

# NEWSLETTER

## VERMONT BOARD OF PRIVATE INVESTIGATIVE & SECURITY SERVICES

Secretary of State, Office of Professional Regulation

**Topics in this newsletter include: Board Activities & Reminders; Disciplinary Actions; Statutory Amendments; Rule Changes and Effective Date (Training Requirements); etc.**

### Board Members

The members of the Vermont Board of Private Investigative & Security Services are as follows: Daniel A. Coane, Chairman, Montpelier, Vermont; Leo P. Blais, Essex Junction, Vermont; Robert E. Edwards, Barre, Vermont; and Elizabeth M. Gilligan (Public Member), Barre, Vermont. The Board has a vacancy for one public member.

Members are appointed by the Governor and serve until a successor is appointed. If you know of someone who may be interested in serving on a board, please have them contact the Governor's Office, Pavilion Building, Montpelier, VT 05609, (802) 828-3333.

### Introduction

The Board of Private Investigative & Security Services is pleased to bring you its second Newsletter. This Newsletter contains information about the Board's activities and reminders, statutory amendments, training requirements, proposed rules and effective date (i.e., training requirements), etc.

### Staff

Carla Preston is the Board's Unit

Administrator. You may reach Ms. Preston at (802) 828-2875; Fax: (802) 828-2465; or via E-mail: [cpreston@sec.state.vt.us](mailto:cpreston@sec.state.vt.us).

Patty Skinner is the Board's Administrative Assistant. Ms. Skinner may be reached at (802) 828-2837; Fax: (802) 828-2465; E-Mail: [pskinner@sec.state.vt.us](mailto:pskinner@sec.state.vt.us)

Christopher D. Winters, serves as the Board's Counsel.

Our Web site is:  
[www.vtprofessionals.org](http://www.vtprofessionals.org)

### From the Chairman

With this newsletter, the Board of Private Investigative and Security Services continues to be proactive in the dissemination, to all licensees and/or registrants, of the numerous changes affecting our profession. In addition, the Board hopes that the information provided in the Newsletter is useful in the every day practice of your agency and in the implementation of training requirements for your registrants.

As of July 1, 2005 our new rules will become effective. The Board will soon begin reviewing training programs submitted by agencies and others offering such training to

registrants. If you haven't dedicated the time to understand and prepare for the implementation of these new requirements please do so now. Many new provisions have been adopted.

The Board continues to hold monthly meetings to discuss a variety of topics, many of which are included in this Newsletter. Please let us know of topics you would like to see addressed in our Newsletter. We will be certain to address other important topics in subsequent issues. The Board invites you to attend our meetings. A list of dates for these meetings is available from our staff and on the Web Site. Daniel Coane, Chairman

### Important Rules to Note

#### **Return of License - Rule 3.3 C**

**“The qualifying agent shall return the temporary or permanent registration of an employee to the Office [of Professional Regulation] within 72 hours of when the employment ends. If an employee fails or refuses to surrender a registration card, the qualifying agent shall notify the Board in writing within ten days.”**

*Failure to comply with the Board's laws or rules is unprofessional conduct.*

Over the years, there has been a recurring problem with compliance of Section B of Rule 3.3, which requires the qualifying agent to return the temporary or permanent registration (ID) card of an involuntarily discharged (“fired”) or voluntarily departed (“quit”) employee within 72 hours of when the employment ends. It is generally quite rare that this actually occurs as required, and in fact, many times registration cards are not returned until many months after the employee leaves his or her employment with an agency. Sometimes they are not returned until the end of the biennial license renewal cycle and sometimes they are never returned. There is a good reason for this Rule: to attempt to prevent terminated employees from continuing to carry a registration card, which could afford them the opportunity of using it in an unauthorized, illegal manner. The return of a registration card also notifies the Office of Professional Regulation (OPR) of the termination. Under the Rule, the burden of returning the registration card falls on the qualifying agent; however, in practice, an agency administration staff person involved in the day-to-day operation of the agency would be a good designee by the qualifying agent to insure that this occurs. The Board and OPR understand there may be many instances when the qualifying agent/agency administrator person cannot obtain the registration card because either (a) they cannot locate the departed employee or (b) the departed employee simply refuses to cooperate and return the card. In either instance, the qualifying agent or, again, a designated administration staff person, should notify the Board (or OPR) in writing of this fact within ten (10) days, as required by the Rule.

