

REQUIREMENTS & INSTRUCTIONS - GUARD EMPLOYEE REGISTRATION

Access this form via website at: cca.hawaii.gov/pvl

THE LAW

In 2010, the Legislature established new training requirements for guards in HRS chapter 463 (see, Act 208, SLH 2010) and in 2017, changes were made (see Act 160, SLH 2017).

Pursuant to HRS section 463-10.5, all guards, and all agents, operatives, and assistants employed by a guard agency, private business entity, or government agency who act in a guard capacity shall apply to register with the Board, and meet the following registration, instruction, and training requirements prior to acting as a guard:

1. Be not less than eighteen (18) years of age;
2. Possess a high school education or its equivalent; provided that effective 07/01/17, the applicant may satisfy this requirement by attesting that the applicant possesses a high school education or its equivalent;
3. Not be presently suffering from any psychiatric or psychological disorder which is directly related and detrimental to a person's performance in the profession;
4. Not have been convicted in any jurisdiction of a crime which reflects unfavorably on the fitness of the individual to act as a guard, unless the conviction has been annulled or expunged by court order; provided that the individual shall submit to a national criminal history record check as authorized by federal law, including, but not limited to the Private Security Officer Employment Authorization Act of 2004, and specified in the rules of the Board;
5. Successfully complete eight (8) hours of classroom instruction given by a Board approved instructor on a Board approved curricula before the first day of service; and
6. Prior to 06/30/2021, four (4) hours of classroom instruction triennially thereafter.

CONFLICT OF INTEREST

Pursuant to HAR section 16-97-8(b), Conflict of Interest states:

"(b) An employee or reserve officer of any law enforcement agency shall not maintain or be eligible for any license issued under Chapter 463, HRS."

Thus based upon the above, a currently employed law enforcement officer is not eligible for registration/license.

INSTRUCTIONS FOR FILING

APPLICATION

1. Use the on-line fillable form or print legibly in BLACK ink.
2. Answer all questions. If an item/question is not applicable to you, please indicate that it is not applicable with, "NA".
3. Sign and date the Application.

SOCIAL SECURITY NUMBER

Your Social Security Number is used to verify your identity for licensing purposes and for compliance with the laws below. **For a license to be issued, you must provide your Social Security Number or your Application will be deemed deficient and will not be processed further.**

The following laws require that you furnish your Social Security Number to our agency:

FEDERAL LAWS:

42 U.S.C.A. §666(a)(13) requires the Social Security Number of any applicant for a professional license or occupational license be recorded on the application for license; and

If you are a licensed health care practitioner, **45 C.F.R., Part 61, Subpart B, §61.7** requires the Social Security Number as part of the mandatory reporting we must do to the Healthcare Integrity and Protection Data Bank (HIPDB), of any final adverse licensing action against a licensed health care practitioner.

HAWAII REVISED STATUTES ("HRS"):

HRS §576D-13(j) requires the Social Security Number of any applicant for a professional license or occupational license be recorded on the application for license; and

HRS §436B-10(4) which states that an applicant for license shall provide the applicant's Social Security Number if the licensing authority is authorized by federal law to require the disclosure (see, the above federal laws).

**CRIMINAL HISTORY
RECORD CHECK
FEDERAL BUREAU
OF INVESTIGATION
("FBI") REPORT**

All applicants are required to submit to a FBI fingerprint check through the Hawaii Criminal Justice Data Center ("HCJDC").

To obtain a FBI National Criminal History Record Check and the State of Hawaii Criminal History Record Check, applicants shall be fingerprinted electronically at **Fieldprint Inc.** locations nationwide or any other fingerprinting agency approved to send electronic fingerprints to the HCJDC.

Please visit Fieldprint Inc. at: <http://fieldprinthawaii.com> to make an appointment, inquire about other available site locations on the continental United States, or call (877) 614-4361.

Fees for the FBI and the State of Hawaii Criminal History Record Checks shall be paid directly to Fieldprint and will be electronically sent to the HCJDC.

NOTE: Fingerprinting cards are no longer available from the Board's office.

