

MAY 09 2018



Texas Association of Licensed Investigators

2951 Marina Bay Drive * Suite 130-564 * League City * Texas * 77573 * www.TALI.org

May 8, 2018

The Honorable Brian Birdwell
Chairman, Sunset Advisory Commission
P.O. Box 13066
Austin, TX 78701-3066

Dear Senator Birdwell,

Our association is made up of Licensed Investigators from across the state of Texas. We appreciate the opportunity to respond to the Sunset staff recommendations concerning the future of the continued regulation of our profession by the Texas Department of Public Safety (DPS).

While we agree with staff that some of the current regulatory measures may be unnecessary, we feel strongly that requirements for criminal background checks and training for Licensed Investigators be maintained to ensure the safety of the public.

Staff has recommended doing away with the Governor appointed Private Security Board and replacing it with an advisory board to be appointed by the Public Safety Commission or by the Director of DPS.

We feel that the Governor appointed board has been effective in voicing industry concerns to DPS. If it is the will of the Legislature to do away with the appointed board and create the advisory board, we would respectfully request that the Chairman of the Public Safety Commission be directed to designate one of the Public Safety Commissioners as liaison to the new advisory board.

We are concerned about staff recommendations to end the requirement that Investigators be affiliated with a licensed company. We seek clarification on how the recommendation differentiates between classes of licensees. Would there be two classes of licensee, individuals or sole proprietors and company or corporate licensees?

The requirement that investigators work for a licensed company helps protect the public interests in several areas. Licensed Investigations companies are required to have a licensed manager. That person is responsible for making certain that each investigator's paper work is submitted to DPS in proper form, that they have liability insurance, criminal background checks and the company collects and remits the sales tax.

If each individual Investigator becomes an independent contractor, we believe it will create insurmountable enforcement problems. DPS staff would be overburdened with incorrectly filled out and incomplete forms and lack of criminal background checks that may result in a proliferation of individuals working as Licensed Investigators with disqualifying criminal histories.

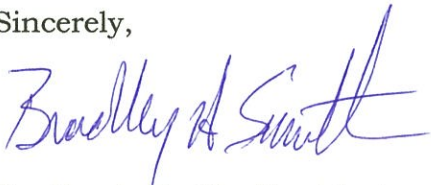
In addition to the public safety issues raised, we also feel that staff did not fully consider the loss of revenue to the state due to the inability of individual investigators to collect and remit sales tax if they become independent contractors.

We appreciate the hard work of the Sunset Staff and also their willingness to seek our input on these recommendations concerning the future of regulatory environment for the private investigator profession in Texas.

We stand ready to work with the Sunset Advisory Committee as you craft these recommendations into legislation.

Please do not hesitate to call upon us if we may provide additional information or assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bradley A. Smith". The signature is fluid and cursive, with a large initial "B" and "S".

Bradley A. Smith, President

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