**Qualifying agents MUST comply with BOTH portions of this section**

**(26 V.S.A. § 3181 (b) (16)). Failure to do so is unprofessional conduct and may result in disciplinary action.**

**-Criminal offense occurring during licensed employment - Rule 3.3 (E)**

**“The agency or qualifying agent shall notify the Board in writing within 72 hours of the arrest or conviction for a criminal offense of any partner, corporate officer, agent or other employee and give complete details.”**

This is an important Rule as it keeps the Board and OPR informed of any criminal offense occurring during a person’s licensed employment or involvement (e.g., corporate officer) with a licensed agency. This is especially important between the two-year license renewal periods. At the time of renewal, a license holder must indicate whether or not he/she has had any criminal conviction since the last renewal. The notice to the Board only pertains to an **ARREST or CONVICTION, not a CITATION** (non-arrest) to court regarding a criminal offense.

**The Board reminds all agencies and qualifying agents that it expects full compliance with this Rule, especially considering that a criminal CONVICTION could result in an unprofessional conduct action.**

#### Disciplinary Actions

The Office of Professional Regulation issues Press Releases of all disciplinary actions taken during the month. The Press Release includes the name of the Respondent, profession, and a brief description of the disciplinary action taken. The full text of decisions can be accessed for reading or printing from the OPR Web site noted below. The direct link to

the search page is:

<http://vtprofessionals.org/opr1/searchdiscipline.htm> If you have any difficulty accessing the Web site, contact us at [opr@sec.state.vt.us](mailto:opr@sec.state.vt.us). The Board took action against the following licensees since June 1, 2003:

**Licensee:** Michael J. Baer, Hampden, ME.

**License Type:** Qualifying Agent for Vescom Corporation

**Violation:** Failure to properly register employees, allowing unregistered employees to work, and failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on July 22, 2004, Baer was Reprimanded and an Administrative Penalty in the amount of \$500 was imposed.

**Licensee:** Vescom Corporation, Hampden, ME.

**License Type:** Agency

**Violation:** Failure to properly register employees, allowing unregistered employees to work, and failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on July 22, 2004, Vescom Corporation was Reprimanded and an Administrative Penalty in the amount of \$500 was imposed.

**Licensee:** John Robert Borthwick, Burlington, VT.

**License Type:** Qualifying Agent for Unit 1 Security, LLC.

**Violation:** Failure to renew license as Q.A., failure to properly register employees, failure to properly supervise employees, allowing unlicensed persons to work, failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on September 3, 2004, Borthwick was found to be in Default. The Board Revoked Borthwick’s

license on September 3, 2004.

**Licensee:** Unit 1 Security, LLC, Burlington, VT.

**License Type:** Agency

**Violation:** The Qualifying Agent (John Borthwick) failed to renew his license, which lapsed May 31, 2003. The agency failed to properly register employees, failed to properly supervise employees, allowed unlicensed persons to work, and failed to comply with the provisions of state statutes or rules.

**Sanction:** The Agency's license was summarily suspended on January 30, 2004. According to a Board Order effective on September 3, 2004, Unit 1 Security LLC was found to be in Default. The Board Revoked the agency license of Unit 1 Security LLC on September 3, 2004.

**Licensee:** James R. Eckhardt, Rutland, VT.

**License Type:** Qualifying Agent for Censor Security Inc.

**Violation:** Failure to properly register employees, allowing unregistered persons to work, and failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on October 12, 2004, Eckhardt's license was Reprimanded and an Administrative Penalty in the amount of \$250 was imposed.

**Licensee:** Censor Security Inc., Rutland, VT.

**License Type:** Agency

**Violation:** Failure to properly register employees, allowing unregistered persons to work, and failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on October 12, 2004, the agency license of Censor Security, Inc. was Reprimanded and an Administrative Penalty in the amount of \$250 was imposed.

