

# **SECURITY GUARD LICENSE PACKET**

**POLICY**

**\***

**LAWS**

**\***

**APPLICATION**



**PETER F. NERONHA**  
**ATTORNEY GENERAL**

## **PLEASE READ PRIOR TO FILLING OUT THE APPLICATION**

Prior to submission of your application, please make sure that all the required documents have been completed in their entirety. Incomplete applications **CANNOT BE PROCESSED**. An **approved license** is valid for 2 years, a renewal notice **WILL NOT** be sent.

**A physical Rhode Island address, properly zoned for business, OR registered agent is REQUIRED. We cannot accept a P.O. box as an address for your place of business.**

Whether this is your first time applying for your license or you are **renewing** your current license, this application is used for both. Please review the application to make sure you are filling out the correct pages. The application is broken down into two separate and distinct sections.

- Section I: Application for licenses and Registration as a Security Guard Business
- Section II: R.I. General Laws pertaining to Security Guard Licenses

### **Rhode Island General Laws pertinent to the application process:**

Under Rhode Island General Law Section 5-5.1-3 (2) entitled “Powers and Duties of the Attorney General”, it instructs the Office of the Attorney General to:

*“Investigate the qualifications of each applicant before any license is issued pursuant to the provisions of this chapter and to **obtain a criminal background check** on any applicants from the division of criminal identification within the department of the attorney general”* also,

Under Rhode Island General Law Section 5-5.1-8 entitled “License Qualifications” it states that:

*“Every applicant, or in the case of a partnership each partner, or in case of a corporation, each officer and general, and each shareholder owning ten percent (10%) or greater interest in the applicant; provided, that applicant is not a publicly traded corporation, shall meet the following qualification before it may engage in any business licensed under this chapter”* also,

RIGL 5-5.1-8(3) specifically states that applicants can: *not have been convicted in any jurisdiction of a felony.*

In abiding by the above-mentioned laws, a National Criminal Background Check (fingerprinting) must be completed on each applicant applying for a security guard business license. The background check will be administered differently for in-state applicants and out-of-state applicants. In-state, applicants **MUST** respond to the Office of Attorney General to conduct their background check. Out of state applicants **MUST** submit **ALL** the requested information via the mail for processing of their background check. This background check is required for every renewal application.

If you have any questions regarding the application process, please E-mail [Securitylicensing@riag.ri.gov](mailto:Securitylicensing@riag.ri.gov) or call 401-274-4400.

## RI SECURITY BUSINESS LICENSE APPLICATION INSTRUCTIONS

Applications can be dropped off or mailed to:

RI Office of Attorney General  
4 Howard Ave. Cranston RI 02920  
ATTN: Security guard licensing

1. Application completed in full and notarized.
2. Application fee in the amount of \$400.00 in the form of a **separate** Check or Money Order, made **payable to BCI**. Check or Money Order must be included in your application.
3. A copy of your certificate of insurance in the minimum amount of \$300,000.00
4. Certificate of Authority or Letter of good standing from Rhode Island:
  - a. **Corporate / Partnerships** are required to submit a certificate of authority.
  - b. **Individual** or if this is an LLC, you're required to submit a letter of good standing.**BOTH** of which can be obtained from the Secretary of States' Office.
5. Owners, partnerships, and any individual that **owns 10% or more** of the business must undergo a National Background check by either coming into our office or submitting the required documents with this completed application.

**IN-PERSON** background checks; please come into our office with a valid government-issued photo I.D. and a CREDIT or DEBIT (fees apply) card for payment.  
*License, State identification card, passport, etc.*

**BY MAIL** background checks please follow the instructions below.  
Included with the application please submit the following:

- A notarized photocopy of two forms of photo identification  
*(ANY State-issued license, state identification card, passport, etc.)*
- FD-258 fingerprint card
- Notarized release form (Page 10)
- \$45 check or money order payable to BCI

Each individual owner, partnership, and any individual that **owns 10% or more** of the business must complete **page 8** of the application. Please be sure each partner has completed their own page. If the applicant is a corporation which is not publicly traded, **each shareholder owning** at least ten percent (**10%**) or **greater interest** in the corporation **must complete** the information on **page 9** of the application, separately.

