



NORTH DAKOTA OFFICE OF THE STATE AUDITOR

State Auditor Joshua C. Gallion

North Dakota Private Investigative and Security Board

Audit Report for the Period January 1, 2019 to June 30, 2025





WHAT WE LOOKED AT AND WHY

The 69th Legislative Assembly in Senate Bill No. 2051 (2025-2027 Legislative Session) required that our team conduct a performance audit of the North Dakota Private Investigative and Security Board, in accordance with chapter 54-10, during the biennium beginning July 1, 2025, and ending June 30, 2027. This performance audit was in addition to the requirements under section 54-10-27 related to occupational and professional board audits and reports.

Two objectives were established after completing our initial planning phase. One objective focused on the Private Investigative and Security Board's revenue collection and licensing processes. We considered these areas to be higher risk based on testimony related to Senate Bill 2051, which includes comments and concerns about the Board's solvency and the need to increase fees as well as backlog issues related to issuance of licenses and renewals. The other objective focused on the Private Investigative and Security Board's legal expenses to determine if opportunities existed to use public resources more efficiently.

WHAT WE FOUND


Lack of Policies and Procedures



There are no documented policies or procedures for the Private Investigative and Security Board.

Read more on page 5

Addressing Licensing Process Inefficiencies



Insufficient filing and tracking systems used to manage applications and renewals.

Read more on page 7


Potential Time Savings for Issuing Pocket Cards



The Board manually issues new pocket cards every year which takes a great deal of time.

Read more on page 10


Changes to Renewal Period and Late Fees



The Current renewal timeframe appears impractical based on the number of applicants.

Read more on page 10

Utilize the Attorney General's Office for Legal Services



There is a potential to reduce future costs for legal services.

Read more on page 11

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HAVE QUESTIONS? ASK US.

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Introduction

Private Investigative and Security Board

January 29, 2026

We are pleased to submit this audit of the North Dakota Private Investigative and Security Board for the period January 1, 2019, to June 30, 2025.

This audit resulted from 2025 Session Law, Senate Bill 2051, which required the State Auditor to conduct a performance audit of the North Dakota Private Investigative and Security Board, in accordance with N.D.C.C. chapter 54-10. The same statute gives the State Auditor the responsibility to determine the contents of the audit.

The primary consideration in determining the contents of this audit was to produce an informative audit to improve government.

Inquiries or comments relating to this audit may be directed to our office

by calling (701) 328-2241. We wish to express our appreciation to the North Dakota Private Investigative and Security Board and Executive Director for the courtesy, cooperation, and assistance they provided to us during this audit.

Respectfully submitted,

/S/

JOSHUA C. GALLION
NORTH DAKOTA STATE AUDITOR



TERMS USED IN REPORT

Internal Control: Policies and procedures that ensure reliable financial reporting, safeguard assets, promote accountability and efficiency, and prevent fraud.

North Dakota Administrative Code (N.D.A.C.): Collection of all the rules and regulations adopted by state administrative agencies.

North Dakota Century Code (N.D.C.C.): Collection of all the statutes passed by the North Dakota Legislative Assembly.

Performance Audit: Engagements that provide objective analysis, findings, and conclusions to assist management and those charged with governance and oversight to improve program performance and operations, reduce costs, facilitate decision making, and contribute to public accountability.

Session Laws: Published after each regular and special legislative session and contain the laws enacted during that session.

Background

PURPOSE

The North Dakota Private Investigative and Security Board is responsible for regulating private investigators and security guards and protecting the public by establishing and enforcing standards for those who practice in those fields. The Board is self-funded through examination, license, and registration fees.

BOARD AND REQUIREMENTS

The Governor appoints Board members who must be knowledgeable in private investigative or security matters. The Board must consist of five to 11 members appointed for staggered four-year terms, and a majority of the members must be actively engaged in the private investigative or security profession, with at least one member actively engaged in law enforcement. Members of the Board do not receive compensation for their service. The Board currently consists of six members. It has the power to establish rules for qualifications and procedures for classifying, licensing, bonding, and regulating people providing investigative and security services.

STAFFING

The Board appoints an Executive Director who can be employed on either a full-time or part-time basis. This position is responsible for keeping a record of all communications and official acts of the Board. They act as a custodian for all money received for licenses, certifications, and training. This money must be deposited in banks designated by the Board. The current Executive Director has been employed since 2017 and was responsible for most of the administrative duties during the audit period.

