

ARTICLE ~~58.5~~ 160
PRIVATE INVESTIGATORS

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1 **12-160-101. [Formerly 12-58.5-101] Short title.** THE SHORT TITLE OF this article
2 ~~shall be known and may be cited as 160~~ IS the "Private Investigators Licensure Act".
3
4 **12-160-102. [Formerly 12-58.5-102] Legislative declaration.** (1) The general
5 assembly hereby finds and declares that:
6 (a) Private investigators often perform investigations of a sensitive nature, delving
7 into matters impacting personal privacy;
8 (b) While most private investigators perform investigations in an ethical and
9 professional manner, lack of mandatory regulation of private investigators in this state
10 permits any person, regardless of his or her criminal history or knowledge of laws impacting
11 private investigations, to present himself or herself to the public as a private investigator and
12 perform private investigations for others;
13 (c) Imposing mandatory regulation on private investigators conducting private
14 investigations in this state is necessary to protect consumers by ensuring private investigators
15 have the appropriate knowledge and ability to perform investigations in an ethical and
16 professional manner;
17 (d) Balancing consumer protection with the interests of private businesses and
18 individuals desiring to engage in the private investigation profession is likewise important;
19 (e) It is in the interests of consumers and private investigators for the state to develop
20 the appropriate level of regulation of private investigators that protects consumers without
21 creating unnecessary barriers to entry into the profession.
22 (2) The general assembly therefore finds that in order to protect the citizens of the

1 state and to ensure that needless requirements are not imposed that restrict access into the
2 profession, it is important to create the licensure program established in this article **160** to
3 require private investigators to obtain a state-issued license to conduct private investigations
4 in this state.

5 (3) The general assembly further finds that:

6 (a) The number of private investigators licensed under the "Private Investigators
7 Voluntary Licensure Act", enacted by House Bill 11-1195 in 2011, which allows private
8 investigators the option to obtain a state-issued license, is insufficient to justify continuing
9 the voluntary program;

10 (b) The voluntary licensure program is currently operating at a loss as the license fees
11 based on the number of licensees are inadequate to fully fund the program, and increasing
12 the fees to a level that would sustain the program results in unaffordable fees, and
13 consequently, fewer and fewer private investigators are participating in the voluntary
14 program;

15 (c) While the voluntary program is unsustainable, it is important to protect consumers
16 by establishing minimum standards for and requirements for licensure of private
17 investigators;

18 (d) By repealing the voluntary program and replacing it with a mandatory licensure
19 program, the intent is to continue regulating private investigators operating in this state to
20 ensure private investigators are engaging in the profession in an ethical manner and have the
21 appropriate knowledge and ability to perform investigations;

22 (e) As the mandatory program will regulate the same types of professionals who
23 could have chosen to be regulated under the voluntary program, it is appropriate that private
24 investigators licensed under the mandatory program share in the repayment of the deficit that
25 resulted from the voluntary program; and

26 (f) To avoid cost-prohibitive license fees, it is the intent of the general assembly for
27 the division to spread the repayment of the deficit generated by the voluntary program over
28 the life of the new mandatory program, which is scheduled to repeal on September 1, 2020.

29
30 **12-160-103. Applicability of common provisions.** ARTICLES 1 AND 20 OF THIS TITLE
31 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 160.
32

33 **12-160-104. [Formerly 12-58.5-103] Definitions.** As used in this article **160**, unless
34 the context otherwise requires:

35 (1) "Applicant" means a private investigator who applies for an initial or renewal
36 license pursuant to this article **160**.

37 ~~(2) "Director" means the director of the division or the director's designee.~~
38 <{Redundant with definitions common provision, section 12-20-102 (6).}>

39 (3) "Division" means the division of professions and occupations in the department

1 of regulatory agencies. <{Redundant with definitions common provision, 12-20-102 (7).}>

2 (4) (2) "Licensee" means a private investigator licensed by the director pursuant to
3 this article **160** as a level I or level II private investigator.

