

2013 HOUSE JUDICIARY


HB 1388

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1388
February 6, 2013
Job 18392

Conference Committee



Explanation or reason for introduction of bill/resolution:

Regulation of private investigators and private security services.

Minutes:

Testimony 1

Vice Chairman opened the hearing.

Rep Kim Koppelman introduced the bill.

David Nerud (08:10) testified in support of the bill. I retired after more than 20 years of active duty in the Army as a Master Sergeant.

Rep Paur: How would you differentiate between those who had the same rank but not the experience?

Nerud: I would broaden the verbiage to include experience. The majority of the members of the board must be actively engaged in the private investigation or security profession. Appointees to the board must be knowledgeable in private investigation or private security matters. I would recommend putting a military liaison on this board.

Rep Klemin: Why a Staff Sergeant?

Nerud: By the time a member of the Infantry receives the rank of Staff Sergeant, they have had extensive tactics training, extensive weapons training and scenario training. They have been through leadership and development schools. They are in charge of 6-8 other individuals. This gives them the training, the hands-on experience and the ability to lead.

Rep Delmore: Do you want the board to automatically grant you a license because of your experience?

Nerud: No. I believe that I should need to have proof that I have the qualifications. I believe consideration should be given for military experience to qualify an individual to apply directly to the board for licensing after following the rest of their guidelines. I believe I should be held to the same level as everyone else.

Chairman: The current language in the bill is inadequate and is being worked on.

Rep Karls: Have you submitted an application to the licensing board?

Nerud: No, I cannot apply.

Rep Paur: You stated that they automatically refused your request because you weren't going through an agency. I don't see anything in this bill that would change that requirement.

Chairman: The bill tells the board that they need to include the exemption that you wouldn't need to go through a private security firm if you have this military or police background.

Brian Kalk (29:21) testified in support of the bill.

Al Dohrmann, Deputy Adjutant General for the North Dakota National Guard (33:38) testified in support of the bill. I think we need to take military training and experience into account across the board when credentialing anybody.

Rep Paur: Would it be appropriate for the National Guard appoint somebody to be on the board?

General Dohrmann: That decision should be with the legislature. It would be helpful to the board so they know what the experience is.

Francine Johnson, Executive Director of the North Dakota Private Investigation and Security Board (44:52) testified in opposition to the bill (Testimony 1).

Rep Delmore: Can you provide us information on the board?

Johnson: The board consists of 7-11 members who are appointed by the Governor. The board members are representatives of the industry. We have one law enforcement liaison. We have members on the board who are veterans.

Chairman: Is the police department liaison outlined in the statute? Or does that person just happen to have that kind of experience?

Johnson: I believe it is outlined in statute.

Chairman: Would you have an objection to also having a military liaison?

Johnson: I wouldn't be adverse to that, but I would think it would be more helpful to have a consultant rather than a board appointed member because having to analyze those types of qualifications is infrequent.

Chairman: Is the police liaison not used much either?

Johnson: He is frequently.

Chairman: Do you have contact with groups like the SBA or business incubators around the state to explain the requirements?

Johnson: We have had a negative history with several of those agencies.

Chairman: You mentioned the industry is self-regulating. How does that work when a violation is reported?

Johnson: The standard practice after receiving a written complaint or notification through our board is to send a letter to the offending party.

Chairman: Is it someone within the profession that reports them?

Johnson: It is somewhat self-regulating, or it is a client that has been wronged.

Chairman: Is private investigation and security one license or are they separate?

Johnson: They are separate licenses and have separate qualifications for each.

Rep Hogan: How many PIs and how many private security services are in ND?

Johnson: Approximately 71 private investigators and 35 security agencies.

Rep Maragos: When the application is processed, does the board vote on them?

Johnson: The only time the board would see an application is if after I have reviewed it, I have questions on the experience or qualifications.

Chairman: So you individually determine whether equivalency is met, unless you have a question about it?

Rep Hogan: If you make a decision, does the applicant have a right to appeal that to the board?

Johnson: Absolutely.

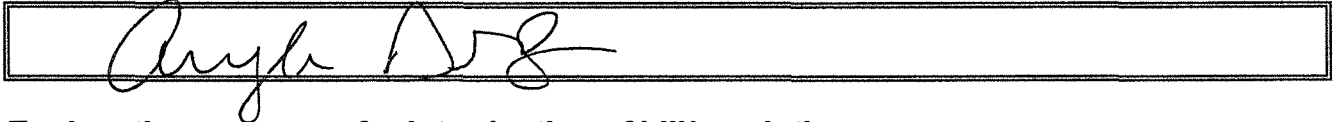
Chairman recessed the hearing.

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1388
February 11, 2013
Job 18747

Conference Committee



Explanation or reason for introduction of bill/resolution:

Regulation of private investigators and private security services.

Minutes:

Testimony 1, 2, 3

Chairman Koppelman re-opened the hearing.

Bill Butcher, Chair of the North Dakota Private Investigation and Security Board testified in opposition to the bill (Testimony 1, 2, 3).

Rep Klemin: This bill requires the board to adopt rules on equivalency. You already have rules on equivalency that would apply to military security and military investigation. Is this bill needed?

Butcher: That is my point. I don't think this bill is needed.

Rep Hogan: The bill says that rules must include waiver rather than being permissive.

Butcher: The rules currently do include waiver. We have provisions for that.

Rep Hogan: That is at the board's discretion. But this bill says that you must define what those waivers would be. Do you think you would have more restrictions under this law than you currently have?

Butcher: Within the administrative rules, there is a list of people exempted. Those are waivers.

Rep Hogan: And that defines all the military situations?

Butcher: Yes.

Chairman: Are you referring to the equivalency portion of the rule?

Butcher: Yes.

Chairman: It says the board may waive part or all of any training experience requirements, etc. It doesn't speak of an exemption, but an ability of the board to look at something and deem it equal or qualifying. Is it up to the board to decide what credence, if any, is given?

Butcher: Yes.

Chairman: What does the term military security mean in your rule?

Butcher: We would consider training or experience to qualify for equivalency.

Chairman: In the past have you considered military security to include MPs, for example, but not taken into consideration the work performed by military members?

Butcher: Consultation from the National Guard would be welcome.

Chairman: Is the process to petition the board outlined somewhere?

Butcher: I may have taken liberty with that term. It's when an application is made.

Nancy Miller, licensed private investigator (23:56) testified in opposition to the bill.

Chairman closed the hearing.

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1388
February 20, 2011
Job #19286

Conference Committee

Committee Clerk Signature

Vicky Crabtree

Explanation or reason for introduction of bill/resolution:

Regulations of private investors and private security services.

Minutes:

See Attachment #1

Chairman Koppelman: Opened the meeting on HB 1388. This deals with security licensure and so on. I have met with Mr. Butcher and received an e-mail series between him and Mr. Nerud that was trying to apply for this. Both he and the board felt that he had significant prior and current experience to qualify for these exceptions. This is a case where the bureaucracy didn't work. I asked him to send me his e-mails back and forth. I don't know if he wants them public, but it was very telling to me. It showed me two people talking past each other or else it was a licensing board not wanting to give somebody much time or attention. There were a lot of things in there including the statement that said you cannot apply on your own; you must work for one of our people first. I met with Mr. Butcher and we went through the whole process and he has copies of all those e-mails and he is going to bring them to the board meeting next week. He is concerned about the way that happened. This is not to cast dispersions on their executive director. I'm sure she is very competent and business like from what I hear. But, this does reveal a flaw in our system sometimes when fence building occurs. I have an amendment I'm going to pass around to the committee and this is a result of collaboration between the board and the military folks. They believe this will fix the bill and make it workable. The process has shed light on something that probably needed attention.

Rep. Larson: Were we going to get copies of those e-mails?

Rep. Koppelman: I can provide those to you.

Rep. Klemin: Since they have been provided to you and the board, they are all public records.

Rep. Koppelman: I'd be happy to provide them to you. I'll forward the e-mail Mr. Nerud sent me to the committee and it is already forwarded to Mr. Butcher.

Rep. Koppelman went through the amendments. (See Attachment #1)

Rep. Maragos: I move the amendment.

Rep. Steiner: Second.

Rep. Kretschmar: The amendment on line 12, page 1, replaced training with training.

Rep. Koppelman: What they are doing there is getting rid of the outline format. Putting it in a paragraph form.

VOICE VOTE: MOTION CARRIED

Rep. Brabandt: I move a Do Pass As Amended.

Rep. Maragos: Second.

ROLL CALL VOTE: 13 y 0 n 1 absent

MOTION CARRIED

BILL CARRIER: Rep. Hogan

VR
2/20/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1388

Page 1, line 7, remove "1."