HISTORY

In 2016, the Board started to incur legal expenses related to unlicensed activity during the Dakota Access Pipeline protests. During the protests, there were several companies that were not licensed to provide security services. Because

they were not licensed, the Board took legal action. This required financial commitment from the Board to pursue these legal proceedings. During a special board meeting in September 2020, the Executive Director informed the Board that there was a backlog in the processing of renewal applications. This was said to be caused by several issues, including the COVID-19 pandemic, an increase in provisional applications, limited use of the Board's administrative assistant, and outstanding issues from the 2019 renewal season.

Additionally, from 2020 to 2022, the Board dealt with litigation and had to redact 61,988 records to fulfill open records requests. This impacted the Executive Director's ability to process applications timely and added to the backlog.



In 2016, the Board had **over \$230,000**.
As of June 30, 2025, the Board had
approximately \$10,000 in the bank.

2025 - 2027 LEGISLATIVE SESSION

In 2016, the Board had over \$230,000. As of June 30, 2025, the Board had approximately \$10,000 in the bank. In 2025 the Board requested the legislature to approve an increase in fees to build up cash reserves, citing concerns about their financial condition.

The legislature approved an increase of 50% for most fees with the exception of security trainer which went from a one time fee of \$25 to an initial and renewal fee of \$40. The legislature did, however, stipulate that they would require a performance audit.

Audit Results

LICENSING OBJECTIVE

Are the Private Investigative and Security Board and Executive Director depositing revenue collections and issuing licenses and registrations, including renewals, properly and efficiently?

CONCLUSION

No, we identified opportunities for the Board and Executive Director to improve how revenue collections are deposited and licenses and registrations, including renewals, are issued.

BACKGROUND

The Board is required to license:

- Private detectives.
- Private detective agencies.
- Providers of private security.
- Private security agencies.

They also register:

- Apprentice security officers.
- Security officers.
- Commissioned security officers.
- Investigators.
- Security trainers.
- Weapons instructors.

Certain licensees and registrants may apply for armed certification which needs to be approved by the Board.

The Executive Director estimates a total of over 1,800 licenses and registrations are processed annually as required

by state law. (N.D.C.C. 43-30-11). The following breakout was included in the fiscal note for Senate Bill 2051, (2025-2027 Legislative Session):

- 116 Private Investigator and Security Provider Licenses.
- 8 Agency applications.
- 89 Agency Licenses.
- 1,587 Private Investigator & Security Registrations.

The Board also certifies courses and instructors for the Armed First Responder in School or Ambulance or Firefighter Crew Training Program.

FINDING
2025-01

Lack of Policies and Procedures

FINDING

The Executive Director informed us there are no documented policies or procedures for the Private Investigative and Security Board. Instead, decisions are based on historical motions and recollection of previous situations. There is not an established system of internal control for the Board.



There are **no documented policies or procedures** for the Private Investigative and Security Board

Each entity should have an established system of internal control which helps ensure it operates properly and achieves its goals. (Green Book, GAO-25-107721). Examples of internal controls that should be in place include:

- Formally documented roles and responsibilities of the board and staff.

- Identification of risks including those of fraud and appropriate responses.
- Appropriate segregation of duties.
- Documented processes for licensing, disciplinary actions, and appeals.
- Documented approval of financial transactions.
- Documented meeting minutes that are retained and accessible.
- Prepared financial reports that are reviewed by the Board.

This was brought up in the last audit of the Private Investigative and Security Board for the period ended December 31, 2018. The Board disagreed with the recommendation and did not feel internal control documentation was necessary.

The lack of documented internal controls can result in inconsistent practices, loss of institutional knowledge, higher risk of errors or fraud, inefficient operations, compliance issues, and weak accountability.

RECOMMENDATION

We recommend that the Private Investigative and Security Board establish an appropriate system of internal control based on the Green Book.