**Licensee:** Kevin W. Cheney, Hinesburg, VT.

**License Type:** Qualifying Agent for Green Mountain Concert Services Inc.

**Violation:** Failure to secure a license to operate a private security agency.

**Sanction:** According to a Board Order effective as of June 28, 2004, an Administrative Penalty in the amount of \$1000 was imposed on the applicant (Qualifying Agent).

**Licensee:** Green Mountain Concert Services Inc., Hinesburg, VT.

**License Type:** Agency

**Violation:** Failure to secure a license to operate a private security agency.

**Sanction:** According to a Board Order effective as of June 28, 2004, an Administrative Penalty in the amount of \$1000 was imposed on the applicant (Agency).

**Licensee:** Deter Security Inc., Rutland, VT.

**License Type:** Agency

**Violation:** Failure to properly register employees timely, allowing unregistered persons to work, and failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on March 8, 2004, the agency's license was Reprimanded and an Administrative Penalty in the amount of \$1000 was imposed.

**Licensee:** David F. Dwyer, Barre, VT.

**License Type:** Private Investigator Registrant - Armed (Care Security International)

**Violation:** Failure to conform to the essential standards of acceptable and prevailing practice by failure to respond to his client or to account for the status of the investigation and the services he performed for the money received; and failure to adequately investigate the assignment he accepted; and failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on July 20, 2004, Dwyer was Reprimanded and an Administrative Penalty in the amount of \$500 was imposed.

**Licensee:** Robert M. Goderre, Spofford, NH.

**License Type:** Qualifying Agent for Hunter North Associates, Spofford, NH.

**Violation:** Failure to properly register employees, allowing unregistered persons to work, and failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on October 12, 2004, Goderre's license was Reprimanded and an Administrative Penalty in the amount of \$250 was imposed.

**Licensee:** Hunter North Associates, Spofford, NH.

**License Type:** Agency

**Violation:** Failure to properly register employees, allowing unregistered persons to work, and failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on October 12, 2004, the agency license of Hunter North Associates was Reprimanded and an Administrative Penalty in the amount of \$250 was imposed.

**Licensee:** Ronald S. Greenleaf, Jr., Charlestown, NH.

**License Type:** Qualifying Agent for Saber Security, LLC, Charlestown, NH.

**Violation:** Practicing the profession with an expired license, and failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on August 25, 2004, Greenleaf's license was Reprimanded and an Administrative Penalty in the amount of \$500 was imposed.

**Licensee:** Saber Security, LLC,

Charlestown, NH.

**License Type:** Agency

**Violation:** Practicing the profession with an expired license, and failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on August 25, 2004, the agency license of Saber Security, LLC was Reprimanded and an Administrative Penalty in the amount of \$500 was imposed.

**Licensee:** Todd D. Lemieux, Shelburne, VT

**License Type:** Qualifying Agent for Lemieux Security Services, Inc., Shelburne, VT.

**Violation:** Allowed an unqualified employee to carry firearms.

**Sanction:** According to a Board Order effective on June 26, 2003, Lemieux's license was reprimanded.

**Licensee:** Dario Marquez, Jr., Vienna, VA.

**License Type:** Qualifying Agent for MVM, Inc. Of California, Vienna, VA.

**Violation:** Failure to register several Armed (or Unarmed) employees in a timely manner, failure to properly supervise employees, allowing unregistered persons to work, and failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on December 20, 2004, Marquez's license was Reprimanded and Conditioned for a period of 24 months requiring monthly reports listing all employees working in VT, their stations, and their supervisors. An Administrative Penalty in the amount of \$20,000 was also imposed (concurrent with the agency's Order).

**Licensee:** MVM, Inc. Of California, Vienna, VA

**License Type:** Agency

**Violation:** Failure to properly register several Armed (or Unarmed)

employees in a timely manner, failure to properly supervise employees, allowing unregistered persons to work, and failure to comply with the provisions of state statutes or rules.

**Sanction:** According to a Board Order effective on December 20, 2004, the agency's license of MVM, Inc. Of California was Reprimanded and Conditioned for a period of 24 months requiring monthly reports listing all employees working in VT, their stations, and their supervisors. An Administrative Penalty in the amount of \$20,000 was also imposed.

