

Alabama Private Investigation Board

Functional Analysis & Records Disposition Authority

**Approved by the
State Records Commission
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Functional and Organizational Analysis of the Alabama Private Investigation Board

Sources of Information

Representatives of the Alabama Private Investigation Board
Alabama Private Investigation Regulatory Act, 2013-306 (SB172)

Historical Context

The Alabama Private Investigation Board was established in 2013 with the Alabama Private Investigation Regulatory Act (Act 2013-306). There was no state agency regulating the profession of private investigation before this board was established.

Agency Organization

The board consists of eight (8) members as follows: five private investigators with at least five years of experience at the time of appointment, one consumer representative of the public at large, one member in good standing with the Alabama State Bar Association, and one member in good standing with the Alabama Private Investigators Association. Two private investigator appointments and one consumer appointment are made by the Governor; and one private investigator appointment is made by the Lieutenant Governor, one by the Speaker of the House of Representatives, and one by the Attorney General. As of 2018, appointed board members must be licensed (pursuant to Alabama Private Investigation Regulatory Act) for a period of five years prior to appointment. After the initial appointments, members will serve four year terms. No members are allowed to serve more than one consecutive term in the same office. The board will serve as a quasi-judicial body with the majority members constituting a quorum. At the first meeting following appointments, the board will elect a chair and vice-chair, and schedule regular and special meetings in which to conduct their business. The board may employ support staff necessary to execute the provisions of Alabama Private Investigation Regulatory Act. All support personnel, with the exception of the Executive Director, must be subject to the provisions of the state Merit System Act. The board currently contracts with the Leadership Alliance, LLC, which maintains an office in Montgomery, Alabama. Personnel of Leadership Alliance, LLC provide support services and handle daily operations for the board.

Agency Function and Subfunctions

The mandated function for the Alabama Private Investigation Board is to regulate the profession of private investigation in Alabama. The board is one of the agencies responsible for the Regulatory function of Alabama government. In the performance of its mandated function, the board may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** In accordance with the Administrative Procedures Act (Code of Alabama 1975, Section 41-22-3), the board has the authority to prescribe rules

and regulations for regulating the practice of private investigators. The board also develops the appropriate procedures or techniques for the implementation of its rules and regulations. This subfunction encompasses activities pertaining to the establishment and promulgation of rules, regulations, and procedures by the board for carrying out its duties and responsibilities.

- **Licensing.** The board is authorized, under the Code of Alabama, Section 34-8-5 and the Alabama Private Investigation Regulatory Act, Section 18, to grant, suspend, reinstate, and revoke licenses for private investigators. Any person applying for licensure must be at least 21 years of age and pass the licensure examination of knowledge and competencies. Applicants should not be guilty of a felony or a crime of moral turpitude, nor have been declared mentally incompetent by the courts. Applicants will be required to submit to fingerprinting at the time of application, and the board may further review an applicant's criminal history files. Prior to receipt of a private investigator license, the successful applicant shall be required to pay a licensure fee at a rate to be determined by the board. Applicants denied a license shall be notified in writing of the specific grounds for denial and may submit an application of reconsideration within 30 days of the receipt of denial. The licensed private investigator will be issued two copies of the license. One copy must be displayed in the workplace and the other license card will be carried while executing the duties of the profession. Licenses shall be valid for a period of two years. A license renewal form will be sent to the licensee 60 days prior to the expiration of the license. No renewal application will be accepted by the board more than 30 days after the expiration of the license. The completed application will be reviewed for civil fraud and criminal convictions. Late fees will be enforced if the renewal application is more than expiration date of the license. A renewal application may not be accepted more than thirty (30) days after the expiration of the license.

- **Enforcing.** In order to maintain a high standard of integrity in the practice of private investigation, the board is authorized to establish and implement procedures for the investigation of complaints against licensed private investigators and for the conduct of hearings in which complaints are heard. The board may suspend, revoke, or refuse to issue or renew any license issued upon finding that the licensee or applicant is guilty of infractions. Infractions include, violation pursuant to Alabama Private Investigation Regulatory Act, falsifying licensure application information, or unfavorable misdemeanor or felony convictions. A fine of up to \$2,000 may be levied to the individual for each infraction. Additionally, a license may be suspended for the remaining licensing period and renewed during any period in which the license was suspended.

