



Sunset Report
**Alabama Private
Investigation Board**
Montgomery, Alabama

October 1, 2022 through September 30, 2024

ALABAMA DEPARTMENT OF
EXAMINERS of Public Accounts

Rachel Laurie Riddle, *Chief Examiner* | 334-777-0500 | www.alexaminers.gov



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September 24, 2025

Senator Keith Kelley
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Senator Kelley:

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

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

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

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiners
Charnelle Martin
Braeden Mitchell
Dominique Huffman

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PROFILE

Purpose/Authority

The Alabama Private Investigation Board (the “Board”), created by Act Number 2013-306, Acts of Alabama, codified as the *Code of Alabama 1975*, Sections 34-25B-1 through 34-25B-29 and 34-25B-50 through 34-25B-54, exercises licensing and regulatory authority over private investigators, certified trainers, and assistant trainers, apprentices, and business entities conducting private investigations.

<u>Characteristics</u>	
Members and Selection	<p>The Board is comprised of eight members appointed as follows:</p> <p>Six Private Investigators:</p> <ul style="list-style-type: none">• Two appointed by the Governor.• One appointed by the Lieutenant Governor.• One appointed by the Speaker of the House.• One appointed by the Attorney General.• One appointed by the Alabama Private Investigators Association. <p>Other Members:</p> <ul style="list-style-type: none">• One consumer member appointed by the Governor.• One member appointed by the Alabama State Bar Association. <p><i>Code of Alabama 1975</i>, Section 34-25B-4</p>
Term	<p>All members of the Board shall be appointed for a term of four years and shall serve until their successors are appointed and qualified by subscribing to the constitutional oath of office.</p> <p>No member may be appointed to succeed himself or herself for more than three consecutive full terms.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-4</p>
Qualifications	<p>Each private investigator member appointed to the Board shall have been licensed as a private investigator for a period of at least five years prior to his or her appointment.</p> <p>Member appointed by the Alabama State Bar Association shall be a member in good standing of the bar.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-4</p>

Consumer Representation	<p>One consumer appointed to represent the public at large.</p> <p>One consumer member serving on the Board.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-4</p>
Racial Representation	<p>No specific statutory requirement.</p> <p>Two minority members are currently serving.</p>
Geographical Representation	<p>No specific statutory requirement.</p>
Other Representation	<p>The appointing authorities shall coordinate their appointments to assure the membership of the Board is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-4</p>
Compensation	<p>There is no specific statute related to Board member compensation.</p> <p>Board members are reimbursed for travel expenses in the same manner as state employees for each day of attendance of Board meetings.</p>
Attended Board Member Training	<p>One staff member.</p>
<u>Operations</u>	
Administrator	<p>The Board has a contract with The Austin Group, LLC, for executive director and administrative services. Claire Austin, president of The Austin Group, LLC, serves as the Board's Executive Director. The current annual contract amount beginning September 1, 2025, is \$92,610.00 paid in monthly installments of \$7,717.50.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-8</p>
Location	<p>60 Commerce Street, Suite 1440 Montgomery, Alabama 36104</p> <p>Office Hours: Monday – Friday 8:30 a.m. – 4:30 p.m.</p>

Real Property Ownership	The Board does not own any real property.
Employees	The Board does not have employees.
Legal Counsel	Benjamin H. Albritton, Assistant Attorney General, an employee of the Attorney General's Office, serves as the Board's legal counsel. <i>Code of Alabama 1975</i> , Section 34-25B-8
Subpoena Power	The Board or an Executive Director of the Board may subpoena those persons or documents necessary to any investigation undertaken under the <i>Code of Alabama 1975</i> , Sections 34-25B-1 through 34-25B-29 and Sections 34-25B-50 through 34-25B-54 if other means including, but not limited to, notification by return receipt registered United States mail, have not produced the desired results. Any subpoena issued shall be limited to investigations by the Board of its members and shall not extend to any other matter. <i>Code of Alabama 1975</i> , Section 34-25B-25
Internet Presence	www.apib.alabama.gov The Board's website includes a calendar, news, rules and regulations, contact information, public records request link, complaint form, license forms, and a licensee search feature. The Board's meeting minutes are available on the website. <i>Code of Alabama 1975</i> , Section 34-25B-17 requires the Board to have applications for renewals available for download on the website and the <i>Code of Alabama 1975</i> Section 34-25B-21 requires the Board to routinely publish and update a copy of the statutes and any rules adopted on the website of the Board.
<u>Financial</u>	
Source of Funds	License fees, penalties, and fines.
State Treasury	Yes, Special Revenue Fund 1642. <i>Code of Alabama 1975</i> , Section 34-25B-7
Required Distributions	None.
Unused Funds	The Board retains unused funds at fiscal year-end.

<u>Licensure</u>													
Licensees	<p>As of February 13, 2025:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Private Investigators</td> <td style="text-align: right;">540</td> </tr> <tr> <td>Certified Trainers</td> <td style="text-align: right;">9</td> </tr> <tr> <td>Apprentice</td> <td style="text-align: right;">36</td> </tr> <tr> <td>Agency License</td> <td style="text-align: right;">74</td> </tr> <tr> <td>Apprentice Sponsor</td> <td style="text-align: right;"><u>23</u></td> </tr> <tr> <td>Total</td> <td style="text-align: right;">682</td> </tr> </table> <p><i>Source:</i> Executive Director</p>	Private Investigators	540	Certified Trainers	9	Apprentice	36	Agency License	74	Apprentice Sponsor	<u>23</u>	Total	682
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Licensure Qualifications	<p>Private Investigator:</p> <ul style="list-style-type: none"> • Pass criminal background check. • At least 21 years old. • Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has subsequently declared the applicant competent. • Has not been convicted of a crime of moral turpitude. • Has not been convicted of a felony crime. • Pass an examination. • Has a minimum of two years’ experience, education, or training, or a combination thereof, including 120 hours of practical field experience directly related to private investigation, in any of the following areas: <ul style="list-style-type: none"> ➤ Special investigations ➤ Law enforcement ➤ Education, consisting of a minimum of a two-year degree in a field of study directly related to private investigation. ➤ Internship, consisting of successful completion of a private investigator apprenticeship pursuant to the <i>Code of Alabama 1975</i>, Section 34-25B-12.1. <p><i>Code of Alabama 1975</i>, Section 34-25B-12</p>												