**APPLICATION FOR LICENSE  
AND REGISTRATION AS A  
SECURITY GUARD BUSINESS**

**APPLICATION FOR LICENSE AND REGISTRATION**

**AS A PRIVATE/CORPORATE/PARTNERSHIP SECURITY GUARD BUSINESS**

Biennial Fee: **\$400.00** (Check or Money Order) made payable to BCI

Date: \_\_\_\_\_

NAME OF BUSINESS: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

(P.O. Boxes are not acceptable)

TELEPHONE NUMBER: \_\_\_\_\_

BUSINESS E-MAIL: \_\_\_\_\_

Is this a new application? YES OR NO

If this is a renewal, please provide the business license number: \_\_\_\_\_

Is the business duly qualified to do business in the State of Rhode Island?  
YES OR NO

Do you have a valid certificate of such authority issued by the Secretary of State?  
YES OR NO

(Please **include a copy of this in your application**)  
(If not, please qualify at the Secretary of State and attach a copy)

Does the business adhere to the insurance requirements under section § 5-5.1-22?  
YES OR NO

(Please **include a copy of your surety bond and proof of insurance**)

Does the business have a Rhode Island address (NO P.O. Box) or registered agent for service of process? Out-of-state businesses must obtain one or the other.  
YES OR NO

Name of registered agent: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Date and Place of incorporation:

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Name and title of every individual owner,  
shareholder (that owns at least 10% or more),  
partner, and/or corporate officer and director.

**Name:**

**Title:** (check one)

A. \_\_\_\_\_  
Owner  Shareholder  Partner  Corporate Officer  Director

B. \_\_\_\_\_  
Owner  Shareholder  Partner  Corporate Officer  Director

C. \_\_\_\_\_  
Owner  Shareholder  Partner  Corporate Officer  Director

D. \_\_\_\_\_  
Owner  Shareholder  Partner  Corporate Officer  Director

E. \_\_\_\_\_  
Owner  Shareholder  Partner  Corporate Officer  Director

F. \_\_\_\_\_  
Owner  Shareholder  Partner  Corporate Officer  Director

G. \_\_\_\_\_  
Owner  Shareholder  Partner  Corporate Officer  Director

**SECURITY GUARD LICENSING ACKNOWLEDGEMENT**

- I. I acknowledge that I have read and understood Rhode Island General Laws § 5-5.1-1 through § 5-5.1-24.
- II. I acknowledge I am required to keep the Office of the Attorney General advised of **ANY change in ownership** of the business including any **individual owners, corporate officers, and shareholders** that own 10% or more of the company. As well as submitting the required documentation and fee.
- III. I acknowledge that any tampering or duplication of the license is not allowed and shall be subject to penalty and/or denial or revocation of license.
- IV. I acknowledge to keep the Office of Attorney General advised of **ANY change in the company's name and/or address** (please also include change of insurance information) within **10 (ten) business days** of the change. This information will result in a \$100 fee for license updates to be mailed out to the company.
- V. I acknowledge that the license, which will be issued to the security business, **EXPIRES AFTER 2 YEARS** at which time the business will have to send in a renewal application. *Please submit your renewal application at least 30 days prior to the expiration.*
- VI. I acknowledge continuing business operations after the license expiration date, is a felony offense under RI general law § **5-5.1-7**.
- VII. I acknowledge that all employees working under the license must undergo a National background check, at the Office of the Attorney General. Prior to the start of their employment per Federal Regulation **105.23**.
- VIII. I acknowledge the licensed company cannot knowingly employ a person who has been convicted of a felony under Rhode Island Staute § **5-5.1-18 (b)**.

If for any reason, the above terms are not adhered to, it may result in the immediate suspension and/or revocation of your privilege to conduct a security guard business in the State of Rhode Island.

**Licensee Signature:**

**Date:**

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**NOTARIZATION REQUIRED**

Sworn to before me in the city of \_\_\_\_\_ State of \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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**Notary Public Signature**

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**Notary Stamp Required**



# STATE OF RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL

4 Howard Avenue • Cranston, RI 02920  
(401) 274-4400 • [www.riag.ri.gov](http://www.riag.ri.gov)

*Peter F. Neronha*  
*Attorney General*

Dear Licensee,

The purpose of this notice is to assure that your Security Guard Company is complying with both State and Federal laws. Rhode Island Statute § 5-5.1-18 (b) states that your company cannot “knowingly employ any person who has been convicted of a felony.” In addition, Federal Statute § 108-458 states that all employees working under your license must be fingerprinted prior to the start of their employment.

