

NOTICE OF PROPOSED EXPEDITED RULEMAKING
TITLE 13. PUBLIC SAFETY
CHAPTER 2. DEPARTMENT OF PUBLIC SAFETY – PRIVATE INVESTIGATORS

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R13-2-101	Amend
R13-2-102	Amend
R13-2-103	Amend
R13-2-104	Amend
R13-2-105	Amend
R13-2-201	Repeal
R13-2-202	Amend
R13-2-203	Amend
R13-2-205	Amend
R13-2-206	Amend
R13-2-207	Amend
R13-2-208	Amend
R13-2-301	Repeal
R13-2-302	Amend
R13-2-304	Amend
R13-2-306	Amend
R13-2-401	Amend
R13-2-402	Repeal
R13-2-404	Amend
<u>2. Citations to the agency’s statutory authority to include the authorizing statute (general) and the implementing statute (specific):</u>	
Authorizing statute: A.R.S. § 41-1713(A)(4)	
Implementing statute: A.R.S. § 32-2402(D)	
<u>3. Citations to all related notices published in the <i>Register</i> as specified in R1-1-409(A) that</u>	

pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening pending delivery of letters pursuant to A.R.S. § 41-1027(B).

4. The agency's contact person who can answer questions about the rulemaking:

Name: Major John Philpot, Logistics Bureau Manager

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5. An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

R13-2-101. The incorporated by reference information in Paragraph 2 was updated and the definition statutory reference for *delinquent* in Paragraph 4 was updated.

R13-2-102. The rule is amended to include credit card payments. The rule change does not increase the cost of regulatory compliance, increase a fee or reduce procedural rights and amends a rule that is outdated. Outdated forms of payment include checks and cash. Updating the rule to include credit card payment facilitates online application and payment improving the licensing process for applicants.

R13-2-103. The word *associate* was deleted from Paragraph (A)(3) as it is duplicative to A.R.S. § 32-2425(E) which states all new associates shall submit applications on forms prescribed by the Department. In Paragraph (B), specific addresses, telephone and website information is provided.

R13-2-104. Paragraph (A) was repealed as the text is duplicative to A.R.S. § 32-2461. Portions of Paragraph (B)(1,2,3,5,7) were repealed as the text is duplicative to A.R.S. § 32-2461; only the date of birth and the employer's agency name and license number are more specific than the statute. Paragraph (G) was amended to include a specific address and

website methods of notification. Rule 104 was renumbered accordingly.

R13-2-105(C)(3). A typographical error in the rule reference was corrected.

R13-2-201 was repealed as it is not necessary. Arizona Revised Statutes are the governing documents and there is no reason to repeat the statutes in rule when the text of the rule provides no substantive clarification or additional requirements. Applicants should always rely on the statutes first and the administrative rules secondarily for clarifying information.

R13-2-202. Paragraph (A) was amended to include specific addresses and update the statutory references. Paragraph (A)(4) was amended to remove the notary requirement as it is not possible to notarize an online submission. Paragraph (A)(6) was repealed as the text is duplicative to A.R.S. § 32-2422(C). Paragraph (A)(7)(b) was amended to remove the information related to the fingerprints and photographs as it is duplicative to R13-2-202(A)(2,5). Paragraph (C) corrects a typographical error with the rule reference.

R13-2-203. Paragraph (A) was amended as the text was duplicative to A.R.S. § 32-2425(C). With the deletion of the first and second sentences, a clarifying sentence that does not change the substantive content was added. Paragraph (B) was repealed as the text is duplicative to A.R.S. § 32-2425(C). Portions of Paragraph (D) were amended as the text was duplicative to A.R.S. § 32-2425(A) and the date was clarified to reference to the Department. Paragraph (F) was repealed as the text was duplicative to A.R.S. § 32-2425(F). Paragraph (G) was repealed as the text was duplicative to A.R.S. § 32-2425(D).