Page 1, line 7, remove "all or part of"

Page 1, line 10, remove "2."

Page 1, line 11, remove the underscored colon

Page 1, line 12, replace "a. Training" with "training"

Page 1, line 13, remove "; or"

Page 1, replace lines 14 and 15 with ". When considering a waiver based on military training or experience, the board shall consult with relevant military authorities."

Renumber accordingly

Date: 2-20-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1388

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voice vote Carried

Date: 2-20-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB1388

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Brabandt Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore	/	
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson	/	
Rep. Randy Boehning			Rep. Kathy Hogan	/	
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos	/				
Rep. Gary Paur	/				
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Hogan

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1388: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1388 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "1."

Page 1, line 7, remove "all or part of"

Page 1, line 10, remove "2."

Page 1, line 11, remove the underscored colon

Page 1, line 12, replace "a. Training" with "training"

Page 1, line 13, remove "; or"

Page 1, replace lines 14 and 15 with ". When considering a waiver based on military training or experience, the board shall consult with relevant military authorities."

Renumber accordingly

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1388

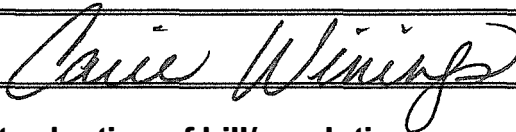
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1388
03/15/2013
Job Number 20010

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Minutes:

Chairman Dever: Opened the hearing on HB 1388.

Representative Kim Koppelman, District 13: Testified as sponsor to explain the bill. This bill is due to a constituent that approached me with the circumstances that spurred the bill.

(6:15) Senator Nelson: I have a question but I am not sure who can speak to it.

Chairman Dever: Asks Bill Butcher to answer some questions.

Senator Nelson: My questions are on from 9 and 12. It says that a waiver must be included and it doesn't say whether they have been released from the military under honorable discharge and later on it says that while the waiver is being considered we shall consult both of which are orders. I am confused. Are you giving a waiver or are you asking for input?

Bill Butcher, Chairman of Private Investigation and Security Board: This is not our bill and we were not consulted on the bill. We were opposed to it when it was initially introduced. We were opposed to it because it was very specific in having to do with having been in the infantry and a rank above staff sergeant; we just did not understand how that could apply. The other point that I made and would like to make again is that we already have a provision for all of this in our administrative rules and we have for some time and it

works very well. The only thing that we don't have in administrative rules is the requirement that we consult with military. That is a matter of policy and practice by our board but it is not written anywhere except in minutes of our meetings. Our position is now neutral on this and again it is in the administrative rules if the bill is defeated, that is fine with us and if it is passed it says the same thing and it is fine with us.

Senator Nelson: If we kill this bill you could put that consultation within your rules and everyone would be happy.

Bill Butcher: We could but it would cost us about \$3000 to do that.

Chairman Dever: Does this bill require you to relax your standards in any way?

Bill Butcher: No it doesn't.

Chairman Dever: If this bill would accommodate the situation that Representative Koppelman mentioned, then why has that become a problem?

Bill Butcher: I do not know the man personally. He was at the hearing in the House Judiciary and testified. He said that he is trying to fulfill his dream to become a private security provider in North Dakota for several years. He has made several inquiries but he has never made application. Our office has not ruled one way or the other because we do not do that until someone applies. I found out in an e mail this morning that he has applied as of today. He has to schedule a test and we have not looked at any of his qualifications. There is no question that he was in the military. He was in the infantry and I do not know if that applies to his qualifications to be a private security provider or a private investigator.

(13:45) Chairman Dever: Are the qualifications to be a private investigator spelled out otherwise in this section of the code?

Bill Butcher: Yes. In two sections, one has to do with private investigators and the other has to do with private security. They are nearly identical except for some of the qualifications for security officer differ from those of a private investigator.

Chairman Dever: (Clarified who the constituent this bill was brought for had spoken to.)

(15:26) General Al Dohrmann, Deputy Adjutant General, North Dakota National

Guard: Testified in a neutral position on the bill. As a general principle any time we can give credit to service members for their training and experience they gain from the military service, we as a state should do that. When we looked at the bill we had concerns on how you weigh this. The original language was very specific. An infantry officer today could possibly be assigned a job that would pertain to security. There are some investigative skills that could be picked up. These things change. We were asked to work together to find a solution to make this bill work. We did that and that is what is before you now. If an applicant comes in with military experience and the board really doesn't know how to weigh that - to seek input from relevant authorities would be in order. In some cases that may be a representative from National Guard, or someone from the Grand Forks Air Force Base, etc. A lot of the experience folks get today can greatly vary and diversify. (Gave an example of personal experience in Kosovo). The board would have that ability now to draw in that expertise. This just puts it into law so that everyone knows that down the road you should do this.

(19:50) Senator Nelson: Normally we talk about the Army, Air Force, Navy, and Marines; does this include Coast Guard?

General Dohrmann: Yes it would because they are considered one of the military forces.

Senator Marcellais: Honorable discharge was not mentioned in this bill and MOS was not mentioned either; can we put those in this bill?

General Dohrmann: I think you could. The problem would be which MOS because they vary by branch. They also can change. In this war on terror, you rarely execute the MOS you were designed for. Most of our mission sets were designed for a peer competitor war and we have had to take a particular unit and train them to do a mission and send them down range. That is where you need that outside expertise. Just because you had a particular MOS doesn't mean you would have everything you need.

Chairman Dever: I think the point of the bill is to ask the board to consider their military experience.

General Dohrmann: I believe that is the case and that is what we are in support of.

(Intern explained the "must" and "shall" in the bill)

Chairman Dever: Closed the hearing on HB 1388.

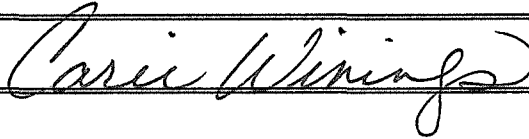
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1388
04/04/2013
Job Number 20892

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened HB 1388 for committee discussion. As I understand it, the bill as it was introduced caused some heartburn to the board that represents these and now they don't have that concern because they already do this.

Senator Cook: Moved a Do Not Pass.

Senator Nelson: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Senator Schaible: Carrier.

Date: 4/4

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1388

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Cook Seconded By Senator Nelson

Senators	Yes	No	Senator	Yes	No
Chariman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry	✓		Senator Richard Marcellais	✓	
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Schaible

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1388, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1388 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1388

/

Testimony of Francine Johnson, Executive Director of the North Dakota Private Investigation & Security Board

February 6, 2013.

I am here today speaking on behalf of the North Dakota Private Investigation & Security Board regarding House Bill NO. 1388. The board is in opposition of this bill due to the following reasons. First of all, we already have equivalency standards and waivers in place regarding training and experience as it relates to the military. Our administrative rules, specifically, **93-02-01.1-06** and **93-02-02.1-10** outline equivalency standards. These sections read as follows:

The board may waive part of or all of any training or experience requirements for individual licensed or registered by the board based upon equivalent training or experience in any combination of the following: private security or private investigation in another state with equal or similar requirements; law enforcement in any jurisdiction with equal or similar requirements; military security, proprietary security, military investigation; proprietary investigation, provided that equal or similar requirements for training as required by this chapter were met; or equivalent training in any educational institution in relevant subject matters. We have and do take these equivalency standards into consideration when registering or licensing potential applicants.

Since we already have measures in place, the waiver outlined in this bill is unnecessary.

Additionally, we strongly oppose the secondary portion of this bill. It outlines that there should be a waiver for any infantry personnel with the level of staff sergeant or higher. Although we respect and appreciate the service these men and women do for our country, we, as a board, cannot endorse a blanket waiver simply because a person has served in the infantry as a staff sergeant. There are many jobs within the military that have little or nothing to do with security or investigations. The language of providing these individuals a waiver opens the door to radio operators, line cooks, electricians, etc. to become security providers and investigators. These individuals would have little to no knowledge of the security or investigative industry. The board's job is to protect the public and ensure that licenses are granted to qualified and professional individuals. The language in this bill does not promote that standard.

We urge the committee to vote "do not pass" on this bill.

2-11-13

1

**HB 1388 Testimony in Opposition by Bill Butcher, Chair of the
North Dakota Private Investigation & Security Board
House Judiciary Committee February 6, 2013**

Administrative Rules 93-02-1.1-06 and 93-02-02.1-10 both titled Equivalency allows the board to waive part of or all of any training or experience requirements licensed or registered by the board based upon equivalent training or experience in, among other things, military investigation and/or security.