<p>Licensure Qualifications (continued)</p>	<p>Apprentice:</p> <ul style="list-style-type: none"> • Be at least 18 years of age. • Be a high school graduate, have earned a GED certification, or have completed other equivalent education as determined suitable by the Board. • Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has subsequently declared the applicant competent. • Has not been convicted of a crime of moral turpitude. • Has not been convicted of a felony crime. • Must be trained under the supervision of a sponsor private investigator who has at least two years' experience as a licensed private investigator in the state and certified by the board as a sponsor. • Pass an examination. <p><i>Code of Alabama 1975, Section 34-25B-12.1</i></p> <p>Certified Trainer:</p> <ul style="list-style-type: none"> • At least 21 years old. • Has had at least three years' experience satisfactory to the Board with an investigative company or proprietary entity or with any federal, United States Military, state, county, or municipal law enforcement agency relating to the block of instruction. • Is personally qualified to conduct the training required by the Board's statutes and is certified by the Board which shall establish standards for the instruction process. <p><i>Code of Alabama 1975, Section 34-25B-27</i></p> <p>Assistant Trainer:</p> <ul style="list-style-type: none"> • Is at least 19 years of age. • Has had at least one year of experience with an investigative company or any United States Military, state, county, or municipal law enforcement agency. <p><i>Code of Alabama 1975, Section 34-25B-27</i></p>
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<p>Examinations</p>	<p>Examinations are administered by PSI Services, LLC and are provided through a network of computer examination centers in Alabama. These examination centers are located in Birmingham, Huntsville, Mobile, and Montgomery. The test consists of 50 questions divided into 34 questions related to practical knowledge and 16 questions related to Alabama laws and rules. Examinees are required to score 70% to pass the examination. Applicants pay the \$150.00 examination fee directly to PSI Services, LLC.</p> <p style="text-align: center;">Exam Statistics for FY 2023 through FY 2024</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th># Taken</th> <th># Passed</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>First Time Takers</td> <td>183</td> <td>130</td> <td>71%</td> </tr> <tr> <td>Repeat Takers</td> <td>55</td> <td>42</td> <td>76%</td> </tr> </tbody> </table> <p><i>Code of Alabama 1975</i>, Section 34-25B-12(6) Source: Executive Director</p>		# Taken	# Passed	% Passed	First Time Takers	183	130	71%	Repeat Takers	55	42	76%
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<p>Reciprocity</p>	<p>The Board may negotiate and enter into reciprocal agreements with the appropriate officials in other states to permit licensed investigators who meet or exceed the qualifications established in the Board’s statutes to operate in reciprocal states under mutually acceptable terms.</p> <p>Currently, the Board has limited recognition licensure agreements with Georgia and Tennessee.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-20 Source: Executive Director</p>												
<p>Renewals</p>	<p>Licenses are valid for a period of two years from the month of issuance. No renewal application may be accepted by the Board more than 30 days after the expiration date of the license.</p> <p>In FY2024, 80% of renewals were completed online.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-17 Source: Executive Director</p>												

<p>Licensee Demographics</p>	<p>The Board collects the personal information of licensees including physical characteristics for the purpose of issuing an identification card.</p> <p>Licensee Demographics as of September 30, 2024:</p> <p>Gender of Licensed Private Investigators:</p> <table data-bbox="860 420 1096 504"> <tr> <td>Male:</td> <td>574</td> </tr> <tr> <td>Female:</td> <td>145</td> </tr> </table> <p>Race of Licensed Private Investigators:</p> <table data-bbox="860 609 1096 756"> <tr> <td>White:</td> <td>623</td> </tr> <tr> <td>Black:</td> <td>84</td> </tr> <tr> <td>Hispanic:</td> <td>10</td> </tr> <tr> <td>Indian:</td> <td>2</td> </tr> </table> <p><i>Code of Alabama 1975</i>, Section 34-25B-14 <i>Source:</i> Executive Director</p>	Male:	574	Female:	145	White:	623	Black:	84	Hispanic:	10	Indian:	2
Male:	574												
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<p>Continuing Education</p>	<p>Each private investigator licensee shall complete 16 hours of continuing professional education, including two hours of ethics instruction, acceptable to the Board in each two-year renewable licensing period.</p> <p><i>Code of Alabama 1975</i>, Section 34-25B-26</p>												

SIGNIFICANT ISSUES

Significant Issue 2025-001: The Board submitted invoices to the Comptroller’s office for payment based on an amended contract amount prior to the amendment being fully executed.

On August 15, 2024, the Board approved an amendment to its administrative services contract with The Austin Group, LLC. This amendment was for a 5% increase in the amount to be paid to The Austin Group, LLC from September 1, 2024 through September 20, 2025.

The amended contract was presented to and approved by the Contract Review Permanent Legislative Oversight Committee (the “Committee”) on September 5, 2024. The Board began paying The Austin Group at the increased rate in September 2024, despite having not received a fully executed version of the contract from the Governor. As part of the Sunset review, on or about February 18, 2025, the Department requested a copy of the fully executed amended contract. On June 30, 2025, upon reaching out to the Governor’s office, the Department discovered the amendment approved by Committee in September 2024 was not yet signed by the Governor. The contract was eventually signed by the Governor on July 2, 2025 with a note making the effective date retroactive to September 1, 2024.

