

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency Board of Polygraph Examiners  
Rule No. 740-x-6-.02  
Rule Title: Proceeding on Complaints  
\_\_\_\_\_ New X Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference \_\_\_\_\_

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Deane Dunt

Date July 2, 2019

(DATE FILED)  
(STAMP)

(Agency Name)  
(Agency Division, if applicable)

NOTICE OF INTENDED ACTION

AGENCY NAME: Polygraph Examiners Board

RULE NO. & TITLE: 740-X-6-.02 Proceeding on Complaints

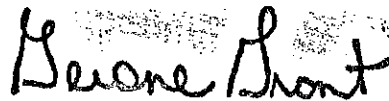
INTENDED ACTION: Create a complaint committee as per requested by Examiners of Public Accounts in their Audit

SUBSTANCE OF PROPOSED ACTION: Create a complaint committee to receive and review the initial complaint and to investigate the complaint and present recommendations to the Board.

TIME, PLACE, MANNER OF PRESENTING VIEWS: 11:00a.m., September 24, 2019  
825 Adams Avenue, Montgomery, AL 36104 Al State Troopers Association Bldg.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: September 24, 2019

CONTACT PERSON AT AGENCY: Jan Beck 334-517-2903



(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**740-X-6-.02 Proceedings On Complaints.**

(2) The Board has authorized establishment of a complaint committee, The committee will include the administrative secretary, the board's legal consultant and the board member from the complaintant's geographical area.

(1) Upon receiving a complaint, the board committee will review the complaint and encourage the board to:

(a) Make a further investigation of the matters referred to in the complaint;

(b) Request that all of the parties concerned appear at an informal hearing on the complaint; or

(c) Begin proceedings to suspend or revoke a polygraph examiner's license as provided by law.

(2) After conducting an investigation or after an informal hearing, the Board may begin formal proceedings to issue oral or written reprimands, place an examiner on probation, or to suspend or revoke a polygraph examiner's license.

(3) The Board shall begin proceedings to suspend or revoke a polygraph examiner's license whenever a complaint is made to the Board unless the Board determines, after investigation or an informal hearing, that the facts do not support a claim that the act or these regulations have been violated.

**Author:** Polygraph Examiners Board

Statutory Authority: Code of Ala. 1975, 34-25-5(a), 41-22-4. History: Filed February 7, 1984; Amended : Filed November 6, 1991.

ECONOMIC IMPACT STATEMENT  
FOR APA RULE  
(Section 41-22-23(f))

Control No. \_\_\_\_\_ Department or Agency Board of Polygraph Examiners

Rule No: 740-x-.65.02

Rule Title: Proceeding on Complaints

\_\_\_\_\_ New  Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

True This rule has no economic impact.

N/A This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: Improve the timeline on acting on complaints
  
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: Involves individuals familiar with the examiner being complained about
  
3. EFFECT OF THIS RULE ON COMPETITION: None
  
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: None

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Board's licensing fees

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

Will shorten the time a complaint requires to be investigated

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

N/A

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None

**\*\*Additional pages may be used if needed.**