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Private Security Administrative Rules

Learning objectives

01

To understand the history of the board and development of the rules.

02

To better understand the Private Security Rules as they apply to our industry

03

To better understand applications and audits

04

To understand the impacts of not following / adhering to the rules



What do you want to get out of this?



Rules that govern the industry

- 1702 Occupations Code
- Government Code – Section 411.501
- Occupation Code – Chapter 53
- Administrative Rules – 35.1 – 35.185



TEXAS PRIVATE SECURITY STATUTES & RULES



<https://www.dps.texas.gov/sites/default/files/documents/rsd/psb/docs/statutesrules.pdf>

Current version is 2019 – 2020



History of the PSB

- Created in 1969
- 1971 – 1993 added professions
- 1999 – Commission
- 2003 – Commission Abolished
- 2004 – Private Security Board



Texas Department
of Public Safety



Boards Regulatory Role

- Licensing
- Commissioning
- Approving schools, instructors & regulating training
- Investigating complaints



Licensing

- Rules - 35.21 - 35.29
- Occupations Code 1702.230





Licensing

Some important notes:

- An individual must be affiliated to a company even if they have an individual registration 35.2 (a)

Commissioning

- Officially authorized for certain duties.
- DPS issues a commission in Texas for Private Security





Regulation of School, training and instructors

- This is to ensure high quality continued education
- Regulated and credible training
- Experienced instructors

Complaints

- Administrative penalties range from \$25 - \$5,000.
- Should I report unregulated activity?



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Department of Justice

U.S. Attorney's Office

Southern District of New York

SHARE 

FOR IMMEDIATE RELEASE

Wednesday, October 22, 2014

Private Investigator And Former NYPD Officer Arrested In Bribery Scheme To Obtain Reports From Federal Law Enforcement Database

**Private Investigator Also Charged With Fraudulently Billing Federal Criminal
Defense Fund**



How to submit a complaint?

- Name and contact information of complainant
- Name and type of business of licensee
- Specific dates and times of described events
- Detailed description of the violation.

Quiz





Public Records

- Chapter 552 Texas Administrative Code
- Be the best example of yourself
- You never know who is going to access your file.

Public Records

Application

Insurance

Complaints

Licensing
information

Registered
affiliated
investigators

Communications
with the DPS

Other Important Rules

- Texas Rules of Professional Conduct

<https://www.texasbar.com/AM/Template.cfm?Section=Home&ContentID=27271&Template=/CM/ContentDisplay.cfm>



Conflict of Interest

1

Do I have to check for conflict of interest?

2

What does a conflict check look like?

3

How do you deal with a conflict if you come across a conflict.

Records



What are our
rules on record
retention?

Rule
35.111



What types of
records are
regulated?

Business
Records
Employee
Records



Time Periods

2 Years

Employment Records

2 years from the last
date of employment

Full name, date of
employment,
position, and address;

Social security
number

Last date of
employment

Date and place of
birth;

One color
photograph;

The results of any
drug tests

Documentation of the
pre-employment
check

All training
certificates earned by
the employee while
employed by the
licensee

Business Records



- Copies of any timesheets, invoices, or scheduling records reflecting the employment dates of any registered employees.
- If the company has no physical place of business within the State of Texas , the records shall be maintained:
 - At the office of the registered agent within the State of Texas: or
 - At any physical location within the State of Texas of an agent or employee of the company.





Right to a report / file

- The client has a right to a report and this should be provided within 7 days or you can be sanctioned with a hefty \$500 fine.
- Do they have a right to the file?



