

LOUISIANA

*Louisiana
private
investigator
practice
examination*

This examination was developed to be used as a study and reference tool to prepare of the state PI examination.

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LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

This practice examination is comprised of 115 questions. The actual examination is comprised of 100 questions. We have taken every step possible to ensure the reference material used to create this practice examination was the same reference material used to create the actual PI examination.

The following material was used in this research to create the practice examination:

- 1) LSBPIE 40-Hour Basic Private Investigator Course Manual (Main source of Reference)*
- 2) LSBPIE Policies and Procedures for Training and Education*
- 3) LSBPIE Rules and Regulations Chapters 1-9*
- 4) LSBPIE Private Investigators Law: R.S. 37: 3500 – 3525*
- 5) LSBPIE Ethics & Private Investigators Laws*

To assist you in using this practice examination as a study guide, I created a reference point at the end of each question. The reference point directs our clients to the exact location within the State reference material listed above where you can look up and research the topic yourself. This will allow you to go directly to the location where these questions were developed to conduct additional research. We have found this will save you valuable time and effort. No more searching pages and pages looking for the specific reference never knowing if you have the correct section or not. It should be known however, that in many instances, the information contained within the questions can be found in multiple references. Therefore, if needed, take the time studying for the test to cross reference the material to ensure you are comfortable that you know the subject matter. This practice examination should not be used as your sole study guide and should not be relied upon solely to prepare for your examination. This practice examination is one more tool in your toolbox to prepare for the actual examination

A note from our President. Good luck with your State examination. We hope that this practice examination helped to successfully prepare you for your examination. As a career Law Enforcement and PI professional myself, I know how crucial it is to pass the examination so you can begin practicing your profession. Good luck in your career as a PI and be safe.

If you have any questions regarding this practice examination or have comments or recommendations for how to make this product better please do not hesitate to E-Mail us at: contactus@pi-prep.com We take your comments, recommendations and constructive criticism very serious.

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PRACTICE TEST QUESTIONS

- 1) Has a government agency violated LA R.S. Private Investigators Law if they hire U.S. Federal Officers to conduct background investigations in LA, none of whom are licensed investigators? (LA R.S. 3503.(8)(b)(ii))
 - a. Yes, the Federal Officers must follow the state rules when in the state. They will be issued a temporary PI licenses for this purpose.
 - b. Yes, the Federal Officers must hire PI's licensed in LA before they can conduct background investigations.
 - c. No, the Federal Government is exempt under the Private Investigators Law when they are performing duties for the U.S. government.
 - d. No, as long as they hire a LA PI to work alongside them.

- 2) Harley Magnum is a retired detective with the New Orleans, LA Police Department. While a detective, he worked in the White Collar Crime unit where he specialized in financial auditing and money laundering schemes. Due to his position in the PD, he was a CFE (Certified Fraud Examiner). Each year he must undergo training in order to keep up his CFE license. Can Harley Magnum use his training as a CFE towards his continuing education requirements? (LAC 46: LVII Chapter 5: 518)
 - a. No, this would be considered in-service police training and not acceptable by the board. In order for this training to be acceptable he needs to reapply as a CFE without his police affiliation.
 - b. No, you cannot carry over hours for renewal while a police officer, even if retired, to the public sector, i.e. PI licensure.
 - c. Yes, CFE is a professional organization recognized by the Board and therefore Harley Magnum can use CFE training towards his PI renewal license as long as the Board had provided approval.
 - d. No, the CFE program is only available to Law Enforcement and therefore not recognized by the Board.