R13-2-204. A portion of Paragraph (C) was removed as the text was duplicative to A.R.S. § 32-2407(B). Paragraph (D) was repealed as the text was duplicative to A.R.S. 32-2407(B).

R13-2-205. Paragraph (A) was repealed as the text was duplicative to A.R.S. § 32-2426(A,C). Paragraph (D) was repealed as the text was duplicative to A.R.S. § 32-2453(B). Paragraph (E) was repealed as the text was duplicative to A.R.S. § 32-2425(D).

R13-2-206. Paragraph (B) was amended to remove unnecessary text. Meeting statutory and

rule requirements are a given and a separate requirement. There is no reason to include extraneous text to repeatedly reference statutes or rules in all cases.

R13-2-207. Paragraph (A) was repealed as the text is duplicative to A.R.S. § 32-2401(20). A portion of Paragraph (C) was amended to remove text duplicative and redundant to A.R.S. § 32-2441.

R13-2-208. Paragraph (B) was repealed as the text is duplicative to A.R.S. § 32-2457(A)(3).

R13-2-301. The entire rule is repealed. The rule is entirely duplicative to A.R.S. § 32-2441 and does not provide any additional clarifications or requirements.

R13-2-302. Paragraph (A) was amended to include specific addresses. Unnecessary references were removed. Paragraph (B) was amended to remove the List, A, B, and C documents. The Department does not have statutory authority to verify the applicant's status and therefore should not be prescribing a limiting list of approved forms. Substantial federal and state law on employment verification already exists and employers and applicants should follow those applicable statutes.

R13-2-304 and R13-2-306. The rule was amended to specify specific addresses and instructions to notify the Department.

R13-2-401. A portion of Paragraph A was removed as it is duplicative to text in A.R.S. §§ 32-2422(D) which grants authority to deny, 32-2441 has no authority to deny but 32-2459 covers 32-2441 and 32-2422 granting authority to deny. Paragraph (A) received clarifying language to specify and make clear it is referencing the Private Investigator and Security Guard Hearing Board without changing the substantive content of the rule. Paragraph (B)(1,2,4,5,6) were repealed as the paragraphs exceed the Department's authority and creates conflicting hearing standards regulated by the Private Investigator and Security Guard Hearing Board in 13 A.A.C. 12. The Board has statutory authority to conduct the hearings and supersedes the Department's rules on this issue. Paragraph (C) was repealed as the

Department has difficulty enforcing this provision and does not enforce the provision. There are circumstances in which the factor causing the applicant to be unqualified; such as, necessary experience, will be cured in less than six months. There are other circumstances; such as a criminal record, which will not be cured in six months. It is the Department's policy to suggest to the applicant the amount of time that needs to elapse before a reapplication is made. Therefore, removing the six-month requirement will ameliorate the re-application process for the applicant potentially allowing a license to be issued quicker than the restrictive six-month timeframe.

R13-2-402. The entire rule is repealed. The rule is duplicative to A.R.S. § 32-2457(F)(2). The rule text is but one of several possible actions the Board may recommend to the Director. Additionally, text allowing a licensee to continue to operate blanketly does not meet the statutory authorization in A.R.S. § 32-2457(A,B,C,D,E) to evaluate and issue a probation that is best adapted to the particular situation limiting the Department's ability to take action. The statute sufficiently stands on its own with no further clarification required in rule.

R13-2-404. Portions of Paragraph (A) were repealed as the text is duplicative to A.R.S. § 32-2456(B,F). Paragraph (C) was repealed as it is an unnecessary statutory reference where the paragraph provides no clarifications.

6. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review any studies.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

The rulemaking does not diminish a previous grant of authority of a political subdivision of this state.

8. The preliminary summary of the economic, small business, and consumer impact:

Under A.R.S. § 41-1027, the expedited rulemaking is exempt from this requirement.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

See Item #8.

