

CHAPTER 7506

BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES

PRIVATE DETECTIVES AND PROTECTIVE AGENTS

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GENERAL

7506.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the following terms have the meanings given them in this part.

Subp. 2. **Board.** "Board" means the Board of Private Detective and Protective Agent Services created in Minnesota Statutes, section 326.33.

Subp. 2a. **Employee.** "Employee" means a private detective or protective agent who is employed by a license holder, who is under the license holder's direction and control, and who carries out or supervises licensable activities.

Subp. 2b. **Equivalent training.** "Equivalent training" means other continuing education training the board finds acceptable upon review.

Subp. 3. **Executive director.** "Executive director" means the executive director of the board authorized by Minnesota Statutes, section 326.3321.

Subp. 3a. **Certified training program.** "Certified training program" means any training course approved by the board under part 7506.2200.

Subp. 4. **Minnesota manager.** "Minnesota manager" has the meaning given in Minnesota Statutes, section 326.32, subdivision 10a.

Subp. 5. **Preassignment training.** "Preassignment training" means a board-certified training course that must be completed by an employee within the first 21 days of employment.

Statutory Authority: *MS s 326.3331; 326.3361*

History: *15 SR 2627; 22 SR 711*

Published Electronically: *May 27, 2003*

7506.0110 INTERNAL PROCEDURES.

Subpart 1. **Executive director.** The executive director has the following duties:

- A. to manage the day-to-day business of the board;
- B. to set the agenda for board meetings;
- C. to bring specific and general matters before the board at board meetings;
- D. to present the position and reasoning of the board at hearings before the Office of Administrative Hearings;
- E. to conduct background investigations and report to the board on board reviews, new applications, and complaints concerning license holders; and
- F. other duties related to board business as directed by the board.

Subp. 2. **Licensing procedure.** The board shall follow the procedures in items A to C for issuing licenses.

A. The board shall review each initial license application. The initial license review shall consist of:

- (1) a review of the application;
- (2) a review of the findings of the executive director's investigation; and
- (3) an in-person interview of the applicant or the applicant's qualified representative and Minnesota manager, if applicable.

B. The board shall review each application for license reissuance. The reissuance review shall consist of:

- (1) a review of the documentation submitted by the applicant;
- (2) a review of the findings of the executive director's investigation; and
- (3) an in-person interview which may be requested by the applicant or required by the board if supplemental information is necessary to complete the board's review of the application.

C. If the initial application is not complete within four months of the first submission, the board shall review the application and determine whether some or all of the application process shall be repeated by the applicant or if the application shall be denied and reapplication required. The board's determination shall be based on the following factors:

- (1) whether the information required in the application has lost substantial probative value due to the passage of time; and

(2) whether the delay in processing the application is due to delay by the applicant or the workload of the board.

Statutory Authority: *MS s 326.3331*

History: *15 SR 2627*

Published Electronically: *May 27, 2003*

7506.0120 [Repealed, 22 SR 711]

Published Electronically: *May 27, 2003*

7506.0130 LICENSING AND QUALIFICATION.

Subpart 1. **Contingent license.** If an applicant for reissuance submits incomplete or inaccurate information in support of the application and the board determines the applicant can correct the problem within a period of 60 days, the board shall issue a contingent license good for 60 days from the date of the board meeting at which the determination is made. The applicant may continue operations during this period. If an application is incomplete or inaccurate due to circumstances within the control of the applicant the board may impose an administrative penalty of up to \$50 under part 7506.0170, subpart 5, depending on the culpability of the applicant.

Subp. 2. **Lapsed license.** If an applicant for reissuance fails to submit a timely application or if the application contains incomplete or inaccurate supporting information, and the applicant does not respond to board inquiries regarding the application, the board shall treat the license as lapsed for 60 days from the expiration date. An applicant with a lapsed license is subject to an administrative penalty of up to \$100 to be imposed under part 7506.0170, subpart 5. A lapsed license does not authorize the holder to conduct business as a private investigator or protective agent. The holder of a lapsed license is eligible for reissuance; however, if the lapsed license expires, the applicant must then file an application for a new license.