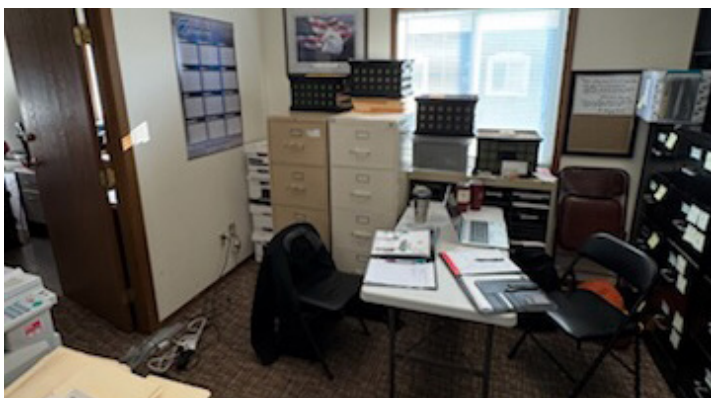
NORTH DAKOTA PRIVATE INVESTIGATIVE AND SECURITY BOARD RESPONSE:

The NDPI SB agrees and will establish an appropriate system of internal control based on the Green Book.

Addressing Licensing Process Inefficiencies

BACKLOG

On July 29, 2025, our team met with the Executive Director to gain an understanding of licensing procedures and the extent of the backlog of applications and registrations. In our discussion and walk through the office, we noticed the filing and tracking systems used to manage applications and renewals were insufficient. Applications and renewals are in varying stages of processing and kept in filing cabinets, banker boxes, and storage crates. In total, we saw backlogged information in three filing cabinets, 10 banker boxes, and 11 storage crates.



DATABASE

The Board uses Microsoft Access to track records of active and inactive licenses and registrations, including denials. However, information is overwritten anytime a license or registration is modified or renewed. The database is not currently being maintained because of the backlog. This means there is no accurate list of licensees or registrants.

The Executive Director said he was more familiar with Microsoft Excel than Microsoft Access. Administrative Code places responsibility for keeping record of all official acts of the Board with the Executive Director. (N.D.A.C. 93-01-02-01).

The lack of understanding of the system prevents the Board from having a full picture of the backlog of processing applications and registrations. It also prevents the management of the licensing and registration process from being done effectively.



Applications and renewals are in varying stages of processing and kept in **filing cabinets, banker boxes, and storage crates.**

INCOMPLETE APPLICATIONS

The Executive Director indicated that standardized forms are being used for applications and renewals. However, applicants still make mistakes when completing the forms or miss submitting information. This prevents the completion of the renewal process.

In both a September 2020 and November 2022 meeting, the Board approved a change to allow communication of incomplete applications via email. They also allowed the ability to issue a provisional license until the application was complete. It is unclear whether this was approved

in other meetings as the meeting minutes have not been prepared for 31 board meetings from October 2021 to June 2025, as required by state law. (N.D.C.C. 44-04-21(21)). This previously approved process would assist in streamlining the licensing and registration process.

DEPOSIT CHECKS TIMELY

The Executive Director indicated the Board waited to deposit checks until an application is considered completed. We asked about the possibility of undeposited checks. The Executive Director acknowledged the possibility and pointed us to boxes that had not been sorted yet. We reviewed the contents of the boxes and found \$2,755 in stale-dated checks that had not been deposited timely. We also noted that replacement checks for some of the original stale-dated checks were not deposited.

Our team tested a sample of applications and registrations from the various filing cabinets, banker boxes, and storage crates. During that testing, we did not find any other checks that had not been deposited. We also reviewed all the bank statements from January 1, 2019, to June 30, 2025, and found \$455 in deposits were reversed from stale-dated checks.



There is **no accurate list of licensees or registrants**

The Office of Management and Budget guidance recommends deposits to be made daily if more than \$500 is collected and every Friday, regardless of the amount collected. This ensures timely access to cash and reduces the risk of theft.

TRACK PROGRESSION

There aren't any processes in place to track the progression

of applications and renewals through the various steps of completion. The Executive Director had to look in QuickBooks to see whether payments had been received or invoiced. Then, Microsoft Access was reviewed to ensure information was updated. All updates to these systems are manual. The Executive Director would have to review these systems for each individual application or registration to verify the status.



Meeting minutes **have not been prepared for 31 board meetings**, as required by state law.

Proper internal controls state management should design control activities to achieve objectives and respond to risks. (GAO Green Book 10.01-10.03). In this instance, a tracking process reduces the risk of lost applications, inconsistent treatment, delayed decisions, or improper approvals.

