associations, transactions, acts, reputations,  
73 or character of any ~~person~~ individual.

74           c. The location, disposition, or recovery of lost or  
75 stolen property.

76           d. The cause or responsibility for fires, losses,  
77 accidents, damages, or injuries to ~~persons~~ individuals or to  
78 property.

79           (4) PRIVATE INVESTIGATION AGENCY. A corporation, firm,  
80 partnership, or other business entity that, for compensation,  
81 practices private investigation in this state and employs  
82 licensed private investigators. The term includes a business  
83 entity that practices private investigation through licensed  
84 private investigators who are solely independent contractors  
85 rather than employees.

86           ~~(3)~~ (5) PRIVATE INVESTIGATOR. a. ~~A person~~ An individual  
87 who, for compensation, performs one or more of the private  
88 investigation services defined and regulated by this chapter.



## HB75 Enrolled

b. ~~A person~~ An individual who, for consideration, advertises as providing or performing private investigation. The term does not include an informant who, on a one time or limited basis, as a result of a unique expertise, ability, or vocation, and who provides information or services while under the direction and control of a licensee of the board, that would otherwise be included in the definition of private investigation.

c. ~~A person~~ An individual who is engaged in private investigation ~~as defined herein~~ and who is licensed in accordance with this ~~chapter~~ article.

(6) PRIVATE INVESTIGATOR APPRENTICE. An individual who is engaged in private investigation under the supervision of a licensed private investigator and who is licensed in accordance with this article."

"§34-25B-3

An individual may not ~~No person shall~~ practice private investigation or hold himself or herself out to the public as a private investigator or private investigator apprentice or use any term, title, or abbreviation that expresses, infers, or implies that the ~~person~~ individual is licensed as a private investigator or private investigator apprentice unless the ~~person~~ individual at the time holds a valid license to practice private investigation as provided in this ~~chapter~~ article. ~~All applicants shall pass a criminal background check based on criteria established pursuant to Section 34-25B-4."~~

"§34-25B-4

(a) There is created the Alabama Private Investigation



## HB75 Enrolled

117 Board. The appointing authorities shall coordinate their  
118 appointments to assure the membership of the board shall  
119 ~~reflect~~ is inclusive and reflects the racial, gender,  
120 geographic, urban ~~and~~, rural, and economic diversity of the  
121 state.

122 (b) Private investigator members ~~provided for herein~~  
123 shall have had five years of experience as an investigator  
124 prior to his or her appointment. Beginning on August 1, 2018,  
125 each private investigator members who are member appointed to  
126 the board shall have been licensed pursuant to this chapter as  
127 a private investigator for a period of at least five years  
128 prior to his or her appointment.

129 (c) The following members shall be appointed to the  
130 board:

131 (1) Three persons individuals appointed by the  
132 Governor, two of whom shall be private investigators ~~in this~~  
133 ~~state~~ and one of whom shall be a consumer who will represent  
134 the public at large. ~~The Governor shall appoint the three~~  
135 ~~members to initial terms of three years. Thereafter, successor~~  
136 ~~members shall be appointed for terms of four years each.~~

137 (2) One person individual appointed by the Lieutenant  
138 Governor, who must shall be a private investigator. ~~The~~  
139 ~~Lieutenant Governor shall appoint the member for an initial~~  
140 ~~term of two years. Thereafter, successor members shall be~~  
141 ~~appointed for terms of four years.~~

142 (3) One person individual appointed by the Speaker of  
143 the House of Representatives who must shall be a private  
144 investigator. ~~The Speaker of the House of Representatives~~



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145 ~~shall appoint the member for an initial term of two years.~~  
146 ~~Thereafter, successor members shall be appointed for terms of~~  
147 ~~four years.~~

148 (4) One ~~person~~ individual appointed by the Attorney  
149 General who must shall be a private investigator. ~~The Attorney~~  
150 ~~General shall appoint the member for an initial term of two~~  
151 ~~years. Thereafter, successor members shall be appointed for~~  
152 ~~terms of four years.~~

153 (5) One ~~person~~ individual appointed by the Alabama  
154 State Bar Association who must shall be a member in good  
155 standing ~~for an initial term of four years. Thereafter,~~  
156 ~~successor members shall be appointed for terms of four years~~  
157 ~~of the bar.~~

158 (6) One ~~person~~ individual appointed by the Alabama  
159 Private Investigators Association who must shall be a private  
160 investigator. ~~The association shall appoint the member for an~~  
161 ~~initial term of four years. Thereafter, successor members~~  
162 ~~shall be appointed for terms of four years.~~

163 (d) ~~Following the initial appointments, all successor~~  
164 All members of the board shall be appointed for a term of four  
165 years and shall serve until their successors are appointed and  
166 qualified by subscribing to the constitutional oath of office,  
167 ~~which shall be filed with the Secretary of State.~~

168 (e) Any vacancy occurring on the board shall be filled  
169 by the appointing authority of the vacating member for the  
170 unexpired term.

171 (f) No member may be appointed to succeed himself or  
172 herself for more than one full term three consecutive full



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173 terms.

174 (g) The appointing authority may remove a member of the  
175 board for misconduct, incompetency, or willful neglect of  
176 duty. The board may recommend to the appointing authority  
177 suggested administrative actions that may be taken against a  
178 board member for missing an excessive ~~amount~~ number of  
179 meetings.

