

CHAPTER 2
PRIVATE INVESTIGATION AND PRIVATE SECURITY BUSINESSES

[Prior to 4/20/88, see Public Safety Department [680] Ch 2]

661—2.1(80A) Licensing. The administrative services division shall administer the private investigation and private security statute. Any questions, comments, information, requests for information, or application for a license or an identification card shall be directed to the Administrative Services Division, Iowa Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319, or, with the exception of applications, by electronic mail via the Internet to piinfo@dps.state.ia.us.

661—2.2(80A) Definitions. As used in this chapter unless the context otherwise requires:

“*Aggravated misdemeanor*” means an offense so defined in Iowa Code.

“*Applicant*” means any person applying to the commissioner for a license, or a permanent identification (ID) card.

“*Commissioner*” means the commissioner of the Iowa department of public safety or the commissioner’s authorized designee.

“*Convicted*” means a judgment has been entered against the person in a criminal case.

“*Department*” means the Iowa department of public safety.

“*Felony*” means an offense defined as a felony by the jurisdiction in which the offense was committed.

“*Judged guilty*” means that a person is charged with a criminal offense and the court finds as a matter of fact and concludes as a matter of law that the individual committed the offense, whether or not the court enters judgment to that effect.

“*Licensee*” means a person licensed under this chapter.

“*Moral turpitude*” is an act of baseness, vileness, or depravity or conduct which is contrary to justice, honesty, or good morals. The following is a nonexclusive list of examples of moral turpitude:

1. Any act or pattern of conduct involving dishonesty, fraud, or deception;
2. Any act or pattern of conduct of harassment or stalking;
3. Any act of sexual misconduct;
4. Any offense with a specific criminal intent;
5. Domestic abuse assault.

“*Peace officer*” means such persons as may be so designated by law and who have the lawful authority and power to so act.

“*Person*” means an individual, partnership, corporation, or other business entity.

“*Private investigation agency*” means a person engaged in a private investigation business.

“*Private investigation business*” means the business of making, for hire or reward, an investigation for the purpose of obtaining information on any of the following matters:

1. Crime or wrongs done or threatened.
2. The habits, conduct, movements, whereabouts, associations, transactions, reputations, or character of a person.
3. The credibility of witnesses or other persons.
4. The location or recovery of lost or stolen property.
5. The cause, origin, or responsibility for fires, accidents, or injuries to property.

6. The truth or falsity of a statement or representation.
7. The detection of deception.
8. The business of securing evidence to be used before authorized investigating committees, boards of award or arbitration, or in the trial of civil or criminal cases.
9. The business of locating owners or heirs of unclaimed funds.

“*Private security agency*” means a person engaged in a private security business.

“*Private security business*” means a business of furnishing, for hire or reward, guards, watch personnel, armored car personnel, patrol personnel, or other persons to protect persons or property, to prevent the unlawful taking of goods and merchandise, or to prevent the misappropriation or concealment of goods, merchandise, money, securities, or other valuable documents or papers, and includes an individual who for hire patrols, watches, or guards a residential, industrial, or business property or district.

“*Proof of financial responsibility*” means proof of the ability of a licensee to respond in damages for liability on account of accidents or wrongdoings occurring subsequent to the effective date of the proof, arising out of ownership and operation of a private security business or a private investigative business in amounts as follows:

1. With respect to agencies holding only a private investigative or private security agency license and having five or fewer permanent and temporary employees, the amount of \$5,000.

2. With respect to agencies holding both a private investigative and private security agency license and having five or fewer permanent and temporary employees, the amount of \$10,000.

3. With respect to agencies holding only a private investigative or private security agency license and having more than 5 and fewer than 30 permanent and temporary employees, the amount of \$20,000.

4. With respect to agencies holding both a private investigative and private security agency license and having more than 5 and fewer than 30 permanent and temporary employees, the amount of \$30,000.

5. With respect to agencies holding only a private investigative or private security agency license and having more than 30 permanent and temporary employees, the amount of \$50,000.