To have your employees fingerprinted, we need a representative from your company to register your company in our fingerprint database. The following information will be needed:

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Preferred Contact Information: \_\_\_\_\_

Contact Person Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Once your company is licensed and registered, your employees would then need to come into our office to complete their State BCI and National Fingerprint check. They must bring a conditional offer of employment on the company’s letterhead. Please see page 11 for example or contact our office at [SecurityLicensing@riag.ri.gov](mailto:SecurityLicensing@riag.ri.gov). Please be sure the provided contact person’s information given on the conditional offer of employment correctly matches the contact person provided to our office.

The national background check including Rhode Island is \$45.00 *fees apply*. The only form of payment accepted are credit/debit cards, **NO CASH** will be accepted for in-person processing. Upon completion of the background check, your employee will leave with their RI State BCI. The results of their fingerprint background check will be forwarded to your company via the email provided above.

Respectfully,

Edward Troiano, Chief  
Bureau of Criminal Identification and Investigation  
Office of Attorney General  
4 Howard Avenue



**MUST BE COMPLETED BY EACH INDIVIDUAL OWNER, SHAREHOLDER  
(THAT OWNS AT LEAST 10% OR MORE), CORPORATE OFFICER,  
AND/OR PARTNER**

**Name:** \_\_\_\_\_ **DOB:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

Are you a Citizen of the United States?

YES or NO

If naturalized, when and where? Court: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

If you are not a U.S. Citizen, are you a resident alien?

YES or NO

Have you ever been convicted in any jurisdiction of any crime?

(If yes, provide complete details as well as supporting documents, if any)

YES or NO

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Have you ever had a private security guard business application or license, or registration  
revoked or denied by any jurisdiction?

(If yes, provide complete details as well as supporting documents, if any)

YES or NO

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Do you now suffer, or have you ever suffered from habitual drunkenness or narcotics addiction  
or dependence?

(If yes, provide complete details as well as supporting documents, if any)

YES or NO

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Have you ever been under guardianship, confined or treated for mental illness?

(If yes, provide complete details as well as supporting documents, if any)

YES or NO

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**Date**

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**Signature**

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**NOTARIZATION REQUIRED**

Sworn to before me in the city of \_\_\_\_\_ State of \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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**Notary Public Signature**

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**Notary Stamp Required**



STATE OF RHODE ISLAND  
OFFICE OF THE ATTORNEY GENERAL

4 Howard Avenue • Cranston, RI 02920  
(401) 274-4400 • www.riag.ri.gov

*Peter F. Neronha*  
*Attorney General*

Full Name of Applicant: \_\_\_\_\_

Maiden Name / other names used: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

AUTHORIZATION TO RELEASE INFORMATION

I \_\_\_\_\_ (print full name) hereby direct and authorize the Bureau of Criminal Identification and Investigation of the Rhode Island Department of the Attorney General to make available to \_\_\_\_\_ (name of entity) any State of Rhode Island criminal record, including a record of any State or local arrest, conviction, warrant, or a record of sexual offender registration, accessible by the Bureau of Criminal Identification and Investigation in reference to me.

I hereby waive and release any and all manner of actions, cause of actions, and demands of every kind, nature, and description whatsoever, arising from any release of criminal records and requests therefrom, against the State of Rhode Island, Bureau of Criminal Identification, and Investigation, the Attorney General, and employees of the Department of Attorney General in both law and equity which I may have now or in the future.

\_\_\_\_\_  
Signature of Applicant

Sworn to before me in the City of \_\_\_\_\_ State of \_\_\_\_\_  
\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Notary Public

( Company letterhead )

License number

( Contact name )

To Whom It May Concern,

Please be advised that the individual listed below has been extended a conditional offer of employment with the Security Business licensed under ( **Business Name** ) ( **License#** ) Pursuant to R.I.G.L. § 5-5.1-3, § 5-5.1-18 as well as federal regulation 105.23.

§ 5-5.1-18

(b) No holder of any unexpired license issued pursuant to this chapter shall knowingly employ any person who has been convicted of a felony in connection with his or her or its business in any capacity.

(d) All holders of a license shall be allowed to obtain a criminal background check on any employee or prospective employee from the division of criminal identification.