180 ~~(h) Each member of the board shall receive a~~  
181 ~~certificate of appointment from the Governor before entering~~  
182 ~~upon the discharge of the duties of office."~~

183 "\$34-25B-7

184 (a) There is ~~hereby~~ created in the State Treasury for  
185 the use of the ~~Alabama Private Investigation Board~~ board a  
186 fund to be known as the Alabama Private Investigation Board  
187 Fund. All application and license fees, penalties, fines, and  
188 any other funds collected by the board ~~under the provisions of~~  
189 this chapter are to related to private investigators, private  
190 investigator apprentices, private investigation agencies, and  
191 the implementation of this chapter, shall be deposited in this  
192 fund and used only to carry out the operations of the board.  
193 The fees that the board may charge, collect, and deposit into  
194 the fund shall include, but not be limited to, all of the  
195 following:

196 (1) An application fee for an original license and for  
197 an inactive status certificate.

198 (2) A renewal fee for a license and for an inactive  
199 status certificate.

200 (3) A reinstatement application fee.



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201           (4) A late renewal fee.  
202           (5) A change of information fee.  
203           (6) A replacement license fee.  
204           (7) An inactive license fee.  
205           (8) An issuance fee for a private investigator license,  
206 a private investigator apprentice license, or a private  
207 investigation agency license.

208           (9) Reasonable and necessary administrative fees that  
209 reflect the actual cost of services provided.

210           (b) No monies shall be withdrawn or expended from the  
211 fund for any purpose unless the monies have been appropriated  
212 by the Legislature and allocated pursuant to this chapter. Any  
213 monies appropriated shall be budgeted and allotted pursuant to  
214 the Budget Management Act in accordance with Article 4,  
215 +commencing with Section 41-4-80+, of Chapter 4 of Title 41,  
216 and only in the amounts provided by the Legislature in the  
217 general appropriations act or other appropriations act. ~~There~~  
218 ~~is hereby appropriated to the Alabama Private Investigation~~  
219 ~~Board the sum of all monies collected and deposited into the~~  
220 ~~Alabama Private Investigation Board Fund for each of the~~  
221 ~~fiscal years ending September 30, 2013, and September 30,~~  
222 ~~2014, to be used for the operations of the board.~~

223           (c) All expenses incurred by the board in implementing  
224 and administering this chapter shall be paid out of the fund,  
225 ~~provided that the expenses of the board shall not exceed the~~  
226 ~~amount of monies in the fund."~~

227           "\$34-25B-10

228           (a) Except as otherwise provided in this chapter, it



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229 shall be unlawful for any ~~person~~ individual to act as a  
230 private investigator or private investigator apprentice  
231 without first obtaining a license from the board. For  
232 prosecution purposes, a violation of this chapter is  
233 classified as a Class A misdemeanor, punishable by a fine of  
234 not more than six thousand dollars (\$6,000) and imprisonment  
235 for up to one year.

236 (b) Each ~~person~~ individual licensed in accordance with  
237 this ~~chapter~~ article shall designate to the board a physical  
238 address where his or her records are to be kept."

239 "§34-25B-11

240 (a) Except as provided in subsection (b), an An  
241 application and all information on an application for  
242 licensure as a private investigator, private investigator  
243 apprentice, or private investigation agency shall be treated  
244 as confidential and shall be filed with the board on forms  
245 prescribed by the board. The application shall include all of  
246 the following information of the applicant:

247 (1) His or her full name.

248 (2) His or her date and place of birth.

249 (3) All residences during the immediate past five  
250 years.

251 (4) All employment or occupations engaged in during the  
252 immediate past five years.

253 (5) Three sets of classifiable fingerprints or  
254 electronic fingerprints or criminal history background  
255 information, or both, as approved by the board for initial  
256 licensure.





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257 (6) A list of convictions and pending charges involving  
258 a felony or misdemeanor in any jurisdiction.

259 (b) The board may publish the name of a licensee and  
260 his or her license number, date of licensure, and license  
261 status on the website of the board and in any licensee  
262 directory printed or distributed by the board. Additionally,  
263 with written permission of the licensee, the board may release  
264 or publish contact information for a licensee, including his  
265 or her email address, website, telephone number, and address."

266 "§34-25B-12

267 ~~(a)~~ Each individual applicant for a license as a  
268 private investigator shall meet all of the following criteria  
269 ~~that he or she:~~

270 (1) Is at least 21 years of age.

271 (2) Has successfully completed a criminal history  
272 background check based on criteria established by the board.

273 ~~(2)~~ (3) Has not been declared by any court of competent  
274 jurisdiction incompetent by reason of mental defect or disease  
275 unless a court of competent jurisdiction has subsequently  
276 declared the applicant competent.

277 ~~(3)~~ (4) Has not been convicted of a crime of moral  
278 turpitude, with the board having the final determination on  
279 the interpretation of moral turpitude.

280 ~~(4)~~ (5) Has not been convicted of a felony crime.

281 ~~(5)~~ (6) Has passed an examination ~~to be~~ administered  
282 ~~twice annually~~ by the board designed to measure knowledge and  
283 competence in the investigation field and in state civil and  
284 criminal privacy laws.