4 (5) (3) "Private investigation" means undertaking an investigation for the purpose of
5 obtaining information for others pertaining to:

6 (a) A crime, wrongful act, or threat against the United States or any state or territory
7 of the United States;

8 (b) The identity, reputation, character, habits, conduct, business occupation, honesty,
9 integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements,
10 whereabouts, affiliations, associations, or transactions of a person, group of persons, or
11 organization;

12 (c) The credibility of witnesses or other persons;

13 (d) The whereabouts of missing persons;

14 (e) The determination of the owners of abandoned property;

15 (f) The causes and origin of, or responsibility for, libel, slander, a loss, an accident,
16 damage, or an injury to a person or to real or personal property;

17 (g) The business of securing evidence to be used before an investigatory committee,
18 board of award or arbitration, administrative body, or officer or in the preparation for or in
19 a civil or criminal trial;

20 (h) The business of locating persons who have become delinquent in their lawful
21 debts, when the private investigator locating the debtor is hired by an individual or collection
22 agency;

23 (i) The location or recovery of lost or stolen property;

24 (j) The affiliation, connection, or relationship of any person, firm, or corporation with
25 any organization, society, or association or with any official, representative, or member of
26 an organization, society, or association;

27 (k) The conduct, honesty, efficiency, loyalty, or activities of employees, persons
28 seeking employment, agents, contractors, or subcontractors; or

29 (l) The identity of persons suspected of crimes or misdemeanors.

30 (6) (4) "Private investigator" or "private detective" means a natural person who, for
31 a fee, reward, compensation, or other consideration, engages in business or accepts
32 employment to conduct private investigations.

33
34 **12-160-105. [Formerly 12-58.5-104] Licensure - title protection - unauthorized**
35 **practice - penalty.** (1) (a) By June 1, 2015, a private investigator conducting private
36 investigations in this state is required to meet the qualifications set forth in section
37 ~~12-58.5-106~~ **12-160-107** and to obtain a license from the director.

38 (b) Only a private investigator who obtains a license pursuant to section ~~12-58.5-106~~
39 **12-160-107** may present himself or herself as or use the title of a "licensed private

1 investigator", "private investigator", "licensed private detective", or "private detective".

2 ~~(c) Repealed.~~

3 (2) Any person who conducts private investigations or presents himself or herself as
4 or uses the title "private investigator", "private detective", "licensed private detective", or
5 "licensed private investigator" without an active license issued under this article commits a
6 class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the
7 first offense and, for the second or any subsequent offense, commits a class 1 misdemeanor
8 and shall be punished as provided in section 18-1.3-501, C.R.S. **160** IS SUBJECT TO PENALTIES
9 PURSUANT TO SECTION 12-20-407 (1)(b). <{Redundant with *unauthorized practice common*
10 provision, 12-20-407 (1)(b).}>
11

12 **12-160-106. [Formerly 12-58.5-105] Exemptions.** (1) This article ~~58.5~~ **160** does
13 not apply to:

14 (a) A collection agency or consumer reporting agency, as defined in section 5-16-103
15 (3) and (6), respectively;

16 (b) A person conducting an investigation on the person's own behalf, or an employee
17 of an employer conducting an internal investigation on behalf of his or her employer;

18 (c) An attorney licensed to practice law in this state, an employee of a licensed
19 attorney, or a person under contract to perform paralegal services for a licensed attorney;

20 (d) A certified peace officer of a law enforcement agency operating in his or her
21 official capacity;

22 (e) (I) A certified public accountant certified or authorized to provide accounting
23 services in the state pursuant to article ~~2~~ **100** of this title **12**;

24 (II) An employee of a certified public accountant;

25 (III) An employee or affiliate of an accounting firm registered pursuant to section
26 ~~12-2-117~~ **12-100-114**; or

27 (IV) A person who conducts forensic accounting, fraud investigations, or other
28 related analysis of financial transactions based on information that is either publicly available
29 or provided by clients or other third parties and who is:

30 (A) An accountant or public accountant who is not regulated by the state;

31 (B) A certified fraud examiner; or

32 (C) An employee or independent contractor under the guidance of an accountant,
33 public accountant, or certified fraud examiner;

34 (f) A person who aggregates public records and charges a fee for accessing the
35 aggregated public records data;

36 (g) A person employed by an insurance company who is conducting claims
37 adjustment or claims investigation for the purposes of an insurance claim;

38 (h) An investigator employed or contracted by a public or governmental agency;

39 (i) A journalist or genealogist;

