

110-RICR-20-00-2

TITLE 110 – ATTORNEY GENERAL

CHAPTER 20 – BUREAU OF CRIMINAL IDENTIFICATION

SUBCHAPTER 00 – N/A

PART 2 – Rules and Regulations Relating to the Licensing and Regulation of the Private Security Guard Business

2.1 Scope

These rules delineate the procedure which will be utilized by the Department of Attorney General in regulating the Private Security Guard Business. All hearings required by these regulations shall be conducted in accordance with these rules and applicable provisions of the Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et. seq.*

2.2 Authority to Adopt Rules and Regulations

Pursuant to R.I. Gen. Laws § 5-5.1-4, the Attorney General is authorized to adopt such regulations as he may deem necessary or desirable to carry out the provisions of the Private Security Guard Act.

2.3 Subpoenas, Oaths

- A. The Attorney General or his designee is authorized to issue subpoenas, compel the attendance of witnesses, administer oaths, and to require testimony under oath, consistent with the policy and objectives of the Private Security Guard Act.
- B. If a witness refuses to obey a subpoena the Attorney General may petition a court within the State to compel the witness to obey the same, under penalty of contempt of court.

2.4 Inspections and Audits

The Attorney General or his designee shall have the authority, with warrant to inspect and examine all books, documents and records pertaining to the licensee's operations, and the principal place of business and all branch offices of each licensee.

2.5 License Required to conduct a Private Security Guard Business

No person shall engage in the private security guard business without having first obtained a license from the Department of the Attorney General.

2.6 License Qualifications

- A. Every applicant, general or limited partner, and in the case of a corporation, each officer and shareholder owning a ten percent (10%) or greater interest in the applicant shall meet the following qualifications before it may engage in any business licensed hereunder:
1. be eighteen (18) years of age;
 2. be a United States citizen or resident alien;
 3. not been convicted in any jurisdiction of a felony;
 4. not have had a license or registration similar to the one required herein revoked or application for same denied by any jurisdiction;
 5. not have been declared by a court to be incompetent by reason of mental defect or disease;
 6. not suffer from habitual drunkenness or narcotics addiction; and
 7. be of good moral character.
- B. A corporation seeking a license shall be incorporated under the law of this state, or shall be duly qualified to do business within this State, with an agent for service of process designated as required by law.
- C. With verification of no criminal background as set out in § 2.6(A) of this Part, any person engaged in the private security guard industry prior to January 1, 1988, and who continues to be so engaged upon the effective date of these rules and regulations may apply for a security guard license. The initial application shall be treated as a renewal of a license.

2.7 Procedures for Approval or Denial of License Applications and Suspension or Revocation of Licenses

- A. Hearings:
1. Within fifteen (15) days from the date of a notice of denial of a license, or of the intention to issue and order of revocation or suspension, an applicant or licensee may make a written request for a hearing;
 2. If a request for hearing is timely received, the Attorney General shall schedule a hearing within sixty days, and notify the applicant or licensee of same.
 3. All hearings shall be held in accordance with the provisions of the Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et. seq.*

- B. After a license has been denied, revoked, or suspended, and the licensee has exhausted the right of appeal provided in R.I. Gen. Laws § 42-35-15, or if the licensee does not seek a hearing or judicial review, the licensee shall immediately cease to operate a private security guard business.
- C. The licensee shall notify all of its client as such license denial, revocation or suspension, and shall maintain a copy of such notices for two years.
- D. The Attorney General may extend the time for the termination of the licensee's operations and/or make proper condition or restrictions on such operations.

2.8 Grounds for Denial of Application for License or Renewal of License and for Suspension and Revocation of Licenses

- A. The Attorney General may deny an application upon a finding that the applicant or any partner, officer, director, or shareholder owning a ten percent (10%) or greater interest in the applicant (provided it is not a publicly traded corporation), has done any of the following:
 - 1. violated any provisions of the Act or these Rules and Regulations;
 - 2. committed any act which would disqualify the applicant or its agents;
 - 3. practiced fraud, deceit or misrepresentation;
 - 4. made a material misstatement in any application;
 - 5. demonstrated incompetence or untrustworthiness in actions affecting the conduct of its business; or
 - 6. failed to meet the license qualifications in the Act.
- B. The Attorney General may suspend or revoke any license if the licensee (or any agent, partner, officer, director or shareholder owning a ten percent (10%) or greater interest in the licensee, provided it is not a publicly traded corporation) has done any of the following:
 - 1. violated any provisions of the Act or these rules and regulations.
 - 2. practiced fraud, deceit or misrepresentation;
 - 3. made a material misstatement in the application for or renewal of the license;
 - 4. committed any act which would render it unqualified for a license as provided in R.I. Gen. Laws § 5-5.1-8; or

5. demonstrated incompetence or untrustworthiness in actions affecting the conduct of the private security guard business.

2.9 Investigation of Applicants and Employees and Agents

- A. After an examination of the application, and such further inquiry as the Attorney General shall deem proper as to the good character, competency and integrity, of the applicant and persons named in the application, the Attorney General shall as soon as practicable issue or deny a license.
- B. If the application is denied, the Attorney General shall notify the applicant in writing and shall state the reason or reasons for such action.

2.10 Expiration and Renewal of Licenses

- A. Each license shall expire two (2) years after its date of issuance.
- B. Subject to the Attorney General's power to deny, revoke or suspend a license, each license may be renewable for the next two (2) year period upon proper application and payment of license fees.
- C. An application for renewal of a license must be received by the Attorney General not less than thirty (30) days prior to the expiration date.
- D. A licensee shall be permitted to continue to engage in business while its renewal application is pending.

2.11 Fees

- A. The registration and license fee for a private security guard business shall be four hundred dollars (\$400.00), payable biennially.
- B. The background criminal check fee for employees of private security guard businesses shall be five dollars (\$5.00) for each employee.