6. With respect to agencies holding both a private investigative and private security agency license and having more than 30 permanent and temporary employees, the amount of \$100,000.

“*Reserve peace officer*” means a volunteer, nonregular, sworn member of a law enforcement agency who serves under the direction of regular peace officers with or without compensation, has regular police powers while functioning as a law enforcement agency’s representative, and participates on a regular basis in the law enforcement agency’s activities including crime prevention and control, preservation of the peace, and enforcement of law.

“*Uniform*” means a manner of dress of a particular style and distinctive appearance as distinguished from ordinary clothing customarily used and worn by the general public.

661—2.3(80A) Persons exempt. This chapter does not apply to the following:

2.3(1) An officer or employee of the United States, or a state, or a political subdivision of the United States or of a state while the officer or employee is engaged in the performance of official duties.

2.3(2) A peace officer engaged in the private security business or the private investigation business with the knowledge and consent of the chief executive officer of the peace officer’s law enforcement agency.

2.3(3) A person employed full- or part-time by one employer in connection with the affairs of the employer.

- 2.3(4)** An attorney licensed to practice in Iowa, while performing duties as an attorney.
- 2.3(5)** A person engaged exclusively in the business of obtaining and furnishing information regarding the financial rating or standing and credit of persons.
- 2.3(6)** A person exclusively employed in making investigations and adjustments for insurance companies.
- 2.3(7)** A person who is the legal owner of personal property which has been sold under a security agreement, or a conditional sales agreement, or a secured party under the terms of a security interest while the person is performing acts relating to the repossession of the property.
- 2.3(8)** A person engaged in the process of verifying the credentials of physicians and allied health professionals applying for hospital staff privileges.
- 2.3(9)** A person engaged in the business of retrieval and dissemination of public record information from the federal, state or local government.
- 2.3(10)** A person engaged in the business of process service in either a criminal or civil action, where the determination of the whereabouts of the person is only incidental to the service of process.
- 2.3(11)** The business of repossession or recovery of property where the determination of the whereabouts of the person is only incidental to the repossession.
- 2.3(12)** A person engaged in the business of genealogical research.
- 2.3(13)** A person who sells, installs, maintains, repairs or monitors burglar alarm systems at protected premises or premises to be protected.
- 2.3(14)** Iowa Code sections 80A.2, 80A.4(1)“b,” and 80A.4(3) address the ability of peace officers to operate as private investigators and private security guards. The department interprets these three references, when read in concert, to mean the following:
- a. An individual peace officer may perform private investigative business or private security business with permission of the officer’s chief executive, without securing either a state license or ID card.
 - b. Two or more peace officers may form a partnership to perform private investigation business or private security business without securing either a state license or ID card. The partnership, association, or business may employ other peace officers to perform investigation or security functions; however, the chief executive of each partner, association member, owner, or employee must give permission to engage in the business.
 - c. A partnership owned and operated by peace officers may not employ nonpeace officers to perform investigation or security functions.
 - d. An agency licensed by the department may not have any peace officers involved in the ownership or management of the agency.
 - e. An agency licensed by the department may not employ a peace officer to do investigative or security functions.
 - f. No corporation in the private security or private investigation business is exempt from the license or ID card requirement or limitations on the employment of peace officers.

661—2.4(80A) Licenses. Each person who engages in, who performs any service as, or who in any way represents or holds out as engaging in a private investigative business or private security business or activity in this state, shall be licensed prior to such activity. Each business requires a separate license.

2.4(1) Application for licenses—generally. Anyone who wishes to be considered for a private investigative or private security license or ID card should contact the administrative services division as indicated in rule 661—2.1(80A) and request application information.