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: Pending delivery of letters pursuant to A.R.S. § 41-1027(B).

Time: Pursuant to ARS 41-1027 will be posted to the agency website and Register.

Location:

Close of record:

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:

A general permit is not used. A.R.S. § 32-2411 requires a person to be individually licensed and working for an agency that is licensed pursuant to Article 2 of the Chapter. Additionally, Article 3 specifies registration certificates for associate and employee registration.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

There is no applicable federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No person submitted an analysis to the Department comparing the rule's business competitiveness impact.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Rule 101(2) incorporates by reference the latest edition of the Federal Bureau of Investigation's applicant fingerprint card.

13. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY
CHAPTER 2. DEPARTMENT OF PUBLIC SAFETY – PRIVATE INVESTIGATORS
ARTICLE 1. GENERAL PROVISIONS

Section

R13-2-101. Definitions

R13-2-102. Application and Processing Fees

R13-2-103. Application Forms

R13-2-104. Identification Cards

R13-2-105. Time-frames for Making Licensing and Registration Determinations

R13-2-101. Definitions

In addition to the definitions in A.R.S. § 32-2401, the following definitions apply to this Chapter:

1. “Branch office certificate” means a document issued by the Department to the qualifying party, authorizing the qualifying party to conduct the business of private investigations in this state at a location other than the principal place of business shown on the agency license.
2. “Classifiable fingerprints” means fingerprint impressions that meet the criteria of the Federal Bureau of Investigation (FBI) as contained in Form FD-258 (~~5-11-99~~) (5-15-17): U.S. Government Printing Office: ~~2004-304-373/80029~~ 1110-0046, incorporated by reference, available from the Department and the FBI (Attn: Logistical Support Unit (LSU), CJIS Division, 1000 Custer Hollow Road, Clarksburg, WV 26306). This incorporation contains no future editions or amendments.
3. “Corporation” or “domestic corporation” has the same meaning as in A.R.S. § 10-140.
4. “Delinquent” means an application is submitted after the license expiration date but before the expiration of the ~~90-day~~ grace period as described in ~~R13-2-204(C)~~ A.R.S. § 32-2407(B).
5. “Foreign corporation” means a corporation for profit that is incorporated under a law other than the law of Arizona.
6. “Limited liability corporation” has the same meaning as corporation.

7. "Partnership" is an association of two or more persons who are co-owners of a business for profit organized in accordance with A.R.S. Title 29, Partnerships.
8. "Probation" means a period during which an agency or individual that has violated A.R.S. Title 32 Chapter 24 is allowed to demonstrate the ability to meet licensure requirements before the Department takes another administrative action, such as suspension or revocation.
9. "Sole proprietor" means the only owner of a business operated for profit.

R13-2-102. Application and Processing Fees

A. The application and processing fees are:

1. Original agency license application, \$250;
2. Agency license, \$400;
3. Application for renewal of an agency license, \$250;
4. Agency restructure, \$100;
5. Agency delinquent renewal application, \$100;
6. Reinstatement of agency license, \$250;
7. Associate or employee registration certificate application, \$50;
8. Associate or employee registration certificate renewal, \$50;
9. Associate or employee registration delinquency, \$10;
10. Associate or employee registration reinstatement, \$25;
11. Replacement identification card, \$10;
12. Additional employer form, \$10; and
13. Fingerprint and digital photo fee (optional), \$15.

B. In addition to any fees in subsections (A)(1), (A)(3), (A)(7), (A)(8), and (A)(12) the Department shall collect a fee in an amount necessary to cover the cost of noncriminal justice fingerprint processing for criminal history record checks under A.R.S. § 41-1750(J).

C. A person shall pay a fee by cash, cashier's check, certified check, credit card or money order made payable to the Arizona Department of Public Safety. All fees are non-refundable except if A.R.S. § 41-1077 applies.