RECOMMENDATION

We recommend the Private Investigative and Security Board:

- Provide the Executive Director with training on Microsoft Access or develop a process within Microsoft Excel that would allow tracking of all inactive and active licenses and registrations.
- Develop and document the process for handling incomplete applications.
- Deposit checks in accordance with the Office of Management and Budget policy, regardless of whether the application has been completed.
- Establish a process to track the progression of applications and renewals through the various steps to completion.

NORTH DAKOTA PRIVATE INVESTIGATIVE AND SECURITY BOARD RESPONSE:

The NDPISB agrees:

- 1) Has already developed a process within Microsoft Excel, and discontinued using Microsoft Access, that will allow tracking of all inactive and active licenses and registrations once the backlog is cleared
- 2) Will develop and document the process for handling incomplete applications
- 3) Will deposit checks in accordance with OMB regardless of whether the application has not been completed, and
- 4) Will establish a process to track the progression of applications and renewals through the various steps to completion.

Potential Time Savings for Issuing Pocket Cards

ANNUAL POCKET CARDS

The Board is required to issue a pocket card to each individual licensed or registered by the Board to provide private investigative services or security services. (N.D.A.C. 93-02-01.1-10 and 93-02-02.1-14). The pocket card shows the individual is licensed or registered with the Board and must be carried while providing these services.

The Board issues new pocket cards annually. The process is manual, and the Executive Director said it takes approximately 10 to 15 minutes per card. The Board currently issues approximately 1,800 licenses and registrations annually. Based on this, it would take up to 425 hours to process these pocket cards annually. We selected a sample of 28 renewals and found that 22 did not have new pocket cards issued. This is due to the time needed and the current backlog. The Administrative Code language does not require pocket cards to be reissued annually.



It would take **up to 425 hours** to process these pocket cards annually

AUTOMATE POCKET CARDS

The Board uses software called ID Maker to print pocket cards. The Board has created templates for security agencies and manually inputs additional information to generate the cards. ID Maker has a feature that would allow you to import the information from Excel instead of manually entering each card. The information needed to generate the card would already be maintained electronically as

identified in the prior finding. The use of this feature would eliminate the manual entry, which creates efficiency and reduces the risk of error.

RECOMMENDATION

We recommend the Private Investigative and Security Board:

- Determine whether it is necessary to issue pocket cards annually. If not, discontinue the practice and only issue new pocket cards upon initial application or in instances where the card needs replacement.
- Implement the use of the import feature in ID maker to create efficiency and reduce the risk of error.

NORTH DAKOTA PRIVATE INVESTIGATIVE AND SECURITY BOARD RESPONSE:

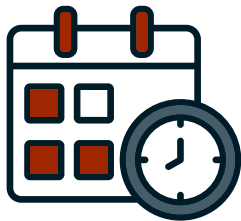
The NDPISB agrees and will determine, with input from the industry, whether it is necessary to issue pocket cards annually or not. If not, it will revamp the verbiage on the pocket cards and discontinue the practice and only issue new registration pocket cards upon initial application or in instances the card needs replacement. The NDPISB will implement use of the import feature in ID maker to create efficiency and reduce the risk of error.

Changes to Renewal Period and Late Fees

RENEWAL SEASON

State law requires licenses to be renewed annually on September 30. (N.D.C.C. 43-30-11). The Board typically opens renewal season around August 1st, with the deadline being September 30th. The Executive Director indicated most renewals are submitted in mid-September.

State law prohibits private investigative and security services from being provided without a current license. The current timeframe appears impractical based on the number of applicants a year and adding to the processing backlog. This would require the processing of approximately 30 applications every day during the 60-day renewal window. As identified in Finding 2025-03 of this report, it would take approximately 425 hours in this 60-day period to create the pocket cards. This does not account for any of the additional work needed to process each registration or license.



The current timeframe appears **impractical based on the number of applicants**

We reviewed the practices of two other occupational boards that built in a buffer to allow time to process licenses and registrations before they expire. These boards open the renewal season approximately 90 days before licenses and registrations expire with a deadline to submit renewals 30 days prior to expiration. This allows the board 30 days to

process renewals received prior to the deadline. Renewals received prior to the deadline are then required to be processed prior to the expiration date. Renewals received after the deadline are subject to late fees with no guarantee of renewal prior to expiration.