2.4(2) Forms. An applicant for a license or ID card shall execute forms provided by the department. These forms must be submitted to the commissioner and will not be processed by the commissioner unless complete. The forms used in the administration of this chapter are as follows:

- a. "Application for Licensee" Form #PD1
- b. "Application for a Private Investigator and/or Security Guard Identification Card" Form #PD2
- c. "Application for License Renewal" Form #PD3
- d. "Fingerprint Card" Form #FD-258
- e. "Reference Form" Form #PD5
- f. "Surety Bond" Form #PD6
- g. "Corporate Information" Form #PD7
- h. "Identification Card" Form #PD8

2.4(3) Application requirements. An applicant for a license as a private investigative agency or private security agency must submit the following to complete the application process:

a. A completed Application for Private Investigative Agency License and/or Private Security Agency License (Form #PD1) for each individual.

With respect to an applicant who is a corporation Form #PD1 must be completed by the president of the corporation and by each officer or director who is actively involved in the licensed business in Iowa.

With respect to an applicant who is a partnership or association Form #PD1 must be completed by each partner or association member.

b. Two completed Fingerprint Cards (Form #FD-258) for each individual identified in this subrule, paragraph "a."

c. A completed Surety Bond Form (Form #PD6) issued by a surety company authorized to do business in this state.

d. If the applicant is a corporation, a completed Corporate Information Form (Form #PD7).

e. Two color photographs 1" wide x 1 1/4" high of the head and shoulders of each individual identified in this subrule, paragraph "a," taken not more than one year prior to application.

f. A fee of \$100 for each agency license requested plus \$10 for each identification card requested pursuant to this subrule.

g. Proof of financial responsibility.

2.4(4) Abandonment of applications. If an applicant for an agency license fails to complete the application within one year after it has been filed, or fails to take and pass the examination within a six-month period after becoming eligible, the application shall be deemed abandoned. Any application submitted subsequent to the abandonment of a former application shall be treated as a new application, and must be filed in accordance with subrule 2.4(3).

2.4(5) Proof of financial responsibility. Proof of financial responsibility may be given by filing:

a. The certificate of insurance demonstrating coverage for general liability, completed operations and personal injury. Personal injury insurance shall include the following group of offenses:

1. False arrest, detention, or imprisonment, or malicious prosecution.
2. Libel, slander, defamation or violation of rights of privacy.
3. Wrongful entry or eviction or other invasion of rights of private occupancy.

The certificate shall provide that the insurance shall not be modified or canceled unless 30 days' prior notice is given to the department.

b. An annual net worth statement, signed by a licensed certified public accountant, public accountant, or accounting practitioner, evidencing a net worth of at least three times the financial responsibility amount required in the definition of “Proof of financial responsibility” in rule 661—2.2(80A). The net worth statement shall be as of a date not more than six months prior to the filing date and a new net worth statement shall be filed annually within 30 days of the date of the original filing.

Money or security deposited pursuant to this rule shall not be subject to attachment or execution unless attachment or execution arises out of a suit for damages for liability on account of accidents or wrongdoings occurring subsequent to the effective date of the proof, arising out of ownership and operation of the licensed business.

c. An irrevocable letter of credit from an acceptable financial institution. Such letter of credit shall contain substantially the following:

“IRREVOCABLE LETTER OF CREDIT”

Be advised that an irrevocable letter of credit has been issued to _____
 _____ of _____, state of _____,
 debtor, in the sum of _____ dollars, (\$_____). This letter of credit shall
 be effective from _____ 19 ____ through _____ 19 ____ inclusive.

The provisions of this letter of credit are such that the proceeds shall be available to the Iowa Department of Public Safety, or its designee, for payment of judgments against the debtor from damages for liability on account of accidents or wrongdoings occurring subsequent to the effective date of proof, arising out of the ownership or operation of the licensed business, when said judgment has not otherwise been satisfied within thirty days of entry.

This obligation can be canceled prior to its expiration date only with the mutual consent of the Iowa Department of Public Safety, the debtor and issuing institution.