NOTE: An Application to register as a guard must be filled within thirty (30) days of the fingerprinting to ensure that the results are obtainable from the HCJDC. If the results are not obtainable, you will be required to obtain new fingerprints.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. Your fingerprints will also be retained by the HCJDC and the FBI for all purposes and uses authorized for fingerprint submissions, which may include participation in the state and national rap back programs. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedure for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

**HIGH SCHOOL
EDUCATION**

Section 463-10.5, HRS, requires that an applicant possess a high school education or its equivalent. Act 160, SLH 2017, effective July 1, 2017, enables an applicant to satisfy the requirement by attesting that the applicant possesses a high school education or its equivalent.

By answering "Yes" to question 7 of the application (PDG-30), you are certifying that you possess a high school education or its equivalent and your signature on page 2 of the application acknowledges your understanding that any misrepresentation is grounds for refusal to register, and is a misdemeanor (see HRS sections 710-1017, 436B-19 and 463-4).

The following are examples of possessing a high school education or its equivalent:

- A photocopy of your high school diploma;
- A certified transcript of your high school record;
- A statement (on official letterhead) from the state's Department of Education attesting to graduation or that the equivalent of a high school education has been completed;
- A photocopy of an associate's, bachelor's, master's, or doctorate degree; or
- A DD-214 form verifying at least four years of experience in the military, or a notarized statement from your Commanding Officer attesting to your military experience.

- A notarized "Statement of Educational Background to Register as a GUARD" (PDG-31) from current or former employers attesting to at least four (4) years of work experience requiring the ability to read, comprehend, apply written directions, understand verbal instructions, have a reasonable degree of verbal skill and the ability to write clear factual reports.
- Verification of employment as a police officer or firefighter for any of the four (4) counties in this State, for the State of Hawaii, or for the federal government (e.g. a letter from a County Human Resources or Supervisor); or
- Verification of employment as a State of Hawaii sheriff (e.g. a letter from a State Department Personnel Officer or Supervisor).

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**PSYCHIATRIC or
PSYCHOLOGICAL
HISTORY**

If you are presently suffering from a psychiatric or psychological disorder, **please submit the following:**

- An explanation of the underlying facts and circumstances surrounding your psychiatric/psychological disorder and treatment.
- Letters from your treating licensed health care practitioner (e.g. psychologist, psychiatrist, psychiatric mental health nurse practitioner, adult psychiatric and mental health clinical nurse specialist) regarding the diagnosis, status of your psychiatric or psychological disorder, and assessment of your ability to work in the registered/licensed profession (principal guard, guard employee, principal detective).
- Letters of recommendation from your current employer regarding your reliability, trustworthiness and ability to work as a guard employee.

INSTRUCTIONS FOR "YES" ANSWERS TO QUESTIONS (4) AND (5) OF THE APPLICATION FOR REGISTRATION (PDG-30)

A. The following documentation must be submitted with the license Application. Applications for registration will not be considered without this material.

- 1) Questions 4 and 5 refer to complaints, charges of unlicensed activity, or pending disciplinary actions for any profession, occupation, or license. If your answer is "YES" to one or more of these questions, you must **submit** the following:
 - i. A detailed statement signed by you explaining the underlying circumstances; and
 - ii. Copies of any documents from the agency, including final orders, petitions, complaints, findings of fact and conclusions of law, and any other relevant documents.
- 2) If question 6 of your Application indicates a criminal conviction, you must **submit** the following:
 - i. A detailed statement signed by you explaining the underlying circumstances leading to the conviction.
 - ii. A copy of all related court documents (i.e. indictments, judgments, guilty pleas, verdict, and terms of sentence) if applicable, proof of payment of fines. Court records in Hawaii may be obtained at the following judiciary sites:
www.courts.state.hi.us/legal_references/records/jims_system_availability
<http://jimsps/.courts.state.hi.us:8080/eCourt/>
<http://hoohiki.courts.hawaii.gov/#/search>; and
 - iii. If applicable, a copy of the terms of probation and/or parole and a statement from your probation or parole officer as to your compliance with the court orders (terms and conditions imposed including any court documentation evidencing completion or discharge).
 - iv. Letters of recommendation from any physicians, counselors, and other members of the community (no relative) who can objectively attest in writing to a firm belief that you have been sufficiently rehabilitated to warrant the public's trust.
 - v. Letters of recommendation from your current employer regarding your reliability and trustworthiness to work as a guard employee.