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- 3) Harley Magnum was hired by the ABC Company because they feel they have a drug problem in the workforce. They've taken many steps, to include a company urinalysis program, but nothing seems to help identify those involved in this illegal activity. Harley Magnum solicited the assistance of a friend of his, who believes would be great to work undercover and infiltrate the group suspected of being involved in drugs. The individual in this undercover capacity is, however, not a licensed Private Investigator. Is that a violation of the LA Private Investigators Law? (LA R.S. 3503.(8)(b)(v))
- a. Absolutely. They must be licensed. Only the local, state or federal law enforcement agencies can conduct undercover operations with unlicensed individuals.
 - b. Absolutely not, this is one exception to the Private Investigators Law where a licensed Private Investigator can sponsor a non-licensed individual.
 - c. Absolutely, if the company wants to engage in undercover practices they must involve the local police department and initiate a criminal complaint. If not, they are criminally liable if something happens.
 - d. Not as long as the person they have in the undercover capacity is placed on the payroll, no matter for what period of time, to conduct this investigation. This way, they fall under the exemption of an internal investigation.
- 4) Taking notes is critical in any PI investigation. Notes are usually taken to document critical facts that will later be reduced to a statement or will be used to write a report for the client. Once notes are used, should they be maintained or destroyed? (Chapter 9 I).
- a. Notes should be maintained in the case file at all times. They are discoverable and can be entered into evidence in a civil and/or criminal case.
 - b. Notes are exactly that, notes. They can either be destroyed or maintained in the case file. Notes are not discoverable as the written report usually contains all of the facts and circumstances whereas the notes are cryptic and often are illegible to anyone but the author.
 - c. There is no law against destroying your notes. That is the best course of action for a PI. Do not take the risk of providing additional information to a defense attorney who can use the notes to discredit you, your report and ultimately your investigation.
 - d. Handwritten notes should be typed up so they are legible and the original notes can then be destroyed. Some staple the original notes to the typed version. This is permissible but not necessary.

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- 5) How many members comprise the LA State Board of Private Investigation Examiners?
(LA R.S. 3504 B)
- 3
 - 5
 - 7
 - 9
- 6) According to the PI Rules and Regulations all individuals providing continuing education on behalf of the Board must meet one or more of the below requirements except what? (Policies and Procedures for Training and Education manual, Section C – 2.a.)
- Be a licensed Private Investigation with at least 3 years of relevant and continuous work experience.
 - Be a licensed Private Investigator with at least 3 years of supervisory experience.
 - A licensed attorney
 - An individual approved by the board who possesses a particular relevant skill
- 7) Harley Magnum was called by Jane Smith to conduct a surveillance on her husband John who she believes is cheating on him. One week has passed and John Smith, unbeknownst to him that his wife hired Harley Magnum, called to hire Harley Magnum to represent him as well as he too believes his wife is cheating on him. What should PI Magnum do? (LAC 46:LVII Chapter 7:711)
- Harley Magnum needs to tell Mr. Smith that his wife has already hired him to represent her on another matter and therefore cannot accept his case.
 - Harley Magnum is under no obligation to tell Mr. Smith that his wife has already hired him and therefore should accept the case.
 - Harley Magnum needs to obtain contact information from Mr. Smith then call Ms. Smith to apprise her that Mr. Smith also wishes to hire him as a PI.
 - Harley Magnum must apprise Mr. Smith that he cannot accept his business at this time and might referred Mr. Smith to another PI.

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- 8) The XYZ law firm was hired to defend a client charged with murder. They are currently looking for mitigation experts in support of their defense. They hire a clinical psychologist to conduct interviews, review evidence, and provide testimony in court proceedings. R.S. 37:3503(8) (a) (i-v) specifically says that you must be a licensed private investigator to conduct private investigative work. Will any and all evidence be suppressed because the law firm did not hire a private investigator or agency as their Death Penalty Mitigation Expert? (R.S. 37:3503(8)(b)(i-x)).
- Yes, since the clinical psychologist is not a Private Investigator all evidence collected will be suppressed and cannot be used.
 - No, as long as the expert was hired by an attorney or appointed by the court the clinical psychologist does not require a license.
 - No, but the exemption has one requirement that the clinical psychologist has a licensed private investigator with them at all times.
 - Yes, a defense attorney cannot hire an expert, the expert must be provided by the state. The attorney however can request the state authorize such an expert or the expert must be a full time employee of the attorney.
- 9) The U.S. Government recently hired the XYZ Private Investigative Agency out of Washington, D.C. to conduct background investigations for a local military installation. They flew down 20 Federal Investigators, none of whom have a license to practice in Louisiana. Can the State of Louisiana deny access to these investigators and or require them to first obtain a Louisiana Private Investigators License? (R.S. 37:3503(8)(b)(i-x))
- Yes, the government employees have no jurisdiction in the state of Louisiana.
 - Yes, the state is liable for actions of these investigators and therefore the state can require them to obtain a license to prove competency.
 - No, the federal government is exempt from this rule. They can hire investigators as long as they are working on the governments behalf.
 - Yes, but they usually look the other way because it's the U.S. Government and they need monetary support.

