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Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

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Summary of Changes: Proposed Rules – Division of Arkansas State Police
Rules for Licensing and Regulation of Private Investigators, Private Security
Agencies, Alarm Systems Companies, Polygraph Examiners, and Voice Stress
Analysis Examiners

SUMMARY OF CHANGES

Division of Arkansas State Police Rules for Licensing and Regulation of
Private Investigators, Private Security Agencies, Alarm Systems Companies,
Polygraph Examiners, and Voice Stress Analysis Examiners

1. The term "Department" is replaced with the word "Division" throughout the Rules.
2. Omit any reference to "regulation(s)" in accordance with Act 315 of 2019.
3. Rule 2.4 is revised to permit reciprocal and temporary licensing in accordance with Act 426 of 2019.
4. Rule 2.10 is revised to add one (1) disqualifying offense
5. Rule 2.16 is added to establish a process for prelicensure criminal background review in accordance with Act 990 of 2019.
6. Rule 2.17 is added to clarify the expedited licensure process for certain military-affiliated applicants in accordance with Act 820 of 2019.
7. Rules 9.0 and 9.1 are revised to add an organization authorized to provide alarm systems training.

~~DEPARTMENT~~DIVISION OF ARKANSAS STATE POLICE
RULES FOR LICENSING AND REGULATION OF PRIVATE INVESTIGATORS,
PRIVATE SECURITY AGENCIES, ALARM SYSTEMS COMPANIES, POLYGRAPH
EXAMINERS, AND VOICE STRESS ANALYSIS EXAMINERS

SECTION 1. TITLE/AUTHORITY/DEFINITIONS

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Rule 1.3. Definitions -

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(2) Administrator - the designee of the Director of the ~~Department~~Division of Arkansas State Police pursuant to A.C.A. § 17-39-110.

....

(4) Applicant - any person who has submitted a properly completed application to be licensed, credentialed, or commissioned under this chapter to the ~~Department~~Division.

....

(9) ~~Department~~Division – the ~~Department~~Division of Arkansas State Police (“ASP”).

....

(13) Institution of Instruction (IOI) – a teaching entity that has been approved by the ~~department~~Division to instruct licensees, credential holders, and commission holders.

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SECTION 2. APPLICATION

Rule 2.0. Penalty for false response or document - Submitting false answers or false documentation with an application or in other communications with the ~~Department~~Division shall subject the applicant to the following:

- (a) Criminal penalty – Class A misdemeanor pursuant to A.C.A. § 5-53-103; and/or
- (b) Non-criminal penalty – Denial, suspension, revocation, or the imposition of fines and restrictions.

...

Rule 2.3. Complete Application – An application will not be considered by the ~~Department~~Division unless it is complete. The documentation received from an applicant shall be deemed complete when it contains all the requirements under Arkansas law and these Rules, as follows:

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(c) The applicable fees for state and national background checks, as prescribed by law; (d) A properly completed, legible, signed waiver authorizing the ~~Department~~Division access to the applicant's medical and criminal records;

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Rule 2.4. Reciprocity & Temporary Licensing – An applicant who holds a substantially similar license, credential, or commission in another state, territory, or district of the United States may obtain a reciprocal or temporary Arkansas license, credential, or commission as follows:

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(a) An applicant for a polygraph examiner license or a private investigator credential must who meets the qualifications set forth in A.C.A. § 17-39-205 or § 17-40-353, may obtain an Arkansas license or credential by submission of the required forms, non-refundable application fee, and national and state background check fees. The transfer applicant must also have his or her background check successfully completed through state and federal background check systems.

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(b) An applicant for any other reciprocal license, credential, or commission must demonstrate that he or she:

- (i) Holds the license, credential, or commission in good standing;
- (ii) Has not had his or her license, credential, or commission revoked for an act of bad faith or a violation of law, rule, or ethics;
- (iii) Is not holding any suspended or probationary license, credential, or commission;
- (iv) Is sufficiently competent in his or her field;
- (v) Has been actively and lawfully engaged in the particular profession requiring the license, credential, or commission for one (1) or more years prior to submitting the reciprocal application; and
- (vi) Has completed any Arkansas-specific education or training required by the particular license, credential, or commission;