1 (j) A person serving process within the state, performing his or her duties in
2 compliance with the Colorado or federal rules of civil procedure or in accordance with
3 applicable foreign state court rules or laws pertaining to service of foreign process within this
4 state, or performing any task associated with effecting service of process, all of which
5 includes inquiries related to effecting proper service of process and resulting supporting
6 proofs, declarations, affidavits of service, or declarations or affidavits of due diligence to
7 support alternative methods of service of process; except that a process server who performs
8 private investigations outside the efforts to effect service of process is not exempt from the
9 licensing requirements of this article **160** and must obtain a license under this article **160** in
10 order to lawfully perform those private investigations;

11 (k) A person attempting to recover a fugitive when that person furnished bail and is
12 licensed under article 2 or 23 of title 10 or is acting pursuant to a contract with or at the
13 request of a person who furnished bail;

14 (l) An owner, employee, or independent contractor of an agency conducting an
15 investigation to determine the origin and cause of a fire or explosion;

16 (m) An owner, employee, or independent contractor of an agency conducting an
17 investigation for cause analysis or failure analysis where the investigation is conducted by
18 an engineer licensed pursuant to part ~~1~~ 2 of article ~~25~~ **120** of this title **12** acting within his or
19 her area of expertise and within the scope of the practice of engineering; or

20 (n) Any other person licensed under this title **12** who is practicing within the scope
21 of his or her practice as defined in this title **12**

22 .
23 **12-160-107. [Formerly 12-58.5-106] Private investigator licenses - qualifications**
24 **- fees - renewal - rules.** (1) A private investigator applying for a license pursuant to this
25 section must satisfy the requirements of the particular license for which application is made.
26 The director may issue the following types of licenses to applicants who, upon application
27 in the form and manner determined by the director, payment of the required fee, and
28 satisfaction of the requirements of subsection (2) of this section, provide evidence
29 satisfactory to the director that the applicant satisfies the qualifications for the particular
30 license as follows:

31 (a) **Level I private investigator license.** An applicant for a level I private
32 investigator license must:

33 (I) Be at least twenty-one years of age;

34 (II) Be lawfully present in the United States; and

35 (III) Demonstrate knowledge and understanding of the laws and rules affecting the
36 ethics and activities of private investigators in this state by passing a jurisprudence
37 examination developed and approved by the director.

38 (b) **Level II private investigator license.** An applicant for a level II private
39 investigator license must:

1 (I) Satisfy the requirements for a level I private investigator license; and

2 (II) Have an amount of verifiable, applicable experience as a private investigator or
3 equivalent experience with a local, state, or federal law enforcement agency, military police,
4 the federal bureau of investigation, or other equivalent experience. The director shall
5 determine, by rule, the amount and type of experience, which may include postsecondary
6 education, completion of approved certificate programs, or such other experience the director
7 deems appropriate, an applicant must have to satisfy the requirements of this section.

8 (2) In addition to the requirements of subsection (1) of this section, each applicant
9 for a level I or level II private investigator license must have his or her fingerprints taken by
10 a local law enforcement agency or any third party approved by the Colorado bureau of
11 investigation for the purpose of obtaining a fingerprint-based criminal history record check.
12 If an approved third party takes the person's fingerprints, the fingerprints may be
13 electronically captured using Colorado bureau of investigation-approved livescan equipment.
14 Third-party vendors shall not keep the applicant information for more than thirty days unless
15 requested to do so by the applicant. The applicant shall submit payment by certified check
16 or money order for the fingerprints and for the actual costs of the record check at the time the
17 fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of
18 fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall
19 conduct a state and national fingerprint-based criminal history record check utilizing records
20 of the Colorado bureau of investigation and the federal bureau of investigation and shall
21 forward the results of the criminal history record check to the director.

22 (3) An applicant for licensure under this section shall pay license, renewal, and
23 reinstatement fees established by the director pursuant to ~~section 24-34-105, C.R.S.~~ A
24 licensee must renew his or her license in accordance with a schedule established by the
25 director pursuant to ~~section 24-34-102 (8), C.R.S.~~ If a licensee fails to renew his or her
26 license pursuant to the schedule established by the director, the license expires, and the
27 person shall not conduct private investigations in this state until the person pays the
28 appropriate fees to reinstate the license and the director reinstates the license SECTIONS
29 12-20-105 AND 12-20-202. ALL LICENSES EXPIRE PURSUANT TO, AND ARE SUBJECT TO THE
30 RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS OF, SECTION 12-20-202 (1)
31 AND (2). A person whose license expires and who continues to do business as a private
32 investigator is subject to the penalties provided in this article **160** and section ~~24-34-102 (8)~~.
33 ~~C.R.S. 12-20-202.~~ <{Redundant with renewal /reinstatement/fees common provision,
34 12-20-202.}>