Significant Issue 2025-002: The Board charged and collected apprentice license fees, in-state agency initial license and renewal fees, and out-of-state agency initial license and renewal fees for which a specific amount is not set by law and for which there were no administrative rules setting the specific amount to be charged.

The *Code of Alabama 1975*, Section 34-25B-7 states in part, “The fees that the board may charge, collect, and deposit into the fund shall include, but not be limited to, all of the following: (8) An issuance fee for a private investigator license, a private investigator apprentice license, or a private investigation agency license.” Additionally, the *Code of Alabama 1975*, Section 34-25B-51(b) states “(1) For a private investigation agency domiciled within this state, the license fee and renewal fee shall be in an amount determined by the board, not exceeding fifty dollars (\$50) for a private investigation agency that employs or contracts with not more than two licensed private investigators, and not exceeding two hundred dollars (\$200) for a private investigation agency that employs or contracts with three or more licensed private investigators. (2) For a private investigation agency domiciled outside of this state, the license fee shall be in an amount determined by the board, not exceeding five hundred dollars (\$500).”

Further, the *Code of Alabama 1975*, Section 41-22-3(9) defines a rule as “Each agency rule, regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule or by federal statute or by federal rule or regulation; provided, however, all forms shall be filed with the secretary of the agency and with the Legislative Services Agency, Legal Division, and all forms, except intergovernmental, interagency, and intra-agency forms which do not affect the rights of the public and emergency forms adopted pursuant to Section 41-22-5, shall be published in the Agency Administrative Code.”

The Board attempted to begin the process of amending a rule setting fees to be collected by the Board in November 2023. The proposed amended rule to update the Board's fees was initially published in the November 2023 edition of the Administrative Monthly. Sufficient documentation to support the Board's approval of the proposed rule change was not documented in the minutes of the Board's meetings. This proposed amendment to the Board's rule did not become effective because the rule-making process was not properly completed by the Board. However, in the meantime, the Board published the proposed amended rule on its website showing an effective date of January 4, 2024 and continued to collect the fees therein.

The Board began the process to amend their rule regarding fees by proposing the amended rule again in January 2025 to set fee amounts as required by the *Code of Alabama 1975*, Sections 34-25B-7 and 34-25B-51. Again, there was not sufficient documentation to support the Board's approval of the proposed rule change documented in the minutes of the Board's meetings. The language of the amended rule was certified by the Board at their April 8, 2025 meeting and submitted to the Legislative Services Agency in June 2025. The amended rule regarding fees became effective August 14, 2025.

The Board continued to charge and collect fees from applicants and licensees despite not having properly set the fees by rule as required by statute.

Significant Issue 2025-003: The Board did not update their administrative rules to reflect the changes pertaining to the Board members' term limits. *Administrative Rule* 741-X-3-.02(2) states that no appointed member can serve more than two consecutive full terms, which conflicts with the Board's enabling statutes. Also reported as Finding 2024-011.

The *Code of Alabama 1975*, Section 34-25B-4(f) (effective August 1, 2023) states, "No member may be appointed to succeed himself or herself for more than three consecutive full terms."

Significant Issue 2025-004: The Board has not complied with certain provisions of Executive Orders issued by the Governor. The Board did not provide documentation for submitting the Constituent Service Survey to the Office of the Governor due on January 31, 2024 and January 31, 2025 as required by Governor Ivey's Executive Order 726: Promoting the Faithful Execution of the Laws Within the Executive Branch of State Government.

Executive Order 726, effective January 17, 2023, requires regulatory agencies to annually report to the Office of the Governor their efforts to respond to constituents when they complain about a licensee or other entity regulated by the agency. These reports shall be filed at a time, and in a format prescribed by the Office of the Governor.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

Eight of the ten prior findings/significant issues have been resolved. The following prior findings/significant issues remain outstanding:

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

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

This finding was previously reported as an unresolved prior finding in the Board's 2023 Sunset Report.

Current Status: Unresolved.

- The Board did not notify the Secretary of State timely of a vacancy occurring due to one member's resignation until eighty-two business days after the resignation.
- The Board did not notify the Secretary of State at all of one vacancy occurring due to the member's resignation.
- The Board did not notify the Secretary of State at all of two vacancies occurring due to the expiration of members' terms.

STATUS OF PRIOR SIGNIFICANT ISSUES FROM QUESTIONNAIRES

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

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

- There is no established system in place to assign an identifier/tracking number to submitted complaints.
- Multiple complaints received against one specific licensee were placed in one master file instead of assigning each complaint a unique identifier for easier tracking.
- Documentation for complaints was misfiled or misplaced.
- Eight complaint files were missing documentation of the Board informing complainants of the results of the investigation.

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

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

Current Status: Unresolved. Two of the four (50%) complainants responding to the survey stated the following:

- The Board did not communicate the results of its investigation into their complaint.
- The complainants do not believe the Board did everything it could to resolve their complaints.

A review of the Board's complaint handling process and complaint files revealed that the Board has corrected the issues that were highlighted in the prior Sunset report.

COMPLAINT HANDLING

The *Code of Alabama 1975*, Section 34-25B-25 establishes a Division of Investigation within the Board that serves as its official investigative agency. The Board's *Administrative Rules* 741-X-6-.04 through 741-X-6-.09 provides for the documentation, receipt, investigation, and resolution of complaints relating to licensees and illegal practices.