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(c) An applicant for a reciprocal license, credential, or commission who resides in a state, territory, or district of the United States that does not require licensure to practice a profession covered by this subchapter must demonstrate that he or she:

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- (i) Has not had his or her license, credential, or commission revoked for an act of bad faith or a violation of law, rule, or ethics;
- (ii) Is not holding any suspended or probationary license, credential, or commission;
- (iii) Is sufficiently competent in his or her field;
- (iv) Has been actively and lawfully engaged in the particular profession requiring the license, credential, or commission for five (5) or more years prior to submitting the reciprocal application; and
- (v) Has completed any Arkansas-specific education or training required by the particular license, credential, or commission;

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(d) An applicant who meets the requirements of subsections (a), (b), or (c), above, may obtain a 90-day temporary license, credential, or commission upon request.

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The applicant seeking the reciprocal or temporary license, credential, or commission must submit the required forms, non-refundable application fee, and national and state background check fees. The applicant must also have his or her background check successfully completed through state and federal background check systems.

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Rule 2.6.Fingerprinting for initial application - In the event a legible and classifiable set of fingerprints cannot be obtained, as determined by the ~~Department~~Division or the Federal Bureau of Investigation, the applicant shall be contacted and shall be required to be fingerprinted again. After two (2) unsuccessful fingerprint card submissions, a name search through the FBI will be conducted. Electronic capture of the fingerprints of the applicant on a device and in a manner approved by the

Director is allowed. The Director shall determine the applicant's eligibility for licensing only after successful completion of the FBI fingerprint-based check.

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Rule 2.8. Unresolved arrests - If a check of the applicant's criminal records uncovers any unresolved arrest that may lead to the disqualification of the applicant, the applicant shall obtain a disposition of the open charge and return the disposition to the ~~Department~~Division within sixty (60) days. The application will not be processed to completion without the ~~Department~~Division having received the disposition information.

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Rule 2.9. Prior offenses – the Director of the ~~Department~~Division shall deny an application if the applicant has been found guilty or has pleaded guilty or “nolo contendere” to a criminal offense as set forth in A.C.A. § 17-39-202, § 17-39-206, § 17-39-304, § 17-40-306, or § 17-40-337.

(a) A prior conviction will disqualify the applicant even if the conviction has been sealed or expunged; but

(b) A prior conviction will not disqualify an applicant if the applicant has received a pardon for the conviction in accordance with A.C.A. § 16-93-201, et seq.

(i) To qualify for a commission, the pardon must include a provision for full restoration of firearms rights.

Rule 2.10. Designated Offenses – Pursuant to A.C.A. § 17-40-306(e), the ~~Department~~Division is required to designate the Class A misdemeanors under Arkansas law that constitute disqualifying offenses involving theft, sexual offenses, violence, an element of dishonesty, or a crime against a person. This list shall not be deemed to exclude comparable offenses from another state or comparable offenses in the State of Arkansas that have been renumbered or repealed if such an offense otherwise falls within the requirements of A.C.A. § 17-40-306(d).

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(e) Offenses involving a crime against a person:

...;

(11) A.C.A. § 5-60-124 – Interference with Emergency Communication in the First Degree;

(12) A.C.A. § 5-71-217 – Cyberbullying;

(13) ~~(12)~~ A.C.A. § 5-71-229 – Stalking;

(14) ~~(13)~~ A.C.A. § 9-15-207 – Violation of Order of Protection; and

(15) ~~(14)~~ A.C.A. § 16-85-714 – Violation of No Contact Order.

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Rule 2.13. New Employees - If a licensee hires an individual required to be licensed, credentialed, or commissioned by the ~~Department~~Division, the licensee must file an application to obtain a license, credential, or commission for the employee within 14 days of the hire. The employee may work under the supervision of the licensee or credential holder until the application has been processed by the ~~Department~~Division.

(a) “Supervision” is defined as the licensee or credential holder watching and directing the applicant's activities while in the immediate presence (line of sight proximity) of the applicant at all times.

- (b) If the required state and federal background check uncovers a potential disqualifying factor in the applicant's criminal history, the applicant shall immediately cease work upon notification by the ~~Department~~Division until the disqualifying factor has been resolved.
- (c) A commissioned applicant cannot work in an armed capacity until the application has been fully processed and the ID card issued.