35
36 **12-160-108. [Formerly 12-58.5-107] Surety bond required - rules.** A licensee shall
37 not engage in private investigation activities unless the licensee posts and maintains, or is
38 covered by, a surety bond in an amount determined by the director by rule.
39

1 **12-160-109. [Formerly 12-58.5-108] Director's powers and duties - consult with**
2 **stakeholders - rules.** (1) The director may consult with private investigators, law
3 enforcement, consumer groups, victim advocacy groups, civil liberties groups, and other
4 stakeholders to obtain recommendations and feedback concerning:

5 (a) The regulation of private investigators;

6 (b) Privacy laws and issues, new or changing technology, and the impact of new or
7 changing technology on privacy; and

8 (c) Any continuing education that may be necessary to ensure private investigators
9 maintain knowledge and understanding of laws and rules affecting the practice, particularly
10 those concerning privacy issues and new or changing technology. If a stakeholder group
11 recommends that continuing education requirements be imposed, nothing in this paragraph
12 ~~(c)~~ **SUBSECTION (1)(c)** abrogates the requirements of section 24-34-901, ~~C.R.S.~~, and the
13 director is not authorized to impose, by rule or otherwise, any continuing education
14 requirements absent an enactment of a bill imposing continuing education requirements or
15 authorizing the director to establish continuing education requirements.

16 (2) In addition to all other powers and duties conferred or imposed upon the director
17 by this article **160** or by any other law, the director may:

18 (a) Promulgate rules pursuant to section 24-4-103, ~~C.R.S.~~, to implement this article
19 **160**, including rules to:

20 (I) Establish the form and manner for applying for a license under this article **160**;

21 (II) Specify the requirements for satisfying the experience component for obtaining
22 a level II private investigator license pursuant to section ~~12-58.5-106 (1)(b)~~; **12-160-107**
23 **(1)(b)(II)**;

24 (III) Define generally accepted standards of the practice of private investigations;

25 (IV) Set the amount of the surety bond required by section ~~12-58.5-107~~; **12-160-108**;

26 and

27 (V) Address any other matters determined necessary by the director to implement this
28 article **160**;

29 (b) Develop and conduct or contract for examinations as required by this article **160**;

30 (c) Review and grant or deny applications for new or renewal licenses as provided
31 in this article **160**; and

32 (d) Establish fees for the issuance of a new license and for each license renewal
33 pursuant to section ~~24-34-105, C.R.S.~~ **12-20-105**.

34
35 **12-160-110. [Formerly 12-58.5-109] Disciplinary actions - grounds for discipline**
36 **- rules - cease-and-desist orders.** (1) The director may ~~deny, suspend, or revoke a license,~~
37 ~~place an applicant or licensee on probation, or issue a letter of admonition to~~ TAKE
38 DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN SECTION 12-20-404 AGAINST an applicant
39 or licensee if the applicant or licensee: <{Redundant with disciplinary action common

1 provision, 12-20-404.>

2 (a) Violates any order of the director, any provision of this article **160**, or any rule
3 adopted under this article **160**;

4 (b) Fails to meet the requirements of section ~~12-58.5-106~~ **12-160-107** or uses fraud,
5 misrepresentation, or deceit in applying for or attempting to apply for a license;

6 (c) Is convicted of or has entered a plea of guilty or nolo contendere to a felony; to
7 an offense, the underlying factual basis of which has been found by the court to involve
8 unlawful sexual behavior, domestic violence, as defined in section 18-6-800.3 (1), ~~€R.S.~~;
9 or stalking, as defined in section 18-3-602; ~~€R.S.~~; or to violation of a protection order, as
10 defined in section 18-6-803.5. ~~€R.S.~~ In considering the disciplinary action, the director is
11 governed by ~~section~~ SECTIONS 12-20-202 (5) AND 24-5-101 ~~€R.S.~~, in considering the
12 conviction or plea.

13 (d) Has failed to report to the director the conviction of or plea to a crime specified
14 in paragraph ~~(c) of this subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION;

15 (e) Advertises or presents himself or herself as a licensed private investigator without
16 holding an active license;

17 (f) Has been subject to discipline related to the practice of private investigations in
18 another jurisdiction. Evidence of disciplinary action in another jurisdiction is prima facie
19 evidence for denial of a license or other disciplinary action if the violation would be grounds
20 for disciplinary action in this state.