Executed and dated this _____ day of _____ 19 ____

2.4(6) Application for examination. An applicant is not eligible to take the examination until the applicant has filed a completed application accompanied by the appropriate fee. Completed applications must be filed in person or mailed to the department not later than 14 days prior to the next scheduled examination date. An applicant who fails to file within the above time period may, at the commissioner’s discretion, be scheduled to take the following scheduled examination.

2.4(7) Mandatory examinees. Each director, officer, partner, and person who is actively involved in the private investigation or security business in Iowa shall take the written examination. However, if the applicant is a foreign corporation, the employee responsible for its operations in the state of Iowa shall take the examination.

2.4(8) Time and place of examination. Examinations shall be given monthly on the second Tuesday of each month and at such other times as the commissioner deems necessary.

2.4(9) Reexaminations. An applicant who fails to pass the examination or who fails to appear for the examination shall not be permitted to take any subsequent examination unless the applicant has duly filed a request for reexamination.

A written request for reexamination should be addressed to the department at the following address: Iowa Department of Public Safety, Administrative Services Division, Third Floor, Wallace State Office Building, Des Moines, Iowa 50319.

661—2.5(80A) License requirements. In order to be considered for a license or identification (ID) card, the applicant or the ID cardholder must:

2.5(1) Be at least 18 years old;

2.5(2) Not be a peace officer (except a reserve peace officer);

2.5(3) Never have been convicted of a felony or aggravated misdemeanor. For the purpose of this rule a deferred judgment issued under the provisions of Iowa Code chapter 907 shall be considered a conviction until the individual has been discharged from probation and the court's criminal record expunged pursuant to Iowa Code section 907.9;

2.5(4) Not be an abuser of alcohol or a controlled substance;

2.5(5) Not have a history of repeated acts of violence;

2.5(6) Be of good moral character.

Consideration of whether an applicant is of good moral character includes but is not limited to:

a. Any of the applicant's references indicating the applicant is not of good moral character;

b. The sheriff of the county of residence or business or the police chief of the city of residence or business so indicating in writing;

c. The applicant failing to discharge just obligations;

d. The applicant writing a check on an account with knowledge that there are insufficient funds to cover it;

e. The applicant failing to pay employees wages legally due the employees;

f. The applicant knowingly obstructing justice or interfering in the lawful duties of a peace officer or with any official investigation;

g. Unless rendered confidential by law, the applicant failing to report:

(1) A serious crime, or

(2) The location of any stolen property;

h. The applicant committing an act which involves moral turpitude, whether or not a criminal conviction occurred.

2.5(7) Not been convicted of any crime defined in Iowa Code section 708.3, 708.4, 708.5, 708.6, 708.8, or 708.9; or a like offense in another jurisdiction;

2.5(8) Not been convicted by any court of illegally using, carrying, or possessing a dangerous weapon;

2.5(9) Not have a history of mental illness or instability; and

2.5(10) Comply with the bonding requirements in the amount and for the purpose delineated in the Iowa Code.

661—2.6(80A) ID cards. Each prospective ID cardholder must satisfy the qualifications required by rule 2.5(80A) and complete the appropriate forms.

An applicant for an ID card as an employee of a private investigative agency or private security agency must submit the following:

1. A completed Application for a Private Investigator and/or Security Guard Identification Card, Form #PD2;

2. Two 1" × 1" color photographs of the head and shoulders of the applicant;

3. A fee of \$10 for each ID card; and

4. Two Fingerprint Cards, Form #FD-258.

For purposes of this rule, an employee is an agent or employee who is engaged in the activities of the business which render it subject to the regulation of Iowa Code chapter 80A.

EXAMPLE: A person engaged strictly in clerical functions shall not be considered an employee under this definition.

661—2.7(80A) License fee. A fee of \$100 must accompany each application for a private investigative or private security license. Upon approval of the application, the money shall be applied to the license fee, but if disapproved, the entire amount deposited shall be refunded to the applicant.