Initial Contact/Documentation	Anyone may file a written complaint using the Board's complaint form, which is available on the Board's website. Complaints are received by mail, hand delivery, email, or fax. Complaints must be in writing and signed but are not required to be notarized. Complainants are sent a letter acknowledging receipt of the complaint.
Anonymous Complaints Accepted	No.
Investigative Process / Probable Cause Determination	<p>An Investigative Committee, consisting of one Board member, the Board's legal counsel, the Board's investigator, and the Executive Director reviews the complaint. If warranted, the investigator conducts further investigation under the direction of the Executive Director. At the conclusion of the investigation, an investigative report is submitted for review to the Investigative Committee, who decides if any action should be taken. The investigative committee shall send written notification to the complainant and the private investigator, against whom the complaint was made, of any action it decides to take in response to the investigation report.</p> <p>If the committee determines that an investigation is not warranted, the Executive Director may close the investigative file. The Executive Director shall notify the complainant and the private investigator, against whom the complaint was made.</p>
Negotiated Settlements	Informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing and as approved by the Board.
Notification of Resolution to the Complainant	Complainants and the private investigator are sent a letter describing the results of the investigation.

Source: Executive Director

Complaint Data

Schedule of Complaints Resolved FY 2023 through FY 2024				
Year/Number Received	Year/Number Resolved			Pending
	2023	2024	2025 ¹	
2023 / 10	3	7		
2024 / 16		13	3	0

¹As of February, 25, 2025
Source: Complainant Database from Executive Director

Average Time to Resolve Complaints - 105 business days.

Disposition of Resolved Complaints

Number of Complaints	Resolution
12	No Probable Cause
2	No Probable Cause - Process Server
2	Fined
2	Non-License Renewal
2	Cease and Desist
2	No Probable Cause - Settlement
1	Surrender License
1	No Probable Cause - Civil
1	No Probable Cause - Complaint Withdrawn
1	Arrest

QUESTIONNAIRES

Complainant Questionnaire

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

1. Was the receipt of your complaint acknowledged by the Board?

Yes	4	100%
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2. Approximately how long after filing your complaint did the Board contact you?

Within 15 days	3	75%
Within 30 days	1	25%

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

Yes	2	50%
No	2	50%

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

Yes	1	25%
No	2	50%
Unknown	1	25%

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

Respondent #1 – “Yes! After the complaint, the person whom I made the complaint on continued to harass me via social media. I forwarded that information to the board of PI and nothing was done. I had to take matters into my own hands with local law enforcement”

Respondent #2 – “Clearly a glaringly obvious conflict of interest was present in my case - a PI i did a consultation with then was hired by the opposite party in my legal case and was hired by them and used information i provided them against me. No action was taken against them and I received no details of their investigation if one even occurred. Would love to discuss more. [REDACTED]

[REDACTED] [REDACTED]”

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APPENDICES

Appendix I - Applicable Statutes

Section 34-25B-1 Short Title.

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

Section 34-25B-2 Definitions.

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

(1) BOARD. The Alabama Private Investigation Board.

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

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

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

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

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

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

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

(5) PRIVATE INVESTIGATOR. a. An individual who, for compensation, performs one or more of the private investigation services defined and regulated by this article.

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

c. An individual who is engaged in private investigation and who is licensed in accordance with this article.

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

(Act 2013-306, p. 1021, §2; Act 2023-397, §2.)

Section 34-25B-3 License Required.

An individual may not practice private investigation or hold himself or herself out to the public as a private investigator or private investigator apprentice or use any term, title, or abbreviation that expresses, infers, or implies that the individual is licensed as a private investigator or private investigator apprentice unless the individual at the time holds a valid license to practice private investigation as provided in this article.

(Act 2013-306, p. 1021, §3; Act 2023-397, §2.)

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

(a) There is created the Alabama Private Investigation Board. The appointing authorities shall coordinate their appointments to assure the membership of the board is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.

(b) Private investigator members shall have had five years of experience as an investigator prior to his or her appointment. Beginning on August 1, 2018, each private investigator member appointed to the board shall have been licensed pursuant to this article as a private investigator for a period of at least five years prior to his or her appointment.

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

(1) Three individuals appointed by the Governor, two of whom shall be private investigators and one of whom shall be a consumer who will represent the public at large.

(2) One individual appointed by the Lieutenant Governor, who shall be a private investigator.

(3) One individual appointed by the Speaker of the House of Representatives who shall be a private investigator.

(4) One individual appointed by the Attorney General who shall be a private investigator.

(5) One individual appointed by the Alabama State Bar Association who shall be a member in good standing of the bar.

(6) One individual appointed by the Alabama Private Investigators Association who shall be a private investigator.

(d) All members of the board shall be appointed for a term of four years and shall serve until their successors are appointed and qualified by subscribing to the constitutional oath of office.

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

(f) No member may be appointed to succeed himself or herself for more than three consecutive full terms.

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

(Act 2013-306, p. 1021, §4; Act 2023-397, §2.)

Section 34-25B-5 Alabama Private Investigation Board - Quasi-Judicial Body; Liability of Members.

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

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

(Act 2013-306, p. 1021, §5.)

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

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

(Act 2013-306, p. 1021, §6.)

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

(a) There is created in the State Treasury for the use of the board a fund to be known as the Alabama Private Investigation Board Fund. All application and license fees, penalties, fines, and any other funds collected by the board related to private investigators, private investigator apprentices, private investigation agencies, and the implementation of this article, shall be deposited in this fund and used only to carry out the operations of the board. The fees that the board may charge, collect, and deposit into the fund shall include, but not be limited to, all of the following:

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

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

(3) A reinstatement application fee.

(4) A late renewal fee.

(5) A change of information fee.

(6) A replacement license fee.

(7) An inactive license fee.

(8) An issuance fee for a private investigator license, a private investigator apprentice license, or a private investigation agency license.

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

(b) No monies shall be withdrawn or expended from the fund for any purpose unless the monies have been appropriated by the Legislature and allocated pursuant to this chapter. Any monies appropriated shall be budgeted and allotted pursuant to the Budget Management Act in accordance with Article 4, commencing with Section 41-4-80, of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriations act.