### Complaints

The Board must investigate all allegations of unprofessional conduct submitted. What follows is a composite of some of the issues that may result in the filing of a complaint against an agency or practitioner. Having a complaint filed against you can be extremely disruptive and upsetting. If a case alleges unprofessional conduct, as defined by the Board's laws and rules, the Office will order an investigation.

Although **many complaints do not result in disciplinary action**, they are still investigated. Many of those complaints that are closed without prosecution might have been avoided altogether had the agency or practitioner better communicated with the client, staff, and/or colleagues.

If a complaint is filed and the Investigative Team finds unprofessional conduct, the Board may take disciplinary action after a hearing. We hope that you will read this carefully. It does not cover every possible scenario, but it may help you avoid common pitfalls that result in a complaint, and/or disciplinary action.

1) Poor communication. Be sure to communicate well with your clients, your colleagues, and with your employees.

2) Unauthorized Practice. All registrants working for your agency must hold a current registration. Be certain that all registrants are currently licensed/or registered.

3) Expired License. Failing to renew and continuing to practice with an expired license is unprofessional conduct.

4) Attitude. The Investigative Teams find that many cases are brought to the Office of Professional Regulation because the professional appears to have had an "attitude" that was flippant or seen as condescending.

5) Poor Record keeping. Failing to maintain adequate records is unprofessional conduct. Adequate records also protect you!

### Statutory Amendments

*The following statutes were amended or added, to be effective July 1, 2005. Sections that were not changed were omitted from this information. For a complete copy visit our Web site or contact the Office. (Underlined text represents new text.)*

Sec. 89. 26 V.S.A. § 3161 is amended to read:

### **§ 3161. STATE BOARD**

(a) The state board of private investigative and security services is created. The board shall consist of five members appointed by the governor: one shall be a provider of private detective services; one shall be a provider of private security services; two shall be members of the public with no financial interest in either

service other than as a consumer or potential consumer. The remaining member shall be a provider of private detective services or a provider of private security services, or a provider of both types of services. Board members shall be appointed by the governor pursuant to sections 129b and 2004 of Title 3.

~~(b) Members shall serve for terms of three years. No member may serve more than two consecutive full three-year terms. Vacancies shall be filled for the remainder of the unexpired term in the same manner as the original appointment.~~

~~(c) Members may be removed by the governor under the provisions of section 2004 of Title 3.~~

#### **Explanation re the Proposed Legislation to amend § 3162 (7)**

During the past few months, the Legislature considered the Office of Professional Regulation (“OPR”) proposed amendments to statutes relating to professional regulation. H.199 (“the OPR Bill”) originated out of the House Government Operations Committee, where the representatives of several professions testified about the proposals and the need to amend or add statutes on various subjects.

While the House was taking testimony on the OPR Bill, the Board of Private Investigative and Security Services Proposed Administrative Rules were making their way through the rulemaking process after approximately three years of slow and steady drafting and input from the profession.

One of the final steps in rulemaking is to go before the Legislative Committee on Administrative Rules (“LCAR”). If LCAR gives the Rules final approval, the Board can adopt

them and make them law. At the hearing before LCAR, Jeremy Spaulding of Green Mountain Concert Services (“GMCS”) expressed his concerns around the new rules. Mr. Spaulding, on behalf of GMCS, argued that the training requirements (adopted by the Legislature in (2001) were overly burdensome on GMCS and would put them out of business. He asserted that he has many employees who may work no more than 100 hours in any given year, therefore, a 40 hour training requirement was both a financial burden on his company, as well as a logistical difficulty to get these very part-time people in for enough training prior to beginning work.

Both LCAR and the Board were sympathetic to these concerns, but could not do anything more through rulemaking because the statute already mandated 40 hours of training. LCAR, with the consent of the Board, allowed the rule implementation to be delayed until July 1, 2005, to allow GMCS to seek a statutory amendment to alleviate their concerns.

By this time, the OPR Bill had been passed out of the House and had made its way to the Senate Government Operations Committee. GMCS testified in front of that committee and once again expressed its concerns. Originally, GMCS was going to seek an exemption for “crowd managers” but later pursued the idea of “crowd managers” as a separate category of licensing requiring fewer hours of training. GMCS was going to seek somewhere around 10 hours of training for this category, the number of hours they typically train their employees before they start work. The Senate Government Operations Committee was also sympathetic to the GMCS concerns and directed representative of OPR to go work things out and come to a solution within a week or so, before the next

time the committee took up the OPR Bill.