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- 10) Betty Sue, a newly licensed PI was involved in her first high profile investigation looking into illegal practices of the ABC Company. While out in a bar one day she talked about her first big case with the bartender when she identified the ABC Company by name. Within earshot of this discussion was an officer of the ABC Company who files a complaint with the Board. (LAC 46:LVII Chapter 7.709(a)).
- Betty Sue was talking to the bar tender in general terms and did not provide any real facts; therefore the complaint would be invalid. Betty Sue might get a verbal reprimand from her agency.
 - The Board could discipline Betty Sue for violating the company's confidentiality agreement. It is clearly stated that an investigator cannot reveal information about a client even if the client is a company.
 - Although Betty Sue was wrong to discuss the case, it's the "Private Investigative Agency" who employs Betty Sue that is held accountable and not Betty Sue.
 - The rule pertains to Betty Sue's intent when she divulged the sensitive data. Although the ABC Company representative knew she was talking about their company, she did not mention what the investigation was about. Therefore, her intent was not to divulge sensitive information that could lead anyone to know what the case was about which did not violate the regulation.
- 11) The government agency who governs Private Investigators activities in the state of LA, for the purpose of this examination, is called the Board. What is their actual title? (LS RS Chapter 1 page 1 of the Course Manual)
- Louisiana State Board of Private Detectives and Polygraph Examiners
 - Commission of Private Investigations Board and Examiners
 - Louisiana Board of Polygraph Examiners and Private Investigators
 - Louisiana State Board of Private Investigators and Examiners
- 12) How long is the term for the Chairperson and Vice Chairperson who sits on the LA State Board of Private Investigator Examiners? (LA RS 3505 A.(6))
- 2 years
 - 3 years
 - 4 years
 - 5 years

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- 13) Biological Evidence such as blood, body fluids and tissues samples have the highest probability of being destroyed or tainted if not handled correctly at the scene and during transportation. What is the best method for transporting and maintaining perishable evidence such as body fluids? (Chapter 8 III A.)
- Always place and store in a plastic bag. The baggie will keep the fluid from cross contamination and will keep the fluid moist.
 - It's okay to transport fluids in a plastic bag but, it should be removed from the plastic bag as soon as possible, air dried to prevent contamination and place in a paper bag so it can breathe.
 - Never ever use plastic bags as it will spoil the contents in a matter of minutes. Only use paper bags to transport body fluids.
 - You should always use both. You first place the body fluids in a paper bag to preserve the evidence then in a plastic bag to prevent cross contamination.
- 14) Harley Magnum is a retired Louisiana police Officer. During his time on the force he became friends with an attorney who works for a large firm with 10 attorneys. To help supplement his retirement income all of the attorneys use Harley Magnum because he was an experienced investigator. He is not a full time employee, but works as a contract consultant on an as needed basis. Harley Magnum, after 6 months and about 30 cases later, decides to get his Private Investigators license. Will he be able to get his license? (R.S. 37:3503(8)(b)(i-x)).
- Harley Magnum should be able to obtain his license as he has committed no violations of the Louisiana PI laws? Because he was a former law enforcement officer the PI laws do not apply to him.
 - This is one of those Exceptions to the rule. Harley Magnum will have no problem getting his Private Investigators license. Each time he was employed as a contract consultant he was exempt by regulation as he was considered an employee of the attorney.
 - The exception only applies to individual attorneys and their employees. Harley Magnum would not be considered an employee. Therefore, Harley Magnum is in violation and he will not be authorized to obtain a license. In addition, he can be prosecuted criminally for practicing without a license.
 - Harley Magnum would be able to obtain his license after providing the Board with an application to become a private investigator and pay a fine of \$500.00.

