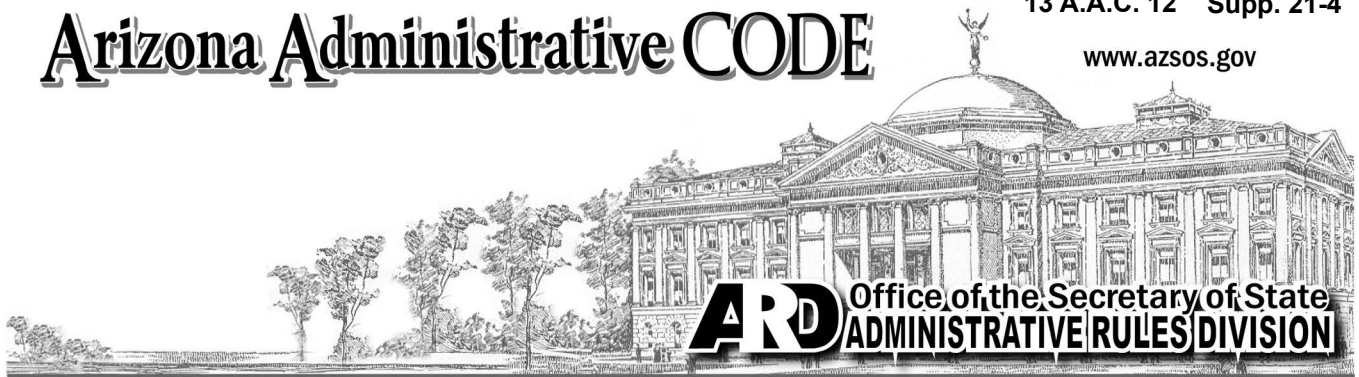




TITLE 13. PUBLIC SAFETY

CHAPTER 12. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD

The table of contents on page one contains links to the referenced page numbers in this Chapter.
Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to expire in the *Arizona Administrative Code* between the dates of
October 1, 2021 through December 31, 2021

[R13-12-102.](#) [Expired](#) [2](#)

Questions about these rules? Contact:

Department: AZDPS Private Investigator/Security Guard
Hearing Board
Address: Arizona Department of Public Safety
2222 W. Encanto Blvd.
Phoenix, AZ 85009
Website: <https://www.azdps.gov/services/public/licensing>
Telephone: (602) 223-2361
Fax: (602) 223-2938

The release of this Chapter in Supp. 21-4 replaces Supp. 06-3, 1-2 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the Code in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each *Code* Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE

This Chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.



Administrative Rules Division

The Arizona Secretary of State electronically publishes each A.A.C. Chapter with a digital certificate. The certificate-based signature displays the date and time the document was signed and can be validated in Adobe Acrobat Reader.

TITLE 13. PUBLIC SAFETY

CHAPTER 12. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD

Authority: A.R.S. § 32-2405(A)(4) et seq.

Supp. 21-4

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GUARD HEARING BOARD**

Article 1, consisting of Sections R13-12-101 through R13-12-108, made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

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CHAPTER 12. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD

ARTICLE 1. PRIVATE INVESTIGATOR AND SECURITY GUARD HEARING BOARD**R13-12-101. Definitions**

The following definitions apply to this Article:

“Applicant” means an individual who meets the prerequisites in R13-12-102.

“Board” means the Private Investigator and Security Guard Hearing Board.

“Department” means the Arizona Department of Public Safety.

“Department’s notice” means a notice of denial issued by the Department under A.R.S. § 32-2640, 32-2641, or 32-2459.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

R13-12-102. Expired**Historical Note**

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3). Section expired under A.R.S. § 41-1056(J) at 27 A.A.R. 2534 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

R13-12-103. Application for a Good-cause Exception

A. To apply for a good-cause exception, an applicant shall submit eight copies of the following materials to the Board within 60 days from the date on the Department’s notice:

1. A good-cause exception application form, which is available from the Department, that includes the following information about the applicant:
 - a. Full legal name;
 - b. Any other names ever used;
 - c. Date of birth;
 - d. Mailing address;
 - e. Home and daytime telephone numbers;
 - f. List of all of applicant’s felony arrests not listed on the Department’s notice;
 - g. Detailed description of all of applicant’s felony arrests including:
 - i. Circumstances leading to the arrest;
 - ii. Who else was involved in the event leading to the arrest;
 - iii. Where and when the event occurred;
 - iv. Mitigating circumstances, if any;
 - v. Disposition of the charge;
 - vi. Terms of sentencing, if any; and
 - vii. Whether the sentencing terms have been completed satisfactorily; and
 - h. Applicant’s notarized signature certifying that the information provided is true and correct;
2. Two letters of reference, on a form prescribed by the Board, that attest to the applicant’s rehabilitation and meet the following requirements:
 - a. Both letters of reference are from individuals who have known the applicant at least one year; and
 - b. At least one letter of reference is from the applicant’s current or former employer or an individual who has known the applicant at least three years;
3. If the Department’s notice indicates that the Department was unable to determine the disposition of a felony charge, a copy of documents from the appropriate court showing the disposition of the felony charge or showing that records regarding the felony charge against the applicant either do not exist or have been purged; and