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~~(b) A study guide shall be provided to any applicant seeking to obtain an initial or renewal license under this chapter.~~

~~(c) Any investigator currently holding a business license in the State of Alabama shall not have to meet the initial application requirements of this chapter, but shall be issued a license pursuant to this chapter upon application.~~

(7) Has a minimum of two years' experience, education, or training, or a combination thereof, including 120 hours of practical field experience directly related to private investigation, in any of the following areas:

a. Special investigations, consisting of special investigative experience in insurance, fire or arson, banking, legal, or similar setting, or other special investigatory experience as determined suitable by the board.

b. Law enforcement, consisting of experience as a sworn law enforcement officer, investigative experience as a detective or investigator at the federal, state, or local level, or other investigative experience as determined suitable by the board.

c. Education, consisting of a minimum of a two-year degree in a field of study directly related to private investigation including, but not limited to, criminal justice, political science, criminology, or law enforcement.

d. Internship, consisting of successful completion of a private investigator apprenticeship pursuant to Section 34-25B-12.1."

"§34-25B-13



## HB75 Enrolled

(a) Upon receipt of an application for a license as a private investigator pursuant to this chapter, nonrefundable, nonprorateable application fees shall be submitted to the board by the applicant for all of the following services:

(1) A request that the ~~Alabama Bureau of Investigation~~ compare State Law Enforcement Agency perform a state criminal history background check on the fingerprints submitted with the application ~~to fingerprints filed with the Alabama Bureau of Investigation~~. On subsequent applications, the Alabama ~~Bureau of Investigation~~ State Law Enforcement Agency, at the request of the board, shall review its criminal history files based upon the name, date of birth, sex, race, and Social Security number of an applicant whose fingerprints have previously been submitted to the bureau for any new information since the date of the initial fingerprint comparison submission, and shall furnish any information thereby derived to the board.

(2) A request to submit the fingerprints to the Federal Bureau of Investigation ~~for a search of its files to determine whether an individual fingerprinted has any recorded convictions~~ completion of a national criminal history background check.

(b) After the approval of the application by the board, the board shall issue a license in a form prescribed by the board to each qualified applicant upon its receipt of a nonrefundable, nonprorateable private investigator license fee as set by the board.

(c) (1) If an application for a license is denied, the



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board shall notify the applicant in writing and specify the grounds for denial. If the grounds are subject to correction by the applicant, the notice shall so state and specify a reasonable period of time within which the applicant shall make the required correction.

(2) The applicant may submit an application for reconsideration to the board within 30 days from the date of receipt of the denial.

(d) The board shall issue a license to all licensees that shall be at least 8" x 10" in size and shall be displayed on a wall of the workplace of the licensee. ~~This license~~ All licenses and identification cards issued by the board shall be deemed property of the State of Alabama and subject to forfeiture to the state upon revocation."

"§34-25B-14

(a) The board shall issue to every private investigator licensee and private investigator apprentice licensee an identification card, which shall be issued in credit card size, be permanently laminated, and contain all of the following information of the licensee:

(1) Name.

(2) Photograph.

(3) Physical characteristics.

(4) Private investigator's license number.

(5) Expiration date of license.

(b) The identification card shall be carried on the person of the licensee when engaged in the activities of the licensee.



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369           (c) A private investigator licensee shall include his  
370 or her license number on all advertisements, brochures,  
371 stationary, letterhead, case reports, and business cards  
372 distributed or used by the private investigator."

373           "\$34-25B-17

374           (a) All licenses issued or renewed under this ~~chapter~~  
375 article shall be valid for a period of two years from the ~~date~~  
376 month of issuance. The board shall ~~provide~~ mail to each  
377 licensee ~~with a renewal application~~, at his or her address of  
378 record, a notice of renewal at least 60 days prior to the  
379 expiration of ~~the~~ his or her license. An application for  
380 renewal shall be available for download by the licensee on the  
381 website of the board. A licensee shall report any change of  
382 address to the board.

383           (b) Each application for renewal shall be reviewed for  
384 criminal convictions and civil fraud findings.

385           (c) An administrative late fee not exceeding two  
386 hundred dollars (\$200), as prescribed by the board, shall be  
387 assessed on any renewal application postmarked after the  
388 expiration date of the license.

389           (d) ~~No~~ A renewal application may not be accepted by the  
390 board more than 30 days after the expiration date of the  
391 license. This subsection may be waived by the board for good  
392 cause.

393           (e) A licensee may request, in writing, for the board  
394 to place his or her license on inactive status. The fees for  
395 issuing and renewing an inactive status certificate shall be  
396 established by rule of the board. The board shall also



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provide, by rule, for the activities an inactive status certificate holder may engage in, and for the procedure and fees required to reinstate an inactive status license. Any holder of an inactive status certificate who violates the limitations of the certificate shall be subject to fines and disciplinary action established by rule of the board."

"§34-25B-18

(a) The board may suspend, revoke, or refuse to issue or renew any private investigator license issued by ~~it~~ the board upon finding that the holder or applicant has committed any of the following acts:

(1) A violation of this chapter or any rule ~~promulgated~~ adopted pursuant to this chapter.

(2) Fraud, deceit, or misrepresentation regarding an application or license.

(3) Knowingly and willfully making a material misstatement in connection with an application for a license or renewal.

(4) A conviction by a court of competent jurisdiction of a felony.

(5) A conviction by a court of competent jurisdiction of a Class A misdemeanor, if the board finds that the conviction reflects unfavorably on the fitness of the ~~person~~ individual for the license.

(6) The commission of any act which would have been cause for refusal to issue the license or identification card had it existed and been known to the board at the time of issuance.



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425 (b) In addition to, or in lieu of, any other lawful  
426 disciplinary action under this section, the board may assess a  
427 civil penalty not exceeding two thousand dollars (\$2,000) for  
428 each violation.

429 (c) A license may be suspended for the remaining  
430 license period and renewed during any period in which the  
431 license was suspended.

