

AMENDED IN ASSEMBLY APRIL 27, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 921

Introduced by Assembly Member Jones

February 26, 2015

An act to *amend Section 7525.1 of, and to add Section 7519.1 to*, the Business and Professions Code, relating to private investigators.

LEGISLATIVE COUNSEL'S DIGEST

AB 921, as amended, Jones. Private investigators: Disciplinary Review Committee.

The Private Investigator Act provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services within the Department of Consumer Affairs and requires the Director of Consumer Affairs to administer and enforce the act. The act authorizes the director to deny, suspend, or revoke a license if the director determines, among other things, that any provision of the act was violated by the licensee. The act also authorizes the director to impose a civil penalty of no greater than \$500 instead of suspending or revoking a license issued under the act for the violation of specified provisions if the director determines that the imposition of the civil penalty better serves the purposes of the act. *The act requires an application for a license to be verified and include certain information, including, but not limited to, the full name and business address of the applicant.*

This bill would require the Governor to appoint a Private Investigator Disciplinary Review Committee, and would authorize the Governor to

remove any member of the committee for misconduct, incompetency, or neglect of duty. The bill would require the committee to consist of 3 members actively engaged in the business of a licensed private investigator and 2 public members, as specified, and would require members to be appointed for a term of 4 years. The bill would require the committee to meet 60 days or more or less frequently as may be required, and would require that the members be paid per diem, as specified, and be reimbursed for actual travel expenses. The bill would authorize a person licensed under the act to appeal the assessment of an administrative fine to the committee, and would authorize a person denied a license under the act to appeal that denial to the committee, except as specified, if the appeal is in writing and made within 30 days of the assessment of the fine or denial of the license. The committee is required to notify the appellant in writing, by regular mail, of the committee's decision within 30 days of that decision. The bill would also authorize the appellant to request a hearing, as specified, if the appellant disagrees with the committee's decision regarding the appeal. *The bill would also authorize an applicant to, at his or her discretion, include a valid email address on the application.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7519.1 is added to the Business and
2 Professions Code, immediately following Section 7519, to read:
3 7519.1. (a) The Governor shall appoint a Private Investigator
4 Disciplinary Review Committee, and may remove any member of
5 the committee for misconduct, incompetency, or neglect of duty.
6 (b) The committee shall consist of three members actively
7 engaged in the business of a licensed private investigator and two
8 public members. The public members shall not be licensees or
9 registrants, or engage in any business or profession in which any
10 part of the fees, compensation, or revenue thereof, is derived from
11 any licensee.
12 (c) The committee shall meet every 60 days or more or less
13 frequently as may be required. The members shall be paid per diem
14 pursuant to Section 103 and shall be reimbursed for actual travel
15 expenses. The members shall be appointed for a term of four years.

1 (d) A person licensed with the department under this chapter
2 may appeal the assessment of an administrative fine to the
3 committee. A person denied a license under this chapter may appeal
4 the denial of a license to the committee, unless the denial of a
5 license is ordered by the director in accordance with Chapter 5
6 (commencing with Section 11500) of Part 1 of Division 3 of Title
7 2 of the Government Code.

8 (e) A request for an appeal to the committee shall be made in a
9 written notice to the department within 30 days of the assessment
10 of an administrative fine or denial of a license.

11 (f) Following review by the committee of the appeal, the
12 appellant shall be notified in writing, by regular mail, within 30
13 days of the committee's decision on the appeal.

14 (g) If the appellant disagrees with the decision made by the
15 committee, the appellant may request a hearing in accordance with
16 Chapter 5 (commencing with Section 11500) of Part 1 of Division
17 3 of Title 2 of the Government Code. A request for such a hearing
18 shall be made by written notice to the department within 30 days
19 following notice of the committee's decision.

20 *SEC. 2. Section 7525.1 of the Business and Professions Code,*
21 *as amended by Section 4 of Chapter 669 of the Statutes of 2014,*
22 *is amended to read:*

23 7525.1. An application shall be verified and shall include:

24 (a) The full name and business address of the applicant.

25 (b) The name under which the applicant intends to do business.

26 (c) A statement as to the general nature of the business in which
27 the applicant intends to engage.

28 (d) A verified statement of his or her experience qualifications.

29 (e) (1) If the applicant is an individual, a qualified manager, a
30 partner of a partnership, an officer of a corporation designated in
31 subdivision (h), or a managing member of a limited liability
32 company designated in subdivision (i), one personal identification
33 form provided by the bureau upon which shall appear a photograph
34 taken within one year immediately preceding the date of the filing
35 of the application together with two legible sets of fingerprints,
36 one set of which shall be forwarded to the Federal Bureau of
37 Investigation for purposes of a background check, on a form
38 approved by the Department of Justice, and a personal description
39 of each person, respectively. The identification form shall include

1 residence addresses and employment history for the previous five
2 years and be signed under penalty of perjury.

3 (2) The bureau may impose a fee not to exceed three dollars
4 (\$3) for processing classifiable fingerprint cards submitted by
5 applicants, excluding those submitted into an electronic fingerprint
6 system using electronic fingerprint technology.