November 27, 2007 board meeting. Board was petitioned to establish policy that military experience for job applicants regardless of job title be considered and equivalency for the security or commissioned office level. The board determined that unless the military job or classification specifically dealt with security, they would have to remain at the entry level position of apprentice security officer.

August 25, 2009 board meeting. Board was petitioned to allow an exception to the equivalency requirements for an apprentice security officer who had been in the infantry but presented documentation that he had actual military security experience. The board agreed and authorized him to perform at the security officer level. The board noted then that such matters are decided on a case-by-case basis.

There is absolutely no reason, in the view of the board, to believe that anyone who served in the infantry with the rank of staff sergeant or higher is even remotely competent or qualified to perform private investigative or security work without further specific training and experience.

I have never served in the infantry but I am a veteran of five years on active duty as an officer in the U.S. Navy. I spent two years as communications and crypto officer aboard a destroyer escort and as such was the senior officer in charge of securing classified information on board. I subsequently served as the administrative officer on a high security Navy base in Virginia and was, among other duties, responsible for base security. I was subsequently the president of a licensed private security company in North Dakota for about five years and have chaired the ND Private Investigation & Security Board twice for a total of about ten years.

However, I have never guarded anything or actively performed a security function of any kind and I know I am absolutely unqualified to be licensed as any kind of a security officer. I could never be approved as a security provider by our board. I was an FBI agent for 15 years after I left the Navy and so am qualified to be licensed by the state to be a private investigator. One has to have specific experience and training to do the sorts of things that our board regulates and no infantryman of any rank necessarily has either the experience or training to qualify.

For the reasons I have stated, I strongly urge the Committee to recommend a DO NOT PASS on HB 1388.

2-11-13

HB 1388

2

**CHAPTER 43-30
INVESTIGATIVE AND SECURITY SERVICES**

43-30-01. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Board" means the private investigative and security board.
2. "Employee" means an employee under a contract of employment as defined in chapter 34-01, and not an independent contractor as defined by the common-law test.
3. "License" includes a registration issued by the board.
4. "Licensee" includes an individual who is registered by the board.
5. "Private investigative service" means, for a fee, reward, or other consideration, undertaking any of the following acts for the purpose of obtaining information for others:
 - a. Investigating the identity, habits, conduct, movements, whereabouts, transactions, reputation, or character of any person or organization;
 - b. Investigating the credibility of persons;
 - c. Investigating the location or recovery of lost or stolen property, missing persons, owners of abandoned property or escheated property, or heirs to estates;
 - d. Investigating the origin of and responsibility for libels, losses, accidents, or damage or injuries to persons or property;
 - e. Investigating the affiliation, connection, or relationship of any person, firm, or corporation with any organization, society, or association, or with any official, representative, or member thereof;
 - f. Investigating the conduct, honesty, efficiency, loyalty, or activities of employees, persons seeking employment, agents, or contractors and subcontractors;
 - g. Investigating or obtaining evidence to be used before any authorized investigating committee, board of award, board of arbitration, administrative body, or officer or in preparation for trial of civil or criminal cases; or
 - h. Investigating the identity or location of persons suspected of crimes or wrongdoing.
6. "Private security service" means furnishing for hire security officers or other persons to:
 - a. Protect persons or property;
 - b. Prevent or detect theft or the unlawful taking of goods, wares, or merchandise, or to prevent the misappropriation or concealment of goods, wares, merchandise, money, bonds, stocks, choses in action, notes, or other valuable documents or papers;
 - c. Control, regulate, or direct the flow of or movements of the public, whether by vehicle or otherwise, to assure protection of private property;
 - d. Prevent or detect intrusion, unauthorized entry or activity, vandalism, or trespass on private property;
 - e. Perform the service of a security officer or other person for any of these purposes; or
 - f. Transport money or negotiable securities to or from a financial institution or between business locations on a regular or daily basis, except for mail delivery.

43-30-02. Exemptions.

This chapter does not apply to:

1. Any investigator or officer directly employed by or under any direct contract with the federal government, state, or any county or city thereof, appointed, elected, or contracted with, by due authority of law, while engaged in the performance of official duties. Subcontractors of agencies directly contracted with these entities are not exempted.
2. Any state's attorney.
3. Any attorneys or counselors at law in the regular practice of their profession and any paralegal or legal assistant employed by an attorney or law firm when the attorney or

- law firm retains complete responsibility for the work product of the paralegal or legal assistant.
4. Any person engaged exclusively in obtaining and furnishing information as to the financial standing, rating, and credit responsibility of persons or as to the personal habits and financial responsibilities of applicants for insurance, indemnity bonds, or commercial credit.
 5. A collection agency or finance company licensed to do business under the laws of this state, or an employee of one of those companies, while acting within the scope of employment when making an investigation incidental to the business of the agency, including an investigation as to location of a debtor and of the debtor's assets or property, provided the client has a financial interest in or a lien upon the assets or property of the debtor.
 6. Any person making any investigation of any matter in which that person or the person by whom that person is solely employed is interested or involved.
 7. A person whose sole investigative business is obtaining or furnishing information about acts or individuals from public records, other than those investigating the location or recovery of abandoned or escheated property, owners of abandoned or escheated property, or heirs to estates.
 8. An expert who specializes in a specific, limited area of practice, including automotive accident reconstructions, fire origin and cause investigations, technical surveillance countermeasures, handwriting analysis, auditor, accountant or accounting clerk performing audits or accounting functions, or other areas of practice covered by other licensure in the state, and other areas determined by the board, that fall within the individual's scope of employment, incidental to the investigative profession.
 9. Persons reporting for any media, including news reporters or news investigators.
 10. A person providing mystery or secret shopping services, or providing a similar service, used for evaluating customer service, products, services, pricing, locations, or consumer issues so long as the evaluation is not for purposes of litigation or discovering violations of law.

43-30-02.1. Fair housing law compliance - Exception - Penalty.

This chapter does not apply to a person testing for fair housing law compliance who is employed by or volunteers with an organization recognized for this purpose under federal or state law and who meets the requirements, except for actual registration, of a registered private investigator established by the board. These requirements include a state and nationwide criminal history background record check conducted by the bureau of criminal investigation and the federal bureau of investigation. The results of the state and nationwide criminal history background record check must be on file with the organization. The board, at its request, may review the criminal history background record check and other information related to any person conducting the compliance test. Any person who knowingly violates the requirements for an exception under this section is guilty of a class B misdemeanor.

43-30-02.2. Proprietary security.

A proprietary employer is a person who employs an individual to provide security for that person's own property or protection. A proprietary employer is not required to be licensed as a private security service if the employer does not offer or provide security services to others. Proprietary security employees may be voluntarily registered as security officers under section 43-30-06. In order to be registered as a proprietary security officer, an employee must meet all of the requirements to be registered as a security officer except for:

1. Employment by a licensed private security service; and
2. Supervision by an individual who is licensed to provide security services.

43-30-03. Private investigative and security board.

The governor shall appoint a private investigative and security board. The board must consist of not less than five nor more than eleven members appointed for staggered four-year

terms. Appointees to the board must be knowledgeable in private investigative or private security matters. A majority of the members of the board must be actively engaged in the private investigative or security profession, with at least one member actively engaged in law enforcement. Members of the board may not receive any compensation for their service on the board, but they are entitled to be reimbursed for their expenses incurred in performing their duties in the amounts provided by law for state employees.

43-30-04. Powers of the board.

The board shall establish by rule the qualifications and procedures for classifying, qualifying, licensing, bonding, and regulating persons providing private investigative and security services, including armed security personnel. All rules adopted by the board and appeals therefrom must be in accordance with chapter 28-32. The board may hire office personnel deemed necessary by it for carrying on its official duties and shall set the compensation to be paid to the personnel.

43-30-04.1. Continuing education requirements.

The board may adopt rules establishing the requirements for the continuing education of persons licensed under this chapter. The board may refuse to renew, suspend, or revoke any license issued under this chapter or place on probationary status any licensee on proof that the licensee has failed to meet the applicable continuing education requirements. Applicants for accreditation of continuing education courses, classes, or activities may be charged a reasonable fee as determined by the board.

43-30-05. License required to provide private investigative or security services - Exclusivity.

A person may not provide private investigative or security services without a license issued by the board. Notwithstanding any other law or ordinance, a person may not be required to obtain a license to provide private investigative or security services in this state other than the license required by this chapter.

43-30-05.1. Temporary license or registration.