**MANDATORY
8 HOUR CLASSROOM
INSTRUCTION**

Attach evidence of completion of an eight (8) hour Board approved course given by an instructor approved by the Board. The Certificate shall indicate the name of the approved curricula and guard instructor, the name of the organization providing the course, the date of the class, and the signature of the approved guard instructor.

**RENEWAL AND
4 HOURS OF
CONTINUED
CLASSROOM
INSTRUCTION**

All guard registrants, regardless of issuance date, are subject to renewal on or before June 30, 2018. Guard registrants renewing on or before June 30, 2018 will not need to complete the 4-hour continuing education training to renew.

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**RENEWAL AND
4 HOURS OF
CONTINUED
CLASSROOM
INSTRUCTION
(cont'd)**

Effective with the June 30, 2018 renewal, guard employee registrations will change from a biennial renewal (every two years) to a triennial renewal (every three years). Guard employee registrations shall be renewed on June 30 every three years (2021, 2024, 2027, etc.). **Prior to the June 30, 2021 renewal and every renewal thereafter, (2024, 2027, 2030, etc.) guard employees shall be required to take a 4-hour Board approved course during the triennial period given by an instructor approved by the Board to renew the guard registration.**

**ONE TIME
CONTINUED
COMPETENCY
EXEMPTION**

A guard employee issued a new registration within one-year prior to the applicable renewal date (July 1 - July 30, 2021, 2024, 2027, etc.) shall not be required to complete the 4-hour CE training for the first renewal. This guard employee shall, however, meet the continued competency requirements for all subsequent renewals.

**BOARD'S
ADDRESS**

Mail all required documents/items to:		Deliver to office location at:
BOARD OF PRIVATE DETECTIVES & GUARDS		335 Merchant Street, Room 301
DCCA, PVL Licensing Branch	OR	Honolulu, HI 96813
P.O. Box 3469		Phone: (808) 586-3000
Honolulu, HI 96801		

FEES

1. *If your registration is approved between July 1, 2017 to June 30, 2018,
 pay \$ 81
 (Application** - \$10, Registration Fee - \$54, Compliance Resolution Fund*** - \$17)

2. *If your registration is approved between July 1 and June 30, of the first year of the triennium,
 (2018, 2021, 2024), pay \$151
 (Application** - \$10, Registration Fee - \$54, Compliance Resolution Fund*** - \$51,
 2/3 Triennial Renewal Fee - \$36)

3. *If your registration is approved between July 1 and June 30, of the second year of the triennium,
 (2019, 2022, 2025), pay \$116
 (Application** - \$10, Registration Fee - \$54, Compliance Resolution Fund*** - \$34,
 1/3 Triennial Renewal Fee - \$18)

4. *If your registration is approved between July 1 and June 30, of the third year of the triennium,
 (2020, 2023, 2026), pay \$ 81
 (Application** - \$10, Registration Fee - \$54, Compliance Resolution Fund*** - \$17)

Make checks payable to: "COMMERCE & CONSUMER AFFAIRS". (Check must be made in U.S. dollars and be from a U.S. financial institution.)

*** SUBJECT TO RENEWAL BY JUNE 30, EVERY THREE YEARS (2021, 2024, 2027), REGARDLESS OF ISSUE DATE. PLEASE READ DETAILED INFORMATION UNDER LICENSE RENEWALS.**

** Application fee is not refundable.

*** The Compliance Resolution Fund (CRF) was established by the 1982 Legislature (§26-9(m), Hawaii Revised Statutes) to expedite resolution of consumer complaints filed with the Department of Commerce and Consumer Affairs. Assessment amounts are based on the services rendered in resolving complaints. Assessment is due for the issuance of a new license as well as for the renewal of a license.