....

Rule 2.16. Prelicensure Criminal Background Determination – an individual with a criminal record may seek a determination from the Division of whether his or her criminal record will disqualify him or her from obtaining a license, credential, or commission. It is not necessary for an individual seeking a prelicensure criminal background determination to complete training or submit to the full application process. A petitioner for a prelicensure criminal background determination shall submit to the Division the following items:

- (a) A completed criminal background determination request form provided by the Division;
- (b) The applicable fees for state and national background checks, as prescribed by law;
- (c) A properly completed, legible, signed waiver authorizing the ~~Department~~Division access to the petitioner's criminal records;
- (d) Two (2) classifiable sets of fingerprints; and
- (e) Full and complete details of the criminal record of the individual.

Upon receipt of the above items, the Division will notify the petitioner whether his or her criminal record would disqualify him or her from obtaining a license, credential, or commission. The determination of the Division is not binding in the event the petitioner commits subsequent criminal offenses or if additional information about the petitioner's criminal background is uncovered that was not previously disclosed. In order to obtain a license, credential, or commission, the petitioner must submit to the full application process, including additional background checks, and meet all other qualifications for licensure.

Rule 2.17. Expedited Process for Active-Duty Service Members, Returning Military Veterans, and Spouses

The Division will expedite the licensure process for active duty military service members stationed in Arkansas, returning military veterans applying for licensure within one (1) year of his or her discharge from active duty, and/or the spouse of a qualifying service member or veteran. To qualify for expedited licensure, the applicant must notate his or her status as requested on the application and provide the Division with a copy of the active duty orders or DD214.

SECTION 3. RENEWAL

Rule 3.0. Process for renewal of license – A licensee, credential holder, or commission holder may renew his or her license, credential, or commission no more than ninety (90) days prior to its expiration date by submitting to the ~~Department~~Division the following items:

- (a) A completed renewal form provided by the ~~Department~~Division;

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Rule 3.3. Late Fee - Delinquency fees shall be imposed in accordance with A.C.A. § 17-39-207, § 17-39-305, and § 17-40-302 if the renewal application is not received by the ~~Department~~Division on or before the date on which it would otherwise expire. A renewal application may be submitted to the ~~Department~~Division at any time within ninety (90) days prior to the expiration of the license, but under no circumstances will an application be accepted before the ninety (90) days prior to expiration.

Rule 3.4. Previously issued license, credential, or commission - Any application for renewal of a previously issued license, credential, or commission that is submitted after the effective date of these Rules shall be evaluated in accordance with the provisions contained Page | 8 Act 393 – ASP Revised Rules December 13, 2016 herein and current laws and ~~rules~~regulations.

SECTION 4. OTHER CHANGES TO LICENSE, CREDENTIAL, OR COMMISSION

Rule 4.0. Voluntary Termination - When a company or individual licensed under these Rules ceases to conduct business in this state, it must return all certificates of licensure and all credential cards issued to its employees to the ~~Department~~Division, accompanied by a notarized writing stating it is no longer actively in business and the date it ceased any activity encompassed by these Rules.

Rule 4.1. Lost or destroyed license or credential card – A licensee or any credentialed employee of a licensee shall report a lost or stolen license or credential card to the Administrator and the licensee within five (5) days of any such loss or theft. The report shall be in writing, by notarized statement, and a ~~Department~~Division form shall be provided for that purpose. If a person complies with this provision, he or she may obtain a replacement license or credential card with up-to-date information upon the payment to the ~~Department~~Division of a fee as established by law.

Rule 4.2. Change of name - Within fourteen (14) days after the changing of a legal name, the licensee, credential holder, or commission holder shall notify the Director in writing of the change and provide court documentation that officially created the change. A ~~Department~~Division form shall be provided for that purpose. If the person would like a new license or credential card printed with updated information, he or she may destroy the old document and apply for a replacement with payment of a fee.

Rule 4.3. Voluntary surrender - If a licensee, credential holder, or commission holder voluntarily surrenders his or her license, credential, or commission to the ~~Department~~Division in the absence of suspension or revocation proceedings, the ~~Department~~Division will accept and cancel it.