432 (d) Any entity or individual who operates, provides  
433 services, or advertises the provision of private investigator  
434 services without a license as required by this chapter shall  
435 be subject to an administrative fine of up to one thousand  
436 dollars (\$1,000) per day that those services are provided or  
437 advertised and may be administratively enjoined by the board  
438 from providing services or advertising until in compliance  
439 with this chapter."

440 "§34-25B-21

441 The board shall ~~provide~~ routinely publish and update a  
442 copy of this chapter and any rules ~~promulgated~~ adopted under  
443 this chapter ~~to the following:~~ on the website of the board.

444 ~~(1) Each licensee, upon issuance of an original~~  
445 ~~license, and every two years thereafter upon license renewal.~~

446 ~~(2) Any other person, upon request, for a reasonable~~  
447 ~~fee established by the board."~~

448 "§34-25B-22

449 (a) The following acts when committed by an individual  
450 licensed as a private investigator ~~in Alabama~~ or a private  
451 investigator apprentice, or employed by or contracting with a  
452 private investigation agency, shall constitute a violation



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453 punishable as a Class A misdemeanor:

454 (1) To knowingly make a material misrepresentation as  
455 to the ability of the individual to perform the investigation  
456 required by a potential client in order to obtain employment.

457 (2) To make unsubstantiated monetary charges to a  
458 client for services not rendered or transportation not  
459 utilized.

460 (3) To knowingly make a false report to a client in  
461 relation to the investigation performed for a client.

462 (4) To continue an investigation for a client when it  
463 becomes obvious to the investigator that a successful  
464 completion of an investigation is unlikely without first  
465 advising the client and obtaining the approval of the client  
466 for continuation of the investigation.

467 (5) To reveal information obtained for a client during  
468 an investigation to another individual except as required by  
469 law.

470 (b) ~~Persons~~ Individuals licensed pursuant to this  
471 chapter shall report any suspected instances of child abuse or  
472 neglect to a local law enforcement agency or the Department of  
473 Human Resources, or both."

474 "\$34-25B-26

475 (a) Each private investigator licensee shall complete  
476 ~~eight~~ 16 hours of continuing professional education, including  
477 two hours of ethics instruction, acceptable to the board in  
478 each ~~calendar year~~ two-year renewable licensing period.

479 ~~(b) The board shall make every effort to ensue at least~~  
480 ~~one seminar per year will be held in each congressional~~





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481 ~~district of the state providing an opportunity to fulfill the~~  
482 ~~continuing professional education requirements of this~~  
483 ~~section, which shall include at least one hour per year on~~  
484 ~~ethics.~~

485 ~~(c)~~ (b) The board shall ~~promulgate~~ adopt rules as  
486 necessary to ~~carry out~~ implement this section."

487 Section 3. Section 34-25B-12.1 is added to the Code of  
488 Alabama 1975, to read as follows:

489 §34-25B-12.1

490 (a) An individual may obtain a license as a private  
491 investigator apprentice and work under the supervision of a  
492 private investigator.

493 (b) An applicant for a private investigator apprentice  
494 license shall meet all of the following criteria to obtain a  
495 license:

496 (1) Be at least 18 years of age.

497 (2) Be a high school graduate, have earned a GED  
498 certification, or have completed other equivalent education as  
499 determined suitable by the board.

500 (3) Meet the requirements of subdivisions (2) to (5),  
501 inclusive, of Section 34-25B-12.

502 (c) An individual issued a private investigator  
503 apprentice license shall successfully pass an examination  
504 required by the board, which shall be taken during a time  
505 period designated by rule of the board, not sooner than 45  
506 days after initial licensure. Before taking the examination, a  
507 private investigator apprentice licensee may begin working as  
508 an intern. If the examination is not successfully passed by



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509 the deadline set by rule of the board, the private  
510 investigator apprentice license may be suspended until such  
511 time that a passing grade has been achieved.

512 (d) (1) A private investigator apprentice shall be  
513 trained under the supervision of a sponsor private  
514 investigator who has at least two years' experience as a  
515 licensed private investigator in this state and who is  
516 certified by the board as a sponsor. The board may charge a  
517 one-time certification fee per sponsor, not exceeding fifty  
518 dollars (\$50), and may, by rule, establish standards for  
519 certification, refusing certification, reporting of  
520 apprentices sponsored, and documentation required for  
521 sponsorships.

522 (2) Supervision of a private investigator apprentice  
523 may be in person, by telephone, or by other form of electronic  
524 communication and oversight. A sponsor may not act as a  
525 sponsor for more than five private investigator apprentices at  
526 one time. A sponsor shall maintain records of training  
527 activities as required by the board, by rule, and shall make  
528 those records available to the board upon request. Failure of  
529 a sponsor to maintain adequate records may result in the  
530 revocation of his or her sponsor certification.

531 (e) A private investigator apprentice shall have three  
532 years to complete his or her internship. An internship shall  
533 consist of both of the following:

534 (1) The successful completion of a minimum number of  
535 hours of experience in the field and classroom training, not  
536 exceeding 300 hours, as established by board rule. Classroom



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537 instruction shall be provided by a certified trainer and shall  
538 include instruction in administrative functions, including  
539 report writing and research.

540 (2) The successful completion of a minimum of eight  
541 hours per year of continuing education credit, as administered  
542 by the Alabama Private Investigators Association, or other  
543 certified provider of continuing education approved by the  
544 board. The coursework shall include instruction in  
545 investigations and a minimum of two hours of ethics training  
546 annually, and may include business operations training.

