

**NOTICE OF PROPOSED RULEMAKING AND RULE HEARING**

The Regulation and Licensing Department (Department) Private Investigations Advisory Board will hold a rule hearing on Wednesday, November 17, 2021 at 1:30p.m. Due to the ongoing public health concerns posed by the threat of the contagious disease COVID-19, the rule hearing will be virtual via an Internet-based video conference and via telephone. The rule hearing will be held via Cisco WebEx, please use the following link:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e89295993bf533af1d409d2afc3e9be07>

To join the meeting by phone: 1-415-655-0002 United States Toll

Event Number (Access Code): 2489 921 1121

The purpose of the rule hearing is to consider proposed amendments to the following rules:

**16.48.9 NMAC – Disciplinary Proceedings**

On October 13, 2021 you may obtain and review copies of the proposed changes and public comments, by going to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/private-investigations/pi-laws-rules-and-policies/> or contact the Boards and Commissions Division at (505)690-5032.

The Department will begin accepting public comments on the proposed amendments beginning October 13, 2021. Please submit written comments on the proposed changes to Austin Basham, Board Administrator, via electronic mail at: [pipolygraph@state.nm.us](mailto:pipolygraph@state.nm.us), or by regular mail at P.O. Box 25101, Santa Fe, NM 87504 no later than Tuesday, November 16, 2021. Comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/private-investigations/pi-laws-rules-and-policies/>

Persons will also be given the opportunity to present their comments during the rule hearing.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Austin Basham, Board Administrator (505)690-5032.

**Statutory Authority:** Legal authority for this rulemaking may be found in the Regulation and Licensing Act, Section 9-1-6, and the Private Investigations Act, Sections 61-27B-1 through 62-27B-36 NMSA 1978, which among other provisions, specifically authorizes the Department to “adopt and enforce rules necessary to carry out the provision of the Private Investigations Act, including establishing professional ethical standards.” Section 61-27B-5(C) NMSA 1978.

**Summary of the New Rule:**

**16.48.9 – Disciplinary Proceedings:** This rule addresses the processes and procedures the Department will follow when a complaint is received by the Department against a licensee or registrant that is licensed or registered under the Private Investigations Act. This part also addresses the procedures followed for a complaint received for unlicensed activity under the Private Investigations Act. Proposed Section 16.48.2.14, Criminal Convictions, addresses the requirement for the list of disqualifying criminal convictions in Section 61-1-36 of the Uniform Licensing Act, as enacted in Senate Bill 2 by the New Mexico Legislature, in the 1st Special Session, in the 2021 Legislative Session.