Subp. 3. **Financial responsibility.** To provide proof of financial responsibility, an applicant must submit to the board one of the following:

A. an original certificate of insurance in accordance with Minnesota Statutes, section 326.3382, subdivision 3, paragraph (d), accompanied by a photocopy of the insurance policy;

B. an original net worth statement in accordance with Minnesota Statutes, section 326.3382, subdivision 3, paragraph (e), signed by the applicant; or

C. an irrevocable letter of credit in accordance with Minnesota Statutes, section 326.3382, subdivision 3, paragraph (f).

Statutory Authority: *MS s 326.3331*

History: *15 SR 2627*

Published Electronically: *May 27, 2003*

7506.0140 FEES.

Subpart 1. [Repealed, 27 SR 1688]

Subp. 2. **License reissuance fees.** The fees for a reissuance of a license are set according to the number of employees.

For purposes of this subpart only, an applicant shall determine the number of employees as described in items A to C.

A. Count as one employee each person who regularly works an average of 30 or more hours per week performing duties as described in Minnesota Statutes, section 326.338, subdivisions 1 and 4.

B. Total the annual hours worked by persons hired periodically or who regularly work less than 30 hours per week performing duties as described in Minnesota Statutes, section 326.338, subdivisions 1 and 4. Divide that total by 1500.

C. Total the figures from items A and B to calculate the number of employees to use when determining the appropriate fee.

Subp. 3. [Repealed, 27 SR 1688]

Subp. 4. [Repealed, 27 SR 1688]

Subp. 5. [Repealed, 27 SR 1688]

Statutory Authority: *MS s 14.388; 326.3331*

History: *15 SR 2627; 27 SR 1688*

Published Electronically: *May 27, 2003*

7506.0150 CONDUCT AND ETHICS.

Subpart 1. **Conflict of interest.** No license holder shall knowingly undertake a service that conflicts with the interests of the license holder or any other client of the license holder. Prior to accepting a prospective client wherein a conflict of interest may arise, the license holder shall disclose to the current client and prospective client such facts as may give rise to a conflict of interest and obtain written consent from both parties.

Subp. 2. **Client responses.** A license holder shall respond within a reasonable time to all client communication.

Subp. 3. **Board responses.** A license holder shall respond within a reasonable time to all board communication. A reasonable time for response shall be specified in the communication.

Subp. 4. **Unlicensed activities.** A license holder shall not knowingly enter into a contract with an unlicensed party which provides that the unlicensed party will perform one or more of the tasks listed in Minnesota Statutes, section 326.338, unless the license holder and unlicensed party fulfill the requirements of Minnesota Statutes, section 326.336.

Statutory Authority: *MS s 326.3331*

History: *15 SR 2627*

Published Electronically: *May 27, 2003*

7506.0160 COMPLAINT PROCEDURES.

Complaints to the board regarding possible violation of a statute or rule the board is empowered to enforce shall be processed under the procedures set out in Minnesota Statutes, section 214.10.

Statutory Authority: *MS s 326.3331*

History: *15 SR 2627*

Published Electronically: *May 27, 2003*

7506.0170 PENALTIES.

Subpart 1. Categories of violations.

A. A serious violation is a failure to comply with law or rule when the failure has a substantial adverse effect on the integrity of the business of private detective or protective agent services, the public health, safety, or welfare.

B. A violation is any failure other than a serious violation, to comply with law or rule related to private detective or protective agent services.

Subp. 2. Assignment of categories. The board shall determine the severity of serious violations or violations by considering the following factors:

A. inherent severity of the conduct as indicated by the potential harm to person, property, or the integrity of the business of private detective or protective agent services;

B. actual harm caused to person, property, or the integrity of the business of private detective or protective agent services;

C. culpability of the violator; and

D. frequency of the violator's failure to comply with law or rules.

The board, in making a determination, shall consider both the number of factors applicable to a violation and the degree to which each applies.

Subp. 3. Revocation. For a serious violation the board may revoke the violator's license for a period of two years from the date of the board action. The board shall determine whether revocation is appropriate based on the factors set out in subpart 2. A revocation is subject to a contested hearing under Minnesota Statutes, section 326.3387.