21 (g) Commits an act or omission that fails to meet generally accepted standards of the
22 practice of private investigations; or

23 (h) Fails to comply with surety bond requirements as specified in section ~~12-58.5-107~~
24 **12-160-108**.

25 (2) The director may adopt rules establishing fines that he or she may impose on a
26 licensee. The rules must include a graduated fine structure, with a maximum allowable fine
27 of not more than three thousand dollars per violation. ~~The director shall transmit any fines~~
28 ~~he or she collects from a licensee to the state treasurer for deposit in the general fund.~~ < { ***The***
29 ***last sentence is redundant with disposition of fines common provision, 12-20-404 (6).*** } >

30 (3) The director need not find that the actions that are grounds for discipline were
31 willful but may consider whether the actions were willful when determining the nature of
32 disciplinary sanctions to impose.

33 (4) (a) The director may commence a proceeding to discipline a licensee when the
34 director has reasonable grounds to believe that the licensee has committed an act or omission
35 specified in this section.

36 (b) In any proceeding held under this section, the director may accept as evidence of
37 grounds for disciplinary action any disciplinary action taken against a licensee in another
38 jurisdiction if the violation that prompted the disciplinary action in the other jurisdiction
39 would be grounds for disciplinary action under this article.

1 (5) ~~The director shall conduct SECTION 12-20-403 GOVERNS disciplinary proceedings~~
2 ~~in accordance with article 4 of title 24, C.R.S. The director or an administrative law judge~~
3 ~~appointed by the director pursuant to paragraph (c) of subsection (6) of this section shall~~
4 ~~conduct the hearing and opportunity for review pursuant to that article. The director may~~
5 ~~exercise all powers and duties conferred by this article during the disciplinary proceedings.~~
6 UNDER THIS SECTION. <{Redundant with *disciplinary procedures common provision,*
7 *12-20-403, and APA.*>

8 (6) (a) The director may request that the attorney general seek an injunction IN
9 ACCORDANCE WITH SECTION 12-20-406 in any court of competent jurisdiction to enjoin a
10 person from committing an act prohibited by this article *160*. ~~When seeking an injunction~~
11 ~~under this paragraph (a), the attorney general is not required to allege or prove the~~
12 ~~inadequacy of any remedy at law or that substantial or irreparable damage is likely to result~~
13 ~~from a continued violation of this article.~~ <{Redundant with *injunctive relief common*
14 *provision, 12-20-406.*>

15 (b) (I) ~~The director may investigate, hold hearings, and gather evidence in all matters~~
16 ~~related to the exercise and performance of the powers and duties of the director.~~

17 (H) ~~In any hearing or investigation instituted pursuant to this section, the director or~~
18 ~~an administrative law judge appointed pursuant to paragraph (c) of this subsection (6) may~~
19 ~~administer oaths, take affirmations of witnesses, and issue subpoenas compelling the~~
20 ~~attendance of witnesses and the production of all relevant records, papers, books,~~
21 ~~documentary evidence, and materials in any hearing, investigation, accusation, or other~~
22 ~~matter before the director or an administrative law judge.~~

23 (HH) ~~Upon failure of any witness or licensee to comply with a subpoena or process,~~
24 ~~the district court of the county in which the subpoenaed person or licensee resides or~~
25 ~~conducts business, upon application by the director with notice to the subpoenaed person or~~
26 ~~licensee, may issue to the person or licensee an order requiring the person or licensee to~~
27 ~~appear before the director; to produce the relevant papers, books, records, documentary~~
28 ~~evidence, or materials if so ordered; or to give evidence touching the matter under~~
29 ~~investigation or in question. If the person or licensee fails to obey the order of the court, the~~
30 ~~court may hold the person or licensee in contempt of court.~~

31 (c) ~~The director may appoint an administrative law judge pursuant to part 10 of article~~
32 ~~30 of title 24, C.R.S., to conduct hearings, take evidence, make findings, and report the~~
33 ~~findings to the director.~~ <{(6)(b) & (6)(c) redundant with *disciplinary procedures common*
34 *provision, 12-20-403.*>