SECTION 5. GENERAL RULES OF OPERATION & COMPLIANCE

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Rule 5.1. Employee files - Each licensee shall maintain a record of its licensed, credentialed, and/or commissioned employees. This record shall be kept at the address of the licensee. The records shall contain the following information:

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- (a) A complete application for employment of the type that is submitted to the DepartmentDivision;
- (b) One (1) classifiable set of finger prints;
- (c) One (1) passport-style photograph taken within one (1) year of submitting a new application or of the most recent renewal; and
- (d) Records of all certifications provided to the DepartmentDivision for registration.

These records must be maintained by the licensee for a period of one (1) year after the date the employee was terminated.

Rule 5.2. Personnel transactions - Each licensee shall furnish the DepartmentDivision a list of personnel transactions on a weekly basis. The list shall include all new employees to be qualified under these Rules and their date of hire and all terminated employees qualified under these Rules and the date of and reason for their termination. If there are no personnel transactions in any given week, the licensee is not required to send a list to the DepartmentDivision.

Rule 5.3. Termination of manager - If the manager of any licensee ceases to be the manager for any reason, the licensee shall name a person responsible for the conduct of the company and notify the DepartmentDivision of the changes in writing within fourteen (14) days from the date of cessation of employment. The license shall remain in effect for thirty (30) days from the date the DepartmentDivision receives the notification, during which time the business of the licensee may continue pending the qualification of another manager. The DepartmentDivision will notify the licensee in writing by certified mail of the date on which the thirty (30) day period expires.

Rule 5.4. Termination of licensed or credentialed individual - When an individual whose license or credential was the basis for qualification of a business regulated by these Rules ceases to be connected with the business, the business must notify the DepartmentDivision of the change in writing within fourteen (14) days of cessation. The business may be carried on for thirty (30) days from the date of cessation, during which time the business may associate a new, licensed or credentialed individual for qualification or take the necessary action to wind up the affairs of the business.

Rule 5.5. Identification - All licensed, credentialed, or commissioned individuals shall wear their pocket identification or credential card in plain sight while performing any function described in A.C.A. § 17-40-102 and produce said card upon request in such a manner that enables the requestor to identify the licensee, credential holder, or commission holder.

Exception: This Rule does not apply to individuals possessing a Class A or Class D license or a Credentialed Private Investigator, however, he or she must produce his or her credential card or license upon request in such a manner that enables the requestor to identify the licensee or credential holder.

Any card holder who fails to comply with this provision shall be brought to the DepartmentDivision to answer why their registration should not be revoked.

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Rule 5.8. Contract display - All contracts, bid sheets, invoices, and/or bills given to a customer or client and/or any advertisements authorized by a licensee shall contain the company

name and license number. All contracts, bid sheets, invoices, and/or bills given to a customer or client shall contain, in a conspicuous place, the following statement:

Regulated by:

~~Department~~Division of Arkansas State Police
1 State Police Plaza Drive
Little Rock, Arkansas 72209
501-618-8600

Rule 5.9. Company name - No officer, employee, partner, or other person employed by a licensee may use any company name other than the name approved by and registered with the ~~Department~~Division.

Rule 5.10. Audits - The Manager is responsible for ensuring that copies of all training documents, including graded applicants' exams, are maintained. The Manager is required to produce copies of any training documents upon request by the ~~Department~~Division.

SECTION 6. DENIAL, SUSPENSIONS, REVOCATIONS, AND REPRIMANDS

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Rule 6.1. Investigation - The ~~Department~~Division shall have the power to conduct an investigation, on its own initiative or as the result of a complaint, to determine whether there exists sufficient proof that an applicant, licensee, credential holder, or commission holder has violated these rules or A.C.A. §§ 17-39-101, et seq. or §§ 17-40-101, et seq. In the course of any such investigation, the Director may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents.

Rule 6.2. Adverse action - Upon a determination by the ~~Department~~Division that there exists good cause to believe that the acts or omissions of an applicant, licensee, credential holder, or commission holder constitute a violation of these Rules or A.C.A. §§ 17-39-101, et seq. or §§ 17-40-101, et seq., the ~~Department~~Division may deny an application; revoke or suspend a license, credential, or commission; levy fines; and/or reprimand a licensee, credential holder, or commission holder.