Subp. 4. Suspension. For violations other than serious violations the board may suspend the violator's license. The board shall determine whether suspension is appropriate and the period of suspension based on factors set out in subpart 2. The board shall not suspend a license for more than one year. A suspension is subject to a contested hearing under Minnesota Statutes, section 326.3387.

Subp. 5. Imposition of administrative penalties. The board may impose an administrative penalty upon any licensee for a violation of laws or rules related to private detective or protective agent services, after a determination of the severity of the violation using the factors set out in subpart 2.

Subp. 6. Amount of administrative penalties. The administrative penalty for a serious violation shall be \$500 to \$2500. A fine exceeding \$500 is subject to a contested case hearing under Minnesota Statutes, section 326.3387. The administrative penalty for other violations shall not exceed \$499. The board shall consider the severity of the violation by using the factors set out in subpart 2 when imposing an administrative penalty.

Subp. 7. Deadline for paying administrative penalties. All administrative penalties imposed by the board must be paid within 30 days of the date of the ruling imposing the administrative penalty. Failure to pay the administrative penalty within the required time is grounds for suspension.

Subp. 8. **Criminal liability.** As provided in Minnesota Statutes, section 326.3388, imposing a penalty under this part is in addition to any criminal penalty imposed for the same violation.

Statutory Authority: *MS s 326.3331*

History: *15 SR 2627*

Published Electronically: *May 27, 2003*

7506.0180 LICENSE REINSTATEMENT.

Subpart 1. **Reinstatement following suspension.** The board shall reinstate the license of any person who is under suspension upon the fulfillment of the following requirements:

A. the suspension period must expire or the person must satisfy all conditions of suspension;
and

B. all applicable fines must be paid.

Subp. 2. **Reinstatement following revocation.** The board shall reinstate the license of any person whose license is revoked upon the fulfillment of the following requirements:

A. the revocation period must expire;

B. all applicable fines must be paid; and

C. the person must apply for a new license, meet statutory requirements and license qualifications, and pay the applicable licensing fee.

Statutory Authority: *MS s 326.3331*

History: *15 SR 2627*

Published Electronically: *May 27, 2003*

CERTIFIED TRAINING PROGRAMS

7506.2100 PURPOSE.

The purpose of parts 7506.2100 to 7506.2900 is to establish the minimum requirements for the training of private detectives and protective agents and the standards for board evaluation and certification of training programs to ensure compliance with Minnesota Statutes, section 326.3361.

Statutory Authority: *MS s 326.3361*

History: *22 SR 711*

Published Electronically: *May 27, 2003*

7506.2200 BOARD CERTIFICATION OF TRAINING PROGRAMS.

Subpart 1. **Contents of application.** A person, business, or school desiring board certification of a training program shall submit an application to the board at least 60 days before commencing the training program. The application for board certification of a training program must be on a form provided or approved by the board and must include:

A. the full name, business address, and telephone number of the applicant; the names and addresses of all additional persons who will be involved in conducting the training; and, if the applicant is a business, however organized, a list of the names, addresses, and telephone numbers of each owner, partner, manager, and officer;

B. a description of the course work that the program will offer, with satisfactory proof that the program:

(1) will offer courses meeting the prescribed minimum requirements as outlined in part 7506.2300, subpart 1, items A to G; and

(2) has reasonable training facilities;

C. the names and resumes outlining the education experience and qualifications of all course instructors employed by the applicant;

D. for courses involving preassignment or weapons training, the policies for the evaluation of students;

E. the location where the training will be held, the dates on which the training will be offered, and the number of training hours, with 50 minutes equaling one training hour, required for each course;

F. other information requested by the board as necessary to determine whether the applicant meets the requirements for a board-certified training program; and

G. the signature of the person submitting the application, verifying that the information in the application is true.

Subp. 2. **Program certification.** Upon review of a properly filed application, the board shall determine if the training program meets the requirements set out in this chapter and shall notify the applicant in writing of its decision to grant or deny certification. The board shall certify a training program unless there is a reason to deny certification. The board shall deny certification for any of the following reasons:

A. The application or the items filed with the application do not meet the requirements of subpart 1.

B. The course work described does not meet the training objectives approved by the board.

C. The information contained in the application is false or inaccurate.

Subp. 3. **Changes in certified programs.** Any change in the certified training program curriculum, the instructors, the location, the evaluation policies, or the dates of training must be reported to the board in advance of the changes being made, if possible, or within ten working days after a change is made if prior notice is not possible.