NOTE: *One of the numerous legal requirements that you must comply with in order to register as a guard is the payment of fees as set forth in this Application. If your payment is dishonored, you will have failed to pay the required registration fee. Also, a \$25.00 service charge shall be assessed for payments that are dishonored for any reason.*

If for any reason your Application is denied, you may be entitled to a hearing as provided by Hawaii Administrative Rules, chapter 16-201 and/or HRS chapter 91. Your written request for a hearing must be directed to the agency that denied your Application, and must be made within sixty (60) days of notification that your Application has been denied.

INACTIVE STATUS

Act 94, SLH 2004 established an inactive status which allows registrants, upon written request, to hold their registrations in abeyance if not currently being used in an effort to reduce a regulatory burden. This will result in lower renewal fees, the preservation of the previously met registration requirements (i.e., training) and reduce costs. An active registration may be placed on inactive status by filing an "Inactivation Application" and paying the appropriate fee. While on inactive status, a registrant shall not act in a guard capacity. The registration may be reactivated at any time by **filing an "Application for Reactivation"** and meeting all requirements established by the Board, including the payment of the appropriate fees, submittal of fingerprints to Fieldprint Inc. to obtain the FBI National and State Criminal History Record Check through the HCJDC, providing any information regarding any conviction of any crime that reflects unfavorably on the fitness of the registrant to engage in the profession, and information that the registrant, while on inactive status, has suffered a psychiatric or psychological disorder that is directly related and detrimental to the registrant's performance in the profession.

GENERAL INFORMATION

LAWS & RULES

A copy of the applicable laws, HRS chapter 463 and HAR chapter 97, relating to private detectives and guards may be obtained by submitting a written request to: The Board of Private Detectives & Guards, Commerce & Consumer Affairs, P.O. Box 3469, Honolulu, HI 96801. HRS chapter 436B, the Professional and Licensing Act, should be read in conjunction with the above laws and rules.

The laws and rules are also posted on our website at: cca.hawaii.gov/pvl. Click on "Private Detective and Guard".

CHANGES TO REQUIREMENTS

Applicants are subject to requirements in effect at the time of filing.

TRIENNIAL RENEWAL & CONTINUING EDUCATION REQUIREMENTS

Effective with the June 30, 2018 renewal, all registrations, are subject to renewal on or before **June 30, every three years (2021, 2024, 2027)**. All guard employee registration holders will need to complete at least 4 hours of continuing education requirements prior to the time of renewal, unless exempt. The 4 hours of classroom instruction shall be approved by the Board and shall be given by a Board approved instructor. Payment of renewal fees, information relative to conviction of the registrant of a crime which reflects unfavorably on the fitness of the registrant to engage in the profession, and information on any psychiatric or psychological disorder you are presently suffering from must be provided. Registrations **NOT** renewed by June 30 are forfeited and the holders of a forfeited registrations are considered unregistered and may not engage in the trade or profession. Forfeited registrations may be restored upon written application within one year and upon submittal of all required documents, continuing education requirements, fees, delinquent fees, and a penalty fee.

Registrants who do not restore their registrations within the one year period are required to file as new applicants.

APPLICANT CHECKLIST

This is a checklist of items required to apply for registration and for you to check the items that have been submitted.

HAVE YOU COMPLETED THESE STEPS TO START YOUR APPLICATION PROCESS?

- Answered all questions on the Application form?
- Signed the Application form?
- Attached the \$151/\$116/\$81 application fee (payable to Commerce & Consumer Affairs)?
- Fingerprint at Fieldprint Inc. and paid all required fees for submission to the FBI?
- Attached certificate of completion of eight (8) hour mandatory classroom instruction.

Your Application is considered complete when ALL REQUIRED DOCUMENTS are in the Board's office. Please note that the report from the FBI must also be received. Registration must be completed within one year of the application date.

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**RELEASE OF
INFORMATION**

If any agency or individual is assisting you with the registration process, we will not be able to release any information to them unless you provide us with authorization. If you wish to do so, please complete the portion on **Release of Information to Third Party**, sign, and date it. Criminal history records are confidential and shall not be discussed with anyone other than the applicant.

**ABANDONMENT
OF APPLICATION**

Your Application shall be considered abandoned, shall be destroyed and all fees forfeited if you fail to secure a registration **within one year after filing the Application**.

Print Form