The potential employee understands that they shall bring this letter, photo identification, and a Credit or debit card for the amount of forty-five dollars (\$45.00) *fees apply*, for **national background check**.

Please do not hesitate to contact me if you have any questions or need additional information.

( Business contact information here )

Thank you,

( Contact name )

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Name: \_\_\_\_\_

Address: \_\_\_\_\_

DOB: \_\_\_\_\_

Results will be forwarded to the email address on file with the RI Attorney General’s office.

**R.I. Attorney General’s Office**

4 Howard Ave.

Cranston, RI 02920

Monday – Friday **8:30 am – 4:00 pm** ( No appointments )

*Closed on state holidays.*

Visit [www.riag.ri.gov](http://www.riag.ri.gov) for more information.

## FINAL APPLICATION CHECKLIST:

- Pages 5 – 8 were completed by the Licensee.
  
- Each owner, partner, corporate officer, or shareholder of 10% or more:
  - Page 9 filled out and notarized.
  - Notarized photocopy of two government-issued photo I.D.'s
  - Notarized release form (Page 10)
  - FD-258 Fingerprint card
  - \$45.00 fee (per individual)
    - a Check or Money Order Payable to BCI if by mail
    - credit or debit (fees apply) if in person
  
- Copy of liability insurance
  - Surety Bond is recommended, but NOT required. Please provide a copy if obtained.
  
- Certificate of Authority
  - Can be obtained by the Rhode Island Secretary of State's Office*
  
- Application fee of \$400.00 in the form of a separate Check or Money Order
  - Payable to BCI*

**If you do not have all these boxes marked off, please read through the application again.**

**We are unable to process incomplete applications.**

**An incomplete application notice WILL NOT be sent out.**

# CHAPTER 5-5.1

## Private Security Guard Businesses

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SECTION 5-5.1-1

§ 5-5.1-1 **Short title.** – This chapter may be cited as the "Private Security Guard Act".

SECTION 5-5.1-2

§ 5-5.1-2 **Definitions.** – (a) As used in this chapter:

(1) "Applicant" means any person who on his or her own behalf or on behalf of another has applied for permission to engage in any act or activity that is regulated under the provisions of this chapter.

(2) "Branch office" means any office of a licensee within the state other than its principal place of business within the state.

(3) "Business" means any corporation, company, association, operation, firm, partnership, institution, trust, or other form of business association, as well as a natural person. One client or customer constitutes a business.

(4) "Employee" means any natural person employed by the businesses defined in this section. It does not include secretaries and clerical workers.

(5) "Attorney General" means the attorney general of the state of Rhode Island.

(6) "License" means any license required by this chapter.

(7) "Licensee" means any person to whom a license is granted in accordance with, the provisions of this chapter.

(8) "License fee" means any moneys required by law to be paid for the issuance or renewal of any license required by the regulations.

(9) "Person" means any corporation, company, association, operation, firm, partnership, institution, trust, or other form of business association, as well as a natural person.

(10) "Private security guard business" includes:

(i) A business which furnishes for hire or reward watchmen, guards, bodyguards, private patrolmen, or other persons, to protect persons or real and personal property.

(ii) A business which furnishes for hire or reward any trained dog or other animal with or without an accompanying handler for the purpose of providing security.

(11) "Publicly traded corporation" means any corporation or other legal entity, except a natural person, which:

(i) Has one or more classes of security registered pursuant to § 12 of the Securities Exchange Act of 1934 (15 U.S.C. § 781); or

(ii) Is an issuer subject to § 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. § 78o(d)).

(b) Words and terms: tense, number, and gender. In construing the provisions of this chapter except when otherwise plainly declared or clearly apparent from the context:

(1) Words in the present tense include the future tense.

(2) Words in the masculine include the feminine and neuter genders; and

(3) Words in the singular include the plural and the plural includes the singular.

#### SECTION 5-5.1-3

**§ 5-5.1-3 Powers and duties of the attorney general.** – The attorney general or his or her designee shall have general responsibility and authority for the implementation of this chapter, as subsequently provided, including, without limiting the responsibility and authority:

(1) To process all applications for any license provided under this chapter.

(2) To investigate the qualifications of each applicant before any license is issued pursuant to the provisions of this chapter and to obtain a criminal background check on any applicants from the division of criminal identification within the department of the attorney general.