(c) All expenses incurred by the board in implementing and administering this article shall be paid out of the fund.

(Act 2013-306, p. 1021, §7; Act 2023-397, §2.)

Section 34-25B-8 Alabama Private Investigation Board - Promulgation of Rules; Canons of Ethics; Personnel; Legal Services.

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

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

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

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

(Act 2013-306, p. 1021, §8.)

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

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

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

(Act 2013-306, p. 1021, §9.)

Section 34-25B-10 Practice of Private Investigation Without a License; Location of Records.

(a) Except as otherwise provided in this article, it shall be unlawful for any individual to act as a private investigator or private investigator apprentice without first obtaining a license from the board. For prosecution purposes, a violation of this article is classified as a Class A misdemeanor, punishable by a fine of not more than six thousand dollars (\$6,000) and imprisonment for up to one year.

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

(Act 2013-306, p. 1021, §10; Act 2023-397, §2.)

Section 34-25B-11 License Application; Release of Information.

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

(1) His or her full name.

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

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

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

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

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

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

(Act 2013-306, p. 1021, §11; Act 2023-397, §2.)

Section 34-25B-12 Qualifications.

Each individual applicant for a license as a private investigator shall meet all of the following criteria:

- (1) Is at least 21 years of age.
- (2) Has successfully completed a criminal history background check based on criteria established by the board.
- (3) Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has subsequently declared the applicant competent.
- (4) Has not been convicted of a crime of moral turpitude, with the board having the final determination on the interpretation of moral turpitude.
- (5) Has not been convicted of a felony crime.
- (6) Has passed an examination administered by the board designed to measure knowledge and competence in the investigation field and in state civil and criminal privacy laws.
- (7) Has a minimum of two years' experience, education, or training, or a combination thereof, including 120 hours of practical field experience directly related to private investigation, in any of the following areas:
 - a. Special investigations, consisting of special investigative experience in insurance, fire or arson, banking, legal, or similar setting, or other special investigatory experience as determined suitable by the board.
 - b. Law enforcement, consisting of experience as a sworn law enforcement officer, investigative experience as a detective or investigator at the federal, state, or local level, or other investigative experience as determined suitable by the board.
 - c. Education, consisting of a minimum of a two-year degree in a field of study directly related to private investigation including, but not limited to, criminal justice, political science, criminology, or law enforcement.
 - d. Internship, consisting of successful completion of a private investigator apprenticeship pursuant to Section 34-25B-12.1.

(Act 2013-306, p. 1021, §12; Act 2023-397, §2.)

Section 34-25B-12.1 Private Investigator Apprentice License; Supervision; Internship.

- (a) An individual may obtain a license as a private investigator apprentice and work under the supervision of a private investigator.
- (b) An applicant for a private investigator apprentice license shall meet all of the following criteria to obtain a license:
 - (1) Be at least 18 years of age.
 - (2) Be a high school graduate, have earned a GED certification, or have completed other equivalent education as determined suitable by the board.
 - (3) Meet the requirements of subdivisions (2) to (5), inclusive, of Section 34-25B-12.
- (c) An individual issued a private investigator apprentice license shall successfully pass an examination required by the board, which shall be taken during a time period designated by rule of the board, not sooner than 45 days after initial licensure. Before taking the examination, a private investigator apprentice licensee may begin working as an intern. If the examination is not successfully passed by the deadline set by rule of the board, the private investigator apprentice license may be suspended until such time that a passing grade has been achieved.

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

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

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

(1) The successful completion of a minimum number of hours of experience in the field and classroom training, not exceeding 300 hours, as established by board rule. Classroom instruction shall be provided by a certified trainer and shall include instruction in administrative functions, including report writing and research.

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

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

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

(h) A private investigator apprentice licensee may only perform work under the supervision of a certified sponsor and may not advertise or perform any private investigation services for the general public outside of that supervision.

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

(Act 2023-397, §3)

Section 34-25B-13 Application Fees; Issuance of License; Denial of Application.

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

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

(2) A request to submit the fingerprints to the Federal Bureau of Investigation for completion of a national criminal history background check.

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

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

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

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

(Act 2013-306, p. 1021, §13; Act 2023-397; §2.)

Section 34-25B-14 Identification Card; Use of License Number.

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

(1) Name.

(2) Photograph.

(3) Physical characteristics.

(4) Private investigator's license number.

(5) Expiration date of license.

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

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

(Act 2013-306, p. 1021, §14; Act 2023-397, §2.)

Section 34-25B-15 Making False Statement to the Board.

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

(Act 2013-306, p. 1021, §15.)

Section 34-25B-16 Investigation into Veracity of Application.

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

(Act 2013-306, p. 1021, §16.)

Section 34-25B-17 Expiration and Renewal of License; Inactive Status.

(a) All licenses issued or renewed under this article shall be valid for a period of two years from the month of issuance. The board shall mail to each licensee, at his or her address of record, a notice of renewal at least 60 days prior to the expiration of his or her license. An application for renewal shall be available for download by the licensee on the website of the board. A licensee shall report any change of address to the board.

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

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

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

(e) A licensee may request, in writing, for the board to place his or her license on inactive status. The fees for issuing and renewing an inactive status certificate shall be established by rule of the board. The board shall also provide, by rule, for the activities an inactive status certificate holder may engage in, and for the procedure and fees required to reinstate an inactive status license. Any holder of an inactive status certificate who violates the limitations of the certificate shall be subject to fines and disciplinary action established by rule of the board.

(Act 2013-306, p. 1021, §17; Act 2023-397, §2.)

Section 34-25B-18 Suspension, Revocation, Etc., of License; Penalties.