661—2.8(80A) Display of license. Immediately upon receipt of the license issued by the department, the licensee named therein shall cause such license to be posted and at all times displayed in a conspicuous place in the licensee's principal place of business within the state, so that all persons visiting such place may readily see it. If there is more than one place of business, then there shall be a copy of the original license issued by the department posted in every such place of business which is located in Iowa, and in a county contiguous to the state of Iowa. The licensee shall notify the commissioner of each location where a copy of the license is posted. If the licensee has no office in the state of Iowa, the licensee shall post the license at the principal place of business and notify the commissioner of the address where such license is posted. Such license shall at all reasonable times be subject to inspection by the commissioner. It shall be unlawful for any person holding such license to post such license or to permit such license to be posted upon premises other than those authorized therein. Every license, and each copy thereof, shall be surrendered to the department within seven days after its terms have expired or after written notice to the holder that such license has been revoked. Failure to comply with any of the provisions of this rule is sufficient cause for the revocation of the license.

661—2.9(80A) Duplicate license. The commissioner shall issue a duplicate license upon the payment of \$5 and upon receiving a written statement that the original license has been lost, destroyed, stolen or otherwise rendered useless, and that if the original license is recovered, the original or the duplicate will be returned immediately to the department.

661—2.10(80A) License renewal. Each applicant for a license renewal must execute Form #PD3 provided by the department. This form must be submitted to the commissioner not less than 30 days prior to expiration of the applicant's current license and is not required to be processed unless complete. In order to be complete, the applicant must satisfy the private investigation and private security rules 661—2.4(80A), 661—2.5(80A), and 661—2.7(80A), and for license renewals after July 1, 1999, 661—2.22(80A). The reference date for any deadline enumerated in these rules will be determined by the postmark on the piece of mail.

In no event will a renewal license be granted if the application for renewal is received more than 30 days after the expiration date of the existing license.

Upon the passage of 30 days subsequent to the expiration date, the license will become invalid, and if the former licensee wishes to continue the private investigative or security business, the former licensee must reapply as if the former licensee were making an initial application.

Upon satisfying all the pertinent rules, the applicant's license remains valid until the applicant receives a renewal license or a notification that the license will not be renewed.

661—2.11(80A) Identification (ID) cards. Upon the issuance of a license, a pocket ID card of the following content shall be issued by the commissioner.

Full legal name	Social security number
Date of birth	Color of eyes
Address	Licensee's name
Sex	Type of business
Height	License number
Weight	Date of issuance
Hair color	
1" × 1" color photo	

This ID card is invalid without the commissioner's signature and the department's seal embossed on it. The ID card shall be evidence that the holder is duly licensed, and the holder shall have this card in the holder's possession at all times when the holder is within the scope of employment. Failure to do so may result in suspension or revocation of the ID card or the licensee's license. This ID card shall remain the department's property. When any person to whom a card is issued terminates the person's position for any reason, the card must be surrendered to the commissioner within seven days. In the event of loss, destruction, or theft of this card, the licensee shall report (to the commissioner) in writing the circumstances surrounding the loss, destruction, or theft within five days of such discovery. The fee for each original, temporary, replacement or renewal ID card is \$10. If the agency license has been terminated or revoked, the agency must return the license and all ID cards to the commissioner within seven days. The penalty for any knowing or willful misconduct in the use of the ID card may be suspension or revocation of the ID card or the licensee's license, depending on the nature and degree of the misconduct.

2.11(1) Temporary ID cards. The Application for a Private Investigator and/or Security Guard Identification Card, Form #PD2, shall contain a temporary identification card that shall be valid for 14 calendar days from the date of issuance. This temporary identification card shall be issued to new employees of a licensee so that the requirement that employees have in their possession a valid identification card may be met while the application for a permanent identification card is being processed.

2.11(2) Display of ID cards. Whenever the cardholder is within the holder's scope of employment and is requested to produce some identification, the holder shall promptly comply by displaying the issued ID card, unless compliance would put the cardholder or another in immediate danger or jeopardize the investigation. The cardholder shall permit the requesting person to reasonably examine the ID card and write down any information contained therein. Failure to comply may result in suspension or revocation of the ID card or license.