(3) To hear and decide all license applications, which includes the power to grant or deny the application and revoke or suspend the license.

(4) To promulgate any rules and regulations that in his or her judgment are necessary to fulfill the policies of this chapter.

(5) To investigate violations of this chapter and regulations promulgated under this chapter; and

(6) To collect all license and registration fees imposed by law and forward the fees immediately to the general treasurer.

#### SECTION 5-5.1-4

**§ 5-5.1-4 Regulations.** – (a) The attorney general is authorized to adopt, amend, or repeal any regulations, consistent with the policy and objectives of this chapter, that he or she deems necessary or desirable for the public interest in carrying out the provisions of this chapter.



(b) The regulations shall be adopted, amended, and repealed in accordance with the provisions of chapter 35 of title 42.

#### SECTION 5-5.1-5

**§ 5-5.1-5 Subpoenas, oaths, and contempt.** – (a) The attorney general or his or her designee shall have the power and authority to issue subpoenas and to compel the attendance of witnesses at any place within this state, to administer oaths and to require testimony under oath. The attorney general may serve his or her process or notices in a manner provided for the service of process and notice in civil actions in accordance with the rules of court.

(b) If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the attorney general, the attorney general may petition a court of competent jurisdiction within the state to compel the witness to obey the subpoena or to give the evidence. The court shall promptly issue process to the witness and hold a hearing on the petition as soon as possible. If the witness refuses, without reasonable cause or legal grounds, to be examined or to give evidence relevant to proper inquiry by the attorney general, the court may cite the witness for contempt.

#### SECTION 5-5.1-6

**§ 5-5.1-6 Inspections – Audits.** – The attorney general or his or her designee shall have authority, with warrant:

(1) To inspect and examine the principal place of business, each bureau, agency, subagency, office, or branch office for which a license is sought or has been issued.

(2) To inspect, examine, and audit all books, records, and documents pertaining to the licensee's operation.

(3) To inspect and examine employees and records at site locations of operations under the controls entered by the agency.

#### SECTION 5-5.1-7

**§ 5-5.1-7 License to conduct business – Violation.** – No person whether he or she is a resident of the state shall engage in the private security guard business without first obtaining from the attorney general a license to conduct the business, as subsequently provided. No person shall conduct the business under the license of another person nor shall any person lease or sublease a license to another person; provided, that this provision does not apply to any person

conducting the business under the license of another person, or who is the lessee or sublessee of a license of another person as of July 10, 1989. A license entitles the holder to conduct the businesses defined in § 5-5.1-2(a) and (b). Any person who violates any of the provisions of this section is guilty of a felony.

#### SECTION 5-5.1-8

**§ 5-5.1-8 License qualifications.** – (a) Every applicant, or in the case of a partnership each partner, or in the case of a corporation, each officer and general, and each shareholder owning a ten percent (10%) or greater interest in the applicant; provided, the applicant is not a publicly traded corporation, shall meet the following qualifications before it may engage in any business licensed under this chapter:

(1) Be eighteen (18) years of age.

(2) Be a citizen of the United States or a resident alien.

(3) Not have been convicted in any jurisdiction of a felony.

(4) Not have had his or her license or registration revoked or application for the license or registration denied by the attorney general or by the appropriate authority of any other jurisdiction.

(5) Not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not having been restored.

(6) Not suffer from habitual drunkenness or from narcotics addiction or dependence; and

(7) Be of good moral character.

(b) A corporation seeking a license shall be incorporated under the laws of this state or shall be qualified to do business within this state with a valid certificate of authority issued by the secretary of state and an agent for service of process designated as required by law.

(c) With verification of no criminal background as established in subsection (a) of this section, any person engaged in the private security guard industry, prior to January 1, 1988, and who continues to be engaged as of January 1, 1988, may apply for a security agent license. This initial application will be treated as a renewal of a **license**.

#### SECTION 5-5.1-9

**§ 5-5.1-9 Investigation and action on application.** – After an examination of the application and any further inquiry and investigation that he or she deems proper and necessary as to the good character, competency, and integrity of the applicant and the persons named in the

application, the attorney general shall as soon as practicable issue a license in a form prescribed by him or her to the applicant or notify the applicant of a denial of the license application.