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

(1) A violation of this article or any rule adopted pursuant to this article.

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

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

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

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

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

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

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

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

(Act 2013-306, p. 1021, §18; Act 2023-397, §2.)

Section 34-25B-19 Sufficiency of License to Practice; Occupational Tax or Business License Fee Authorized.

(a) No licensee or applicant shall be required to obtain any authorization or license from, or pay any other fee or post a bond in, any municipality, county, or other political subdivision of this state to engage in any activity regulated under this chapter.

(b) Notwithstanding subsection (a), a municipality, county, or other political subdivision of this state may impose a bona fide occupational tax or business license fee on a licensee.

(Act 2013-306, p. 1021, §19.)

Section 34-25B-20 Reciprocity with Other States.

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

(Act 2013-306, p. 1021, §20.)

Section 34-25B-21 Copy of Statutes and Rules Maintained Online.

The board shall routinely publish and update a copy of this article and any rules adopted under this article on the website of the board.

(Act 2013-306, p. 1021, §21; Act 2023-397, §2.)

Section 34-25B-22 Violations.

(a) The following acts when committed by an individual licensed as a private investigator or a private investigator apprentice, or employed by or contracting with a private investigation agency, shall constitute a violation punishable as a Class A misdemeanor:

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

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

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

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

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

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

(Act 2013-306, p. 1021, §22; Act 2023-397, §2.)

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

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

(Act 2013-306, p. 1021, §23.)

Section 34-25B-24 Exceptions.

This chapter does not apply to the following:

- (1) An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is performing duties related to his or her employment.
- (2) An investigation of the internal affairs of a private business entity investigating a current or prospective employee.
- (3) An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is working under a contract for his or her services that his or her employer signed with a third party.
- (4) Any person or professional, including without limitation an attorney providing legal services, who is not primarily engaged in the business of private investigation, but who in conjunction with his or her business or profession may occasionally perform private investigation services.
- (5) Any business or entity that is not primarily engaged in the business of private investigation.
- (6) A consumer reporting agency as defined by the Federal Fair Credit Reporting Act.
- (7) Any certified public accountant authorized to engage in the practice of public accountancy in this state or any entity licensed or otherwise permitted to engage in the practice of public accountancy in this state or the affiliated entities thereof.

- (8)a. An attorney-at-law in good standing and licensed to practice law;
- b. An employee of a single attorney or single law firm who is acting within the employee's scope of employment for the attorney or law firm; or
- c. A consultant, accident reconstructionist, or forensic scientist when the person is retained by an attorney, insurance company representative, or appointed by a court to serve as an expert witness or to investigate, or to make tests, conduct experiments, draw conclusions, render opinions or make diagnoses, where those services require the use of training or experience in a technical, scientific, or social science field.
- (9) Any individual engaged in any of the following:
 - a. Computer or digital forensic services.
 - b. The acquisition, review, or analysis of digital or computer-based information in order to obtain or furnish information for evidentiary or other purposes or to provide expert testimony before any court, board, officer, or investigating committee.
 - c. Network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network.

(Act 2013-306, p. 1021, §24.)

Section 34-25B-25 Division of Investigation.

- (a) There is created within the board a Division of Investigation that shall be the board's official investigative agency.
- (b) Each licensee shall provide to the investigative division staff all records that pertain to the exact nature of the complaint under investigation and upon the issuance of a subpoena.
- (c) The board or an executive director of the board may subpoena those persons or documents necessary to any investigation undertaken under this chapter if other means including, but not limited to, notification by return receipt registered United States mail, have not produced the desired results. Any subpoena issued shall be limited to investigations by the board of its members and shall not extend to any other matter.

(Act 2013-306, p. 1021, §25.)

Section 34-25B-26 Continuing Professional Education.

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

(b) The board shall adopt rules as necessary to implement this section.

(Act 2013-306, p. 1021, §26; Act 2023-397, §2.)

Section 34-25B-27 Certification Required for Trainers.

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

(1) Is at least 21 years of age.

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

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

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

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

(1) Is at least 19 years of age.

(2) Has had at least one year of experience with an investigative company or any United States Military, state, county, or municipal law enforcement agency.

(d) A certified trainer may be an employee of a private investigative or propriety agency or, if not, employed by an agency as a company under this chapter.

(e) The certified trainer shall certify that he or she has successfully completed the training and shall submit the certification to the board.

(f) The training program, fees, and requirements shall be established by rules promulgated by the board.

(Act 2013-306, p. 1021, §27; Act 2016-64, §3.)

Section 34-25B-28 Construction with Other Laws.

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

(Act 2013-306, p. 1021, §28.)

Section 34-25B-29 Sunset Provision.

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

(Act 2013-306, p. 1021, §29.)

Section 34-25B-50 License and Registration Requirements.

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

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

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

(Act 2023-397, §4.)

Section 34-25B-51 License Application; Issuance and Renewal of License.

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

(1) The name of the applicant.

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

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

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

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

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

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

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

(9) Any other information required by the board and reasonably necessary to grant licensure, as established by rule of the board.

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

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

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

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

(Act 2023-397, §4.)

Section 34-25B-52 Certification Requirements.

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

- (1) The name of the private investigation agency.
- (2) The physical address of the private investigation agency.
- (3) The license number.
- (4) The expiration date of the license.

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

(c) The private investigation agency shall display the agency license number on all advertisements, brochures, stationery, letterhead, case reports, and business cards, distributed or used by the private investigation agency. Any invoice generated for professional services performed by the private investigation agency or a private investigator licensee, contractor, or employee of the private investigation agency shall include the license number for each licensee whose services are being compensated for by a consumer and the time being charged by the private investigator licensee, contractor, or employee of the private investigation agency.

(Act 2023-397, §4.)

Section 34-25B-52 Certification Requirements.

