

Chapter RL 31

PRIVATE DETECTIVE AND AGENCY LICENSURE
REQUIREMENTS AND PROCEDURES

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RL 31.01 License required. (1) PRIVATE DETECTIVE AGENCY LICENSE. (a) A private detective agency license is required for the operation of a private detective agency including:

1. Acting as a private detective, private investigator, special investigator or private security person;
2. Supplying of such personnel under subd. 1; or
3. Advertising or solicitation of business in the operation of a private detective agency.

(b) A private detective agency license may be issued to an individual, partnership or corporation.

(2) PRIVATE DETECTIVE LICENSE. (a) A private detective license is required to engage in the services of a private detective.

(b) A private detective may only provide private detective services on behalf of a private detective agency in the capacity of an employe and not as an independent contractor, unless the private detective has a private detective agency license.

(3) PRIVATE SECURITY PERMIT. An employe of any licensed private detective agency doing business in this state as a supplier of uniformed private security persons to patrol exclusively on the private property of industrial plants, business establishments, schools, colleges, hospitals, sports stadiums, exhibits and similar activities is exempt from the license requirements under sub. (2), but shall obtain a private security permit as specified in s. 440.26(5), Stats.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 31.02 Qualifications. (1) PRIVATE DETECTIVE AGENCY LICENSE. (a) To obtain a license as a private detective agency, an individual applicant, all members of a partnership or all corporate officers shall be listed on the application. One member shall sign the application and be designated as the principal.

(b) A license may be granted under this section if the individual applicant, all members of a partnership or all corporate officers:

1. Subject to ss. 111.321, 111.322 and 111.335, Stats., do not have an arrest or conviction record.
2. Are not users of drugs or alcohol to an extent dangerous to themselves or to other persons or to an extent which could impair a person's

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ability to direct or perform private detective or private security activities responsibly.

(2) **PRIVATE DETECTIVE LICENSE.** An applicant for licensure as a private detective may be granted a license under s. 440.26, Stats., if the applicant:

(a) Subject to ss. 111.321, 111.322 and 111.335, Stats., does not have an arrest or conviction record.

(b) Is not a user of drugs or alcohol to an extent dangerous to the applicant or others or to an extent which would impair the applicant's ability to perform private detective or private security activities responsibly;

(c) Has passed the examination administered by the department as set forth in s. RL 31.04.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 31.03 Application procedure for private detective agency and private detective licenses. (1) Each applicant for a license shall file with the department all of the following:

(a) A completed, notarized application on forms provided by the department.

Note: Information about application deadlines is available from the bureau of direct licensing and real estate in the department at Room 281, 1400 East Washington Avenue, Madison, Wisconsin 53702, telephone (608) 266-0829.

(b) Two complete and satisfactory sets of fingerprints on forms supplied by the department. The fingerprints shall be taken by any federal, state, county or municipal law enforcement officer and the forms shall be signed by the officer and stamped with an official stamp.

(c) One recent color photograph of the applicant's head and shoulder only.

(d) The applicant's employment record for the 10 years immediately preceding the date of application, listing the type of employment and the name and address of each employer.

(e) The complete business location address of the applicant including the office or room number and street address and a home address. A post office box without a complete location address is inadequate.

(f) The fee specified in s. 440.05(1), Stats.

(2) Any change of name or address from that on the original application shall be reported to the department on a change form within 30 days of change.

(3) An applicant who has a pending criminal charge or has been convicted of any crime or ordinance violation shall provide the department all related information necessary for the department to determine whether the circumstances of the arrest or conviction substantially relate to the circumstances of the licensed activity.

(4) An applicant who is or has been a user of drugs or alcohol to an extent dangerous to the applicant or other persons or to an extent which could impair the applicant's ability to perform private detective or private security activities responsibly.

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vate security activities responsibly shall provide the department all information necessary for the department to determine the applicant's fitness to practice.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 31.04 Examination for private detective licensure. (1) **ADMINISTRATION.** At least once every month the department shall administer or cause to be administered an examination for the licensure of private detectives.

(2) **ADMISSION CARD.** At least 10 days prior to the examination, the department shall mail an admission card to the applicant, who shall present the card at the door of the examination room with identification as specified on the admission card.

(3) **SUBJECTS TESTED.** The examination shall test the applicant's knowledge or competence in all of the following areas:

(a) Wisconsin statutes and administrative rules governing private detective agencies and private detectives.

(b) Conduct reflecting on professional qualification.

(c) Criminal law and procedure.

(d) Open record laws.

(e) Legal limitations on a private detective's ability to make arrests and conduct searches and seizures.

(f) Surveillance.

(g) Preserving and maintaining evidence for possible use in court.

(h) Notetaking and report writing.

(i) Serving legal documents.

(j) Testifying on deposition and in court, and

(k) Limits on the use of excessive force.

(4) **UNAUTHORIZED ASSISTANCE.** An applicant who gives or receives unauthorized assistance during the examination may have the applicant's score withheld by the department. Future consideration of such applicant shall be at the discretion of the department.

(5) **PASSING SCORE.** The score required to pass the examination shall be based on the department's determination of the level of examination performance required for minimal acceptable competence in the profession. The passing score shall be established prior to the exam administration and shall be designated by a grade of 70.

(6) **EXAMINATION REVIEW.** (1) An applicant who fails the examination may request a review of that examination. The applicant must file a written request to the department within 30 days of the date on which examination results were mailed.

- (2) The time for review shall be limited to one hour.
- (3) The examination shall be reviewed only by the applicant and in the presence of a proctor.
- (4) The proctor shall not respond to inquiries by the applicant regarding allegations of examination error.
- (5) Any comments or claims of error regarding specific questions or procedures in the examination may be placed in writing on the provided form. These comments shall be retained and made available to the applicant for use at a subsequent hearing.
- (6) An applicant shall be permitted to review the examination only once.

(7) **CLAIM OF EXAMINATION ERROR.** (1) An applicant wishing to claim examination error must file a written request for department review in the department office within 30 days of the date the examination was reviewed. The request shall include:

- (a) The applicant's name and address;
 - (b) The type of license applied for;
 - (c) A description of the perceived error; including specific questions or procedures claimed to be in error; and
 - (d) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.
- (2) The department shall review the claim and notify the applicant in writing of the department's decision and any resulting grade changes.
- (3) If the decision does not result in the applicant passing the examination, the applicant may request a hearing under s. RL 1.05.

(8) **EXAMINATION.** (a) There is no limit to the number of times any applicant may take the examination.

(b) An applicant who fails the examination under this section and who reviews the examination under sub. (6) may not retake an examination within 30 days from the examination review.

(c) An applicant who has passed the examination and remains unlicensed for one year or more after the date of the examination shall again take and pass the examination before being licensed.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 31.05 Denial of license. A license under this chapter may be denied for fraud or misrepresentation in the application for a license, or for any of the grounds under s. RL 35.01 for which the department may discipline a licensee.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 31.06 Additional licensing requirements. (1) **BRANCH OFFICES.** An agency shall operate all offices, branch offices, divisions and departments under the same name as the principal office, unless these offices are separately licensed.

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(2) PRIVATE DETECTIVE AS PRIVATE SECURITY PERSON. A licensed private detective may be employed as a private security person without obtaining a permit.

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