- **Administering Internal Operations.** A significant portion of the board's work includes general administrative and financial activities performed to support its programmatic areas. The board does not employ personnel or retain facilities or resources. All activities relating to board activity are managed by Leadership Alliance, LLC.

Managing the Agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities involved in managing finances may include the following: budgeting (preparing and reviewing the budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

All monies associated with the issuance of licensing fees, penalties, fines, and all other funds shall be placed in the Board of Private Investigators Fund. This account shall be used only to carry out business functions related to the board. No funds may be withdrawn or expended unless approved by the legislature and allocated pursuant to Alabama Private Investigation Regulatory Act, Section 7.

Analysis of Record Keeping System and Records Appraisal of the Alabama Private Investigation Board

Agency Record Keeping System

The Alabama Private Investigation Board currently operates a hybrid record keeping system.

Computer System: At this time the board uses an Excel database to track all applications, licensees, and fees paid in application for a private investigation license.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama Private Investigation Board: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal, and administrative requirements have been met.

Licensing:

- **Licensure Files.** Included in these records are documents relating to the application, screening, and licensure of applicants. The recommended retention for these records is five (5) years after the license has become inactive.
- **Renewal Files.** Per the Alabama Private Investigation Regulatory Act, Section 17, private investigators must apply for license renewal every two years. Files can include the renewal application and proof of payment of associated fees. The recommended retention is five years after the record has been created.
- **Complaint Investigation and Hearing Files.** The Alabama Private Investigation Regulatory Act, Section 18 provides that the board shall carry out investigations of complaints or violations of the terms of licensing. Investigations will include inspections of licensee's compliance with federal, state, local, and board laws; and a review of personnel and training records.

The Alabama Private Investigation Regulatory Act, Section 18 also states that the board shall carry out hearings and provide discipline to private investigators that have violated the terms of licensing. The files may include notes and minutes of hearings; disciplinary forms, and formal decisions regarding the suspension of a license. The recommended retention is 5 years after the license has become inactive.

II. Permanent Records. The Government Services Division recommends the following records as permanent.

Promulgating Rules and Regulations:

- **Meeting Agendas, Minutes, and Packets.** This series documents decisions and actions including the approval or denial of licenses. These records provide important documentation of the board's actions that may not be found elsewhere. (RDA page 8) (**Bibliographic Title: Meeting Agendas, Minutes, and Packets**)

Licensing:

- **Roster of Licensees.** The board maintains a roster of licenses on an Excel database. This roster contains a list of licensees, addresses, license numbers, license issue dates, and license expiration dates. The roster provides key documentation of licensed court reporters, thus a copy should be printed out annually for permanent retention. The board plans to make this roster available on their website. (RDA page 8) (**Bibliographic Title: Roster of Licensees**)

Administering Internal Operations:

- **Board Appointment Files.** Per the Alabama Private Investigation Regulatory Act, board members are appointed by the governor, lieutenant governor, Speaker of the House of Representatives, attorney general, Alabama State Bar Association, and Alabama Private Investigators Association. These files may contain information pertaining to the qualifications of board members or letters of appointment issued by the Office of the Governor. (RDA page 9) (**Bibliographic Title: Board Appointment Files**)
- **Publications.** In accordance with the Code of Alabama, Section 41-9-544 (9), the authority may "publish or contract for the publication of brochures, books, and periodicals intended for the general public that are promotional, informational, or educational about the buildings, contents, and grounds of the complex." There are presently no publications, however, all such future publications should be preserved as part of the State Publication Collection. (RDA page 9) (**Bibliographic Title: State Publications**)
- **Website and Other Social Media Site(s).** The agency maintains a website at www.apib.alabama.gov. The website will be archived and preserved as it serves as an important medium for communication with the public. If any changes to the website address occur, the agency shall report it to the Government Services Division to update the information. (RDA page 9) (**Bibliographic Title: Website and Social Media**)

Permanent Records List
Alabama Private Investigation Board

Promulgating Rules and Regulations

1. Meeting Agendas, Minutes, and Packets

Licensing

1. Roster of Licensees

Administering Internal Operations

1. Board Appointment Files
2. Publications
3. Website and Other Social Media Site(s)

*Indicates records that ADAH anticipates will remain in the care and custody of the creating agency. (ADAH staff members are available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.