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

- (1) The name of the private investigation agency.
- (2) The physical address of the private investigation agency.
- (3) The license number.
- (4) The expiration date of the license.

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

(c) The private investigation agency shall display the agency license number on all advertisements, brochures, stationery, letterhead, case reports, and business cards, distributed or used by the private investigation agency. Any invoice generated for professional services performed by the private investigation agency or a private investigator licensee, contractor, or employee of the private investigation agency shall include the license number for each licensee whose services are being compensated for by a consumer and the time being charged by the private investigator licensee, contractor, or employee of the private investigation agency.

(Act 2023-397, §4.)

Section 34-25B-54 Rulemaking Authority.

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

(Act 2023-397, §4)

Appendix II: Board Members

APIB Board Members
60 Commerce Street – Suite 1440
Montgomery, AL 36104
334-801-9575
www.apib.alabama.gov

theaustingroupapib@gmail.com

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

Member Name: Mr. Jim Casteel
Appointment Date: 07/18/2022

Term: 4 Years
Expiration Date: 6/13/2026

Race: Caucasian
Position: Board Member

Appointing Authority: Lt. Governor Ainsworth

Member: Mr. Ivan K. Gray
Appointed – Dec. 12, 2024
Oath of Office: January 7, 2025

Term: 4 years
Houston Co – Midland City/Dothan
Exp; Dec. 11, 2028
Race: Minority

Appointing Authority: Kay Ivey – Governor

Member Name: Sheriff Derrick Cunningham
Appointment Date: July 23, 2025

Term: 4 Yr. (Unexpired Duration)
Expiration Date: August 17, 2028

Race: African American
Position: Board Member – Public Sector

Appointing Authority: Kay Ivey Governor – Public Sector

Member Name: Mr. Charles Knight
Appointment Date: 08/09/2023

Term: 4 Years
Expiration Date: 08/9/2027
Race: Caucasian
Position: Board Chair

Appointing Authority: Steve Marshall – Attorney General – 2nd Term

Member Name: Mr. Scott Hawk
Appointment Date: 09/22/2020

Term: 4 Years
Expiration Date: 10/31/2025

Race: Caucasian
Position: Board Member

Appointing Authority: Alabama State Bar – Attorney Seat

Member Name: Jeff Hammock
Appointment Date: 12/28/2021

Term: 4 Years
Expiration Date: 12/31/2025

Race: Caucasian
Position: Board Member

Appointing Authority: Association/Governor's office

Member Name: Darrell Tatum
Appointment Date: May 25, 2023
Appointing Authority: Speaker of House

Term: 4 Years
Expiration Date: 6/23/2027
Race: Caucasian :
Appointment: Speaker

Member: Stephanie Smith
Appt. Date: 07/23/2025

Term: 4 years
Exp Date: 07/23/2029

Governor Appointment

Race: Caucasian
Position: Board Member

Claire Austin
Executive Director
March 2020 – Sept. 15, 2023 Acting ED - ER Contract
Became full ED – Sept. 21, 2023 -- 2025

Appendix III: Board's Response



ALABAMA PRIVATE INVESTIGATION BOARD (APIB)

60 Commerce Street, Suite 1440
Montgomery, Alabama 36104

Phone (334) 801-9575

Fax (334) 801-9579

Web Site: www.apib.alabama.gov



August 28, 2025

Mrs. Dixie B. Thomas
Director of Operational Audits
Examiners of Public Accounts
State of Alabama
P.O. Box 302251
Montgomery, AL 36130

Dear Dixie,

Please find the following response to the significant issues outlined in your letter dated August 15, 2025.

SIGNIFICANT ISSUES

Significant Issue 2025-001: The Board submitted invoices to the Comptroller's office for payment based on an amended contract amount prior to the amendment being fully executed. On August 15, 2024, the Board approved an amendment to its administrative services contract with The Austin Group, LLC. This amendment was for a 5% increase in the amount to be paid to The Austin Group, LLC from September 1, 2024 through September 20, 2025.

The amended contract was presented to and approved by the Contract Review Permanent Legislative Oversight Committee (the "Committee") on September 5, 2024. The Board began paying The Austin Group at the increased rate in September 2024, despite having not received a fully executed version of the contract from the Governor. As part of the Sunset review, on or about February 18, 2025, the Department requested a copy of the fully executed amended contract. On June 30, 2025, upon reaching out to the Governor's office, the Department discovered the amendment approved by Committee in September 2024 was not yet signed by the Governor. The contract was eventually signed by the Governor on July 2, 2025 with a note making the effective date retroactive to September 1, 2024.

Response Significant Issue 2025-001: This issue has been resolved. The Board will work diligently with the Governor's office to make sure the contracts are signed in a timely manner.

Significant Issue 2025-002: The Board charged and collected apprentice license fees, in-state agency initial license and renewal fees, and out-of-state agency initial license and renewal fees for which a specific amount is not set by law and for which there were no administrative rules setting the specific amount to be charged.

The *Code of Alabama 1975*, Section 34-25B-7 states in part, "The fees that the board may charge, collect, and deposit into the fund shall include, but not be limited to, all of the following: (8) An

issuance fee for a private investigator license, a private investigator apprentice license, or a private investigation agency license.” Additionally, the *Code of Alabama 1975*, Section 34-25B-51(b) states “(1) For a private investigation agency domiciled within this state, the license fee and renewal fee shall be in an amount determined by the board, not exceeding fifty dollars (\$50) for a private investigation agency that employs or contracts with not more than two licensed private investigators, and not exceeding two hundred dollars (\$200) for a private investigation agency that employs or contracts with three or more licensed private investigators. (2) For a private investigation agency domiciled outside of this state, the license fee shall be in an amount determined by the board, not exceeding five hundred dollars (\$500).”