2.12 Transfer of License Prohibited

- A. No license may be assigned or transferred.
- B. If a licensee shall die or otherwise cease to engage in the private security guard business, the successor, heir, devisee or personal representative of such licensee shall, within thirty (30) days, comply with all requirements of these rules and regulations regarding application for a license.
- C. If a sale, assignment, transfer, merger or consolidation of a licensee's business is consummated, the purchaser, assignee, transferee, surviving or new corporation, which is not already a licensee, shall immediately comply with all requirements of these rules and regulations regarding application for a license.

- D. The purchaser, assignee, transferee, surviving or new corporation may continue the operation of the business, subject to all applicable regulations, until notified by the Attorney General of its final decision on the new application for a license.

2.13 Surrender of License

- A. Each license shall be surrendered to the Attorney General within seventy-two (72) hours after it has been revoked or suspended, or after the licensee ceases to do business.
- B. If the Attorney General has any matter relating to the renewal, revocation or transfer of a license pending, the licensee shall not be required to surrender the license until a determination has been made on such matter or until all appeals have been exhausted, provided that a stay has been obtained in accordance with R.I. Gen. Laws § 5-5.1-24.

2.14 Change in Status of License

- A. The licensee shall notify the Attorney General in writing within five (5) days of:
 - 1. any change in identity of the licensee or any of its partners, directors, officers and shareholders owning a ten (10%) percent or greater interest in the licensee (provided it is not a publicly traded corporation). Any substitution in the persons enumerated must satisfy all requirements of R.I. Gen. Laws §§ 5-5.1-8 (license qualifications) and 5-5.1-13 (fees), and be approved in writing by the Attorney General.
 - 2. any material change in the information previously furnished, or required to be furnished, or any occurrence which could reasonably be expected to affect the licensee's privilege to a license.

2.15 Employee Registration

- A. NOTE: The requirements of this section shall apply to all employees other than secretaries and clerical workers. An employer shall require an employee registration form to be filled out by an applicant only after a conditional offer of employment has been made.
- B. No person shall perform the functions and duties of an employee of a private security guard business without first having been registered and licensed by the Attorney General.
- C. No licensee shall knowingly employ in any capacity whatsoever, any person who has been convicted of a felony.
- D. A false statement by a licensee that a person is, has, or has not been in his employ, shall be sufficient cause for the revocation of such license.

- E. No person shall be employed by any licensee until he shall have executed a verified statement to be known as “employee’s registration statement”, setting forth:
1. his full name, age, residence address, and place of and date of birth;
 2. the country of which he is a citizen;
 3. the business or occupation engaged in for the last five (5) years preceding the date of the filing of the statement, setting forth the places where such business or occupation was engaged in, and the names of employers.
 4. that he has not been convicted of a felony or of any offense involving moral turpitude.
 5. any further information as the Attorney General may by rule require to show the good character, competency, and integrity of the employee.
 6. all holders of the license shall be allowed to obtain a criminal background check on any employee or prospective employee from the Department of Attorney General upon payment of the required fee.
- F. If any holder of a license shall file an “employee’s statement” of a person other than the person so employed, he may be prosecuted as provided in R.I. Gen. Laws § 5-5.1-18.

2.16 Prohibited Business Practices

- A. No individual shall wear or display any insignia which shall indicate or tend to indicate that he or she is a law enforcement officer, or which contains or includes the word “police” or the equivalent thereof, or which is similar in wording to any law enforcement agency in this or any other State.
- B. No badge or shield shall indicate or tend to indicate that it represents any law enforcement officer or agency.
- C. No person shall have or utilize any vehicle or equipment displaying the words “police”, “law enforcement officer”, or the equivalent thereof.
- D. All such wording must be approved by the Attorney General.
- E. Any licensee shall, upon notice and an opportunity to be heard, discontinue any advertising, or the use of any seals or cards, which the Attorney General has determined may tend to mislead the public.
- F. No licensee shall represent that it is an instrumentality, or agency of the Federal, State or local government.

- G. No licensee shall conduct business under a trade name until it has obtained the written authorization of the Attorney General.
- H. The Attorney General shall not authorize the use of a trade name which is so similar to that of a public office or agency, or of that used by another licensee that the public may be confused as to the property identify of the licensee.
- I. The authorization for the use of a trade name shall require the filing of a certificate of doing business under such name with the city or town clerk where the licensee's principal place of business is located and with the Secretary of State.

2.17 Identification Cards

The Attorney General shall prescribe the form of identification cards which may be carried by persons who are licensed under the provisions of R.I. Gen. Laws § 5-5.1-1 *et. seq.*

2.18 Insurance Requirements

- A. A licensee shall file with the Attorney General a certificate of insurance evidencing comprehensive general liability coverage for bodily injury, and property damage with endorsements for assault and battery and personal injury, including false arrest, libel, slander and invasion of privacy in the minimum amount of three hundred thousand dollars (\$300,000.00) for bodily or personal injury and one hundred thousand dollars (\$100,000.00) for property damage.
- B. A licensee shall also file endorsements for damage to property in its care, custody and control and for any errors and omissions by its agents and employees.
- C. The certificate shall provide that the insurance will not be modified or cancelled unless thirty (30) days advance notice is given to the Attorney General.
- D. A licensee must be insured by a carrier licensed in the State.

2.19 Judicial Review

- A. Any person aggrieved by a final decision of the Attorney General may obtain judicial review thereof by filing an appeal in the Superior Court in accordance with R.I. Gen. Laws § 42-35-1 *et. seq.*
- B. Filing of an appeal with the Superior Court shall not stay enforcement of the Attorney General's decision, unless a stay is obtained in accordance with the rules of the court.

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