Rule 6.3. Notice to employees - The licensee or manager of a licensee shall notify any employee of charges brought by the ~~Department~~Division against the employee or of a denial of license, credential, or commission or of any summons or subpoena to appear before the Director within five (5) days of receipt of such notification. In any case where charges are brought against the employee or of a denial, the licensee, manager, or a designated representative (who holds a supervisory position) shall appear with the employee before the Director.

Rule 6.4. Suspension for arrest or criminal charge - If the licensee, credential holder, or commission holder is arrested or formally charged with a crime that would disqualify him or her from having a license, credential, or commission, he or she shall immediately notify the ~~Department~~Division, and the Director shall suspend a license until final disposition of the case. If the ~~Department~~Division is notified of such arrest or charges by any law enforcement agency or a court

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and receives subsequent written verification, the Director shall suspend a license until final disposition of the case. If the charges are dismissed (including a dismissal by nolle prosequi) or the individual is found “not guilty,” then the license, credential, or commission will be returned unless it has expired. If it has expired, then the individual may apply for renewal under these Rules under A.C.A. § 17-39-210 or § 17-40-313.

Rule 6.5. Suspension for non-payment of child support - The ~~Department~~Division is required by Arkansas law to suspend a license, credential, or commission if so ordered by the Office of Child Support Enforcement (OCSE). Once the ~~Department~~Division receives official notification from OCSE to release the suspension, then the license, credential, or commission will be returned, unless it has expired. If it has expired, then the individual may apply for renewal under these Rules under A.C.A. § 17-39-210 or § 17-40-313.

Rule 6.6. Revocation - The Director may revoke a license, credential, or commission if during the term of the license, credential, or commission:

- (a) An individual becomes ineligible under the criteria set forth in state or federal law or these Rules;
- (b) The ~~Department~~Division receives notification from any law enforcement agency, court, or the individual that a licensee, credential holder, or commission holder has been found guilty or has pleaded guilty or “nolo contendere” to any crime.

The Director may issue instructions for possible reapplication after revocation.

Rule 6.8. Notice of denial, suspension, revocation, or reprimand - When the Director denies an application or takes adverse action for violations of these Rules or A.C.A. §§ 17-39-101, et seq., or §§ 17-40-101, et seq., the ~~Department~~Division shall provide written notice to the applicant, licensee, credential holder, or commission holder of the denial or adverse action. The notice shall include the basis for the determination, the rules or laws violated, the action taken as a result, and inform the applicant, licensee, credential holder, or commission holder of his or her right to a hearing. The notice shall be sent by certified mail, return receipt requested, to the individual’s last known address.

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SECTION 7. APPEALS

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Rule 7.7. Burden of Proof - In any hearing held for the purpose of affording an applicant the opportunity to contest a denial, the burden of proof shall be on the applicant. In hearings held for the purpose of revocation, suspension, assessment of fines, and/or reprimand of a licensee, credential holder, or commission holder, the burden of proof shall be on the ~~Department~~Division or complainant.

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SECTION 8. APPROVED INSTITUTIONS OF INSTRUCTION (IOI) AND TRAINING ADMINISTRATORS

Rule 8.0. Approval - A school, college, university, or the security department of a private business may become an approved Institution of Instruction (IOI) to conduct the training required for certification as a licensee, credential holder, or commission holder by these Rules.

- (a) The IOI shall be required to register with the ~~Department~~Division.
- (b) The IOI must submit a course syllabus and be approved by the ~~Department~~Division.
- (c) Each approved IOI shall provide the ~~Department~~Division a list of its instructors and their qualifications (e.g. curriculum vitae, resume, certifications, etc.).
- (d) Each approved IOI shall provide the ~~Department~~Division a list of its enrolled students.
- (e) Upon completion of the training, the IOI will be required to issue the student a certificate of completion prepared in accordance with ~~Department~~Division requirements.