Further, the *Code of Alabama 1975*, Section 41-22-3(9) defines a rule as “Each agency rule, regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule or by federal statute or by federal rule or regulation; provided, however, all forms shall be filed with the secretary of the agency and with the Legislative Services Agency, Legal Division, and all forms, except intergovernmental, interagency, and intra-agency forms which do not affect the rights of the public and emergency forms adopted pursuant to Section 41-22-5, shall be published in the Agency Administrative Code.”

The Board attempted to begin the process of amending a rule setting fees to be collected by the Board in November 2023. The proposed amended rule to update the Board’s fees was initially published in the November 2023 edition of the Administrative Monthly. Sufficient documentation to support the Board’s approval of the proposed rule change was not documented in the minutes of the Board’s meetings. This proposed amendment to the Board’s rule did not become effective because the rule-making process was not properly completed by the Board. However, in the meantime, the Board published the proposed amended rule on its website showing an effective date of January 4, 2024 and continued to collect the fees therein.

The Board began the process to amend their rule regarding fees by proposing the amended rule again in January 2025 to set fee amounts as required by the *Code of Alabama 1975*, Sections 34-25B-7 and 34-25B-51. Again, there was not sufficient documentation to support the Board’s approval of the proposed rule change documented in the minutes of the Board’s meetings. The language of the amended rule was certified by the Board at their April 8, 2025 meeting and submitted to the Legislative Services Agency in June 2025. The amended rule regarding fees became effective August 14, 2025.

The Board continued to charge and collect fees from applicants and licensees despite not having properly set the fees by rule as required by statute.

Response Significant Issue 2025-002: The Board now has in place the administrative rules setting the specific amount to be charged. The Code of Alabama 1975, Section 34-25B-51(b) states “(1) For a private investigation agency domiciled within this state, the license fee and renewal fee shall be in an amount determined by the board, not exceeding fifty dollars (\$50) for a private investigation agency that employs or contracts with not more than two licensed private investigators, and not exceeding two hundred dollars (\$200) for a private investigation agency that employs or contracts with three or more licensed private investigators. The board only collected (\$50) for a private investigation agency with no more than two licensed private investigators; this is a fee for two years.

For a private investigation agency that employs or contracts with three or more licensed private investigators the two-year license fee is (\$200). The first Agency License was issued on January 5th, 2024. The Board has not collected any renewal fees, as these are two-year licenses, renewals will start in January 2026.

Significant Issue 2025-003: The Board did not update their administrative rules to reflect the changes pertaining to the Board members' term limits. *Administrative Rule 741-X-3-.02(2)* states that no appointed member can serve two consecutive terms, which conflicts with the Board's enabling statutes. Also reported as Finding 2024-011.

The *Code of Alabama 1975*, Section 34-25B-4(f) (effective August 1, 2023) states, "No member may be appointed to succeed himself or herself for more than three consecutive full terms."

Response Significant Issue 2025-003: The Board has updated the administrative rules to reflect the changes pertaining to the Board members' term limits.

Significant Issue 2025-004: The Board has not complied with certain provisions of Executive Orders issued by the Governor. The Board did not provide documentation for submitting the Constituent Service Survey to the Office of the Governor due on January 31, 2024 and January 31, 2025 as required by Governor Ivey's Executive Order 726: Promoting the Faithful Execution of the Laws Within the Executive Branch of State Government.

Executive Order 726, effective January 17, 2023, requires regulatory agencies to annually report to the Office of the Governor their efforts to respond to constituents when they complain about a licensee or other entity regulated by the agency. These reports shall be filed at a time, and in a format prescribed by the Office of the Governor.

Response Significant Issue: 2025-004: The Board will make sure that all Executive Orders are submitted. This Board has submitted and completed the Constituent Service Survey for this fiscal year.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

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

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

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

This finding was previously reported as an unresolved prior finding in the Board's 2023 Sunset Report.

Current Status: Unresolved. The Board did not notify the Secretary of State timely of a vacancy occurring due to one member's resignation until eighty-four business days after the resignation. Additionally, the Board did not notify the Secretary of State at all of one vacancy occurring due to

the members' resignation. Further, the Board did not notify the Secretary of State at all of two vacancies occurring due to the expiration of members' terms.

Response to Prior Finding 2019-008: The Board will make sure that the Secretary of State is notified in a timely manner of a vacancy that occurs due to resignation and vacancy occurring due to expirations.

STATUS OF PRIOR SIGNIFICANT ISSUES FROM QUESTIONNAIRES

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

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

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

STATUS OF PRIOR SIGNIFICANT ISSUES FROM QUESTIONNAIRES

- ◆ There was no documentation in the complaint file to demonstrate that the Board sent written notification to the complainant of the actions taken against the respondent in response to the investigation report pursuant to *Administrative Rule* 741-X-6-.04(2)(c).

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

Current Status: Unresolved. Two of the four (50%) complainants responding to the survey stated the following:

- The Board did not communicate the results of its investigation into their complaint.
- The complainants do not believe the Board did everything it could to resolve their complaints.

A review of the Board's complaint handling process and complaint files revealed that the Board has corrected the issues that were highlighted in the prior Sunset report.

Prior Significant Issue 2023-006: After the Last Audit, the Board has worked very hard to correct the significant issue from the last Audit. As noted above, "A review of the Board's complaint handling process and complaint files revealed that the Board has corrected the issues that were highlighted in the prior Sunset report. This finding was carried forward because of the 30 complaints that were reviewed, two of the four had issues with the handling of their complaints. The Board does not believe this is a quantifiable statistical universe for this issue to be carried forward. In addition, it is with belief that these respondents are process servers that the Board does not have statutory authority over.

Please don't hesitate to contact me if I can provide any further information on this matter.

Respectfully Submitted,



Claire H. Austin
Executive Director