35 (7) (a) ~~The director, the director's staff, a person acting as a witness or consultant to~~
36 ~~the director, a witness testifying in a proceeding authorized under this article, or a person~~
37 ~~who lodges a complaint pursuant to this article is immune from liability in a civil action~~
38 ~~brought against him or her for acts occurring while acting in his or her capacity as director,~~
39 ~~staff, consultant, or witness, respectively, if the individual was acting in good faith within~~

1 the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the
2 matter as to which he or she acted, and acted in the reasonable belief that the action he or she
3 took was warranted by the facts:

4 (b) ~~A person participating, in good faith, in making a complaint or report or in an~~
5 ~~investigative or administrative proceeding pursuant to this section is immune from any civil~~
6 ~~or criminal liability that otherwise might result by reason of the participation. <{Subsection~~
7 ~~(7) redundant with immunity common provision, 12-20-402.>~~

8 (8) (7) A final action of the director is subject to judicial review by the court of
9 appeals pursuant to section 24-4-106 (11), C.R.S. IN ACCORDANCE WITH SECTION 12-20-408.
10 The director may institute a judicial proceeding in accordance with section 24-4-106 C.R.S.,
11 to enforce an order of the director. <{Redundant with judicial review common provision,

12 12-20-408.>
13 (9) ~~When a complaint or an investigation discloses an instance of misconduct that,~~
14 ~~in the opinion of the director, warrants formal action, the director shall not resolve the~~
15 ~~complaint by a deferred settlement, action, judgment, or prosecution. <{Redundant with~~
16 ~~discipline/no deferment common provision, 12-20-404 (2).>~~

17 (10)(a) (8) If it appears to the director, based upon credible evidence as presented in
18 a written complaint, that a licensee is acting in a manner that is an imminent threat to the
19 health and safety of the public, or if a person is conducting private investigations or
20 presenting himself or herself as or is using the title "private investigator", "private detective",
21 or "licensed private investigator" without having obtained a license, the director may issue
22 an order to cease and desist the activity ~~The director shall set forth in the order the statutes~~
23 ~~and rules alleged to have been violated, the facts alleged to have constituted the violation,~~
24 ~~and the requirement that all unlawful acts or unlicensed practices immediately cease. IN~~
25 ~~ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405. <{Redundant with~~
26 ~~cease-and-desist orders common provision, 12-20-405, but contains some unique language~~
27 ~~regarding use of title. Recommend amending as indicated above and striking remaining~~
28 ~~subsections (10)(b) through (14).>~~

29 (b) ~~Within ten days after service of the order to cease and desist pursuant to paragraph~~
30 ~~(a) of this subsection (10), the respondent may request a hearing on the question of whether~~
31 ~~acts or practices in violation of this article have occurred. The director or administrative law~~
32 ~~judge, as applicable, shall conduct the hearing pursuant to sections 24-4-104 and 24-4-105,~~
33 ~~C.R.S.~~

34 (11)(a) ~~If it appears to the director, based upon credible evidence as presented in a~~
35 ~~written complaint, that a person has violated any other portion of this article, in addition to~~
36 ~~any specific powers granted pursuant to this article, the director may issue to the person an~~
37 ~~order to show cause as to why the director should not issue a final order directing the person~~
38 ~~to cease and desist from the unlawful act or unlicensed practice.~~

39 (b) ~~The director shall promptly notify the person against whom an order to show~~

1 cause has been issued pursuant to paragraph (a) of this subsection (11) of the issuance of the
2 order and shall include in the notice a copy of the order, the factual and legal basis for the
3 order, and the date set by the director for a hearing on the order. The director may serve the
4 notice on the person against whom the order has been issued by personal service, by
5 first-class, postage-prepaid United States mail, or in another manner as may be practicable.
6 Personal service or mailing of an order or document pursuant to this paragraph (b) constitutes
7 notice of the order to the person.

8 (c) (I) The director shall hold the hearing on an order to show cause no sooner than
9 ten and no later than forty-five calendar days after the date of transmission or service of the
10 notification by the director as provided in paragraph (b) of this subsection (11). The director
11 may continue the hearing by agreement of all parties based upon the complexity of the
12 matter, number of parties to the matter, and legal issues presented in the matter, but in no
13 event shall the director hold the hearing later than sixty calendar days after the date of
14 transmission or service of the notification.