Rule 8.1. Training Administrator (TA), Assistant Training Administrator (ATA), and Training Instructors (TI) - Before a Training Administrator, Assistant Training Administrator, or Training Instructor begins instruction under these Rules he or she must receive a credential through a specific company as its TA, ATA, or TI and be approved by the ~~Department~~Division. All approved IOIs shall be required to register a Training Administrator and may register Assistant Training Administrators or Training Instructors. To qualify as a TA, ATA, or TI, the individual must:

- (a) Successfully complete the required examination for the license, credential, or commission on which he or she is instructing.
- (b) Have his or her background check successfully completed through state and federal background check systems.
- (c) If applying as a TA, ATA, or TI for an approved IOI that also maintains a Class B, Class C, or Class G license, the individual must meet the requirements for a manager.
- (d) A TA, ATA, or TI may have his or her training credential suspended or revoked by the ~~Department~~Division for a violation of these Rules, A.C.A. §§ 17-39-101, et seq., or A.C.A. §§ 17-40-101, et seq.

Rule 8.2. Previously approved Training Administrator, Assistant Training Administrator, or Training Instructor – individuals approved as Training Administrators, Assistant Training Administrators, or Training Instructors prior to the effective date of these Rules who wish to continue conducting firearms training must obtain required Firearms Trainer Certifications, as set forth below in Rule 10.7, by September 1, 2016 in order for the firearms training to be valid and accepted by the ~~Department~~Division. If certification is not obtained, guest instructors must be utilized.

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Rule 8.4. Company Registration of Trainers – a company that provides training for its employees through the use of a TA or one (1) or more ATAs or TIs is required to identify the trainers used and register those trainers with the ~~Department~~Division. Upon the initial registration, the company must submit the trainer's information and fingerprints for a background check, which must be successfully completed through state and federal background check systems.

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Rule 8.7. Termination of Training Administrator, Assistant Training Administrator, or Training Instructor - If a TA, ATA, or TI ceases to be employed with an approved IOI for any reason whatsoever, the IOI shall notify the ~~Department~~Division in writing within seven (7) days. The

business of the IOI may be carried on for thirty (30) days from the date the TA was terminated, pending the qualification of another TA. If the IOI fails to have an approved TA when the thirty (30) day period expires, they shall be subject to decertification by the Administrator.

Rule 8.8. Current Certifications - If an IOI is certified by an accrediting association or organization, it shall provide a copy of the current certification to the DepartmentDivision. If the IOI is decertified by the accrediting association or organization, the IOI must notify the DepartmentDivision in writing within seven (7) days of decertification and list the reason(s) why it was decertified.

Rule 8.9. Ownership Changes - If the ownership of an IOI changes, it must notify the DepartmentDivision in writing within seven (7) days of such changes and list the new owner.

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SECTION 9. ALARM SYSTEMS COMPANIES

Rule 9.0. Class “E” Unrestricted alarm system company - installs alarm systems, including those systems in structures that are required by the AFPC to have a fire alarm system. An applicant that is qualified for a Class “E” Unrestricted license is also qualified for a Class “E” Restricted license. To be licensed as a Class “E” Unrestricted alarm system company, the applicant must meet the following qualifications:

(a) Manager certification requirements - the manager must have completed all of the courses from one of the following organizations:

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(iv) Elite Continuing Education University (CEU)

(1) Elite CEU Level I;

(2) Advanced Electronic Intrusion Technician (AEIT); and

(3) Fire Alarm Installation Techniques (FAIT).

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Rule 9.1. Class “E” Restricted alarm systems company – installs alarm systems in structures that are not required by the AFPC to have a fire alarm system. To be licensed as a Class “E” Restricted alarm system company, the applicant must meet the following qualifications:

(a) Manager certification requirements – the manager must have completed all of the courses from one of the following organizations:

....
(iv) Elite Continuing Education University (CEU)

(1) Elite CEU Level I;

(2) Advanced Electronic Intrusion Technician (AEIT); and

(3) Fire Alarm Installation Techniques (FAIT).

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Rule 9.5. Licensee and Credential Holder Examination - An applicant for a license or credential under this Section must demonstrate his or her qualifications by successfully completing an examination covering A.C.A. § 17-40-101, et seq. and these Rules.

- (a) The Owner of a company is exempt from an exam if they have a credentialed Manager.
- (b) The applicant must take the examination in person. If the applicant is a partnership or corporation, the manager and any branch manager must take the examination.
- (c) Scoring seventy percent (70%) or above on the examination constitutes successful completion.
- (d) If an applicant fails to successfully complete the required examination he or she:
 - (i) Must wait five 5 working days to be eligible to retake the test; and
 - (ii) Pay a re-examination fee of \$50.00 if the test is administered by the ~~Department~~Division.
- (e) Failure to successfully complete the examination after two (2) attempts shall result in cancellation of the pending application. Upon cancellation, the applicant must re-apply as a new applicant and is subject to pay required application fees.