The board may issue a temporary license or registration upon payment of the required application fee and satisfaction of all other requirements set by the board for licensure or registration under this chapter except for completion of a nationwide criminal history record check on the applicant under section 43-30-06. A temporary license or registration issued under this section expires without further action by the board on the date the board receives the results of the nationwide criminal history record check on the applicant. An additional fee may not be charged for the temporary license or registration, but an application fee is not refundable if the board denies the application.

43-30-05.2. Peace officers.

Notwithstanding section 12.1-13-04, the board may issue a license to an individual who is a peace officer if the license issued to that peace officer under chapter 12-63 is on inactive status.

43-30-06. License and registration applications.

Every person who desires to obtain a license or registration, including nonlicensed members, partners, officers, and owners of at least ten percent interest in the entity, shall apply to the board on applications prepared and furnished by the board. Each application must include the information required by the board and must be accompanied by the required fee. As a requirement of receiving a license or registration, the board shall require each applicant to submit to a state and nationwide criminal history background record check. The nationwide criminal history background record check must be conducted in the manner provided in section 12-60-24. All costs associated with the criminal history background record check are the responsibility of the applicant. Criminal history records provided to the board pursuant to this section are confidential and closed to the public and may be used by the board for the sole

purpose of determining an applicant's eligibility for licensure and obtaining documentation to support a denial of licensure. A criminal history background record check is not required under this section if an applicant for registration has previously been the subject of a state and nationwide criminal history background record check, has held a registration issued by the board within the sixty days immediately preceding the application, and is applying for a new registration due solely to a change in employment. A nationwide criminal history background record check is not required under this section if an applicant for licensure or registration provides to the board the results of a nationwide criminal history background record check performed by the federal bureau of investigation at the request of another state and if the nationwide criminal history background record check was performed within the sixty days immediately preceding the date of the application. A state criminal history background record check is not required under this section if an applicant for registration provides to the board the results of a state criminal history background record check performed by the state in which the applicant currently resides and if the state criminal history background record check was performed within the sixty days immediately preceding the date of the application.

43-30-07. Contents of license - Posting.

Repealed by S.L. 1983, ch. 487, § 13.

43-30-08. Duplicate licenses.

If a loss of a license is shown to the satisfaction of the board, a duplicate thereof must be issued by the board upon payment of the required fee.

43-30-09. Detective agency license.

The board may establish by rule the procedures to be followed by a private investigator to operate a detective agency.

43-30-10. Penalty - Injunction - Unlicensed activity.

Any person who violates this chapter or rules adopted under this chapter, or any person who provides a private investigative service or private security service without a current license issued by the board, or falsely states or represents that the person has been or is an investigative officer or employed by an investigative or security officer or agency is guilty of a class B misdemeanor. In addition to the criminal penalties provided, the civil remedy of an injunction is available to restrain and enjoin violations of any provisions of this chapter, without proof of actual damages sustained by any person. An injunction does not preclude criminal prosecution and punishment of a violator. The board is not liable for the lost income, costs, or any other expenses that may be incurred by a person against whom an injunction is sought, and the board may not be required to provide security or a bond. The board may seek costs for reimbursement of expenses for obtaining an injunction, including attorney's fees. In addition to issuing the injunction, the court may impose an administrative fee consistent with section 43-30-10.1 if the person has violated a provision of this chapter.

43-30-10.1. Issuance of citations for unauthorized practice - Administrative fee - Appeal.

1. The board may issue a citation to a person who the board finds probable cause to believe has violated section 43-30-10.
2. A citation must be in writing and describe with particularity the nature of the violation. The citation must also inform the person of the provisions of subsection 5. A separate citation must be issued for each violation.
3. If appropriate, the citation must contain an order of abatement fixing a reasonable time for abatement of the violation.
4. The board may assess an administrative fee of:
 - a. For the first violation, up to two hundred fifty dollars.
 - b. For the second violation, up to five hundred dollars.
 - c. For the third or subsequent violation, up to one thousand dollars.

5. To appeal the finding of a violation, the person must request a hearing by written notice of appeal to the board within thirty days after the date of issuance of the citation.
6. An appeal must be heard under the procedures contained in chapter 28-32.
7. A citation does not preclude a civil injunction or the criminal prosecution and punishment of a violator.

43-30-11. Renewal of licenses.

A license to provide private investigative or security services must be renewed on an annual basis ending on September thirtieth of each year. License fees must be prorated for the portion of each license period the license is in effect.

43-30-12. Disciplinary action.

The board may refuse to renew, suspend, or revoke a license, or place on probationary status any licensee, or issue a letter of reprimand to any licensee, for any one or any combination of the following causes:

1. Fraud in obtaining a license.
2. Violation of this chapter or rules adopted which implement section 43-30-04.
3. If the holder of any license or a member of any copartnership, an officer of any corporation, or a manager of any limited liability company has been adjudged guilty of the commission of an offense determined by the board to have a direct bearing upon a holder's ability to serve the public as a private investigative or security agency, or if the board determines that, following conviction of any offense, the holder is not sufficiently rehabilitated under section 12.1-33-02.1.
4. Upon the disqualification or insolvency of the surety of the licenseholder.
5. Any person licensed, certified, or registered by the board pursuant to this chapter who violates any statute or board regulation and who is not criminally prosecuted is subject to a monetary penalty, which may be assessed at a hearing under the procedures contained in chapter 28-32. If the board determines that a respondent is guilty of the violation complained of, the board shall determine the amount of the monetary penalty for the violation, which may not exceed two thousand five hundred dollars for each violation. The penalty may be sued for and recovered in the name of the board. The monetary penalty must be paid into the board's general fund.

The board may impose a fee on any person subject to regulation under this chapter to reimburse the board for all or part of the costs of administrative actions resulting in disciplinary action, including the amount paid by the board for services from the office of administrative hearings, attorney's fees, court costs, witness fees, staff time, and other expenses.

43-30-13. Notice and hearing on license revocation.

The board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute a violation of this chapter or rules adopted by the board, investigate the actions of any person holding or claiming to hold a license. The board shall, before refusing to issue, suspending, revoking, or taking any other licensure action, notify in writing the applicant or holder of the license of any charges made and shall afford the accused person an opportunity to be heard in person or by counsel in reference thereto. The written notice may be served by personal delivery to the accused person, or by registered mail to the place of business specified by the accused person in the person's last notification to the board. At the time and place fixed in the notice, the board shall proceed to hearing of the charges and both the accused person and the complainant must be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence, and argument as may be pertinent to the charges or to any defense thereto. The board may continue the hearing from time to time.

43-30-14. Hearing powers.

The board may subpoena any person in this state and take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this state.

43-30-15. Application of chapter 28-32.

Chapter 28-32 governs the procedures under this chapter. Any decision made by the board under section 43-30-12 is governed by chapter 28-32.

43-30-16. Examination, license, and registration fees.

The board may establish by rule and charge the following fees:

1. The fee to be paid by an applicant for an examination to determine the applicant's fitness to receive a license as a private investigator or a license to provide private security services may not exceed one hundred dollars.
2. The fee to be paid by an applicant for the initial issuance or the renewal of a license as a private investigator or a license to provide private security services may not exceed one hundred fifty dollars. A late fee not to exceed fifty dollars may be charged for each month the renewal fee is due and unpaid.
3. The fee to be paid by an applicant to apply for a license to conduct a private security or detective agency may not exceed one hundred dollars.
4. The fee for the issuance or the renewal of a license to conduct a private security or detective agency may not exceed three hundred dollars. A late fee not to exceed one hundred dollars may be charged for each month the renewal fee is due and unpaid.
5. The one-time fee to be paid by an applicant for the issuance of a private security training certificate may not exceed twenty-five dollars.
6. The annual fee to be paid by an applicant for the issuance of an armed private security certificate may not exceed twenty-five dollars. A late fee not to exceed ten dollars may be charged for each month the renewal fee is due and unpaid.
7. The fee to be paid for the issuance of a duplicate license may not exceed twenty dollars.
8. The initial registration fee to provide private investigative service or private security service may not exceed twenty-five dollars. The fee for the renewal of a registration to provide private investigative service or private security service may not exceed twenty-five dollars. A late fee not to exceed ten dollars may be charged for each month the renewal fee is due and unpaid.

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**STATE OF NORTH DAKOTA
PRIVATE INVESTIGATION
AND SECURITY BOARD**

**TITLE 93:
ADMINISTRATIVE RULES**

NDPISB NEWS**ABOUT US****MEETING SCHEDULE****BOARD MEMBERS****EXECUTIVE DIRECTOR****MEETING MINUTES****REQUIREMENTS****FORMS****QUESTIONS****CENTURY CODE: 43-30****TITLE 93****LICENSE HOLDERS****UPCOMING EVENTS****HOME**

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93-01: General Administration**93-02:** Private Investigative and Security Services**ARTICLE 93-01: GENERAL ADMINISTRATION**

Chapter 93-01-01: Organization of Board

CHAPTER 93-01-01: ORGANIZATION OF BOARD

Section 93-01-01-01: Organization of Private Investigative and Security Board

93-01-01-01. Organization of private investigative and security board.