Subp. 4. **Periodic review of certification.** Board certification is subject to periodic review by the board or the executive director. A renewal application or reaffirmation of original information is required every two years. Certified training programs must be open for audit or on-site inspection by the board or its staff, at the discretion of the board.

Subp. 5. **Denial of certification.** The board shall specify the reasons for denying certification and shall advise the applicant of the right to a hearing on the denial of certification. The board may allow a specified time for correction or explanation of the deficiency.

Statutory Authority: *MS s 326.3361*

History: *22 SR 711*

Published Electronically: *May 27, 2003*

7506.2300 MINIMUM REQUIREMENTS FOR BOARD-CERTIFIED TRAINING PROGRAMS.

Subpart 1. **Subject areas.** Consistent with the minimum requirements in the following subject areas, the training for armed private detectives and armed protective agents must minimally include training in the areas listed in items A to G:

A. firearms training, including training in the legal limitations on the justifiable use of force and deadly force as specified in Minnesota Statutes, sections 609.06 and 609.065. No license holder, qualified representative, Minnesota manager, partner, or employee may carry or use a weapon while carrying out licensable duties without having successfully completed board-certified training;

B. training in the use of weapons other than firearms (see Minnesota Statutes, section 326.3361, subdivision 1, clause (2));

C. training in alternatives to the use of force;

D. standards for weapons and equipment issued, carried, or used by license holders, qualified representatives, Minnesota managers, partners, and employees;

E. first aid training;

F. preassignment or on-the-job training, in the subject areas set out in part 7506.2600; and

G. continuing training for license holders and employees.

Training for unarmed employees must minimally include training in the areas listed in items F and G.

Subp. 2. **Records.** Certified training programs shall maintain the following records for a minimum of three years:

A. a record of registration and attendance for all certified training courses including absences for all or any portion of a class period, with attendance records signed by the instructor conducting the training course;

B. records of all students who have successfully completed a certified training program and the number of training hours completed;

C. the course syllabus for each course taught; and

D. current firearms training scores.

Records must be made available to the board immediately upon request of the board or its staff. Students must be provided access to their attendance and course completion records upon request.

Subp. 3. **Minimum requirements.** Certified training programs must comply with subpart 1 and, upon request, furnish reasonable and necessary proof to the board to verify that compliance. Certified training programs shall file with the board all additional information that the board requires and cooperate with any board investigation relative to its certification status. Nothing in parts 7506.2100 to 7506.2900 precludes any certified training program from offering training that goes beyond the minimum requirements of subpart 1.

Subp. 4. **Firearms instructors.** Firearms instructors must be currently certified as a law enforcement or private security firearms instructor by a governmental agency, the National Rifle Association, or other nationally recognized certifying organization approved by the board.

Subp. 5. **First aid.** First aid instructors must have completed certified training.

Statutory Authority: *MS s 326.3361*

History: *22 SR 711*

Published Electronically: *May 27, 2003*

7506.2500 REVOCATION OR SUSPENSION OF CERTIFICATION STATUS.

Subpart 1. **Disciplinary action.** The board shall impose disciplinary sanctions against a certified training program that fails to comply with any of the requirements set out in this chapter and in Minnesota Statutes, sections 326.32 to 326.339.

Subp. 2. **Sanctions.** Sanctions for failure to comply with the requirements set out in this chapter may be one or more of the following:

- A. a letter of censure to the certified training program;
- B. formal or informal probation for the certified training program; and
- C. suspension, revocation, or nonrenewal of board certification of the training program.

The board shall consider the factors listed in part 7506.0170, subpart 2, to determine which sanction to apply in each case.

Subp. 3. **Grounds for revocation or suspension of certification.** The board may suspend or revoke the certification status of a training program for good cause and upon written notification. The notification must contain the reasons for suspension or revocation. These reasons may include:

- A. using curricula that fails to comply with the minimum requirements as outlined in part 7506.2300, subpart 1, items A to G;
- B. using false information in any application or other document submitted to the board;
- C. failing to make a timely report as required by this chapter;
- D. failing to maintain or submit records as required by this chapter;
- E. failing to cooperate fully with the board in its efforts to ensure compliance with a requirement of this chapter; or
- F. violating a provision of this chapter or Minnesota Statutes, sections 326.32 to 326.339.