7 (f) In addition, if the applicant for a license is an individual, the
8 application shall list all other names known as or used during the
9 past 10 years and shall state that the applicant is to be personally
10 and actively in charge of the business for which the license is
11 sought. If any other qualified manager is to be actively in charge
12 of the business, the application shall be subscribed, verified, and
13 signed by the applicant, under penalty of perjury. If any other
14 person is to be actively in charge of the business, the application
15 shall also be subscribed, verified, and signed by that person under
16 penalty of perjury.

17 (g) If the applicants for a license are copartners, the application
18 shall state the true names and addresses of all partners and the
19 name of the partner to be actively in charge of the business for
20 which the license is sought and list all other names known as or
21 used during the past 10 years. If a qualified manager other than a
22 partner is to be actively in charge of the business, then the
23 application shall be subscribed, verified, and signed by all of the
24 partners under penalty of perjury. If any other person is to be
25 actively in charge of the business, the application shall also be
26 subscribed, verified, and signed by that person, under penalty of
27 perjury, under penalty of perjury by all of the partners and the
28 qualified manager, or by all of the partners or the qualified
29 manager.

30 (h) If the applicant for a license is a corporation, the application
31 shall state the true names and complete residence addresses of the
32 chief executive officer, secretary, chief financial officer, and any
33 other corporate officer who will be active in the business to be
34 licensed. The application shall also state the name and address of
35 the designated person to be actively in charge of the business for
36 which the license is sought. The application shall be subscribed,
37 verified, and signed by a duly authorized officer of the applicant
38 and by the qualified manager thereof, under penalty of perjury.

39 (i) If the applicant for a license is a limited liability company,
40 the application shall state the true name and complete residence

1 address of each managing member and any other officer or member
2 who will be active in the business to be licensed. A copy of the
3 most recent articles of organization, as filed by the Secretary of
4 State, shall be supplied to the bureau upon request. The application
5 shall also state the name and residence address of the designated
6 person to be actively in charge of the business for which the license
7 is sought. The application shall be subscribed, verified, and signed
8 by a duly authorized member of the applicant under penalty of
9 perjury.

10 (j) Any other information, evidence, statements, or documents
11 as may be required by the director.

12 (k) *At the discretion of the applicant, a valid email address.*

13 ~~(k)~~

14 (l) This section shall remain in effect only until January 1, 2018,
15 and as of that date is repealed, unless a later enacted statute, that
16 is enacted before January 1, 2018, deletes or extends that date.

17 *SEC. 3. Section 7525.1 of the Business and Professions Code,*
18 *as added by Section 5 of Chapter 669 of the Statutes of 2014, is*
19 *amended to read:*

20 7525.1. An application shall be verified and shall include:

21 (a) The full name and business address of the applicant.

22 (b) The name under which the applicant intends to do business.

23 (c) A statement as to the general nature of the business in which
24 the applicant intends to engage.

25 (d) A verified statement of his or her experience qualifications.

26 (e) (1) If the applicant is an individual, a qualified manager, a
27 partner of a partnership, or an officer of a corporation designated
28 in subdivision (h), one personal identification form provided by
29 the bureau upon which shall appear a photograph taken within one
30 year immediately preceding the date of the filing of the application
31 together with two legible sets of fingerprints, one set of which
32 shall be forwarded to the Federal Bureau of Investigation for
33 purposes of a background check, on a form approved by the
34 Department of Justice, and a personal description of each person,
35 respectively. The identification form shall include residence
36 addresses and employment history for the previous five years and
37 be signed under penalty of perjury.

38 (2) The bureau may impose a fee not to exceed three dollars
39 (\$3) for processing classifiable fingerprint cards submitted by

1 applicants, excluding those submitted into an electronic fingerprint
2 system using electronic fingerprint technology.

3 (f) In addition, if the applicant for a license is an individual, the
4 application shall list all other names known as or used during the
5 past 10 years and shall state that the applicant is to be personally
6 and actively in charge of the business for which the license is
7 sought. If any other qualified manager is to be actively in charge
8 of the business, the application shall be subscribed, verified, and
9 signed by the applicant, under penalty of perjury. If any other
10 person is to be actively in charge of the business, the application
11 shall also be subscribed, verified, and signed by that person under
12 penalty of perjury.

13 (g) If the applicants for a license are copartners, the application
14 shall state the true names and addresses of all partners and the
15 name of the partner to be actively in charge of the business for
16 which the license is sought and list all other names known as or
17 used during the past 10 years. If a qualified manager other than a
18 partner is to be actively in charge of the business, then the
19 application shall be subscribed, verified, and signed by all of the
20 partners under penalty of perjury. If any other person is to be
21 actively in charge of the business, the application shall also be
22 subscribed, verified, and signed under penalty of perjury by that
23 person, by all of the partners and the qualified manager, or by all
24 of the partners or the qualified manager.

25 (h) If the applicant for a license is a corporation, the application
26 shall state the true names and complete residence addresses of the
27 chief executive officer, secretary, chief financial officer, and any
28 other corporate officer who will be active in the business to be
29 licensed. The application shall also state the name and address of
30 the designated person to be actively in charge of the business for
31 which the license is sought. The application shall be subscribed,
32 verified, and signed by a duly authorized officer of the applicant
33 and by the qualified manager thereof, under penalty of perjury.

34 (i) Any other information, evidence, statements, or documents
35 as may be required by the director.

36 (j) *At the discretion of the applicant, a valid email address.*

37 (j)

38 (k) This section shall become operative on January 1, 2018.

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