#### SECTION 5-5.1-10

**§ 5-5.1-10 Grounds for denial of application for license or renewal of license.** – The attorney general shall deny the application for or renewal of a license if he or she finds that the applicant, or the qualifying agent, or any of the applicant's partners, officers, generals, or shareholders owning a ten percent (10%) or greater interest in the applicant, provided the applicant is not a publicly traded corporation, does any of the following:

(1) Violates any provisions of this chapter or rules and regulations promulgated under this chapter.

(2) In the case of the qualifying agent, commits any act which would disqualify the qualifying agent under § 5-5.1-8 and in the case of the applicant, or applicant's partners, officers, generals, or shareholders owning a ten percent (10%) or greater interest in the applicant, provided the licensee is not a publicly traded corporation, has failed to meet the qualifications of § 5-5.1-8.

(3) Practices fraud, deceit, or misrepresentation.

(4) Makes a material misstatement in the application for or renewal of a license; and

(5) Demonstrates incompetence or untrustworthiness in actions affecting the conduct of the business required to be licensed under the chapter.

#### SECTION 5-5.1-11

**§ 5-5.1-11 Procedure for approval or denial of application – Hearings.** – The procedure of the attorney general in approving or denying an application for a license or renewal of the license shall be as follows:

(1) If the application is approved, the attorney general shall issue a license in the form provided in this chapter.

(2) If the application is denied, the attorney general shall notify the applicant or licensee, in writing, of the denial and state the reasons for his or her action.

(3) Within fifteen (15) days from the receipt of notice, the applicant or licensee may request a hearing in writing.

(4) If a request for a hearing is received in a timely manner, the attorney general shall set a date for a hearing and notify the parties of the time and place of the hearing.

(5) All hearings shall be held in accordance with the provisions of chapter 35 of title 42.

#### SECTION 5-5.1-12

**§ 5-5.1-12 Renewal of licenses.** – Each license shall expire two (2) years after its date of issuance. Subject to the power of the attorney general to deny, revoke, or suspend a license, any license shall be renewable by the attorney general for the next two (2) year period upon proper application for renewal payment of license fees. An application for renewal of a license must be received by the attorney general on a form provided by him or her not less than thirty (30) days prior to the expiration date of the license. He or she shall promptly notify the licensee of his or her intent to refuse to renew the license. The licensee may, in fifteen (15) days after receipt of that notice of intent to refuse to renew a license request a hearing on the refusal in the manner prescribed by § 5-5.1-11. A licensee shall be permitted to continue to engage in business while its renewal application is pending. Upon renewal of any license the attorney general shall issue a renewal license.

#### SECTION 5-5.1-13

**§ 5-5.1-13 Registration and license fees.** – The registration and license fee for a private security guard business shall be four hundred dollars (\$400) biennially.

#### SECTION 5-5.1-14

**§ 5-5.1-14 Non-transferability of license.** – (a) No license issued pursuant to the provisions of this chapter shall be assigned or transferred, either by operation of law or otherwise.

(b) If a licensee dies, becomes disabled, or ceases to engage in the business, the successor, heir, devisee, or personal representative of the licensee shall, within thirty (30) days of the death, disablement, or other termination of operation by the original licensee, comply with all requirements of this chapter regarding application for a license.

(c) If a sale, assignment, transfer, merger, or consolidation of a business licensed under this chapter is consummated, the purchaser, assignee, transferee, surviving, or new corporation who is not already a licensee shall immediately comply with all requirements of this chapter regarding application for a license. The purchaser, assignee, transferee, surviving, or new corporation is subject to all the requirements of this chapter to the extent the requirements are applicable and may continue the operation of the business until notified by the attorney general of its final decision on the new application for a license.

(d) With good cause, the attorney general may extend the period for filing the application required by subsections (b) and (c) of this section.

