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(Plus all the volunteer
help we can get)

January 24, 1997

Judy Cooper
Director, Administrative Law
Secretary of State
Room 157-K
State Capitol
Charleston, WV 25305

Dear Judy:

During the 1994 Legislative Session the law concerning the licensing of private investigators and security guards was completely rewritten. The governor signed the bill and the changes became effective in June of 1994. Since the law made major changes in the licensing requirements, legislative rule, CSR 153, Series 2, passed under the previous law, no longer was relevant to the new legislation. I am requesting that it be withdrawn.

Additionally, the interpretive rule relating to private investigators and security guards (CSR 153, Series 11), needs to be withdrawn since it is also outdated.

A handwritten signature in cursive script that reads "Ken Hechler".
Ken Hechler
Secretary of State

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**TITLE 153
INTERPRETIVE RULE
SECRETARY OF STATE**

**SERIES 11
INTERPRETATIONS OF WEST VIRGINIA CODE §30-18 RELATING
TO LICENSING OF PRIVATE DETECTIVES AND SECURITY GUARDS**

§153-11-1. General.

1.1. Scope. -- These interpretive rules relate to the provisions of West Virginia Code article eighteen, chapter thirty governing the licensing of private detectives and security guards both individual and firm.

1.2. Authority. -- W. Va. Code §30-18 et seq. and §29A-1-2(c)

1.3. Filing Date. -- August 27, 1986

1.4. Effective Date. -- September 26, 1986

§153-11-2. Qualifications for licensure.

2.1. West Virginia Code section one, article eighteen, chapter thirty requires a license to engage in the business of private investigation or watch guard or patrol service.

2.2. The education and experience requirements as stated in West Virginia Code section two, article eighteen, chapter thirty are: "Every such applicant shall establish to the satisfaction of the Secretary of State that such applicant, if he be a person, or, in the case of a firm, partnership or corporation, at least one (1) member of such firm, partnership or corporation, has been regularly employed as a detective or shall have been a member of any United States government investigative service, a sheriff or member of a city or state police department, for a period of not less than three (3) years, or shall have had at least one (1) year's training in investigative work at an accredited college or university or licensed private detective agency."

2.3. It is the interpretation of the Secretary of State that three (3) year's experience as a security guard, watchman or patrolman regularly employed by any of the agencies or organizations listed in West Virginia Code section two, article eighteen, chapter thirty meets the statutory requirements for licensure: Provided, That the applicant seeks licensure to en-

gage in security, watch or patrol service only and not investigative service.

2.4. It is the interpretation of the Secretary of State that one (1) year's training at an accredited college or university shall be at least thirty (30) semester hours credit in investigative studies.

2.5. It is the interpretation of the Secretary of State that one (1) year's training at a licensed private detective agency shall mean at least thirty-two (32) hours of work per week for fifty (50) weeks and that the training is documented by the licensed detective agency administering the training. The licensed agency shall swear or affirm, under the penalties of false swearing, to the time the applicant has been employed, the skills acquired by the applicant and to the competency of the applicant.

2.6. West Virginia Code section two, article eighteen, chapter thirty provides for one (1) year's training with a licensed agency. It is the interpretation of the Secretary of State that "Agency" shall mean a firm, partnership, association, corporation or other combination or group of two (2) or more persons having obtained from the Office of the Secretary of State a firm license. One (1) year's training under an individual who does not have a firm license does not qualify as one (1) year's training pursuant to section two, article eighteen, chapter thirty of the Code.

§153-11-3. Hiring of employees.

3.1. It is the interpretation of the Secretary of State that persons holding an individual private detective/security guard license are not permitted to hire employees excluding clerical help without first obtaining a firm license from this office.

§153-11-4. Renewal.

4.1. West Virginia Code sections three and four, article eighteen, chapter thirty requires that all licenses be valid for a period of one (1) year.

4.2. It is the interpretation of the Secretary of State that when a license expires prior to the receipt by the Secretary of State of a completed renewal ap-

plication, the applicant shall be considered as a new applicant and shall follow the procedures for initial application for a private investigator's license.