State law allows the Board to assess late fees for each month a renewal fee is due and unpaid. (N.D.C.C. 43-30-16). Also, any lapsed licenses or registrations that are not renewed or have all renewal and late fees within 60 days of the expiration must reapply. The use of allowed late fees and re-application requirements would assist in streamlining the licensing process. It would also help increase the cash reserves. In most cases, the Board is not currently using either of these due to the backlog.

RECOMMENDATION

We recommend the Private Investigative and Security Board:

- Modify the renewal period to allow adequate time to process licenses and registrations by the September 30 expiration.
- Implement the use of late fees and reapplication requirements to assist in streamlining the process.

NORTH DAKOTA PRIVATE INVESTIGATIVE AND SECURITY BOARD RESPONSE:

The NDPIBS agrees and will modify the renewal period to allow adequate time to process licenses and registrations by the September 30 expiration and will implement the use of late fees and re-application requirements to assist in streamlining the process.

Audit Results

LEGAL EXPENSE OBJECTIVE

Are there opportunities for the Private Investigative and Security Board to use public resources more efficiently as it relates to legal expenses?

CONCLUSION

Yes, an opportunity for the Board to use public resources more efficiently as it relates to legal expenses was identified during our audit.

BACKGROUND

State law allows the Board to issue citations for the following two reasons:

- Providing private investigative services or private security services without a current license issued by the Board.
- Falsely stating or representing that the person has been or is an investigative officer or employed by an investigative or security officer or agency.

A person guilty of unlicensed activity is subject to a class B misdemeanor. The Board may also seek costs for reimbursement of expenses, including attorney fees. (N.D.C.C. 43-30-10).

State law also allows the Board to deny renewal, suspend, revoke, place probationary status on a license, or issue a reprimand under certain conditions. (N.D.C.C. 43-30-12).

They may impose a fee to reimburse all or part of the costs of administrative actions resulting in disciplinary action. This includes the amount paid for services from the Office of Administrative Hearings, attorney's fees, court costs, witness fees, staff time, and other expenses.

During the audit period January 1, 2019, to June 30,

2025, the Board incurred \$275,173 in legal expenses and recouped \$253,745 through settlement and stipulation agreements and fines. These legal expenses were paid based on contracts with private law firms.

Any contracts for legal services with attorneys that are not employed by the state are exempt from procurement laws and rules. (N.D.A.C. 4-12-01-04).

FINDING
2025-05

Utilize the Attorney General's Office for Legal Services

FINDING

We reviewed the contracts for legal services that were in place during the audit period. We calculated the average hourly rate charged under these contracts and compared it to the average rate charged by the Attorney General's office. The average rate for contracted legal services from a lead attorney was \$241 per hour compared to the Attorney General's Office average hourly rate of \$127 for an assistant attorney general. This equates to a \$114 difference per hour. State law allows the Attorney General to appoint an assistant or special assistant attorney general to represent the Board. (N.D.C.C. 54-12-08(1)). Of the 55 regulatory boards and commissions, over 75% use the Attorney General's Office legal services. This creates the potential to reduce future costs for legal services.



The **average rate** for contracted legal services from a lead attorney was **\$241 per hour** compared to the Attorney General's Office average **hourly rate of \$127**

RECOMMENDATION

We recommend the Private Investigative and Security Board consider whether the Attorney General's Office could be used to provide legal services in some or all situations to reduce future legal costs.

NORTH DAKOTA PRIVATE INVESTIGATIVE AND SECURITY BOARD RESPONSE:

The NDPI SB agrees and going forward will consider whether the Attorney General's Office could be used to provide legal services in some or all situations to reduce future legal costs.

Audit Procedures

Licensing Objective

SCOPE

The Board's sole location is its office in Bismarck, which was included in the audit scope.

The audit period was from January 1, 2019, to June 30, 2025.

Two scope limitations were encountered due to the backlog:

- 31 Board meeting minutes were not available for review.
- The Board's Access database used to track licensees and registrants was not maintained and up to date.

INTERNAL CONTROL

We obtained an understanding of internal control through inquiries, observations, and inspection of documentations and electronic data records. Based on our results and conclusions, internal control is not properly designed and implemented.