R13-2-103. Application Forms

- A.** The Department shall provide and an applicant shall use application forms for:
1. Agency license application;
 2. Agency license renewal;
 3. Employee ~~or associate~~ registration certificate application; and
 4. Employee or associate registration renewal application.
- B.** Application forms may be obtained in person at the Phoenix Licensing Unit office 2222 W Encanto Blvd, Phoenix, AZ 85009, by mail request to Arizona DPS Licensing Unit POB 6638, Mail Drop 3140, Phoenix, AZ 85005-6638, the Department's website www.azdps.gov, or by telephone (602) 223-2361. An applicant may duplicate application forms.

R13-2-104. Identification Cards

- ~~**A.** The Department shall provide a qualified applicant with an identification card for an:~~

- ~~1. Agency license,~~
- ~~2. Associate registration certificate, or~~
- ~~3. Employee registration certificate.~~

- ~~**B.A.** The Department shall include on the identification card the applicant's:~~

- ~~1. Name,~~
- ~~2. Photograph,~~
- ~~3. Physical description,~~
- ~~4.1. Date of birth, and~~
- ~~5. Registration certificate number,~~
- ~~6.2. Employer's agency name and license number, and~~
- ~~7. Card's expiration date.~~

- ~~**C.B.** A licensee or certificate holder shall not assign or transfer an identification card. An identification card is valid only during the effective dates of the license or certificate under which the card has been issued, and for only as long as the card holder is employed by or associated with the agency licensee.~~

- ~~**D.C.** A licensee or certificate holder shall not display a badge or shield in conjunction with performing the duties of a private investigator.~~

~~E.D.~~ An employee employed by more than one licensee shall obtain an identification card for each license under which the employee is employed.

~~F.~~ ~~Upon termination of employment with an agency licensee, the employee shall surrender the employee's identification card to the agency's qualifying party or designee. The agency's qualifying party shall send the identification card to the Department within five business days of the employee surrendering the license. If the employee fails to surrender the card to the qualifying party, the qualifying party shall notify the Department, in writing, within five business days of the employee's termination of employment.~~

~~G.E.~~ If an identification card is lost or stolen, the holder of the card shall notify the Department immediately in writing by mail request to Arizona DPS Licensing Unit, POB 6638, Mail Drop 3140, Phoenix, AZ 85005-6638 or the Department's website www.azdps.gov. The Department shall issue a duplicate identification card upon submission of the required fee.

~~H.F.~~ The Department shall not approve a fictitious name for use on an identification card.

R13-2-105. Time-frames for Making Licensing and Registration Determinations

A. The Department shall make a determination on the issuance, renewal, reinstatement, or restructure of an agency license, associate or employee registration certificate, or branch office certificate within 15 business days of the submission of an application, as follows:

1. Five days for administrative completeness review, and
2. Ten days for substantive review.

B. The administrative completeness review time-frame, as described in A.R.S. § 41-1072(1) and listed in subsection (A)(1), begins on the date the Department receives an application.

1. If the application is not administratively complete when received, the Department shall send a notice of deficiency to the applicant. The deficiency notice shall state the documents and information needed to complete the application.
2. Within 45 days from the date of the deficiency notice, the applicant shall submit to the Department the missing documents and information. The time-frame for the Department to finish the administrative completeness review is suspended from the date of the deficiency notice until the date the Department receives the missing documents and information.