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- 15) An insurance company hired an expert on aircraft mishaps to conduct an investigation in LA following an airplane crash for the purpose of determining a monetary value or settlement of personal injuries on behalf of their client. Does LA require the expert to be a licensed PI in LA? (LA R.S. 3503 (8) (b) (i))
- No, they have not violated The Private Investigators Law when providing services or expert advice that is within the scope of their professional license.
 - No, but they need to purchase a special license from the State of LA providing their qualifications and buy insurance to cover any malpractice.
 - Yes, the company must hire a local PI investigator who specializes in plane mishaps.
 - Yes, unless they hire a LA PI agency to accompany them and help with the investigation.
- 16) Each of these individuals, except one, are members of the State of Louisiana Board of Private Investigator Examiners. (LA RS 3506)
- Executive Director of the Board
 - Licensed Attorney
 - Chairperson
 - Vice Chairperson
- 17) A company in Baton Rouge hires two full time employee's to conduct background investigation on company employees and to conduct internal investigations for the company. Do they need to be licensed investigators per the LA Private Investigators Law? (LA RS. 3503.(8) (b) (viii))
- Whether internal or external, there is no difference. You must have a PI license to conduct any investigations. It's to ensure standardization of the entire licensing body.
 - No, this is one of the exceptions; employee's working solely for an employer conducting internal company investigations do not require a license.
 - Yes, at the very least they must hire a PI firm to act in a consulting manner to ensure all investigations are conducted appropriately.
 - No they don't as long as they provide results of their investigations to the state board 30 days after the investigation is complete.

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18) A PI was hired by a client to get a photograph, by any means, of a man who works in an office downtown. The client did not provide a reason; just that he needed a photograph by any means possible. There was one other stipulation. The client did not want the person to find out who he was and that he asked for a photograph to be taken. The PI stopped the man on the street and flashed his credentials and badge and said he was a detective from the local police department and that the man fit the description of a bank robber and the detective needed his photograph to show the bank employees. The man, knowing he was innocent and believing the PI was a detective, voluntarily allowed the PI to take his photograph. The PI took the photograph and left; later giving the photograph to his client. The Board found out about this and fined the PI and suspended his license for 1 year. (LAC 46: LVII Chapter 7: 719)

- a. The PI was acting on behalf of his client and therefore he was not in violation of Board rules and regulations. The Board erred in punishing the PI.
- b. The PI violated Board rules and regulations by impersonating a police officer. The Board's decision was justified.
- c. Just saying you are a detective does not violate the Board's regulations, it would have only been a violation if the man being photographed asked for a business card and the PI documents that he is a detective.
- d. Verbal communication is not a violation. The PI would have had to have credentials to say he was a detective. The PI can't help it if the man did not take the time to read the credentials.

19) Harley Magnum was asked to wiretap a suspect's phone for a client and listen to and record the conversations. Harley Magnum refused and was fired. Does Harley Magnum have any recourse to get his job back? (Investigators Course Manual Chapter 4 page 253)

- a. No, Harley Magnum was working within the laws of the state and cannot refuse to conduct logical leads. He was rightfully terminated.
- b. Yes, Harley Magnum can notify the suspect of the case who in turn can call the State Attorney and file a civil rights action.
- c. Yes, Harley Magnum can notify the Board who in turn will conduct an investigation.
- d. Yes, Harley Magnum should advise the client personally that he could go to jail for illegal wiretapping and should tell his boss to stop this action and give him his job back.

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20) The Board received several complaints from students attending the ABC Training Academy relative to misleading representation on the part of the academy. In particular, the Academy has been telling the students each class is worth 2 credit hours and they are paying for 2 credit hours, but the Board is only authorizing 1 credit hour per class. Can the Board take any action? (Policies and Procedures for Training and Education manual Section "B" 4.a)

- a. Yes, the Board can withdraw the programs approval to be used as a continuing education program.
- b. Yes, the Board can take action, but not until the schools two year contract has expired.
- c. No, the Board can take no action. They can only approve education programs and take action against licensed PI's, Companies, and Agencies. They have no authority over education programs. They would need to get help from the Louisiana Department of Education.
- d. Yes, but only as so much as to advise the education program that they must lower their credit hours per student and provide refunds for those students who already have taken the class.