661—2.12(80A) Badges, uniforms, insignia and equipment. No badges, uniforms, or insignia will be approved for private investigative agents. No holder of a license or ID card while performing the duties of a private security guard shall wear any uniform, or wear, display, or likewise use any badge, insignia, device, shield, or the like, without the prior written approval of such by the commissioner.

The commissioner will not approve any item subject to this rule if in the commissioner's opinion it would cause a person to confuse the operation of the licensed business with that of a law enforcement agency.

Metal badges will be approved only for private security as a part of an approved uniform. No badge will be approved which contains the word or words "police", "officer", "policeman", or "enforcement", or the Great Seal of the State of Iowa.

661—2.13(80A) Advertisement, cards, letterhead and the like. No holder of a license or ID card shall use, display, cause to be printed or distributed in any fraudulent, false, or misleading manner, cards, letterheads, circulars, brochures, or any other advertising material or advertisement in which any name or indicia of the license status of the licensee is set forth in any manner other than the name under which the licensee is duly licensed.

Such holder of a license or ID card shall not publish or cause to be published any advertisement, letterhead, circular or statement or phrase of any sort which suggests that the holder is a peace officer or member of any official investigative agency.

Any violation of this rule may result in suspension or revocation of the ID card or the license, and possible referral for criminal prosecution.

661—2.14(80A) Misleading statements. No holder of a license or ID card may make any statement which indicates or tends to indicate the individual is a peace officer.

661—2.15(80A) Reports. Any private investigative agency licensee who provides services to any client in this state shall make and offer to the client a typed or legibly written ink report containing the findings and complete details of the investigation, a copy of which shall be retained by the licensee for three years and made available to the commissioner for examination at any reasonable time upon a complaint from the client for whom the report was prepared. In the event a client does not desire a written report, the licensee will note the time and date on the file copy of the report that the client stated no desire for a written report or refused the offer. A private security agency need not submit a written report unless the client so requests one.

Descriptive reports, chronological reports, and cover letters to the client shall be personally signed by the licensee or the licensee's designee. The licensee's file copy will reflect the names of all participating employees and a description of the work performed by each one.

661—2.16(80A) Grounds for suspension, revocation, or denial. The commissioner may refuse to issue or may suspend or revoke a license or ID card(s) for either of the following reasons:

- a.* Violation of any of the provisions of Iowa Code chapter 80A or these rules.
- b.* Receipt by the department of a certificate of noncompliance from the child support recovery unit of the Iowa department of human services, as provided for in Iowa Code chapter 252J.

661—2.17(80A) Licensee's duty regarding employees. The licensee shall be held responsible for ascertaining that all the licensee's employees meet the requirements of the private investigation and private security statute and rules.

The licensee shall report to the commissioner any violations of the statute and its rules, and inconsistencies thereof, and take immediate steps to be in compliance with such statute and rules.

The licensee is responsible for ensuring that all employees have a valid temporary or permanent ID card in the employee's possession prior to their commencing work.

Failure to meet these requirements may result in suspension or revocation of the license or ID card(s).

661—2.18(80A) Campus weapon requirements. In addition to the requirements of the statutes, nothing in rule 661—4.3(17A,724) shall preclude the sheriff from requiring additional firearm training. However, if the sheriff so requires additional training the sheriff shall make such training reasonably available to the applicant.

661—2.19(80A) Professional permit to carry weapons. Each person seeking a professional permit to carry weapons must meet the requirements of the Iowa Code and Iowa Administrative Code, 661—Chapter 4.

661—2.20(80A) Appeals. Any action of the department that the applicant or employee considers adverse may be appealed through the process delineated in Iowa Administrative Code, 661—Chapter 10.