The Office was not enthusiastic about creating a separate licensing category. This would require another rewrite of the pending rules and would also encourage other various categories of security to seek out special treatment. One of the greatest challenges any Board faces is to write regulations applicable to everyone within the profession – to prescribe a minimum standard for all to follow. It seemed it would not be fair to allow GMCS this separate category of licensure and lesser training requirements when there are many other security companies providing similar services and in the same situation as GMCS with regard to part-time employees and the burdens of the training program. The Office’s main concerns, on behalf of the Board, were:

- 1) that the training program rules not be delayed any longer;
- 2) that we not open the door to every category of security asking for separate legislation; and
- 3) that the solution be one that was fair to all in the security business.

The compromise the Committee agreed upon was to allow more flexibility and time for part-time personnel to complete their training. This approach made sense because as the law currently stands, an employee of an agency could theoretically work on his or her 60 day temporary license for as many as 400+ hours (40+ hours/week for approximately 9 weeks) before completing the training program. So it did not seem like any threat to the public safety to allow these part-time people the ability to train at the same pace.

The new law allows for a 180 day part-time employee license (“part-time” is defined as working no more than 8- hours in any given month). A part-time employee needs to complete

training before that 180 day temporary expires or before she or he works 500 hours as a security guard, whichever comes first. However, because of this special accommodation, the Legislature felt it important to include the clause that these part-time employees must have a basic 8 hour core of training prior to beginning work as a security guard, even on a temporary license. By the new law, the Board may specify which 8 hours of the 40 hour training program are a priority.

Highlights of the new law allowing a special training accommodation for part-time employees:

\*Part-time ("PT") employees are allowed a 180 day temporary license.

\*PT employees are those employees working no more than 80 hours per month.

\*PT employees must have 8 hours of training before beginning work (this is not a requirement for full-time employees, who can begin work on a temporary license immediately).

\*PT employees must complete their training within 180 days or before they work 500 hours, whichever occurs first.

\*The Board may specify the subject areas which must be covered within the 8 hours.

The statute as passed by both House and Senate and awaiting the Governor's Signature as H.199, An Act relating to Professional Regulation. See below.

**26 V.S.A. § 3162(7)** is amended to read:

(7) Adopt rules establishing a security guard or private investigator training program, consisting of not fewer than 40 hours of training, as a prerequisite to registration. Full-time employees shall complete the training program prior to being issued a permanent registration. Part-time employees shall complete not fewer than eight hours of training prior to being issued a part-time employee temporary registration

which shall be valid for 180 days. The remaining training hours for part-time employees shall be completed within the temporary registration period of 180 days or before the employee has worked 500 hours, whichever occurs first. The part-time employee temporary registration shall expire after 180 days or 500 hours. For the purposes of this section, "part-time employee" means an employee who works no more than 80 hours per month. The board may prioritize training subjects to require that certain subject areas are covered in the initial eight hours of training required for part-time employees.

**26 V.S.A. § 3163** is amended to read:

#### **§ 3163. FUNCTIONING OF LICENSING BOARD**

\* \* \*

(d) A majority of the members of a board shall constitute a quorum, and all action shall be taken upon a majority vote of the members present and voting.

~~(e) All business may be transacted by a majority vote of the members present and voting, unless otherwise provided by law.~~

~~(f) Each board member shall receive compensation and expenses as provided in 32 V.S.A. § 1010.~~

#### **Amended Rules** **Effective July 1, 2005**

*The Memorandum below was sent to all agencies. It points out the highlights or the most significant changes to the newly adopted administrative rules.*

After years of public input, dozens of meetings, and a drawn out approval process by the legislative committee on administrative rules, the Board has adopted new administrative rules to put into effect the Legislature's mandate of a 40 hour training program

for security guards and private investigators as a prerequisite to registration.

The rules have an adopted date of April 15, 2005, but **will not go into effect until July 1, 2005**. What follows is a summary of the major changes and what the Board is now expecting and requiring of new applicants and training programs.