We identified two internal control weaknesses related to the design of internal controls and lack of alternative internal control activities to mitigate the risk of fraud, waste, or abuse in business processes, since segregation of duties is not practical because of limited personnel.

See Finding 2025-01: Lack of Policies and Procedures and Finding 2025-02: Addressing Licensing Process Inefficiencies.

METHODOLOGY

To meet this objective, we:

- Interviewed the Board Chair, Vice-Chair, and Executive Director.
- Observed processes and reviewed documentation to identify backlogged areas.
- Reviewed renewal guidelines of other boards and commissions.
- Selected a sample of 31 new applications by going through file cabinet drawers not considered finalized and picked 2 to 3 from each drawer. We tested initial license and registration applications for compliance with rules established by the Board (N.D.C.C. 43-30-04), including required qualifications, documentation, and proper fees. We ensured license and registration applicants were subject to state and nationwide criminal history record checks (N.D.C.C. 43-30-06). Lastly, we tested to ensure applicants were properly invoiced in QuickBooks and that revenue was properly accounted for in QuickBooks.

Based on our testing, we identified:

- 24 out of 25 initial license and registration applications followed rules established by the board, including required qualifications, documentation, and proper fees. The one error is related to not being able to locate the application and background check information.
- 26 out of 27 license and registration applicants were subjected to a state and nationwide criminal history record check. The one error is related to not being able to locate the application and background check information.
- 31 out of 31 applicants were properly invoiced in QuickBooks and the revenue was properly accounted for.
- 22 out of 23 pocket cards were issued.
- Selected a sample of 30 renewal applications by going through file cabinet drawers not considered finalized and picked two to three from each drawer. We tested renewals

for compliance with rules established by the Board (N.D.C.C. 43-30-11), including required qualifications, documentation, and proper fees. We tested to ensure applicants were properly invoiced in QuickBooks and that revenue was properly accounted for in QuickBooks.

Based on our testing, we identified:

- 28 out of 28 issued renewals followed rules established by the board, including required qualifications, documentation, and proper fees.
- 28 out of 29 renewal applicants were properly invoiced in QuickBooks and the revenue was properly accounted for. The one error of \$25 was entered into QuickBooks and deposited; however, the individual was not invoiced so the revenue was not recorded in QuickBooks. This transaction would still show negative accounts receivable until invoiced.
- Six out of 28 pocket cards were issued for approved renewals.
- Tested 10 out of 78 monthly bank reconciliations of cash on QuickBooks to bank deposits to ensure the Executive Director deposited all monies received in depositories designated by the Board and that reconciling items were proper. (N.D.A.C. 93-01-02-01). No errors were noted with the monthly reconciliations tested.

Audit Procedures

Legal Expenses Objective

METHODOLOGY

To meet this objective, we:

- Interviewed the Board Chair and Executive Director about unlicensed activity during the audit period.
- Reviewed meeting minutes and invoices for legal services to identify actions taken related to unlicensed activity.
- Determined if the Board is seeking costs for reimbursement of expenses for obtaining an injunction, including attorney's fees. (N.D.C.C. 43-30-10).
- Ensured reimbursement amounts were properly recorded and deposited.
- Obtained contracts for legal services.
- Reviewed canceled checks and financial records to identify payments for legal expenses.
- Judgmentally selected a cross-section of payments for legal services. Ensured legal expenses were paid pursuant to the contracted hourly rates and that the payments were properly supported.
- Obtained a list of boards and commissions that utilize assistant attorney generals compared to special assistant attorney generals from the Attorney General's Office.
- Obtained the Attorney General's Office rate table for providing legal services.
- Compared the Board's contracted rates for legal services to the Attorney General's Office rate table.
- Identified common legal correspondences and

determined that the Board has templates available to utilize versus continued reliance on legal counsel for such correspondences.

- Reviewed canceled checks listed on bank statements for unrecorded legal expenses.

AUTHORITY AND STANDARDS

This performance audit of the Private Investigative and Security Board has been conducted by the Office of the State Auditor pursuant to authority within North Dakota Century Code Chapter 54-10 at the request of the 69th Legislative Assembly.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The standards used to evaluate internal control are published in the publication Standards for Internal Control in the Federal Government issued by the Comptroller General of the United States. (Green Book, GAO-14- 704G).



Office of the
State Auditor


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