THE BROOKLYN DISTRICT ATTORNEY'S OFFICE

KEEPING BROOKLYN SAFE AND STRENGTHENING COMMUNITY TRUST



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District Attorney

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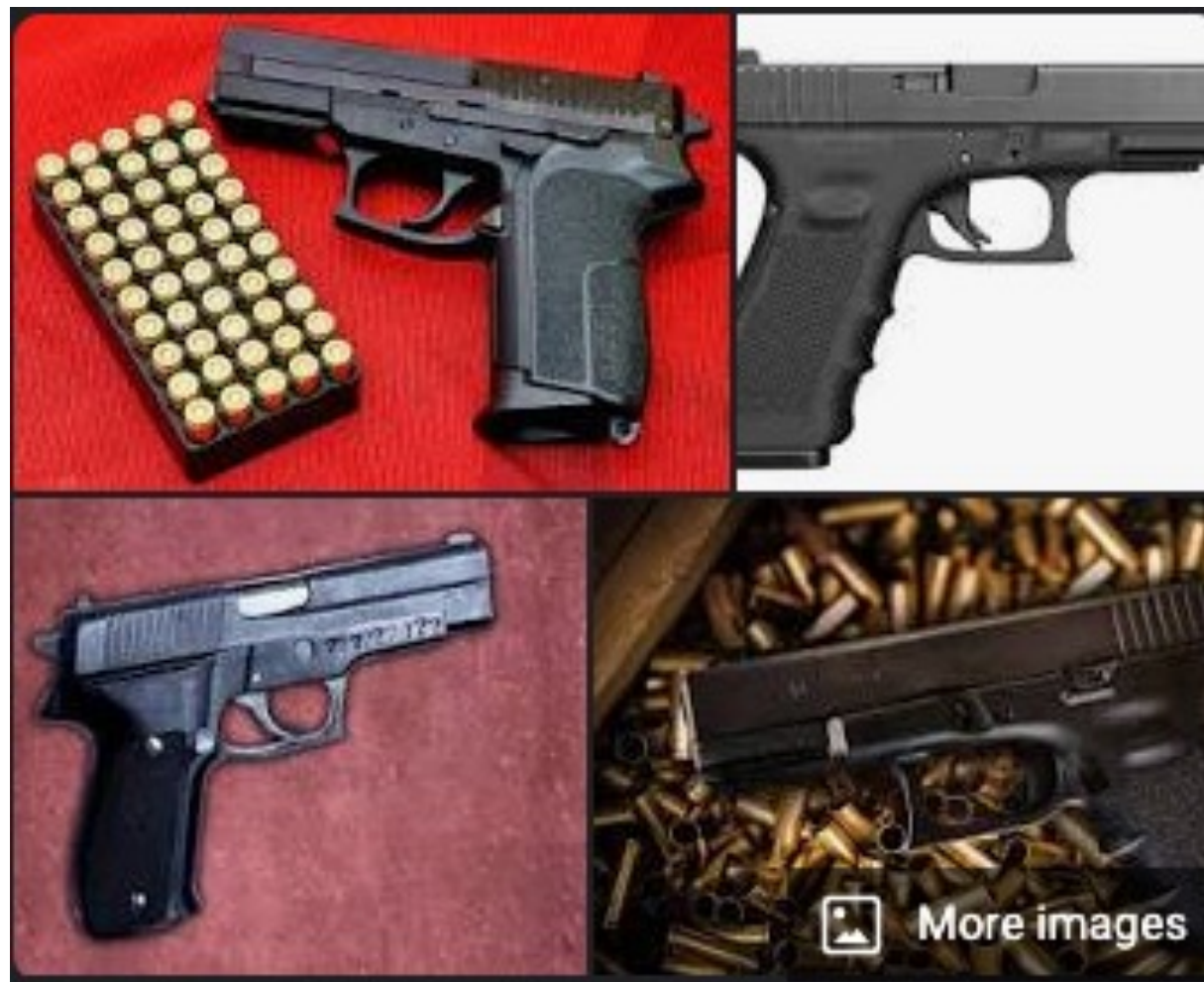
Press Office
(718) 250-2300

FOR IMMEDIATE RELEASE

Friday, June 14, 2019

Private Investigator Sentenced to 1 to 3 Years in Prison for Unlawful Surveillance and Promoting Prostitution as Part of a Scheme to Keep Victim Of Child Sexual Assaults from Testifying Against her Abuser

Firearms and Private Investigators





What do the rules say?

- **Government Code, Subchapter H, section 411 aka License To Carry (LTC):** Applies to a licensed PI who also has a license to carry (LTC), allowing a PI to openly carry a handgun while serving a capias or arrest warrant, with written authorization from a surety. Handgun cannot legally be openly displayed under Constitutional Carry; a PI must also have an LTC to open carry while performing these duties.



What do the rules say?

- **Texas Administrative Code** – (c) A private investigator executing a capias or arrest warrant may not:
 - (1) wear a uniform or other apparel with the intention of creating the impression of being a security officer or peace officer; or
 - (2) openly carry a handgun, notwithstanding being licensed under Subchapter H, Chapter 411, Government Code or otherwise authorized under state law to possess a firearm.

What do the DPS say?

- Those individual licensees who do not provide security or personal protection services, e.g., locksmiths, alarm installers, or private investigators, may choose to carry handguns while performing the regulated services for which they are licensed, subject to the limitations and prohibitions provided in [Texas Penal Code Chapter 46](#) and the preferences of their clients or employers.
- However, private investigators should note that pursuant to Rule 35.10, effective January 10, 2022, private investigators are prohibited from *openly* carrying a handgun when executing a capias or arrest warrant. See Administrative Rule 35.10, at [37 TAC 1, 35.10](#).