You can find versions of the proposed rules (showing where the rules were changed) and a clean version of the adopted rules at the profession's website at [www.vtprofessionals.org](http://www.vtprofessionals.org). Choose "Private Investigative/Security" from the drop-down menu and then click on the appropriate link.

If you have any questions, please feel free to contact us. Or, if you would like, you can attend any of the Board's regular monthly meetings, which are open to the public.

What follows is a summary of the three major areas of change with these new rules.

- 1) The new training program and its requirements;
- 2) The new licensing and registration structure; and
- 3) Revised duties of qualifying agents (and other miscellaneous changes).

#### Training program:

**Rules 2.6 - 2.9:** As of July 1, 2005, all new applicants for registration shall have completed a 40 hour training course approved by the Board prior to registration.

Those currently licensed as of July 1, 2005 will be "grandfathered" and are not required to meet the 40 hours of training. However, those who have lapsed registrations and who renew within the 90 day late renewal period

allowed by law will be renewed without the required training.

Those who have held registrations previously but are "lapsed" as of July 1, 2005 and apply for registration after that date may request a waiver of the training based on experience as an investigator or security guard. Depending on how many years they had previously worked and the kind of experience they obtained, the Board may waive part or all of the training requirement. Other relevant education, training or experience may be considered by the Board for a partial or complete waiver of the training course requirement.

Any person only has to complete the course once. Once the training has been completed, the registrant (or former registrant) will not be required to complete the training again after a period of lapsed registration or when changing employers.

Courses may now be submitted to the Board for approval at any time. The Board intends to allow for a fair amount of flexibility within the training program to accommodate the needs of employers while maintaining a basic level of competency for all registrants.

Registrant training may occur during the temporary registration period. Temporaries will still be issued without proof of training, but a permanent registration will not be issued until after the training has been completed.

Up to ten hours of the 40 may be on-the-job training, or practical experience.

All training programs must be approved by the Board. The training course basics requested by the Board for course approval are as follows:

1) **Lesson Plan.** Including coverage of each of the required subject areas and the hours dedicated to each, for a total of at least 40 hours. The lesson plan should also state the objectives for each section.

2) **Instructors.** A list of instructors and their qualifications (licensed, certified, or able to demonstrate expertise).

3) **Examinations.** A description of the exams to be used to test the registrants' knowledge. Actual exams are not required to be submitted to the Board, but they should be sufficiently described. Whether they are multiple choice or essay, the number of questions to be asked, and the means of grading and evaluating the exams.

4) **Method of Instruction.** The proportion of live presentation vs. video-based. The amount of on-the-job training and the amount of field work. The Board recognizes the value of live presentations, practical application of learned skills, and the opportunity to interact with presenters.

5) **Record Keeping.** Explain the types of records that will be kept on training, exams, certificates, attendance and successful completion or failure of the training program.

6) **Responsible Individual.** Name one person who is responsible for the overall running of the training program and would be the contact person should the Board have any questions.

Courses need only be approved by the Board once. Any substantive change to a course, such as a change in instructor or lesson plan, must be submitted to the Board for approval.

The Board has designated a certain number of hours in several subject areas as the basics which must be covered (See Appendix A of the Rules). Any training course provider can request a variance from those hours, emphasizing different areas of instruction, so long as the basics are covered and the overall 40 hours met. This is intended to allow for a certain amount of flexibility in training courses so that employers can incorporate training specific to the services they provide.

#### New licensing structure:

**Rules 2.2 - 2.4:** The Board has changed its licensing structure regarding agencies and qualifying agents in a way that will hopefully make more sense. It is helpful to think of three categories in this way:

**Agencies:** Agencies are Licensed to provide services through employees. A sole practitioner who does not have any registrant employees providing security or investigative services need not hold an agency license. Agencies designate a qualifying agent to be responsible for the agency and its employees. The qualifying agent must also be Licensed.

#### **Security Guards and Private Investigators**

This category is Licensed by having the 2,000 hours experience and passing the exam. These Licensees are eligible to become qualifying agents for an agency, but are not necessarily qualifying agents.

#### **Registered Security and Private Investigative Employees**

These are the employees of the agency who are not Licensed (have not passed the exam and/or do not meet the experience requirements), who work for an agency, and who are the responsibility of a qualifying agent. These individuals are registered.