3. If the applicant fails to provide the missing documents and information within the time provided, the Department shall close the applicant's file, and the Department considers the application suspended. The Department shall not take further action until the required documentation or information and, if applicable, reinstatement fees are received.
- C. The substantive review time-frame, as described in A.R.S. § 41-1072(3) and listed in subsection (A)(2), begins on the date the Department determines an application is administratively complete.
1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information. The Department and applicant may mutually agree in writing to allow the Department to submit supplemental requests for additional information.
 2. The applicant shall submit to the Department the additional information to complete the application within 45 days from the date of the Department's request. The time-frame for the Department to complete the substantive review of the application is suspended from the date of the request for additional information until the Department receives the additional information.
 3. Unless the Department and applicant by mutual written agreement extend the 45day period, the Department shall close the file of an applicant who fails to submit the additional information within 45 days. An applicant whose file is closed and who wants to be licensed or certified shall apply again under R13-2-202 or ~~R13-2-302~~ R13-2-302.
 4. When the substantive review is complete, the Department shall inform the applicant in writing of its decision whether to license or register the applicant.
 - a. The Department shall deny a license or registration if it determines that the applicant does not meet all substantive criteria required by statute and rule. An applicant who is denied certification may appeal the Department's decision under A.R.S. § 41-1092 et seq.
 - b. The Department shall grant a license or registration if it determines that the applicant meets all substantive criteria for licensure or certification required by statute and rule.

ARTICLE 2. AGENCY LICENSES

Section

R13-2-201. Agency License Eligibility

R13-2-202. Submission of Application for an Agency License

R13-2-203. Issuance of Agency License

R13-2-204. Agency License Renewal

R13-2-205. Branch Office Certificate

R13-2-206. Change of Qualifying Party

R13-2-207. Restructure of an Agency

R13-2-208. Business and Employee Names

~~R13-2-201. Agency License Eligibility~~

~~The qualifying party for an agency license shall meet all requirements under A.R.S. § 32-2422. All other partners or corporate officers of the agency shall register as associates and meet the requirements under A.R.S. § 32-2441.~~

R13-2-202. Submission of Application for an Agency License

A. Applications for an agency license may be presented in person at the Arizona Department of Public Safety Licensing office ~~in~~ at 2222 W Encanto Blvd, Phoenix, AZ 85009, ~~or~~ by mail to Arizona DPS Licensing Unit POB 6638, MD3140, Phoenix, AZ 85005-6638 or the Department's website www.azdps.gov. A qualifying party submitting an application shall ensure that the application consists of:

1. A complete application form with the information required under A.R.S. §§ ~~322423~~ 32-2422 and 32-2423 ~~and the qualifying party's notarized signature~~;
2. Properly completed fingerprint card with classifiable fingerprints of the qualifying party;
3. Fees prescribed in R13-2-102;
4. Legible, ~~notarized~~ copy of a government-issued photo identification document for the qualifying party, such as a state identification card or motor vehicle driver license;
5. Two color photographs of the qualifying party suitable for use in making ~~a~~ an identification card, such as passport photos or 1" x 1 1/4" facial photos;

~~6. Exact details as to the character and nature of the qualifying party's required experience under A.R.S. § 32-2422.~~

~~7.6.~~ If other than a sole proprietorship:

- a. Partnership agreement, articles of organization, or articles of incorporation;
- b. Applications for associate registration certificates under R13-2-302 completed by all officers, members, managers, and directors of the agency ~~accompanied by classifiable fingerprints and two color photographs suitable for use in making a identification card such as passport photos or 1" x 1 1/4" facial photos;~~

~~8.7.~~ If a foreign corporation, evidence of Arizona Corporation Commission approval to transact business in Arizona;

~~9.8.~~ The name under which the agency will do business. The Department shall not issue a license to a corporation or limited liability corporation using a DBA unless registered with the Arizona Secretary of State's Office for approval of the trade name and the agency submits a copy of the registration to the Department.

B. Sole proprietorships and partnerships may, but are not required to, register trade names.

C. If applicable equipment and personnel are available, and if the applicant makes a request, the Department personnel shall take an applicant's photographs and fingerprints upon submission of the application and payment of appropriate fees as listed in ~~R132102~~ R13-2-102.

R13-2-203. Issuance of Agency License

~~A. The Department shall notify an applicant when an agency license is ready for issuance. The applicant has 90 days from the date of notification to:~~ The application is considered complete when the applicant satisfies the following:

1. Pay applicable license fees;
2. Provide a complete and accurate two-year surety bond; and
3. For those agencies that will have employees, provide a certificate of worker's compensation insurance.