The governor shall appoint a private investigative and security board. The board must consist of not less than five, nor more than eleven members appointed for staggered four-year terms. Appointees to the board must be knowledgeable in private investigative or private security matters. A majority of the members of the board must be actively engaged in the private investigative or security profession. It is the practice of said board that at least one member be representative of the law enforcement community to better facilitate cooperative effectiveness within the industry.

Members of the board may not receive any compensation for their service on the board, but they are entitled to be reimbursed for their expenses incurred in performing their duties in the amounts provided by law for state employees.

History: Effective April 1, 1994.**General Authority:** NDCC 43-30-04**Law Implemented:** NDCC 43-30-03**ARTICLE 93-02: PRIVATE INVESTIGATIVE AND SECURITY SERVICES**

Chapter

93-02-01: Private Investigative Services [Repealed]

93-02-01.1: Private Investigative Services

93-02-02: Private Security Services [Repealed]

93-02-02.1: Private Security Services

93-02-03 General Rules

CHAPTER 93-02-01: PRIVATE INVESTIGATIVE SERVICES

[Repealed effective May 1, 2000]

CHAPTER 93-02-01.1: PRIVATE INVESTIGATIVE SERVICES

Section

- 93-02-01.1-01: Qualifications for individuals providing private Investigative services
- 93-02-01.1-02: Licensing of individuals providing private investigative services
- 93-02-01.1-03: Licensing of detective agencies
- 93-02-01.1-04: Registration of employees and independent Contractors of detective agencies
- 93-02-01.1-05: Armed personnel - possession and use of firearms in the course of providing private investigative services
- 93-02-01.1-06: Equivalency
- 93-02-01.1-07: Prohibitions
- 93-02-01.1-08: Surety requirements
- 93-02-01.1-09: License - posting
- 93-02-01.1-10: Issuance of pocket cards
- 93-02-01.1-11: Change in ownership or other application information
- 93-02-01.1-12: Examination restrictions

93-02-01.1-01. Qualifications for individuals providing private investigative services. To receive and maintain any license or registration from the board to provide private Investigative services, an individual first must:

1. Be at least eighteen years of age.
2. Be a high school graduate or hold the equivalent of a high school diploma.
3. Have not been convicted or adjudged guilty in any jurisdiction of one of the following offenses or its equivalent in another jurisdiction, including juvenile adjudications that the individual has engaged in similar conduct: any felony; any class A or B misdemeanor involving an act of violence or intimidation as defined in North Dakota Century Code chapters 12.1-16 through 12.1-25 and chapter 12.1-31.2, or involving controlled substances as defined in North Dakota Century Code chapter 19-03.1; any offense involving theft as defined in North Dakota Century Code chapter 12.1-23, including shoplifting; or any other offense which must be reported to the North Dakota Bureau of Criminal Investigation under North Dakota Century Code section 12.1-32-15. This subsection will not prohibit the board from issuing a license or registration to an individual if the board determines the offense does not have a direct bearing upon the individual's ability to provide private investigative services to the public and the individual has been sufficiently rehabilitated pursuant to the provisions of North Dakota Century Code section 12.1-33-02.1, or a full pardon has been granted.
4. Be free of mental condition or defect which would interfere with the individual's ability to provide services in a professional and competent manner.

5. Have not committed an act which the board determines is indicative of bad moral character and which has a direct bearing on the applicant's ability to serve the public, including but not limited to offenses other than those listed in subsection three of this section.

The requirements in this section are in addition to any other qualifications established in this chapter. Each individual who is required to meet the qualifications of this section has a continuing duty to notify the board of any conviction or adjudication of guilt of an offense described in subsection three of this section within fourteen days of the conviction or adjudication. For individuals who are licensed or registered by the board on the effective date of this section, or who are officers or owners of at least a ten-percent interest in a licensed agency on the effective date of this section, this section applies only to convictions or adjudications of guilt which occur after the effective date of this section.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-06

93-02-01.1-02. Licensing of individuals providing private investigative services.

1. An individual providing private investigative services must obtain a license from the board to provide those services unless the individual is registered as an employee or independent contractor of an agency which is licensed under this chapter and is providing those services within the scope of the individual's relationship with the agency. An agency is responsible for registering its employees and independent contractors under section 93-02-01.1-04. This section does not apply to individuals who are exempt from the board's jurisdiction under North Dakota Century Code section 43-30-02.
2. An individual is qualified to be licensed to provide private investigative services if the individual has passed an examination conducted by or under the supervision of the board within the twelve months preceding the date of the individual's application for the license and has provided two thousand hours of private investigative services as a registered employee of a detective agency. The experience requirement in this subsection does not apply to an individual who holds a license on the effective date of this section unless the individual's license lapses and is not renewed within one year pursuant to section 93-02-03-03.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-06

93-02-01.1-03. Licensing of detective agencies. Any individual or entity hiring another person to perform private investigative services must obtain a detective agency license. An individual who applies for an agency license must be currently licensed in this state to provide private investigative services. An

entity which applies for an agency license must have at least one owner, member, or partner who is licensed to provide private investigative services and who will be responsible for all agency personnel providing those services. All non-licensed officers and owners of at least a ten-percent interest in the entity must be listed on the application and meet the qualifications in section 93-02-01.1-01.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-09

93-02-01.1-04. Registration of employees and independent contractors of detective agencies.

1. For the purposes of this chapter, the terms "employee" and "employment" refer to an employer-employee relationship in which the employee is working for compensation, the employer directly or indirectly controls the employee's conduct, and the employer pays taxes or makes other payments because of the employment.
2. An individual providing private investigative services as an employee or independent contractor of a detective agency who is not licensed to provide those services must have a registration from the board. The agency is responsible for obtaining registration for all of its employees and independent contractors.
3. A detective agency may not employ or contract with an unregistered or unlicensed person to provide private investigative services on behalf of the agency. A person employed or contracted by a detective agency who does not provide any private investigative services need not be registered or licensed.
4. A detective agency is responsible for any activities of its licensed or registered employees and independent contractors and may be subject to administrative action by the board for the activities of its licensed or registered employees and independent contractors.
5. A registered employee or independent contractor may not provide private investigative services unless the employee or independent contractor is under the supervision of an individual who is licensed to provide private investigative services.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-16

93-02-01.1-05. Armed personnel - possession and use of firearms in the course of providing private investigative services. It is unlawful for any individual, including agency personnel, to carry a firearm while providing private investigative services unless the individual carrying the firearm:

1. Is in compliance with all existing state and federal laws governing weapons or firearms, including certification and licensing when necessary;

2. Has completed the same requirements for firearms training as is required for North Dakota peace officers. However, if the individual fails the written examination or shooting course twice, the individual must wait at least thirty days to retake the failed portion, and if the individual fails the written examination or shooting course a third time, the individual must wait a full year before retaking the written examination or shooting course; and
3. Has provided at least one thousand hours of private investigative or private security services

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-01.1-06. Equivalency. The board may waive part of or all of any training or experience requirements for individuals licensed or registered by the board based upon equivalent training or experience in any combination of the following: private security or private investigation in another state with equal or similar requirements; law enforcement in any jurisdiction with equal or similar requirements; military investigation; proprietary investigation, provided that equal or similar requirements for training as required by this chapter were met; or equivalent training in any educational institution in relevant subject matters.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-01.1-07. Prohibitions.

1. No individual, while providing private investigative services, may:
 - a. Wear, carry, use, display, or possess any identification, badge, uniform, patch, insignia, sign, decal, or other form of identification;
 - b. Make or utter any statement; or
 - c. Use, control, possess, or own any motor vehicle of any kind which is marked or identified by any sign, insignia, decal, equipment, device, or contrivance which could or might reasonably lead the general public to believe or assume that the individual has any police-type powers or that the individual or vehicle is associated in any way with a governmental law enforcement agency or other governmental agency. Examples of prohibited conduct include use of the word "police", the great seal of the state of North Dakota or the seal of any political subdivision; or use of any type of common or customary military rank.
2. No individual licensed or registered by the board under this chapter, including the holder of an agency license, may be employed full time or part time in any capacity wherein such individual has any police-type powers or access to any official law enforcement records.
3. No individual licensed or registered by the board under this chapter may solicit or accept any commission or deputization that in any way involves the authority to use or employ, or the use or employment of,

any police-type powers, except that of a special deputy sheriff or special police officer, and then, only in the case of an emergency or disaster and only for the immediate time of the emergency or disaster.