Rule 9.6. Apprentices – an individual may be employed as an alarm system apprentice for a period of six (6) months without providing proof of NICET Level II, ESA Level I, NESA Level I, or Elite CEU Level I certification to the ~~Department~~Division. At the expiration of the six (6) month period, the alarm system company must provide proof of certification to the ~~Department~~Division, or the individual must cease work as an apprentice. All alarm system apprentices must work under the direct supervision of an alarm system agent or technician.

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SECTION 10. SECURITY AGENCIES

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Rule 10.7. Firearms Training Instructor - A qualified Firearms Training Instructor must conduct the firearms training portion for CSOs and CSSOs. An individual seeking to be a qualified Firearms Training Instructor must prove that he or she meets the following requirements of the ~~Department~~Division:

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Rule 10.14. Refresher training form – once a CSO or CSSO has completed annual refresher training, the Training Administrator or Assistant Training Administrator shall immediately submit the annual refresher training completion form to the ~~Department~~Division.

Rule 10.15. Previously authorized CSOs with a school security department – An employee of a school security department who was previously registered as a CSO and whose registration is due to be revoked on September 11, 2015 will be converted to a CSSO for the remainder of his or her two (2) year registration (now credential) period, on the following terms:

- (a) Submit a formal request for conversion in writing to the ~~Department~~Division prior to September 11, 2015;
- (b) In the first full year from the date of the conversion, the CSSO must complete sixteen (16) hours of ALERRT Active Shooter Training; and

(c) Prior to renewal of the CSSO credential, the credential holder must complete the required twenty-four (24) hours of renewal training described in Rule 10.12, above.

(d) The 16 hours of ALERRT Active Shooter Training may count toward the minimum hours of ALERRT Active Shooter Training required to be completed in annual refresher training.

Rule 10.16. PSO, CSO, and CSSO examination - An applicant for a credential or commission under this Section must demonstrate his or her qualifications by successfully completing an examination developed and administered by a Training Administrator or Assistant Training Administrator covering A.C.A. § 17-40-101, et seq. and these Rules.

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(d) If an applicant fails to successfully complete the required examination he or she:

(i) Must wait five 5 working days to be eligible to retake the test; and

(ii) Pay a re-examination fee of \$50.00 if the test is administered by the

~~Department~~Division.

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Rule 10.19. Discharge of firearm - When a licensee, credential holder, or commission holder is involved in any incident where a firearm is discharged, he or she shall submit a written report to his or her employer detailing the incident. The report shall be submitted to their employer within 12 hours of the incident and shall be prepared on a form provided by the ~~Department~~Division. The licensee, credential holder, commission holder, or his or her manager shall submit a copy of the report to the ~~Department~~Division within 48 hours of the incident.

Rule 10.20. Equipment - When an employee of a licensee under this Section fails to return any issued equipment to their employer upon said employer's request, the employee shall not be eligible to transfer his or her credential. The employee may only transfer after the prior employer certifies to the ~~Department~~Division that all equipment has been returned.

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SECTION 11. PRIVATE INVESTIGATION COMPANIES AND INDIVIDUALS

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Rule 11.2. Private Investigator Examination – an applicant for a Private Investigator or a Private Investigations Company license under this Section must demonstrate his or her qualifications by successfully completing an examination.

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(d) If an applicant fails to successfully complete the required examination he or she:

(i) Must wait five 5 working days to be eligible to retake the test; and

(ii) Pay a re-examination fee of \$50.00 if the test is administered by the

~~Department~~Division.

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Rule 11.9. Temporary License – any person who holds a valid license or credential as a private investigator issued by another state may operate in this state for up to ten (10) calendar days without being issued a credential under these Rules or Arkansas law. An out of state investigator seeking authorization under this rule must notify this ~~Department~~Division in writing upon the commencement of an investigation.

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SECTION 12. POLYGRAPH EXAMINERS

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Rule 12.4. Unauthorized reproduction - Polygraph examiner licenses issued by the ~~Department~~Division shall not be reproduced or copied.