~~B. If the applicant does not provide the required information within 90 days, the Department shall deny the application and all fees shall be forfeited.~~

- ~~C.B.~~** An applicant for an agency license or renewal may request to pick up the license at the Department's office in Phoenix. If no request is made, the Department shall send the license to the mailing address of the applicant.
- ~~D.~~** ~~Each agency license shall contain the name and physical address of the licensed business and the number of the license.~~ The issue date on the license is the date the two-year surety bond starts, which is not to be earlier than the Department's date of notification ~~under subsection (A).~~ ~~The license expires two years after issuance.~~
- ~~E.C.~~** The licensee shall post the license in a conspicuous place in the principal business office.
- ~~F.~~** ~~A licensee shall not assign or transfer the license.~~
- ~~G.~~** ~~A licensee shall notify the Department in writing within 15 business days of any change of address of the principal office.~~
- ~~H.D.~~** If a licensee wishes to surrender the license before the expiration date, the Department shall not refund the license fee or any part of the license fee.

R13-2-204. Agency License Renewal

- A.** A qualifying party may submit a renewal application to the Department up to 60 days before the expiration date on the agency license.
- B.** The qualifying party shall provide, with the renewal application, the information required under R13-2-202 for the renewal of registration certificates for all associates or employees of the agency.
- C.** If an agency license is not renewed before the expiration date, ~~the qualifying party and all partners, members, officers, associates and employees shall cease performing investigative activities subject to regulation under A.R.S. Title 32, Chapter 24, until the date the license is renewed.~~ ~~The~~ the qualifying party shall ensure that all identification cards with the elapsed agency license number are returned to the Department within five business days of the date the license expires.
- ~~D.~~** ~~The Department shall not renew an agency license if the application is filed more than 90 days after the expiration date. If more than 90 days have elapsed, the qualifying party who wishes to resume investigative work as a licensee shall reapply under R13-2-202.~~

R13-2-205. Branch Office Certificate

- ~~A.~~ An agency licensee shall obtain a branch office certificate for any place of business other than the principal place of business by request to the Department in writing.
- B.A.** The branch office certificate contains the name, agency license number, license expiration date, and address of the branch office.
- ~~C.B.~~ A branch office certificate expires on the date the agency license expires and is renewed when the agency license is renewed.
- ~~D.~~ A licensee shall post a branch office certificate in a conspicuous place in the branch office.
- ~~E.~~ An agency shall notify the Department in writing within 15 business days of any address change for the branch office.

R13-2-206. Change of Qualifying Party

- A. If a qualifying party leaves an agency, the agency shall cease operations.
- B. If the agency desires to resume operations, a qualifying party shall submit an application for a new agency license under R13-2-202 and meet the requirements under R13-2-201. The Department shall grant the license if the qualifying party meets the requirements of R13-2-201.

R13-2-207. Restructure of an Agency

- ~~A.~~ A restructure of an agency occurs when there is a change in business legal status.
- B.A.** If the restructure occurs at the time of renewal, the Department shall waive the restructure fee.
- ~~C.B.~~ If the restructure occurs at any time other than time of renewal, the agency shall pay the restructure fee. An application for restructure shall be submitted for the qualifying party and any new associates. ~~Any new associates shall register and meet the requirements under A.R.S. § 32-2441.~~
- ~~D.C.~~ To change a sole proprietorship to a partnership, the applicant shall provide a partnership agreement with notarized signatures of the partners.
- ~~E.D.~~ To change a corporation to a partnership, the applicant shall provide documentation of the dissolving of the corporation and a partnership agreement with notarized signatures of the partners.