4. For every felony conviction, regardless of whether the conviction is listed on the Department’s notice, a copy of documents from the appropriate court showing that the applicant met all judicially imposed sentencing terms or that records regarding the applicant either do not exist or have been purged.

- B. An applicant may submit other documents that the applicant wants the Board to consider in determining whether to grant a good-cause exception.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

R13-12-104. Hearing on Good-cause Exception

- A. The Board shall schedule a hearing regarding a good-cause exception for an applicant to occur within 60 days after receiving the materials described in R13-12-103.
- B. The Board shall provide the applicant with at least 30 days notice of the date, time, and location of the hearing on the applicant’s application for a good-cause exception.
- C. The applicant may be represented at the hearing.
- D. If the applicant plans to present written evidence at the hearing that was not included with the application, the applicant shall submit the written evidence to the Board through the Department at least five days before the hearing.
- E. The Board shall conduct the hearing in an informal manner without adherence to the rules of evidence required in a judicial proceeding.
- F. At the hearing, the applicant shall show to the Board’s satisfaction that the applicant:
 1. Has never been convicted of an offense listed in A.R.S. § 41-1758.03(B), and
 2. Is not awaiting trial on an offense listed in A.R.S. § 41-1758.03(B).
- G. At the hearing, the applicant has the burden of persuading the Board that the applicant should be granted a good-cause exception.
- H. In deciding whether to grant a good-cause exception, the Board shall consider:
 1. The extent of the applicant’s criminal record;
 2. The length of time that has elapsed since the most recent offense was committed;
 3. The nature of the offense;
 4. Evidence supporting any applicable mitigating circumstances;
 5. Evidence supporting the degree to which the applicant participated in the offense; and
 6. Evidence supporting the extent of the applicant’s rehabilitation, including:
 - a. Completion of probation, parole, or community supervision;
 - b. Whether the applicant paid restitution or other compensation for the offense;
 - c. Evidence of positive action to change criminal behavior such as completing a drug-treatment program or counseling; and
 - d. Personal references attesting to the applicant’s rehabilitation.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

R13-12-105. Vacating, Rescheduling, or Continuing a Hearing

- A. Vacating a hearing. If an applicant withdraws the applicant’s application for a good-cause exception, the Board shall vacate the hearing regarding the application.

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- B.** Rescheduling a hearing. The Board shall reschedule a hearing if the applicant submits a written request to the Board at least 48 hours before the scheduled hearing that demonstrates:
1. Attending the scheduled hearing is impossible using reasonable diligence or will cause undue hardship; and
 2. Rescheduling the hearing will avoid prejudice.
- C.** Continuing a hearing. The Board shall continue a hearing if the continuance will serve administrative convenience, expedience, or economy and avoid prejudice.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

R13-12-106. Telephonic Testimony

The Board shall allow an applicant or a witness for the applicant to provide telephonic testimony at the hearing on the applicant's application for a good-cause exception if:

1. The applicant submits a written request to the Board at least 48 hours before the scheduled hearing that demonstrates:
 - a. Personal appearance at the hearing by the applicant or applicant's witness will cause undue hardship, and
 - b. Telephonic presence will not cause prejudice, and
2. The applicant pays all costs resulting from the telephonic appearance.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

R13-12-107. Failure to Appear

If an applicant or the applicant's representative fails to appear at the scheduled hearing, the Board shall:

1. Conduct the hearing and decide whether to grant or deny the good-cause exception based on the evidence previously submitted, or
2. Reschedule the hearing.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).

R13-12-108. Notice of Decision

- A.** Within seven business days after concluding the hearing regarding a good-cause exception for an applicant, the Board shall provide written notice to the applicant that the good-cause exception has been granted or denied.
- B.** The Board shall provide to the Department a copy of the written notice granting or denying a good-cause exception so the Department can take any needed action regarding the applicant's application for licensure.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 2844, effective July 11, 2006 (Supp. 06-3).