21) What does not need to be on a Registration Card? (LAC 46:LVII Chapter 5:515)

- a. The name of the employer
- b. Employee Driver's License Number
- c. Office Telephone Number
- d. Photograph

22) Per Rules and Regulations contracts for work conducted by PI's are required to be maintained in the case file for how many years? (LAC 46: LV99 Chapter 7:717)

- a. 2 years
- b. 3 years
- c. 4 years
- d. 5 years

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- 23) As long as you meet the requirements by the Board to obtain your license, you can apply for a license and conduct investigations on your own. You are not required once you obtain your "Private Investigators License" to be employed by a licensed PI agency. True or False (3507.2.C)
- 24) Does each board member, excluding the attorney, need to be a licensed private investigator? (LA RS 3504 B.)
- Not initially, but they need to obtain their license within 100 days of being appointed to the board.
 - Yes, except when the board was first established, all board members must be licensed private investigators in good standing with the state of LA.
 - No, they only must be a resident of the district in which they will represent the board.
 - They are not required to be a licensed PI if they are appointed directly by the Governor.
- 25) A famous PI to the stars is licensed in LA and is a big LSU Football fan. While vacationing in Florida he goes to a LSU/University of Florida football game. During the game he gets in a fight and beats up a UF fan. The PI is arrested for assault and taken to jail. The arrest makes national news because of who he is. LA has a law for minor cases that allows the victim of a crime to be compensated in lieu of pressing formal criminal charges. The PI's attorney advises his client to pay the UF fan \$12K in damages not to press charges, which he does. The case is closed and all legal proceedings are stopped. He is not convicted of a crime, but must the PI still report this incident to the Board? (LAC 46: LVII Chapter 7:725)
- It is only a violation if the PI is convicted of a crime. Therefore you are not required to report the incident.
 - It is a violation of LSBPI where the PI committed an act of violence and force on another person when not in the performance of his duty. It should be reported to the board.
 - This was self-defense and it's not applicable to PI Law.
 - The PI needs to report the incident to the Board and have them determine if any adverse action will be taken.

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26) There are steps in a certain order that should be taken when documenting evidence.

Which order below is the correct order of documenting evidence? (Chapter 8 II).

- a. Video, Photograph, Collect
- b. Photograph, Video, Collect
- c. Video, Photograph, Collect, Video again
- d. Photograph, Collect, Video (Document how you left the place in case a complaint is made that you destroyed, stole or broke personal items)

27) All prospective Private Investigators supply fingerprints to the Board at the time of their application. One of the reason to submit fingerprints is to conduct local and national criminal history checks. What agency(s) does the Board use to conduct national criminal history checks? (R.S. 37:3507.1E)

- a. None, The Board maintains the fingerprints on file and will only use them if the Private Investigator is charged later with a crime.
- b. The Board only utilizes the Federal Bureau of Investigations (FBI).
- c. The Board uses the local city police department. They submit the prints to the FBI.
- d. The Board uses both the Louisiana Bureau of Criminal Identification and Information and the FBI.

28) One main difference between qualifying to be a “Training Course Instructor” and a “Supplemental Instructor” is what? Which statement is most accurate to highlight that difference? (Policies and Procedures for Training and Education manual Section “A”).

- a. A Supplemental Instructor only needs a two year college degree or two years’ experience as a police officer.
- b. The Supplemental Instructor is not required to have experience as a PI as long as they have the educational background and are certified by the Board.
- c. A Supplemental Instructor cannot teach the 40-hour PI course. They can only assist with Continuing Education classes.
- d. A Supplemental Instructor must be a licensed Private Investigator, but they can only teach certain classes. They cannot teach law or ethics.

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29) The XYZ Private Investigative Agency frequently advertises in the local paper to solicit Private Investigative business. Within their advertisements they include their license number, the types of investigations they conduct, that the Board endorses the agency, and that they go the extra mile to resolve all issue. What, if anything in their advertisement is improper?

