

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Secretary of State

Chapter 5-2
Series II
(1965)

Subject: Regulations pertaining to private detectives
and investigators.

Section 1. General

1.01 Scope - These regulations establish general rules for the issuance of licenses, suspension and revocation of license for private detectives and investigators.

1.02 Authority - These regulations are issued under authority of West Virginia Code, Chapter 30, Article 18.

1.03 Effective Date - These regulations were promulgated on August 5, 1961 and became effective September 5, 1961.

1.04 Filing Date - These regulations were filed in the Office of the Secretary of State on August 5, 1961.

1.05 Certification - These regulations are certified authentic by the Secretary of State by certification number 67.

Section 2. License - Transfer

2.01 Private investigators licenses are not transferable or assignable from one person to another.

2.02 Any change of business address of any licensee must be registered with the Office of the Secretary of State.

Section 3. License - Corporation, Agency, Firm or Partnership

3.01 No corporation, agency, firm or partnership may employ any person in the capacity of private investigator unless such person be duly licensed with the Secretary of State as provided by this article.

3.02 Section 3.01 of these regulations does not apply to persons employed exclusively as plant guards under the terms of contract of employment between an agency and the plant owner or owners, and whose employment is restricted to the private premises of said plant.

Section 4. Age of Licensee

4.01 No license shall be issued to any person unless such person be at least twenty-one (21) years of age.

4.02 No member of a firm or partnership shall be under the age of twenty-one (21) years of age.

4.03 No officer of a corporation nor any investigator employed thereby shall be under the age of twenty-one (21) years of age.

Section 5. Hearings - Continuances and Suspensions

5.01 Continuances - Motion must be made more than five (5) days before the date set for hearing in the notice served upon the licensee, or the licensee must put himself within the same rules for continuance, at the time set for hearing, as are required for continuances in civil or criminal trials in Circuit Courts.

5.02 Suspensions - The license of any licensee requesting a continuance, as required under Section 5.01 hereof, shall be suspended as of the date set out in the notice for said hearing until the hearing shall be had, and the licensee shall not be permitted to engage in any private investigation or detective work as defined by this article pending such hearing. In the case of a corporation the restriction placed upon individuals as set out above shall apply to all officers and employees of such suspended corporation while in the employ of such suspended corporation.

Section 6. Licenses - Suspensions and Revocations - Corporations

6.01 Suspensions - If the license of any corporation be suspended, the suspension applies to all officers and investigative employees of such corporation.

6.02 Revocation - If the license of any corporation be revoked, the revocation applies to all officers and investigative employees of such corporation.

Section 7. Re-issuance of License after Revocation

7.01 No license shall be issued to any person who has formerly held a license, under the provisions of this article, which has been revoked by the Secretary of State, within a period of one year from the date of such revocation.

7.02 No license shall be issued to any person who was an officer or stockholder of a corporation whose license was revoked as aforesaid within a period of one year from the date of such revocation.

Section 8. Revocation and Suspension - Grounds therefore

8.01 The license of any person, firm, partnership or corporation shall be suspended or revoked if such licensee is convicted of any felony or misdemeanor as set out in Section 3 of Article 18, Chapter 30.

8.02 The license of any person, firm, partnership or corporation shall be suspended or revoked if such licensee is guilty of any act that within the discretion of the Secretary of State violates the laws of morality, decency, or good conduct as becomes a licensed investigator.

Section 9. Disability of Firm, Partnership or Corporation

9.01 If the license of any member of a firm or partnership be revoked or suspended and such member is the only person whose qualifications permitted the licensing of such firm, corporation or partnership then the license in the name of such organization is deemed to be revoked also. Provided however, that if such firm or partnership can show that some member of said organization now has the necessary qualifications as set out in Chapter 30, Article 18, Section 2(1) then the license will not be deemed revoked.

FILING OF ADMINISTRATIVE REGULATIONS

References are to sections in W. Va. Adm. Reg. 5-2, Ser. II

Authority, 1.02

Certification, 1.05

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Hearings

Continuances, 5.01

Suspensions 5.02

License

Age of Licensee, 4.01, 4.02, 4.03

Agency, Employment, 3.01, 3.02

Corporation, Employment, 3.01, 3.02

Firm, Employment, 3.01, 3.02

Partnership, Employment, 3.01, 3.02

Revocation, 6.01, 6.02, 8.01, 8.02

Re-issuance of License after Revocation, 7.01, 7.02

Suspension, 5.02, 6.01, 8.01, 8.02

Transfer, 2.01, 2.02

Scope, 1.01