547 (f) To qualify for a license as a private investigator,  
548 a private investigator apprentice licensee shall submit proof  
549 of successful completion of an internship pursuant to this  
550 section and shall pay the applicable license fee to the board.

551 (g) A private investigator apprentice licensee who does  
552 not complete an internship within three years after being  
553 issued a private investigator apprentice license shall be  
554 required to reapply for a new private investigator apprentice  
555 license. A private investigator apprentice license shall be  
556 renewed annually during an internship. Any education and  
557 training experience completed during a previous internship  
558 shall be credited toward completing a new internship. A  
559 private investigator apprentice licensee may obtain a copy of  
560 his or her training records from the sponsoring private  
561 investigator. A sponsor who fails to provide training records,  
562 as requested, may have his or her sponsor certification  
563 revoked or be fined by the board, or both.

564 (h) A private investigator apprentice licensee may only



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565 perform work under the supervision of a certified sponsor and  
566 may not advertise or perform any private investigation  
567 services for the general public outside of that supervision.

568 (i) If a private investigator apprentice is instructed  
569 by a sponsor to perform any action that violates this chapter,  
570 both the private investigator apprentice and the sponsor may  
571 be held responsible by the board. The private investigator  
572 apprentice licensee shall be responsible for identifying any  
573 conflicts of interest on assigned case work and notifying the  
574 sponsor of any conflict.

575 Section 4. Article 2, commencing with Section  
576 34-25B-50, is added to Chapter 25B of Title 34 of the Code of  
577 Alabama 1975, to read as follows:

578 ARTICLE 2. Private Investigation Agencies.

579 §34-25B-50

580 (a)(1) A business entity and its agents, officers, and  
581 employees, whether domiciled within or outside of this state,  
582 which employ or subcontract with private investigators, may  
583 not practice, advertise, or hold themselves out to the public  
584 as a private investigation agency without first being licensed  
585 by the board. A violation of this subsection by an applicant  
586 or a licensee shall be punishable as a Class A misdemeanor.

587 (2) This subsection does not prevent a business entity  
588 domiciled outside of this state from contracting with a  
589 private investigation agency domiciled within this state, but  
590 requires any private investigator doing contract work for a  
591 business entity domiciled outside of this state, that is not  
592 licensed in this state, to register as a private investigation



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593 agency.

594 (b) Commencing on January 1, 2024, no business entity  
595 that conducts private investigations for compensation in this  
596 state, and employs private investigators in this state, may  
597 operate without a license.

598 §34-25B-51

599 (a) Application for a license as a private  
600 investigation agency shall be made in writing to the board, on  
601 forms prescribed by the board, and shall include all of the  
602 following information:

603 (1) The name of the applicant.

604 (2) The business name and physical and email address of  
605 the applicant.

606 (3) A telephone number and other contact information  
607 for the applicant.

608 (4) If the applicant is not a domestic business entity  
609 in the state, the name and contact information for the  
610 registered agent of the applicant for service of process.

611 (5) The name, address, and contact information of a  
612 principal contact for the applicant.

613 (6) The name, address, and contact information for at  
614 least one officer or principal of the company who holds a  
615 valid private investigator license in this state.

616 (7) An irrevocable uniform consent to service of  
617 process.

618 (8) A designated physical address where the records of  
619 the applicant shall be kept.

620 (9) Any other information required by the board and



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621 reasonably necessary to grant licensure, as established by  
622 rule of the board.

623 (b) Upon receipt of a properly completed application  
624 and payment of a license fee as provided in this subsection,  
625 the board shall issue the applicant a private investigation  
626 agency license.

627 (1) For a private investigation agency domiciled within  
628 this state, the license fee and renewal fee shall be in an  
629 amount determined by the board, not exceeding fifty dollars  
630 (\$50) for a private investigation agency that employs or  
631 contracts with not more than two licensed private  
632 investigators, and not exceeding two hundred dollars (\$200)  
633 for a private investigation agency that employs or contracts  
634 with three or more licensed private investigators.

635 (2) For a private investigation agency domiciled  
636 outside of this state, the license fee shall be in an amount  
637 determined by the board, not exceeding five hundred dollars  
638 (\$500).

639 (c) A private investigation agency license shall be  
640 valid for two years from the month of issuance and may be  
641 renewed upon payment of the license fee provided in subsection  
642 (b) and the satisfaction of any other reasonable requirement  
643 established by rule by the board.

644 §34-25B-52

645 (a) The board shall issue to each private investigation  
646 agency licensee a certification, which shall be at least 8" x  
647 10" in size and shall contain the following information:

648 (1) The name of the private investigation agency.



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649           (2) The physical address of the private investigation  
650 agency.

651           (3) The license number.

652           (4) The expiration date of the license.

653           (b) The certification card shall be posted in a  
654 conspicuous area at the physical address of the private  
655 investigation agency.

656           (c) The private investigation agency shall display the  
657 agency license number on all advertisements, brochures,  
658 stationary, letterhead, case reports, and business cards,  
659 distributed or used by the private investigation agency. Any  
660 invoice generated for professional services performed by the  
661 private investigation agency or a private investigator  
662 licensee, contractor, or employee of the private investigation  
663 agency shall include the license number for each licensee  
664 whose services are being compensated for by a consumer and the  
665 time being charged by the private investigator licensee,  
666 contractor, or employee of the private investigation agency.