#### SECTION 5-5.1-15

**§ 5-5.1-15 Grounds for suspension and revocation of licenses.** – The attorney general may suspend or revoke any license issued under this chapter in the manner subsequently prescribed if the licensee or any of its partners, officers, generals, and shareholders owning a ten percent (10%) or greater interest in the license, provided the licensee is not a publicly traded corporation, and the qualifying agent does any of the following:

- (1) Violates any provisions of this chapter or rules and regulations promulgated under this chapter.
- (2) Practices fraud, deceit, or misrepresentation.
- (3) Makes a material misstatement in the application for or renewal of the license.
- (4) In the case of the qualifying agent, commits any act which would disqualify the qualifying agent under § 5-5.1-8 and in the case of the licensee, or any of its partners, officers, generals, and shareholders owning a ten percent (10%) or greater interest in the licensee, provided the licensee is not a publicly traded corporation, fails to meet the qualifications of § 5-5.1-8.
- (5) Demonstrates incompetence or untrustworthiness in actions affecting the conduct of the business required to be licensed under this chapter.
- (6) Prior to suspension or revocation of a license, the attorney general promptly notifies the licensee of his or her intent to issue an order for revocation or suspension, stating the grounds for revocation or suspension. Within fifteen (15) days of receipt of notice of intent to revoke or suspend from the attorney general, the licensee may request a hearing in writing.
- (7) If a request for a hearing is received in a timely manner, the attorney general shall set a date for a hearing and notify the parties of the time and place of the meeting.
- (8) All hearings are held in accordance with the provisions of chapter 35 of title 42.
- (9) After the licensee has exhausted the right of appeal or, if the licensee does not seek a hearing, the licensee shall immediately cease to operate the business for the time provided in the order of suspension or permanently in the case of revocation and shall notify all its clients of the revocation or suspension and maintain a copy of the notices in its business records.
- (10) Under circumstances in which the attorney general determines that the public health, welfare, or safety may be jeopardized by the termination of a licensee's services, the attorney general may, upon his or her own motion or upon application by the licensee or any party affected by the termination, extend the time for the termination of the licensee's operations,

subject to any reasonable, necessary, and proper conditions or restrictions that he or she deems appropriate.

#### SECTION 5-5.1-16

**§ 5-5.1-16 Surrender of license.** – Each license shall be surrendered to the attorney general within seventy-two (72) hours after it has been revoked or after the licensee ceases to do business pursuant to an order of suspension. If the attorney general or a court of competent jurisdiction has pending before it any matter relating to the renewal, revocation or transfer of a license, the licensee shall not be required to surrender the license until the matter has been adjudicated and all appeals have been exhausted provided that a stay has been obtained in accordance with the provisions of this chapter pertaining to judicial review.

#### SECTION 5-5.1-17

**§ 5-5.1-17 Change in status of licensee.** – The licensee shall notify the attorney general, in writing, within five (5) days of:

(1) Any change in identity of the licensee, or any of its partners, directors, officers, and shareholders owning a ten percent (10%) or greater interest in the licensee, provided the licensee is not a publicly traded corporation. Any substitute in the persons enumerated must satisfy all requirements of §§ 5-5.1-8 and 5-5.1-13 and be approved, in writing, by the attorney general; and

(2) Any material changes in the information previously furnished or required to be furnished to the attorney general or any occurrence that could reasonably be expected to affect the licensee's privilege to a license under this chapter.

#### SECTION 5-5.1-18

**§ 5-5.1-18 Registration.** – (a) Except as provided in this chapter, no person shall perform the functions and duties of an employee of a business required to be licensed under this chapter in this state, without first having been registered or licensed. The attorney general shall keep and make available for public inspection a list of all persons who have been registered or licensed and the name of the company employing the person at the time of registration or licensure.

(b) No holder of any unexpired license issued pursuant to this chapter shall knowingly employ any person who has been convicted of a felony in connection with his or her or its business in any capacity. Should the holder of an unexpired license falsely state or represent that a person is

or has been in his or her employ, that false statement or misrepresentation is sufficient cause for the revocation of the license.

(c) No person shall be employed by any holder of a license until he or she has executed and furnished to the license holder a verified statement, to be known as "employee's registration statement," stating:

(1) His or her full name, age, residence address, and place and date of birth.

(2) The country of which he or she is a citizen.

(3) The business or occupation engaged in for the five (5) years immediately preceding the date of the filing of the statement, stating the place or places where the business or occupation was engaged in, and the name or names of any employers.

(4) That he or she has not been convicted of a felony or of any offense involving moral turpitude; and

(5) Any further information that the attorney general may by rule require to show the good character, competency, and integrity of the person executing the statement.

(d) All holders of a license shall be allowed to obtain a criminal background check on any employee or prospective employee from the division of criminal identification for a fee determined by the department of the attorney general.