661—2.21(252J) Child support collection procedures. The following procedures shall apply to actions taken by the department on a certificate of noncompliance received from the Iowa department of human services pursuant to Iowa Code chapter 252J:

2.21(1) The notice required by Iowa Code section 252J.8 shall be served upon the applicant, identification card holder, or licensee by restricted certified mail, return receipt requested, or personal service in accordance with Rules of Civil Procedure 56.1. Alternatively, the licensee, identification card holder, or applicant may accept service personally or through authorized counsel.

2.21(2) The effective date of revocation or suspension of a license or identification card, or denial of the issuance or renewal of a license or identification card, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service upon the licensee, identification card holder, or applicant.

2.21(3) Licensees, identification card holders, and applicants for licenses or identification cards shall keep the department informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J and shall provide the department with copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of non-compliance by the child support recovery unit.

2.21(4) All departmental fees for applications, license or identification card renewal or reinstatement must be paid by the licensee, identification card holder, or applicant before a license will be issued, renewed, or reinstated after the department has denied the issuance or renewal of a license or identification card, or has suspended or revoked a license or identification card pursuant to Iowa Code chapter 252J.

2.21(5) In the event a licensee, identification card holder, or applicant files a timely district court action following service of a department notice pursuant to Iowa Code sections 252J.8 and 252J.9, the department shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed. For the purpose of determining the effective date of revocation or suspension or denial of the issuance or renewal of a license or identification card, the department shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

661—2.22(80A) Continuing education requirements. The continuing education rules that follow rest upon the premise that the increasing complexity of the private investigation business makes it essential that private investigators who have been granted licenses to practice continue their education; the public interest requires that private investigators keep themselves continually up to date on developments affecting their practice; and formal programs of continuing education provide private investigators the opportunity to continually update themselves on the expanding body of knowledge required to practice the private investigation profession. Compliance with the continuing education requirements of the department shall be as follows:

1. Each person who is the holder of a license to operate a private investigative agency is required to comply with the continuing education requirements as a condition precedent to renewal of the person's license.

2. Each person who is the holder of an identification card to operate as a private investigator is required to comply with the continuing education requirements as a condition precedent to renewal of the person's employer's agency license.

2.22(1) Cost of continuing education. All costs of complying with the continuing education requirements of the department are the responsibility of the licensee who seeks to operate a private investigative agency in this state.

2.22(2) Basic requirement. A licensee seeking to renew the licensee's private investigative agency license shall, during the two-year period preceding the agency license expiration date, complete a minimum of 12 hours of acceptable continuing education. Employees of licensees shall, during the two-year period preceding the agency license expiration date, complete a minimum of 12 hours of acceptable continuing education. An employee who has worked for a licensed agency for less than 90 days at the time of the agency license expiration date shall be exempt from the continuing education requirement of this chapter, provided that during the preceding two years the employee has not been employed as a private investigator for a licensed agency or agencies in this state for a combined total of more than 180 days.

a. Applicants who are residents of another state, who are licensed to operate a private investigation agency in their state of residency, and who are actively engaged in the practice in their state of residence, shall not be required to meet the basic continuing education requirement if their state of residence requires similar continuing education to maintain their private investigation agency license.

b. The commissioner shall have the authority to make exceptions for reasons of individual hardship including health (certified by a medical doctor), military service, foreign residency, or other good cause.

2.22(3) Measurement standards. The following standards will be used to measure the hours of credit to be given for acceptable continuing education programs completed by individual licensees:

a. Credit will be given for whole hours only, with a minimum of 50 minutes constituting one hour. For example, 100 minutes of continuous instruction would count for two hours; however, more than 50 minutes but less than 100 minutes of continuous instruction would count for only one hour.

b. Only class hours or the equivalent, and not student hours devoted to preparation, will be counted.

c. Service as lecturer or discussion leader of continuing education programs will be counted to the extent that it contributes to the applicant's professional competence.