667           §34-25B-53

668           (a) The board shall mail to each private investigation  
669 agency licensee a notice of renewal at least 60 days prior to  
670 the expiration of the license. An application for renewal  
671 shall be available for download by the licensee on the website  
672 of the board. A licensee shall report any change of address to  
673 the board.

674           (b) An administrative late fee, not exceeding two  
675 hundred dollars (\$200) as prescribed by rule of the board,  
676 shall be assessed on any renewal application postmarked after



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677 the expiration date of the license.

678 (c) A renewal application may not be accepted by the  
679 board more than 30 days after the expiration date of the  
680 license. This subsection may be waived by the board for good  
681 cause.

682 §34-25B-54

683 The board shall adopt rules as necessary to implement  
684 this article.

685 Section 5. Although this bill would have as its purpose  
686 or effect the requirement of a new or increased expenditure of  
687 local funds, the bill is excluded from further requirements  
688 and application under Section 111.05 of the Constitution of  
689 Alabama of 2022, because the bill defines a new crime or  
690 amends the definition of an existing crime.

691 Section 6. This act shall become effective on the first  
692 day of the third month following its passage and approval by  
693 the Governor, or its otherwise becoming law.





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\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and  
was passed by the House 20-Apr-23, as amended.

John Treadwell  
Clerk

Senate 24-May-23 Passed

APPROVED \_\_\_\_\_

TIME \_\_\_\_\_

*Became law without  
Governor's signature*

\_\_\_\_\_  
GOVERNOR

Alabama Secretary Of State

Act Num....: 2023-397  
Bill Num....: H-75

Recv'd 06/02/23 08:40amSLF

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I HEREBY CERTIFY THAT THE  
RESOLUTION AS REQUIRED IN  
SECTION C OF ACT NO. 81-889  
WAS ADOPTED AND IS ATTACHED  
TO THE BILL, H.B. 75

YEAS 101 NAYS 0

JOHN TREADWELL, Clerk

I HEREBY CERTIFY THAT THE  
NOTICE & PROOF IS ATTACHED  
TO THE BILL, H.B. \_\_\_\_\_  
AS REQUIRED IN THE GENERAL  
ACTS OF ALABAMA, 1975 ACT NO.  
919.

JOHN TREADWELL, Clerk

### CONFERENCE COMMITTEE

House Conferees \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 4-25 2023  
RD 1 RFD SGA

This Bill was referred to the Standing Committee  
of the Senate on SGA

and was acted upon by such Committee in  
session and is by order of the Committee  
returned therefrom with a favorable report  
w/amend(s) \_\_\_\_\_ w/sub \_\_\_\_\_ by a vote of  
yeas 7 nays 0 abstain 1  
this 10 day of MAY 2023  
Tom Butler, Chair

DATE: 5-11 2023  
RF FAW RD 2 CAL

DATE: \_\_\_\_\_ 20\_\_\_\_  
RE-REFERRED ☐ RE-COMMITTED ☐  
Committee \_\_\_\_\_

I hereby certify that the Resolution as  
required in Section C of Act No. 81-889  
was adopted and is attached to the Bill,  
HB 75

YEAS 35 NAYS 0

PATRICK HARRIS,  
Secretary

FURTHER SENATE ACTION (OVER)

### **Appendix III – Professional Services by Vendor**

	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Administrative Services</b>				
Leadership Alliance, LLC	\$65,331.00	\$37,401.98	\$	\$
The Austin Group LLC		33,100.00	74,000.00	84,000.00
<b>Department of Finance</b>				
Mailing Services	18.30	21.30	16.00	14.40
<b>Total Administrative Services</b>	<b>65,349.30</b>	<b>70,523.28</b>	<b>74,016.00</b>	<b>84,014.40</b>
<b>Data Processing Services</b>				
<b>Department of Finance</b>				
Comptroller Services	294.43	1,030.54	976.94	1,016.15
iGov Solutions, LLC	6,600.00	4,200.00	4,800.00	9,600.00
Office of Information Technology	825.00	2,026.90	1,517.00	1,383.50
<b>Total Data Processing Services</b>	<b>7,719.43</b>	<b>7,257.44</b>	<b>7,293.94</b>	<b>11,999.65</b>
<b>Education Services</b>				
PSI Services, LLC	10,000.00			
Schroeder Measurement Technologies, Inc.	10,000.00			
<b>Total Education Services</b>	<b>20,000.00</b>			
<b>Legal Services</b>				
Attorney General's Office	2,745.00	1,200.00		
<b>Total Professional Services</b>	<b>\$95,813.73</b>	<b>\$78,980.72</b>	<b>\$81,309.94</b>	<b>\$96,014.05</b>

## Appendix IV: Board Members



### ALABAMA PRIVATE INVESTIGATION BOARD (APIB)

60 Commerce Street, Suite 1440  
Montgomery, Alabama 36104

Phone (334) 801-9575  
Fax (334) 801-9579  
Web Site: [www.apib.alabama.gov](http://www.apib.alabama.gov)



### Current Board Members

The following is a list of the current Board Members for the Alabama Private Investigation Board.