(e) If any holder of a license files with the attorney general the "employee's statement" of a person other than the person employed, he or she is guilty of a felony.

#### SECTION 5-5.1-19

**§ 5-5.1-19 Uniform and equipment.** – (a) No individual licensed by, registered by, or subject to the provisions of this chapter shall wear or display any insignia, patch, or pattern which indicates or tends to indicate that he or she is a law enforcement officer of the federal government, a state, or any political subdivision of the state or which contains or includes the word "police" or the equivalent of that word, or is similar in wording to any law enforcement agency in this state. All badges, shields, and any other devices shall not indicate or tend to indicate that it represents that of any law enforcement officer of the federal government, a state, or any other political subdivision of the state. This entire wording must be approved by the attorney general.

(b) No person while performing any activities of a business licensed by this chapter shall have or utilize any vehicle or equipment displaying the words "police", "law enforcement officer", or the equivalent of these words or have any sign, shield, marking, accessory, or insignia that

indicates that the vehicle is a vehicle of a public law enforcement agency. This entire wording must be approved by the attorney general.

#### SECTION 5-5.1-20

**§ 5-5.1-20 Identification cards.** – The attorney general shall prescribe by regulation the form of identification cards that may be carried by persons licensed under this chapter.

#### SECTION 5-5.1-21

**§ 5-5.1-21 Licensee business procedures.** – (a) Any licensee shall, on notice from the attorney general, discontinue any advertising or the use of any advertisement, seal, or card, which in the opinion of the attorney general tends to mislead the public. Failure to comply with this order of the attorney general is cause for revocation of the license.

(b) No licensee shall, using any letterhead, advertisement, or other printed matter, or in any manner, represent that he or she is an instrumentality or agency of the federal government or of the state or political subdivision of the state.

(2) No licensee shall conduct a business under a trade name until he or she has obtained the written authorization of the attorney general to do so. The attorney general shall not authorize the use of a trade name which, in his or her opinion, is like that of a public office or agency, or of that used by another licensee that the public may be confused or misled by the trade name, except that this provision does not apply to the continued use of a trade name by a corporation that:

(i) Was commercially using that trade name in good faith on December 31, 1987; and

(ii) Had commercially used that trade name in good faith continuously for a period of more than one year prior to December 31, 1987.

(3) The authorization shall require, as a condition precedent to the use of the name, the filing of a certificate of doing business under the name with the city or town clerk of the city or town where the licensee's principal place of business is located and with the secretary of state in the manner provided by law.

#### SECTION 5-5.1-22

**§ 5-5.1-22 Insurance requirements.** – A licensee of a private security guard business shall file with the attorney general a certificate of insurance evidencing comprehensive general liability coverage for bodily injury, personal injury, and property damage with endorsements for



assault and battery and personal injury, including false arrest, libel, slander, and invasion of privacy, in the minimum amount of three hundred thousand dollars (\$300,000) for bodily or personal injury and one hundred thousand dollars (\$100,000) for property damage. A licensee shall also file endorsements for damage to property in their care, custody, and control and for errors and omissions. The certificate shall provide that the insurance shall not be modified or cancelled unless thirty (30) days prior notice is given to the attorney general. A licensee must be insured by a carrier licensed in this state.

#### SECTION 5-5.1-23

**§ 5-5.1-23 Criminal offenses.** – (a) It is unlawful for any person subject to the provisions of this chapter to knowingly commit any of the following:

- (1) Provide any service required to be licensed under this chapter without possessing a valid license.
  - (2) Employ any individual to perform the duties of an unarmed employee or armed employee who has not first complied with all provisions of this chapter and the regulation in all respects.
  - (3) Falsely represent that a person is the holder of a valid license; or
  - (4) Possess a license or identification card issued to another person.
- (b) The violation of any of the provisions of this section is a felony.

#### SECTION 5-5.1-24

**§ 5-5.1-24 Judicial review.** – (a) Any person aggrieved by a final decision or order of the attorney general made after a hearing or rehearing, whether a petition for a hearing was filed, may obtain judicial review of the decision by appeal to the superior court in accordance with chapter 35 of title 42.

(b) Filing of an appeal shall not stay enforcement of the decision or order of the attorney general unless the stay is obtained from the court upon application in accordance with the rules of court or from the attorney general upon any terms and conditions that he or she deems proper.