4. As used in this section, positions with police-type powers do not include official volunteer civil defense positions or membership in the national guard, reserve, or regular armed forces of the United States, but include positions or membership in the military police, security police, or similar police functions of the regular armed forces of the United States.
5. Expert witnesses, including law enforcement officials, are exempt from being licensed or registered to provide private investigative services when used to review or research information that has been gathered or a field review of the scene is conducted, so long as there is no personal contact, such as interviewing witnesses, suspects, victims, or the use of confidential law enforcement information or records.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 12.1-13-04

93-02-01.1-08. Surety requirements.

1. Before a license to provide private investigative services can be issued to any individual or agency, the applicant must file with the board a certificate of insurance executed by the applicant and by an insurance company in the sum of three hundred thousand dollars of general liability with errors and omissions insurance.
2. The certificate of insurance must be conditioned on the faithful and honest conduct of the business of the applicant and the applicant's agents, employees, and independent contractors, and for the full protection of any person who deals with the applicant or the applicant's agents, employees and independent contractors. The certificate of insurance must provide that any person injured by the breach of the conditions of the insurance policy may bring an action on that insurance policy in the name of the state of North Dakota for the use of the person so injured to recover legal damages suffered by reason of breach of the conditions; provided, however, that the aggregate liability of the insurance policy, for all damages may, in no event, exceed the sum of the insurance policy. The insurance underwriter may cancel the bond or policy upon giving thirty days' notice in writing to the board and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-01.1-09. License - Posting. Each individual or agency which is licensed by the board shall conspicuously display that license at all times in the licensee's place of business. If the licensee has more than one office as a

place of business, the licensee shall display a duplicate license at each office. An agency need not display the licenses of all the individual licensees employed or contracted by the agency. If the board revokes, suspends, or disapproves renewal of any license, the board may require the holder of the license to return the license to the board within fourteen days.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-05

93-02-01.1-10. Issuance of pocket cards.

1. To each individual licensed or registered by the board, the board shall issue a laminated pocket card. The board will not issue a pocket card to an individual performing private investigative services for a detective agency on a contractual basis if that individual is already licensed as a private investigator.
2. When a registered employee or independent contractor of a detective agency terminates employment or a contract with the agency, that individual shall return the pocket card to the agency immediately after termination. Within seven days after receiving the pocket card of the terminated individual, the agency shall mail or deliver the pocket card to the board for cancellation, along with a letter from the holder of the agency license stating the date the registered individual was terminated and the date the agency received the terminated individual's card.
3. If the board revokes, suspends, or disapproves the renewal of a license or registration of any individual, the board may require the individual to return the his or her pocket card within fourteen days.
4. If the board revokes, suspends, or disapproves renewal of a detective agency license, the board may require the agency to return the pocket cards of all its registered employees and independent contractors within fourteen days of the request by the board.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-05

93-02-01.1-11. An agency license is not transferable. A licensed detective agency must notify the board in advance of any change in ownership of the agency and a new license application form must be submitted to the board by the new owner or owners. Payment of license fees is nontransferable. Each agency licensed by the board has a continuing duty to notify the board about any changes in information provided in the license application form within fourteen days of the change.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-05

93-02-01.1-12. Examination Restrictions. Any applicant for a license to provide private investigative services who fails to pass the first examination required by the board may apply for retesting no sooner than thirty days after notice of failure. Upon failure of a second and subsequent examination, the applicant may apply for retesting again after a one-year waiting period.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-16

CHAPTER 93-02-02.1: PRIVATE SECURITY SERVICES

Section

93-02-02.1-01: Qualifications for individuals providing private security services

93-02-02.1-02: Licensing of individuals providing private security services

93-02-02.1-03: Licensing of private security agencies

93-02-02.1-04: Registration of Employees and Independent Contractors of Private Security Agencies

93-02-02.1-05: Qualifications for apprentice security officers

93-02-02.1-06: Qualifications for security officers

93-02-02.1-07: Qualifications for commissioned security officers

93-02-02.1-08: Armed personnel - possession and use of firearms in the course of providing private security services

93-02-02.1-09: Qualifications for trainers

93-02-02.1-09.1: Qualifications for Armed Instructors

93-02-02.1-10: Equivalency

93-02-02.1-11: Prohibitions

93-02-02.1-12: Surety requirements

93-02-02.1-13: License - posting

93-02-02.1-14: Issuance of pocket cards

93-02-02.1-15: Change in ownership or other application information

93-02-02.1-16: Examination restrictions

93-02-02.1-01. Qualifications for individuals providing private security services. To receive and maintain any license or registration from the board to provide private security services, an individual first must:

1. Be at least eighteen years of age.
2. Be a high school graduate or hold the equivalent of a high school diploma.
3. Have not been convicted or adjudged guilty in any jurisdiction of one of the following offenses or its equivalent in another jurisdiction, including juvenile adjudications that the individual has engaged in similar conduct: any felony; any class A or B misdemeanor involving an act of violence or intimidation as defined in North Dakota Century Code chapters 12.1-16 through 12.1-25 and chapter 12.1-31.2, or involving controlled substances as defined in North Dakota Century Code chapter 19-03.1; any offense involving theft as defined in North Dakota Century

Code chapter 12.1-23, including shoplifting; or any other offense that must be reported to the North Dakota bureau of criminal investigation under North Dakota Century Code section 12.1-32-15. This subsection does not prohibit the board from issuing a license or registration to an individual if the board determines the offense does not have a direct bearing upon the individual's ability to provide private security services to the public and the individual has been sufficiently rehabilitated pursuant to the provisions of North Dakota Century Code section 12.1-33-02.1, or a full pardon has been granted.

4. Be free of mental condition or defect which would interfere with the individual's ability to provide services in a professional and competent manner.
5. Have not committed an act that the board determines is indicative of bad moral character and which has a direct bearing on the applicant's ability to serve the public, including offenses other than those listed in subsection 3.

The requirements in this section are in addition to any other qualifications established in this chapter. Each individual who is required to meet the qualifications of this section has a continuing duty to notify the board of any conviction or adjudication of guilt of an offense described in subsection 3 within fourteen days of the conviction or adjudication. For individuals who are licensed or registered by the board on May 1, 2000, or who are officers or owners of at least a ten percent interest in a licensed agency on May 1, 2000, this section applies only to convictions or adjudications of guilt which occur after May 1, 2000.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-06

93-02-02.1-02. Licensing of individuals providing private security services.

1. An individual providing private security services must obtain a license from the board to provide those services unless the individual is registered as an employee or independent contractor of an agency that is licensed under this chapter and is providing those services within the scope of the individual's relationship with the agency. An agency is responsible for registering its employees and independent contractors under section 93-02-02.2-04. This section does not apply to individuals who are exempt from the board's jurisdiction under North Dakota Century Code section 43-30-02.
2. An individual is qualified to be licensed to provide private security services if the individual is currently a commissioned security officer and has passed an examination conducted by or under the supervision of the board within the twelve months preceding the date of the individual's application for the license.

History: Effective May 1, 2000; amended effective May 1, 2005.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-06

93-02-02.1-03. Licensing of private security agencies. Any individual or entity hiring another person to perform private security services must obtain a private security agency license. An individual who applies for a private security agency license must be currently licensed in this state to provide private security services. An entity that applies for a private security agency license must have at least one owner, member, or partner who is licensed to provide private security services and who will be responsible for all agency personnel providing those services. All nonlicensed officers and owners of at least a ten percent interest in the entity must be listed on the application and meet the qualifications in section 93-02-02.1-01.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-04. Registration of employees and independent contractors of private security agencies..

1. For the purposes of this chapter, the terms "employee" and "employment" refer to an employer-employee relationship in which the employee is working for compensation, the employer directly or indirectly controls the employee's conduct, and the employer pays taxes or makes other payments because of the employment.
2. An individual providing private security services as an employee or independent contractor of a private security agency who is not licensed to provide those services must have a registration from the board as an apprentice security officer, security officer, or commissioned security officer. The agency is responsible for obtaining registration for all of its employees and independent contractors.
3. A private security agency may not employ or contract with an unregistered or unlicensed person to provide private security services on behalf of the agency. A person employed or contracted by a private security agency who does not provide any private security services need not be registered or licensed.
4. A private security agency is responsible for any activities of its licensed or registered employees and independent contractors and may be subject to administrative action by the board for the activities of its licensed or registered employees and independent contractors.
5. A registered employee or independent contractor may not provide private security services unless the employee or independent contractor is under the supervision of an individual who is licensed to provide private security services.