**Member Name: Mr. Jim Casteel**

Expiration Date: 06/13/2023

Chelsea, AL (Shelby County)

**Member Name: Mr. Eddie L. Cox**

Expiration Date: 06/13/2024

Argo, AL (Jefferson County)

**Member Name: Sheriff Derrick Cunningham**

Expiration Date: 06/13/2024

Montgomery, AL (Montgomery County)

**Member Name: Mr. Charles Knight**

Expiration Date: 08/01/2023

Birmingham, AL (Shelby County)

**Member Name: Mr. Scott Hawk**

Expiration Date: 10/31/2025

Spanish Fort, AL (Baldwin County)



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**Member Name: Mr. Jeff Hammock**

Expiration Date: 06/13/2025

Fultondale, AL (Jefferson County)

**Member Name: Darrell Tatum**

Expiration Date: 6/24/2027

Florence, AL (Lauderdale County)

**Member Name: Vacant**

Expiration Date: 6/13/2024

Appointing Authority: Governor

A handwritten signature in black ink, reading "Claire H. Austin".

Claire H. Austin  
Acting Executive Director

## Appendix V: Board's Response to Significant Issues/Prior Findings



### **ALABAMA PRIVATE INVESTIGATION BOARD (APIB)**

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#### **Significant Issue 2023-001: The accuracy of the Board's financial statement could not be verified due to the following discrepancies:**

The Board has resolved these issues and all the significant issues have been resolved through STAARS. All monies have been redeposited or moved to the appropriate treasury fund.

#### **Significant Issue 2023-002: The Board executed multiple emergency contracts in response to the Board not having an administrative service contract or an Executive Director in place after January 14, 2020. The Board declared an emergency on March 10, 2020, and is still operating under an emergency contract for executive director and administrative services.**

Currently, the Board has an outstanding Request for Proposal RFP 999-23-383-001 bids will be accepted until 8/17/2023.

#### **Significant Issue 2023-003: The Board paid the Austin Group, LLC a total of \$45,100 for executive director and administrative services prior to entering emergency contracts.**

In the emergency contract entered into on April 22, 2020 and signed by Director of Purchasing Michael Jones the Board states, "Since January 2020, the Board has been unable to fulfill the day-to-day administrative role per the enabling legislation. Therefore, the Board declared an emergency on March 10, 2020, in Montgomery, Alabama and voted to engage the Austin Group to provide professional administrative services and daily oversight." Because of issues in STAARS and the Austin Group not able to access STAARS, a member of the comptroller office submitted the invoice for the months of March, April, May and June on 5/14/2020 and payment made to the Austin Group on 6/8/2020. The emergency letter also stated, "The Board estimates a post emergency of six months. The estimated total cost of the emergency contract is \$60,000." The Austin Group was told that all emergency contracts last one year. The State Department of Finance's Fiscal Policy and Procedures Manual, Chapter 4, Section 5(g) states, "The Comptroller's office will honor emergency contract payments for a period of one year from the date of declaration posting."

It would also be reasonable to assume if the Comptroller's office received the invoices, processed the invoices for payment for the Austin Group, LLC that this invoicing process would be acceptable by the State of Alabama.

Currently, the Board has an outstanding Request for Proposal RFP 999-23-383-001 that bids will be accepted until 8/17/2023.

**Additionally, thirty-six payments made to The Austin Group, LLC were reviewed. Supporting documentation for twenty-three of these payments (64%) revealed invoices from The Austin Group, LLC were submitted and paid by the Board before services for executive director and administrative services being fully rendered.**

For all invoices dating back to the Board creation in 2016, invoices have always been invoiced in the month of service. The first invoice for administrative services dates to 10/17/2016 and was billed and paid in the current month of service, a pattern and practice that has been in place since inception of the Board. The Examiners of Public Accounts have never had a finding against this Board for billing invoices for administrators' services in the current month or any other Board. The Austin Group was simply following precedent of a pattern and practice that previously had been acceptable by The Examiners of Public Accounts. It would seem reasonable that the Austin Group would have followed the same precedent as the previous administrator and other third-party administrators that bill in the same way as the Austin Group, LLC.

The Board has resolved this issue. After notification from The Examiners of Public Accounts, the Austin Group, LLC is now billing in the month after services were provided.

**Significant Issue 2023-004: The Board did not hold elections for Chair and Vice-Chair when new members were appointed to the Board as required by statute.**

The Board will ensure that members of the Board shall select from among their members a chair and vice chair each time a new member is appointed to the Board per code 34-25B-6.

**Significant Issue 2023-005: One of the Board's private Investigator Board member positions has been vacant for over two years.**

The Board has made numerous attempts to secure an appointment for this position on the Board. The Former Speaker of The House wanted to wait until the new speaker was appointed to allow the new speaker to make the appointment. The Board's Executive Director is currently working with the Speaker's office to identify a potential appointment to the Board.

**Significant Issue 2023-006: Complainants responded to our survey have a negative perception of the Board regarding how their complaints were handled.**

Based on a list provided by The Examiners of Public Accounts of the 12 files that were reviewed, almost all the complaints were outside of the Legislative Statute of Authority of the Board. The Board does not have any criminal statutory authority and can only discipline licensees, based on the rules of conduct and ethics. A list is provided below:

Two Complaints were from the prior administrator.

Two Complaints forced to surrender or place their licenses inactive.

Four Complaints were not licensed Private Investigators. (Board had no jurisdiction.)

One Complaint was a first Amendment issue. (Facebook)

Two were out of State complaints that the Board did not have jurisdiction.

The Board receives numerous complaints regarding process servers; however, the Board does not have any authority to regulate a non-licensed individual. The universe of individuals that were respondents include these individuals that the Board does not have any legislative authority to discipline.

**1. There is no established system in place to assign an identifier/tracking number to submitted complaints.**

Each file that was examined by the Auditor had an identifier and tracking number. These tracking numbers were used by the Auditor post audit to obtain additional information from the Board regarding these files.