Subp. 4. **Disciplinary proceedings.** Revocation or suspension proceedings under this part must be conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, sections 14.57 to 14.62, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8400.

Other disciplinary proceedings must be held before a hearing examiner appointed by the commissioner of public safety.

Statutory Authority: *MS s 326.3361*

History: *22 SR 711*

Published Electronically: *May 27, 2003*

7506.2600 PREASSIGNMENT OR ON-THE-JOB TRAINING REQUIREMENTS.

Subpart 1. **License requirement.** A person employed as a private detective or protective agent must spend a minimum of 12 hours in preassignment training within the first 21 days of employment. An individual who leaves the profession for three years or longer and returns to employment as a private detective or protective agent must repeat the preassignment training.

Subp. 2. **Exemption.** A person who submits satisfactory proof to the board of actively working full time or part time as a private detective or protective agent or who has a Minnesota license or applies for a Minnesota license before July 1, 1998, is eligible for exemption from the preassignment training requirement.

Subp. 3. **Subject areas for protective agents.** Preassignment training for protective agents must minimally include training in the following subject areas:

- A. security overview;
- B. legal authority and liability issues;
- C. communications;
- D. ethics;
- E. incident/situation assessment and emergency response; and
- F. Minnesota private detective and protective agent statutes and administrative rules.

Subp. 4. **Subject areas for private detectives.** Preassignment training for private detectives must minimally include training in the following subject areas:

- A. private detective/investigator overview;
- B. legal authority and liability issues;
- C. communication;
- D. rights of privacy, invasion of privacy, and data privacy;
- E. situational assessment;
- F. ethics; and
- G. Minnesota private detective and protective agent statutes and administrative rules.

Subp. 5. **Certificate of completion.** At the conclusion of each certified training course, the instructor shall provide each student who has successfully completed training with evidence of completion, showing the subject area covered by each course completed and the number of hours completed.

Statutory Authority: *MS s 326.3361*

History: *22 SR 711*

Published Electronically: *May 27, 2003*

7506.2700 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **License renewal.** Every employee, as well as license holders, qualified representatives, Minnesota managers, or partners, shall complete six hours of training in board-certified continuing training programs annually. In addition, armed license holders and employees must complete an additional six hours of training in the weapons used in the course of their employment. At the time of license renewal, license holders shall submit to the board an affidavit listing all employees and attesting to the fact that they have met all training requirements. A private detective or protective agent license must not be renewed without written proof that all employees have met all training requirements.

Subp. 2. **Continuing education.** Continuing education for all license holders and employees means mandatory, board-certified training directly related to the field of private detective/investigator or protective agent. Armed license holders and employees must:

- A. complete an additional six hours of training annually in the weapons used in the course of employment, including annual certification on the firing range for those who carry a firearm;
- B. complete an approved first aid training course; and
- C. provide the board with evidence of certification in cardiopulmonary resuscitation (CPR) and first aid.

Subp. 3. **Equivalent training.** A particular subject area in subpart 1 may be waived by the board upon satisfactory evidence of approved, equivalent training.

Subp. 4. **Certificate of completion.** At the conclusion of each certified training course, each student who has successfully completed training must be provided by the presenting instructor or person administering the course with evidence of completion, showing the subject area covered by each course completed and the number of hours completed.

Subp. 5. **Teaching credit.** Continuing education credit awarded to presenting instructors for teaching in a certified course must be equivalent to the amount of time spent in preparing for and teaching the course.

Statutory Authority: *MS s 326.3361*

History: *22 SR 711*

Published Electronically: *May 27, 2003*

7506.2900 FAILURE TO SATISFY TRAINING REQUIREMENTS.

A license holder who fails to complete the minimum educational or reporting requirements to the satisfaction of the board is subject to the contingent or lapsed license provisions in part 7506.0130.

Statutory Authority: *MS s 326.3361*

History: *22 SR 711*

Published Electronically: *May 27, 2003*