Texas private investigator killed attempting to serve warrant on suspect of child sex assault, police say

Suspect Juan Carlos Lopez, 33, was killed by police officers after he shot a private investigator in a motel room Thursday evening, Garland police said.



Exceptions

- Attorney's and employees conducting investigative research – Do they have to be licensed?
- Peace officers – Can a qualified Peace Officer engage in armed security without a Private Security License and Commission?

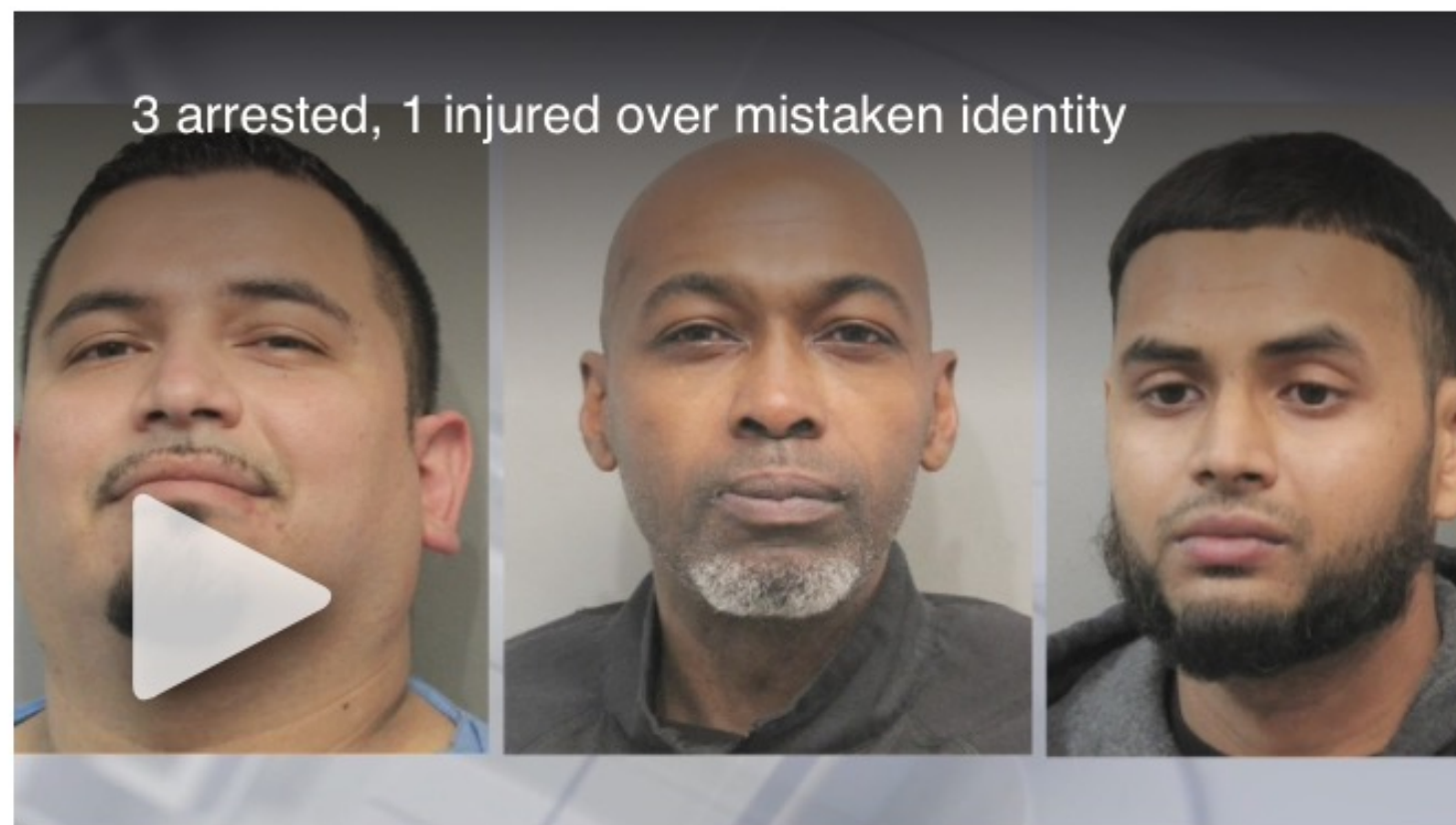


PSB Opinions

- Computer Forensics
 1. Extraction and collection – Not regulated
 2. Analysis and reporting – Regulated
- TSCM
 1. Identifying the presence of a device – not regulated
 2. Retrieving and identifying the source of the device – regulated

Arrested private investigator says he 'can't even sleep' after shootout with wrong guy

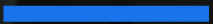
By Damali Keith | Published January 25, 2021 | News | FOX 26 Houston



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Questions





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