2.22(4) Programs which qualify. The overriding consideration in determining whether a specific program qualifies as acceptable continuing education is that it be a formal program of learning which contributes directly to the professional competence of an individual licensed to practice in this state. It will be left to the individual license holder to determine the course of study to be pursued. Thus, each licensee may study subjects related to the licensee's particular practice.

a. Continuing education programs will qualify only if:

- (1) An outline of the program is prepared in advance and preserved.
- (2) The program is at least one hour (50-minute period) in length.
- (3) The program is conducted by a qualified instructor, discussion leader, or lecturer. A qualified instructor, discussion leader, or lecturer is anyone whose background, training, education or experience makes it appropriate for that person to lead a discussion on the subject matter of the particular program.

(4) A record of attendance is maintained.

b. The following programs are deemed to qualify provided all other requirements of this rule are met:

(1) Professional development programs of recognized national and state private investigation organizations.

(2) Technical sessions at meetings of recognized national private investigation organizations and their chapters.

(3) University or college courses.

1. Each semester hour credit shall equal 10 hours toward the requirement.

2. Each quarter hour credit shall equal 6 hours toward the requirement.

3. Each classroom hour of noncredit courses will equal 1 qualifying hour.

(4) Formal organized in-firm and interfirm educational programs.

(5) Programs in other recognized organizations (accounting, industrial, legal and others).

(6) Other organized educational programs on technical and other related subjects.

c. The following general subject matters are acceptable as long as they contribute to the professional competence of the individual investigator.

(1) Accounting and auditing.

(2) Management.

(3) Computer science.

(4) Communications arts.

(5) Law.

(6) Functional fields of the business, including but not limited to the following:

1. Accident investigation.

2. Background investigation.

3. Business taxes.

4. Criminal investigation.

5. Court testimony.

6. Employee theft.

7. Process service.

8. Personnel law.

9. Product liability.

10. Public records availability/access.
11. Report writing.
12. Substance abuse in the workplace.
13. Surveillance techniques.
14. Wage and hour law.
15. Workers' compensation law.

Areas other than those listed above may be acceptable if the licensee can demonstrate that they contribute to the licensee's professional competence. The responsibility for substantiating that a particular program is acceptable and meets the requirements rests solely upon the licensee.

d. Formal correspondence and formal individual study programs contributing directly to the professional competence of an individual which require registration and provide evidence of satisfactory completion will be considered for credit. The amount of credit to be allowed for correspondence and formal individual study programs is to be recommended by the program sponsor and shall not exceed 50 percent of the continuing education requirement.

e. The right is specifically reserved to the commissioner to approve or disapprove credit for continuing education claimed under these rules.

2.22(5) Controls and reporting.

a. Applicants for license renewal must provide a signed statement, under penalty of perjury, on forms provided by the department, setting forth the continuing education in which the licensee and the licensee's employees have participated in such manner and at such times as prescribed by the commissioner. This information may include:

1. School, firm or organization conducting the course.
2. Location of course.
3. Title of course and description of content.
4. Principal instructor.
5. Dates attended.
6. Hours claimed.

b. The commissioner may require sponsors of courses to furnish attendance lists or any other information the commissioner deems essential for administration of these continuing education rules.

c. The commissioner will verify on a test basis information submitted by licensees. If an application for license renewal is not approved, the applicant will be so notified and may be granted a period of time by the commissioner in which to correct the deficiencies noted.

d. Primary responsibility for documenting the requirements rests with the licensee and evidence to support fulfillment of those requirements must be retained for a period of three years subsequent to submission of the report claiming the credit. Satisfaction of the requirements, including retention of attendance records and written course outlines, may be accomplished as follows:

(1) For courses taken for scholastic credit in accredited universities and colleges or high school districts, evidence of satisfactory completion of the course will be sufficient. For noncredit courses taken, a statement of the hours of attendance, signed by the instructor, must be obtained by the permit holder.

(2) For correspondence and formal independent study courses, written evidence of completion must be obtained by the licensee.

(3) In all other instances, the licensee must maintain a record of the information listed in subrule 2.22(4) and a copy of the course outline prepared by the course sponsor.

These rules are intended to implement Iowa Code chapters 80A and 252J.

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