History: Effective May 1, 2000; amended effective May 1, 2005.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-05, 43-30-16

93-02-02.1-05. Qualifications for apprentice security officers. To qualify for registration as an apprentice private security officer, an individual:

1. Must complete, within thirty days after being registered with the board, a minimum of twelve hours of classroom instruction relating to the provision of private security services or twelve hours of field training. The field training must be supervised either by a security officer who has a minimum of two thousand hours of active service in that grade or equivalent combination of training and experience as defined in section 93-02-02.1-10 or by a commissioned security officer. The training must be at a ratio of no more than four trainees to one officer.
2. Until the apprentice private security officer has fulfilled the requirements in this section, the apprentice may only provide private security services under the direct, onsite supervision of a security officer or commissioned security officer employed by the private security agency.
3. A registration under this section will not be issued after the expiration of a temporary registration issued under North Dakota Century Code section 43-30-05.1 unless the apprentice security officer provides sufficient proof to the board of the completion of the instruction and field training requirements in this section.

History: Effective May 1, 2000; amended effective July 1, 2010.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-06. Qualifications for security officers. To qualify for registration as a security officer, an individual must provide a minimum of one thousand hours of private security service as a registered apprentice security officer and complete an additional thirty-two hours of classroom instruction as required by the board.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-07. Qualifications for commissioned security officers. To qualify for registration as a commissioned security officer, an individual must provide three thousand hours of private security service as a registered security officer, in addition to at least one thousand hours as an apprentice security officer, and complete an additional eighty hours of classroom instruction as required by the board.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-08. Armed personnel - Possession and use of firearms in the course of providing private security services. It is unlawful for any individual, including agency personnel, to carry a firearm while providing private security services unless the individual carrying the firearm:

1. Is in compliance with all existing state and federal laws governing weapons or firearms, including certification and licensing when necessary;
2. Has completed the same requirements for firearms training as is required for North Dakota peace officers. However, if the individual fails the written examination or shooting course twice, the individual must wait at least thirty days to retake the failed portion, and if the individual fails the written examination or shooting course a third time, the individual must wait a full year before retaking the written examination or shooting course; and
3. Achieved at least the rank of security officer as defined in section 93-02-02.1-06 and been issued an armed private security certificate.

History: Effective May 1, 2000; amended effective May 1, 2005.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-09. Qualifications for trainers. Classroom instruction required of apprentice security officers, security officers, or commissioned security officers must be conducted by trainers certified by the board. To be certified as a trainer, an individual must meet at least one of the following requirements:

1. Two thousand hours of active service as a security officer;
2. Equivalent combination of training and experience as defined in section 93-02-02.1-10;
3. One-year of experience as an instructor in a relevant discipline at an educational institution or educational agency;
4. A degree from any educational institution in a nonrelevant discipline plus at least a minor in a relevant discipline; or
5. Certification from an accredited vocational education provider.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-09.1. Qualifications for armed instructors. Written and practical instruction and testing must be conducted by a board-certified instructor. To be certified as an armed instructor, an individual must meet at least one of the following requirements:

1. Is a certified weapons instructor by the North Dakota Peace Officer Standards and Training board.
2. Is a certified weapons instructor by the National Rifle Association.

3. Has completed twenty-four months of apprenticeship training under a board-certified weapons instructor. During the twenty-four-month apprenticeship period, the candidate must be at least a security officer and hold an armed certificate. After completion of the apprenticeship, the instructor must submit a notice to the board showing that the candidate has successfully completed the candidate's apprenticeship and the instructor is requesting certification for the candidate.

History: Effective May 1, 2005

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-10. Equivalency. The board may waive part of or all of any training or experience requirements for individuals licensed or registered by the board based upon equivalent training or experience in any combination of the following: private security or private investigation in another state with equal or similar requirements; law enforcement in any jurisdiction with equal or similar requirements; military security; proprietary security, provided that equal or similar requirements for training as required by this chapter were met; or equivalent training in any educational institution in relevant subject matters.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-11. Prohibitions.

1. An individual, while providing private security services, may not:
 - a. Wear, carry, use, display, or possess any identification, badge, uniform, patch, insignia, sign, decal, or other form of identification;
 - b. Make or utter any statement; or
 - c. Use, control, possess, or own any motor vehicle of any kind which is marked or identified by any sign, insignia, decal, equipment, device, or contrivance; which could or might reasonably lead the general public to believe or assume that the individual has any police-type powers or that the individual or vehicle is associated in any way with a governmental law enforcement agency or other governmental agency. Examples of prohibited conduct include use of the word "police", the great seal of the state of North Dakota, or the seal of any political subdivision; or use of any type of common or customary military rank.
2. An individual licensed by the board under this chapter, including the holder of an agency license, may not be employed full time or part time in any capacity wherein such individual has any police-type powers or access to any official law enforcement records.
3. An individual licensed by the board under this chapter may not solicit or accept any commission or deputization that in any way involves the authority to use or employ, or the use or employment of, any police-type powers, except that of a special deputy sheriff or special police

officer, and then, only in the case of an emergency or disaster and only for the immediate time of the emergency or disaster.

4. As used in this section, positions with police-type powers do not include official volunteer civil defense positions or membership in the national guard, reserve, or regular armed forces of the United States, but include positions or membership in the military police, security police, or similar police functions of the regular armed forces of the United States.
5. If a uniform is worn, for identification purposes, the name of the agency that the individual is employed by must be prominently displayed on the uniform.

History: Effective May 1, 2000; amended effective July 1, 2010.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 12.1-13-04

93-02-02.1-12. Surety requirements.

1. Before a license to provide private security services can be issued to any individual or agency, the applicant must file with the board a certificate of insurance executed by the applicant and by an insurance company in the sum of three hundred thousand dollars of general liability with errors and omissions insurance.
2. The certificate of insurance must be conditioned on the faithful and honest conduct of the business of the applicant and the applicant's agents, employees, and independent contractors, and for the full protection of any person who deals with the applicant or the applicant's agents, employees, and independent contractors. The certificate of insurance must provide that any person injured by the breach of the conditions of the insurance policy may bring an action on that insurance policy in the name of the state of North Dakota for the use of the person so injured to recover legal damages suffered by reason of breach of the conditions; provided, however, that the aggregate liability of the insurance policy for all damages may, in no event, exceed the sum of the insurance policy. The insurance underwriter may cancel the policy upon giving thirty days' notice in writing to the board and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.

History: Effective May 1, 2000; amended effective May 1, 2005.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04

93-02-02.1-13. License - Posting. Each individual who, or private security agency that, is licensed by the board shall conspicuously display that license at all times in the licensee's place of business. If the licensee has more than one office as a place of business, the licensee shall display a duplicate license at each office. An agency need not display the licenses of all the individual licensees employed or contracted by the agency. If the board revokes,

suspends, or disapproves renewal of any license, the board may require the holder of the license to return the license to the board within fourteen days.

History: Effective May 1, 2000; amended effective May 1, 2005.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-05

93-02-02.1-14. Issuance of pocket cards.

1. To each individual licensed or registered by the board, the board shall issue a laminated pocket card.
2. When a registered employee or independent contractor of a private security agency terminates employment or a contract with the agency, that individual shall return the pocket card to the agency immediately after termination. Within seven days after receiving the pocket card of the terminated individual, the agency shall mail or deliver the pocket card to the board for cancellation, with a letter from the holder of the agency license stating the date the registered individual was terminated and the date the agency received the terminated individual's card.
3. If the board revokes, suspends, or disapproves the renewal of a license or registration of any individual, the board may require the individual to return the individual's pocket card within fourteen days.
4. If the board revokes, suspends, or disapproves renewal of a private security agency license, the board may require the agency to return the pocket cards of all its registered employees and independent contractors within fourteen days of the request by the board.

History: Effective May 1, 2000; amended effective May 1, 2005.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-05

93-02-02.1-15. Change in ownership or other application information.

A private security agency license is not transferable. A licensed agency must notify the board in advance of any change in ownership of the agency and a new license application form must be submitted to the board by the new owner or owners. Payment of license fees is nontransferable. Each agency licensed by the board has a continuing duty to notify the board about any changes in information provided in the license application form within fourteen days of the change.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-05

93-02-02.1-16. Examination Restrictions. Any applicant for a license to provide private security services who fails to pass the first examination required by the board may apply for retesting no sooner than thirty days after notice of failure. Upon failure of a second and subsequent examination, the applicant may apply for retesting again after a one-year waiting period.