**2. Multiple complaints received against ONE specific licensee were placed in one master file instead of assigning each complaint a unique identifier for easier tracking.**

The Board's Attorney, from the Attorney General's office, has made it clear that the Board can merge multiple complaints. In this particular case the numerous complaints were combined while working with the Board and District Attorney, that has led to an indictment of this particular license.

**3. Documents for complaint were misfiled or misplaced.**

The finding above was a result of the merger of multiple complaints. The Board's Attorney, from the Attorney General's office, has made it clear that the Board can merge multiple complaints.



**4. Eight complaints files were missing documentation of the Board informing complaints of the result of the investigation.**

The files consist of the list provided above. These were not licensed individuals. prior administrator complaints. surrendered licenses or complaints outside of Board jurisdiction.

**There was no documentation showing the investigative committee convened to review the investigative report prior to issuing the consent agreement pursuant to Administrative Rule 741-X-9-04(2)(b).**

The Board's Disciplinary committee did meet on Monday October 26<sup>th</sup>, 2020, at 9am. Prior to the scheduled Board meeting. On the agenda was the individual in question. An email notice was sent to the members of the committee on October 25<sup>th</sup> 2020 at 4:15 pm stating the time of the committee meeting, all four of the member and the list of individuals that complaint files would be reviewed.

**The Board stated the consent agreement was sent to the respondent, however, the respondent refused to sign the agreement. There was no documentation in the complaint file to demonstrate the consent agreement was sent to the respondent pursuant to Administrative Rule 741-X-6-04(2)(c).**

The file does have a letter dated 4/6/2021 that is the cover page of the consent letter addressed and dated to the respondent. At this point the respondent had gone through two different lawyers, the last lawyer having his law license suspended. And was trying to secure new council. Respondent was suffering chronic medical conditions and was in and out of long-term hospital stays. In addition, the Board attorney advised, "Even though it is a class A misdemeanor, we have no criminal jurisdiction. It is better we do not reference potential criminal action. That would be up to the DA."

**Upon the respondent's refusal to sign the consent agreement, the Board did not follow-up and scheduled a disciplinary hearing for the respondent to address the violations before the Board pursuant to Administrative Rule 741-X-6-05(2).**

The Board worked with a Detective several months after the consent letter was not signed and the respondent did not have legal counsel. The Detective in a letter to the Board, acknowledges that, "the investigation started in November 2021." In addition, in that email, the Detective states, "The APIB has assisted me in gathering information on the respondent and my cases." In fact, a large amount of the documents used in the indictment, over 700 pages came directly from the Board and the work product of the Boards investigation. Including documents, pictures, cell phone records, text records, all banking information, and receipts. All of these were collected by the Board as part of the investigation and turned over to the DA.

The Board started working with the Detective, months prior to the subpoena that was issued on March 3, 2022. At all times the Board was engaged with the criminal investigation and freely answered questions from the Detective. The Board responded to the request for documents within 48 hours.

The Board will continue to correct all significant issues in the findings. The Board has implemented a new identifier/tracking system and filing system. In addition, the Board has created new documents for the intake of complaints and correspondence with complaints. New documentation has been created for the Investigative Committee meeting. For all non-licensed complaints, the Board will make sure that all Administrative Rules are followed.

In addition, over the last several years, the Board has permanently suspended three of the larger Private Investigators in the state of Alabama, that have had numerous complaints with the Board since inception. The Board has also been involved in settling many complaints between parties, to the satisfaction of the parties without having to seek civil litigation. The Board was instrumental in the first ever criminal indictment of a private investigator since the Boards creation. The Board will continue to be vigilant in protecting the public from violators of the Alabama Law and Administrative Code for Licensed Private Investigators.

**Finding 2019-003: The Board incorrectly coded fines, mailing labels, refunds, and bad check fees as license fee.**

These issues occurred under the prior Executive Director. The Board will continue to correct this issue according to the Department of Finance's Fiscal Policy Procedures Manual (FPPM) and will enter the correct four-digit revenue source code from the chart of accounts.

**Finding 2019-007: The Board did not pay vendors for services received in a timely manner and in the correct fiscal year. Eleven invoices for services incurred in fiscal year 2016 were paid in fiscal year 2017, and two invoices for services incurred in 2017 were paid in fiscal year 2018. We note the following discrepancies:**

These issues occurred under the prior Executive Director. The Board has established new policies and procedures under the new administrator to ensure all invoices are paid in a timely manner and in the current fiscal year.

**Finding 2019-008: The Board did not notify the Secretary of State of vacancies occurring as a result of the expiration of two board members' terms that expired June 13<sup>th</sup>, 2017, and August 3, 2019.**

These issues occurred under the prior Executive Director. The Board will continue to correct this issue and notify the Secretary of State of vacancies occurring in a timely manner. A vacancy scheduled to occur on the Board as a result of the expiration of a term, at least 45 days before the vacancy occurs. For a vacancy occurring for any reason

other than the expiration of a term, as soon as possible and in any case within 15 days after the occurrence of the vacancy.

**Finding 2019-010: Two members of the Board did not take the oath of office.**

The Board will continue to correct this issue following the initial appointments, all successor members of the Board shall be appointed for a term of four years and shall serve until their successors are appointed for a term of four years and shall serve until their successors are appointed and qualified by subscribing to the constitutional oath of office, which shall be filed with the Secretary of State.