F.E. To change a sole proprietorship or partnership to a corporation the applicant shall provide the Articles of Incorporation bearing the approval stamp of the Arizona Corporation Commission. If the change is to a foreign corporation, the applicant shall submit documentation of Arizona Corporation Commission approval for the foreign corporation to transact business in Arizona.

G.F. To change a partnership to a sole proprietorship, the applicant shall provide documentation of the dissolving of the partnership.

R13-2-208. Business and Employee Names

A. The Department shall not grant a license to an agency with a name that includes “United States,” “U.S.,” “Federal,” or “State of Arizona,” or a name that associates the business with any governmental or law enforcement agency. The Department shall not grant a license to an individual or partnership that has a name with the word “corporation,” “corp.,” “incorporated,” “Inc.,” or “L.L.C.” unless corporate or limited liability corporation papers have been filed with the Corporation Commission. The Department shall not approve a new business name that is similar to a business name of a currently licensed firm.

~~B.~~ ~~An agency licensee and the licensee’s associates and employees shall do business and present themselves under the name used on the licensee’s application and the associate’s or employee’s identification card.~~

C.B. An agency licensee shall do all business under the name and address that is on file with the Department and noted on the license. The licensee shall include its name and license number on all letterhead and business cards, advertising, contracts entered into with clients, and agency correspondence.

ARTICLE 3. REGISTRATION CERTIFICATES

Section

R13-2-301. Employee and Associate Registration Certificate Eligibility

R13-2-302. Application for Registration Certificate

R13-2-304. Lost or Stolen Registration Certificate or Identification Card

R13-2-306. Change in Name of Registrant

~~R13-2-301. — Employee and Associate Registration Certificate Eligibility~~

~~An applicant for an associate or employee registration shall meet the requirements of A.R.S. § 32-2441.~~

R13-2-302. Application for Registration Certificate

- A. Applications for associate and employee registration certificates may be presented in person at the Department's licensing office ~~in~~ 2222 W Encanto Blvd, Phoenix, AZ 85009, ~~or~~ by mail to the Phoenix office POB 6638, MD3140, Phoenix, AZ 85005-6638 or the Department's website www.azdps.gov.
- B. The applicant's employer shall verify all information provided by the applicant and verify proof of U.S citizenship or legal resident status with authorization to seek employment. ~~by examining either one document from List A of U.S. DOJ Form I-9 or one document from List B and one document from List C.~~ After verification, the employer or the applicant may submit an application.
- C. In addition to providing documentation of the requirements of A.R.S. § 32-2442, the employer shall ensure that each application includes:
1. A properly completed application form,
 2. Two color photographs suitable for use in making an identification card such as passport photos or 1" x 1 1/4" facial photos, and
 3. One properly completed fingerprint card with classifiable fingerprints.
- D. If applicable equipment and personnel are available, and if the applicant makes a request, the Department personnel shall take an applicant's photographs and fingerprints upon submission of the application and payment of appropriate fees ~~as listed in R132102.~~

- E. An associate or employee registrant shall conduct business and be identified under the name used on the application and the registration certificate. The Department shall not approve a fictitious name for use on an associate or employer registration certificate.
- F. If an applicant is employed by more than one agency, the applicant shall submit an application with the words "Additional Employer" written across the top of the application, submit the fee ~~under R13-2-102~~, and meet the requirements of this Section. If the applicant has submitted a fingerprint card to the Department within less than 365 days, no fingerprint card is required for the Additional Employer application. If the applicant has not submitted a fingerprint card within less than 365 days, the applicant shall submit a new fingerprint card with the application. A licensee or registrant shall provide a new fingerprint card at least every two years.

R13-2-304. Lost or Stolen Registration Certificate or Identification Card

If a registration certificate or identification card is lost or stolen, the registrant shall notify the Department immediately by mail to the Arizona DPS Licensing Unit, POB 6638, MD3140, Phoenix, AZ 85005-6638, the Department's website www.azdps.gov or by telephone (602) 223-2361 and request a new registration certificate or identification card, provide a ~~1" x 1 1/4" inch~~ photo for the identification card ~~photos~~ as specified in R13-2-202(A)(5) and pay the fee ~~under R13-2-102~~ for a replacement card.