History: Effective May 1, 2000

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-04, 43-30-16

CHAPTER 93-02-03: GENERAL RULES

Section

93-02-03-01: Powers of Private Investigative and Security Board [Repealed]

93-02-03-02 License fees - Proration - Refunds - Dual Licensure

93-02-03-03 Renewal of Licenses and Registrations

93-02-03-04 Grandfather Clause [Repealed]

93-02-03-05 Suspension, Revocation, or Refusal to Renew License

93-02-03-05.1 Code of Ethics

93-02-03-06 Fees - Amount - Late Fees

93-02-03-01. Powers of private investigative and security board.

Repealed effective May 1, 2000.

93-02-03-02. License fees - Proration - Refunds - Dual Licensure.

License fees for providing private investigative services and private security services may be prorated on a quarterly basis for each period the license is in effect. However, license renewals will not be issued on a prorated basis, and no refunds may be made on license fees paid. Any agency providing both private investigative services and private security services shall meet all of the requirements for licensing as a private security agency and a detective agency.

History: Effective March 19 1990; amended effective May 1, 2000.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-11

93-02-03-03. Renewal of licenses and registrations.

1. Licenses and registrations issued by the board expire on September thirtieth of each year.
2. Every individual or agency who previously held a license or registration issued by the board and whose license or registration has expired may have the same restored immediately upon payment of all lapsed renewal fees and any applicable late fees; provided, however, that not more than thirty days has elapsed since the date of expiration, and provided that the individual or agency has not provided private investigative or private security services during the time in which the license or registration was expired.
3. This section does not relieve any person from criminal prosecution for engaging in practice or providing services without a license as required by North Dakota Century Code chapter 43-30. Once a license or registration has lapsed, the individual or agency who held the license or registration may not provide private investigative or private security services until the license or registration is renewed or until a new license or registration is issued.

4. Any individual or agency who fails to renew a lapsed license or registration and who fails to pay all lapsed renewal fees and late fees within the time required by this section must reapply for a new license or registration and meet all the requirements for licensing or registration, including a state and nationwide criminal history record check.

History: Effective March 1, 1990; amended effective May 1, 2000; May 1, 2005; July 1, 2007; July 1, 2010.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-11

93-02-03-04. Grandfather clause. Repealed effective May 1, 2000.

93-02-03-05. Suspension, revocation, or refusal to renew license. In addition to the causes for suspension, revocation, or refusal to renew a license listed in North Dakota Century Code section 43-30-12, the board may either refuse to renew, suspend, revoke, or place on probationary status any licensee, or issue a letter of reprimand for any of the following causes:

1. Failure or refusal to furnish information required by statute, rule, or request of the board.
2. Making or causing to be made any false entry or written statement of fact in an application for license or registration, in reports, or in other written information to be filed with the board.
3. Fraud in the taking of examination for licensing.
4. Carrying a weapon in violation of any statute or rule specifically regulating the carrying of weapons by private investigators or private security personnel, or in violation of any state and federal laws.
5. Providing private investigative or private security services under a lapsed license or registration.
6. Violation of any of the rules in this article.
7. Insufficient supervision of registered employees by the employing agency, by the licensee who is responsible for agency personnel under section 93-02-01.1-03 or 93-02-02.1-03, or by any other licensee who is responsible for supervising the employee's work under section 93-02-01.1-04 or 93-02-02.1-04.
8. Unprofessional conduct, which includes:
 - a. Engaging in criminal activity;
 - b. Providing incompetent services; and
 - c. Violating the code of ethics.

History: Effective March 1, 1990; amended effective May 1, 1998; May 1, 2000, July 1, 2007.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-12

93-02-03-05.1. Code of ethics. This code of ethics applies to every person licensed or registered by the board. All licensees and registered employees shall:

1. Respect the constitutional and legal rights of all people to liberty, equality, and justice;
2. Protect clients' property rights and promptly return all clients' property that was entrusted to them;
3. Safeguard the lives and property of those served and protect all persons against deception, intimidation, oppression, violence, and disorder;
4. Conduct operations professionally with honesty, sincerity, integrity, fidelity, morality, and good conscience and deal justly and impartially in each situation with each individual;
5. Preserve forever clients' confidence under any and all circumstances consistent with law, however, any physical evidence concerning crimes or planning for crimes must be reported to appropriate law enforcement or other authorities;
6. Protect clients' trade secrets or intellectual property rights;
7. Explain to the client's full satisfaction all applicable fees and charges and to render accurate, factual, and timely reports;
8. Counsel clients against any illegal or unethical course of action;
9. Avoid conflicts of interest between the licensee, registered employees, or their immediate family members and clients and avoid conflicts of interest between clients;
10. Avoid providing or recommending excessive services and avoid abusive billing practices, especially when a client may be emotionally distraught or unsophisticated; and
11. Refrain from excessive or grandiose advertising claims.

History: Effective July 1, 2007.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-12

93-02-03-06. Fees - Amount - Late Fees. In addition to the statutory fees, the board charges the following fees:

1. An individual must pay a fee of one hundred dollars to take the examination to become licensed to provide investigative or private security services.
2. An individual must pay a fee of one hundred thirty dollars to receive an initial license or renew the individual's license to provide private investigative or private security services. In addition, a late fee of fifty dollars must be paid for each month the renewal is late, up to a maximum cumulative late fee of one hundred dollars for a late renewal.
3. An individual or entity must pay a fee of one hundred dollars to apply for a license to operate a private security or detective agency.
4. An individual or entity must pay a fee of two hundred fifty dollars to receive an initial license or renew a license to operate a private security or detective agency.
5. An individual must pay a fee of twenty dollars to receive a private security training certificate.

6. An individual must pay an annual fee of twenty dollars to receive an armed private security certificate. Armed private security certificates expire on September thirtieth of each year.
7. An individual or entity must pay a fee of ten dollars to obtain a duplicate license.
8. An individual must pay a fee of twenty-five dollars to obtain an initial registration to provide private investigative or private security services. An individual must pay twenty-five dollars for renewing registration to provide private investigative or private security services. A late fee of ten dollars must also be paid for each month the renewal is late.

History: Effective May 1, 2000; amended effective May 1, 2005; July 1, 2010.

General Authority: NDCC 43-30-04

Law Implemented: NDCC 43-30-16

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[State of North Dakota Private Investigation and Security Board](#)

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B:11 Batcher

Hardout from ³ Francine Johnson

NDPISB

From: "David Nerud" <msg.rude@yahoo.com>
To: <ndpisb@midco.net>
Sent: Monday, January 03, 2011 1:19 PM
Subject: I received your email...

Ma'am,

I received your email to Security, L.L.C. which is a business I had been starting with the assistance of Donovan (D.J) Wadholm from the Small Business Development Center North Dakota here in Fargo.

I went to Mr. Wadholm on December 8th about the idea for this company and he provided me with the paperwork for getting the business license, which I did, and for the EIN (Employer Identification Number) which I also did. He informed me at that time that there were no licensing requirement in North Dakota for this and I went with that information. I had a web site built and also had some direct mailing done in the Fargo Moorhead area. I have conducted NO business whats-so-ever.

After receiving your email, I went on-line and entered the 'NDPISB' and that is when I found the web site and subsequently read the entire site and was shocked that I had received the incorrect information. Immediately upon reading the information on your web site, I had the web page shut down and suspended and attempted to call your office a few times. I am sending this email now for notification to you and for a contact reference. All actions regarding the business have been suspended until I get this matter resolved.

I can assure you that I have not intentionally done anything wrong and was under the belief that in fact, I had done exactly what I was supposed to do by going to the SBDC to garner the correct information. I spent over 22 years on active duty in the Army and would never break any laws intentionally! I have been a licensed CCW holder in North Dakota and Utah for many years now.

Please contact me at your earliest convenience so that I may rectify this issue and again, I humbly apologize for any and all inconvenience this may have caused.

Very Respectfully,

David Nerud
MSG, USA
Retired.

(701) 388-2844

No quarter asked....no quarter given.

Internal Virus Database is out-of-date.
Checked by AVG.
Version: 7.5.560 / Virus Database: 270.12.26/2116 - Release Date: 5/15/2009 6:16 AM

13.0624.02002
Title.

Prepared by the Legislative Council staff for
Representative K. Koppelman
February 19, 2013

#1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1388

Page 1, line 7, remove "1."

Page 1, line 7, remove "all or part of"

Page 1, line 10, remove "2."

Page 1, line 11, remove the underscored colon

Page 1, line 12, replace "a. Training" with "training"

Page 1, line 13, remove "; or"

Page 1, replace lines 14 and 15 with ". When considering a waiver based on military training or experience, the board shall consult with relevant military authorities."

Renumber accordingly