Alabama Private Investigation Board Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Services Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama Private Investigation Board. The RDA lists records created and maintained by the Alabama Private Investigation Board in carrying out its mandated functions and subfunctions. It establishes retention periods and disposition instructions for those records and provides the legal authority for the Alabama Private Investigation Board to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Services Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Alabama Private Investigation Board. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain other records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes, may

include, but are not limited to, telephone call-back messages, drafts of ordinary documents not needed for their evidential value, copies of material sent for information purposes but not needed by the receiving office for future business, and internal communications about agency social activities. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama Private Investigation Board and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular meetings.

■ Promulgating Rules and Regulations

MEETING AGENDAS, MINUTES, AND PACKETS

Disposition: PERMANENT RECORD

Recordings of Meetings

Disposition: Temporary Record. Retain until the official minutes are adopted and signed.

Register of Administrative Rules

Disposition: Retain in Office (Code of Alabama 1975, Section 41-22-6).

Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies

Disposition: Temporary Record. Retain 3 years.

■ Licensing

ROSTER OF LICENSEES

Disposition: PERMANENT RECORD

Licensure Files

Disposition: Temporary Record. Retain 5 years after license has become inactive.

Renewal Files

Disposition: Temporary Record. Retain 5 years after the record has been created.

Licensure Database

Disposition: Temporary Record. Retain until superseded or obsolete.

■ **Enforcing**

Complaint Investigation and Hearing Files

Disposition: Temporary Record. Retain 5 years after license has become inactive.

■ **Administering Internal Operations**

Managing the Agency

BOARD APPOINTMENT FILES

Disposition: PERMANENT RECORD

PUBLICATIONS

Disposition: PERMANENT RECORD.

WEBSITE

Disposition: PERMANENT RECORD.

(ADAH staff captures and preserves the agency's website via a service offered by the Internet Archive [Archive It]. Check with ADAH website at www.archive-it.org/organizations/62 to ensure your agency website and social media site(s) are captured and preserved. If your agency's website and social media site(s) are not captured by the service, please contact the Government Services Division at 334-242-4452 to get them included.)

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to Archives or the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Copy of RDA

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the RDA is superseded.

System documentation (hardware/software manuals and diskettes, warranties)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Managing Finances

Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance.

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products.

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records of original entry or routine accounting transactions such as journals, registers, and ledgers; and records of funds deposited outside the state treasury, including bank statements, deposit slips, and cancelled checks

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Contractual records established for the purpose of services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses.

- a. Original bid records maintained in the purchasing office of the agency for contracts over \$15,000

Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.

- b. Duplicate copies of bid (where originals are maintained by the Finance Department – Division of Purchasing) Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the bids were opened.

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)

Requirements

Under the Code of Alabama 1975, Section 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Alabama Private Investigation Board (hereafter referred to as the agency) as stipulated in this document.

One condition of this authorization is that the agency submits an annual Records Disposition Authority Implementation Report on agency records management activities, including documentation of records destruction, to the State Records Commission in April of each year.

Recommendations

In addition, the agency should make every effort to establish and maintain a quality record-keeping program through the following activities:

- The agency should designate a records liaison, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.
- Permanent records in the agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis--for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency maintains records solely in electronic format, it should employ an electronic records management system that is capable of tying retention and disposition instructions to records in the system and of purging temporary records when their retention periods expire. The agency is committed to funding any system upgrades and migration strategies necessary to ensure its records’ preservation and accessibility for the periods legally required.