R13-2-306. Change in Name of Registrant

A registrant whose name has changed shall notify the Department in writing within 30 days of the name change and may request a new identification card. The registrant may mail the notification to the Arizona DPS Licensing Unit, POB 6638, MD3140, Phoenix, AZ 85005-6638 or submit the notification through the Department's website www.azdps.gov. If the registrant comes to the Department in person at 2222 W Encanto Blvd, Phoenix, AZ 85009, the registrant shall present to the Department a government-issued photo identification card with the new name or court documents recording the name change and the fees ~~under R13-2-102~~. If the registrant sends a request by mail or Internet, the registrant shall ~~mail to~~ provide the Department certified, notarized copies of any court documents with a ~~1" x 1 1/4" inch~~ photo for the identification card ~~photo~~ as specified in R13-2-202(A)(5) and the applicable fee ~~under R13-2-102~~.

ARTICLE 4. REGULATION

Section

R13-2-401. Denial of Agency License or Registration Certificate

R13-2-402. Probation of Agency License or Registration Certificate

R13-2-404. Complaints

R13-2-401. Denial of Agency License or Registration Certificate

- ~~A. The Department shall deny an applicant for an agency license or registration certificate if the Department determines that the applicant does not meet the requirements of A.R.S. §§ 32-2422 or 32-2441, or there are grounds for denial under A.R.S. § 322459. The Department shall notify the applicant of the reason for the denial by mail to the address listed on file at the Department. The Department shall include in the notification a statement advising the applicant that if the applicant contests denial, the applicant may do so by requesting a hearing with the Private Investigator and Security Guard Hearing Board in writing within 30 days of receiving the notification letter.~~
- ~~B. When the Department receives a request for a hearing:~~
- ~~1. The applicant will be notified of the date and the time of the hearing;~~
 - ~~2. The Department shall set the date for hearing at least 30 days after the date of the notification letter;~~
 - ~~3.~~**B.** The applicant may request an informal settlement conference under A.R.S. § 411092.06 A.R.S. § 41-1092.06 by submitting the request in writing within 20 days of the scheduled hearing date;
 - ~~4. The hearing will be held before the Private Investigator and Security Guard Hearing Board;~~
 - ~~5. If the applicant does not appear at the hearing, the hearing may be held in the applicant's absence, and the applicant shall be notified by certified mail of the hearing findings; and~~
 - ~~6. The hearing board shall prepare recommendations for the Director. The Director may adopt the recommendations in their entirety, modify them, or may decide the case upon the record.~~

~~C. A denied applicant may reapply no earlier than six months from the date of denial.~~

~~**R13-2-402. Probation of Agency License or Registration Certificate**~~

~~Upon recommendation of the Private Investigator and Security Guard Hearing Board, the Director may fix a period and terms of probation to protect the public health and safety and to rehabilitate or educate the licensee or registrant. A licensee may continue to operate and a registrant may continue to perform the duties of a private investigator during the period of probation, subject to the terms established by the Director.~~

R13-2-404. Complaints

- ~~A. A person may make a written complaint against an entity or person regulated under this Chapter by filing the complaint with the Department. If the complaint involves an alleged violation of Arizona Revised Statutes, the Department shall investigate to ascertain whether a violation of the statute has occurred. The Department may forward a copy of the complaint to the entity or person against whom the complaint has been lodged and request the person to respond to the complaint as part of the investigation.~~
- ~~B. At the conclusion of the investigation, the Department shall forward a copy of the complaint, upon request, to the entity or person against whom the complaint has been lodged.~~
- ~~C. When an investigation is concluded, the Director may take an action listed in A.R.S. § 32-2457.~~