Each agency holds its own license as an agency. Each qualifying agent must hold his or her own license as a private investigator or security guard (or both) after meeting the hourly experience and exam requirements. The agency application and renewal forms will indicate who is designated as the qualifying agent. There may be multiple Licensees as security guards or private investigators within an agency, but only one may be designated as the qualifying agent. Each employee of an agency holds a Registration (licensees need not hold both a license and a registration).

Within an agency which employs more than one Licensee, any Licensee may step up to being qualifying agent in the case of a vacancy, so long as the Board is properly notified. An employee of an agency who meets the hourly experience and exam requirements could choose to be a Licensee or a registrant as an employee of the agency. The same employee fee would apply.

A sole practitioner Licensee as a security guard or private investigator (or both) with no employee registrants need only hold an individual license and not an agency license. You may choose to renew your agency license if you think you may take on employees at a later date, or you could let it lapse. A sole practitioner must hold an individual License as a private investigator or security guard (or both).

### 3. Other changes:

**Rule 2.11:** Firearms requalification. Clarifies that requalification does not have the same hourly requirements as initial qualification (16) but must consist of at least 6 hours.

**Rule 2.13:** Firearms/Guard dog instructor licensure. This rule puts into place the statutory change already

made in 2003, requiring instructors to be licensed by the Board.

**Rule 3.3:** Duties of qualifying agents. Clarifies the duties of qualifying agents, including being readily available to supervise, and a physical presence at the agency a minimum of once every 60 days. Day-to-day supervisory responsibilities may be delegated to qualified staff.

### Questions & Answers

**Q.** Can I be licensed/registered with more than one company?

**A.** Yes. Another application must be submitted.

**Q.** What type of offenses would not allow me to get licensed/registered?

**A.** Should you apply, a criminal background check is performed. Offenses related to the profession are taken seriously. If your application is preliminarily denied, you are given an opportunity for a hearing at which you would have the burden of showing you are qualified or eligible for registration or licensure. Copies of police affidavits and court documents must be submitted. Letters of support from drug and alcohol counselors, other treating professionals, probation officers, etc. would be very beneficial on your behalf. In some instances an Investigative Team would be assigned to your case for consideration.

Vermont does not have an "automatic" rejection, so it is impossible to predict how the Investigative Team or the Board might react. It is dependant upon the seriousness of your conviction, compliance with probation, prison terms, or other conditions, and the amount of time since your conviction are all factors that must be considered. The Board does not issue declaratory rulings regarding eligibility for

licensure to persons who have not applied.

**Q.** Does attending the Criminal Justice Training School count as experience?

**A.** No. Training or education is not considered in lieu of experience.

**Q.** If a person is already licensed, why do we need another photo and fingerprint card?

**A.** Each application is approved on its own merit. It is separate and must be current and complete.

**Q.** Why does an out-of-state company or individual have to be firearms certified by a Vermont licensed instructor if they are already armed in another state?

**A.** Each applicant must meet the applicable requirements outlined in the laws and rules (See 26 V.S.A. § 3175a).

### Statistics

License statistics are as follows: 73 active private investigative agencies; 21 active security service agencies; 30 combination private investigative and/or security guard agencies; 123 active unarmed private investigative registrants; 889 active unarmed security guard registrants; 294 armed security guard registrants; 12 armed private investigative registrants; 17 armed licensed private investigators (qualifying agents); 15 armed licensed security guards (qualifying agents); 68 unarmed licensed private investigators (qualifying agents); 27 unarmed licensed security guards (qualifying agents); and 16 active licensed firearms instructors.

### Annual Report

The Office of Professional Regulation's Annual Report is

available online which contains statistics for all professions regulated under the Secretary of State's Office.

**General Information**

Our laws, rules, and many of our application forms are available via our Web site: [www.vtprofessionals.org](http://www.vtprofessionals.org)

**Contact us**

**Vermont Secretary of State  
Office of Professional Regulation  
Board of Private Investigative &  
Security Services, 26 Terrace Street  
Montpelier, VT 05609-1101  
Phone: (802) 828-2837  
Fax: (802) 828-2465  
(E-Mail): [pskinner@sec.state.vt.us](mailto:pskinner@sec.state.vt.us)**