15 (H) If a person against whom an order to show cause has been issued pursuant to
16 paragraph (a) of this subsection (11) does not appear at the hearing, the director may present
17 evidence that notification was properly sent or served on the person pursuant to paragraph
18 (b) of this subsection (11) and such other evidence related to the matter as the director deems
19 appropriate. The director must issue the order within ten days after the director's
20 determination related to reasonable attempts to notify the respondent, and the order becomes
21 final as to that person by operation of law. The hearing must be conducted pursuant to
22 sections 24-4-104 and 24-4-105, C.R.S.

23 (HH) If the director reasonably finds that the person against whom the order to show
24 cause was issued is acting or has acted without the required license or has or is about to
25 engage in acts or practices constituting violations of this article, the director may issue a final
26 cease-and-desist order directing the person to cease and desist from further unlawful acts or
27 unlicensed practices.

28 (IV) The director shall provide notice, in the manner set forth in paragraph (b) of this
29 subsection (11), of the final cease-and-desist order within ten calendar days after the hearing
30 conducted pursuant to this paragraph (c) to each person against whom the final order has
31 been issued. The final order issued pursuant to subparagraph (HH) of this paragraph (c) is
32 effective when issued and is a final order for purposes of judicial review.

33 (12) If it appears to the director, based upon credible evidence presented to the
34 director, that a person has engaged or is about to engage in an act or practice constituting a
35 violation of this article, a rule promulgated pursuant to this article, or an order issued
36 pursuant to this article, or any other act or practice constituting grounds for administrative
37 sanction pursuant to this article, the director may enter into a stipulation with the person.

38 (13) If a person fails to comply with a final cease-and-desist order or a stipulation,
39 the director may request the attorney general or the district attorney for the judicial district

1 in which the alleged violation exists to bring, and if so requested the attorney shall bring, suit
2 for a temporary restraining order and for injunctive relief to prevent any further or continued
3 violation of the final order.

4 (14) A person aggrieved by the final cease-and-desist order may seek judicial review
5 of the director's determination or of the director's final order as provided in subsection (8)
6 of this section. <{Subsections (10) through (14) are redundant with the cease-and-desist
7 common provisions, 12-20-405.}>

8 (15)(a) When a complaint or investigation discloses an instance of misconduct that,
9 in the opinion of the director, does not warrant formal action by the director but that should
10 not be dismissed as being without merit, the director may issue and send the licensee a letter
11 of admonition.

12 (b) When the director sends a letter of admonition to a licensee, the director shall
13 advise the licensee that he or she has the right to request in writing, within twenty days after
14 receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the
15 propriety of the conduct upon which the letter of admonition is based.

16 (c) If the licensee timely requests adjudication, the director shall vacate the letter of
17 admonition and process the matter by means of formal disciplinary proceedings.
18 <{Subsection (15) redundant with discipline/letter of admonition common provision,
19 12-20-404 (4).}>

20 (16) When a complaint or investigation discloses an instance of conduct that does not
21 warrant formal action by the director and, in the opinion of the director, the complaint should
22 be dismissed, but the director has noticed indications of possible errant conduct by the
23 licensee that could lead to serious consequences if not corrected, the director may send the
24 licensee a confidential letter of concern. <{Subsection (16) redundant with
25 discipline/confidential letter of concern common provision, 12-20-404 (5).}>

26
27 **12-58.5-110. Revocation.** A person whose license is revoked or who surrenders a
28 license to avoid discipline is ineligible to apply for a license under this article until at least
29 two years after the date of revocation or surrender of the license. The director shall treat a
30 subsequent application for licensure from a person whose license was revoked or surrendered
31 as an application for a new license under this article. <{Redundant with waiting period
32 common provision, 12-2-404 (3).}>

33
34 **12-58.5-111. Fees – cash fund.** The division shall transmit all fees collected pursuant
35 to this article to the state treasurer, who shall credit the fees to the division of professions and
36 occupations cash fund created in section 24-34-105(2)(b), C.R.S. The general assembly shall
37 make annual appropriations from the division of professions and occupations cash fund for
38 expenditures of the division incurred in the performance of its duties under this article.
39 <{Redundant with fees common provision, 12-20-105.}>

1 **12-160-111. [Formerly 12-58.5-112] Repeal of article - review of functions.** This
2 article **160** is repealed, effective September 1, 2020. ~~Prior to the~~ BEFORE ITS repeal, ~~the~~
3 ~~department of regulatory agencies shall review~~ the powers, duties, and functions of the
4 director regarding the licensure of private investigators under this article **160** ~~as provided in~~
5 ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~