- a. No one should have an objection to the advertisement. As long as their license number is listed in plain sight there are no violations.
- b. The advertisement cannot say the Board endorses the agency, this is a direct violation of policy unless you have a written endorsement by one of the board members.
- c. Under no circumstances can the Board endorse an agency.
- d. Although the Board does not officially endorse any agency, they will take no action when this happens.

30) Who appoints the members to the Louisiana State Board of Private Investigator Examiners? (3504.B.)

- a. The Executive Director of the Board
- b. The State of Louisiana Governor
- c. Elected by peers
- d. Attorney General of Louisiana

31) The Board requires ___ sets of fingerprints to be submitted with each application? (LA RS 3505.F. (2))

- a. 1
- b. 2
- c. 3
- d. 4

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32) Harley Magnum is a friend of an attorney group called “Shyster and Shyster.” They are known for their ambulance chasing habits. They make unsubstantiated claims all the time on their advertisements. They make reference to Harley Magnum and that they use his agencies services to investigate all claims when in fact Harley Magnum only loaned his name for a fee of \$1,000.00 a month to give the appearance of professionalism. Harley Magnum does not feel comfortable with this, but feels as long as his company does not really work cases, the worst that can happen is the attorneys are accused of false advertising. What, if anything, can happen to Harley Magnum’s company?
(Ethics and Private Investigators Laws Section VII)

- a. This is a clear violation of misconduct on the part of Harley Magnum. He can lose his PI license and his company PI license to do business.
- b. Although in some instances it might appear unethical, the Board can take no action since neither Harley Magnum nor his company took business from the law group. Simply lending his name is no violation.
- c. It is only a violation if Harley Magnum is fully aware that the attorneys are engaging in unethical practices. He does not know if this is happening as has never discussed their business practice or their cases.
- d. This is a clear violation and misconduct on the part of Harley Magnum because he accepted money. If no money would have changed hands there would have been no violation.

33) As it pertains to Board rules and regulations, a Conflict of Interest exists during all but the following circumstances? (1175-4.05)

- a. Compensation is collected from more than one party for the same investigation.
- b. A business association that could influence the quality of the services.
- c. Failure to devote oneself to the clients cause.
- d. Failure to divulge an ongoing lawsuit against the company.

34) A Certified Training school must submit all but the following document(s) to the Board when applying for a license. (Policies and Procedures for Training and Education manual Section “B” 2)

- a. Notarized Statement that each instructor meets the qualifications
- b. Lists of Courses of Study
- c. Résumé outlining qualifications
- d. Owner of the school

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35) Harley Magnum has three investigators working in his agency. Jim Jones has 3 years' experience as a PI and 5 years as a correction officer in the State of Florida; Jane Smith was a legal clerk for an attorney for 10 years and has been a PI for 2 years; Peter Tail has 8 years as an Army Ranger and 1 year as a PI and finally Harley Magnum has 9 years' experience as a PI and 10 as a city police officer. If Harley Magnum was to advertise in the local paper and put down his companies experience how many years of experience can he claim? (LAC 46: LVII Chapter 7: 731)

- a. He can claim a total of 48 years of experience as long as he points out that it's a combined total of all of his employee's
- b. He can claim a total of 15 years. By regulation he can only use the total years combined for each employee while a private investigator.
- c. He can claim a total of 33 years. You can include time as a police officer and a member of the military.
- d. He can claim a total of 25 years. The only exception to this regulation is time as a police officer.

36) Harley Magnum was hired by the ABC Company to investigate an employee who is out on workman's compensation. The Company believes the employee is faking their injuries and is working on the side, which is a clear violation. The ABC Company told Harley Magnum to take as much time as needed to collect enough evidence to prove a fraudulent claim on the part of the employee. Within the first day, Harley Magnum collects all the evidence needed to prove fraud, but charges the company for one weeks' worth of work. Has Harley Magnum violated any of the Boards rules and regulations. If so, why? (LAC 46:LVII Chapter 7:725)

- a. There is no violation. As a Private Investigator working for himself, he can charge whatever he likes. If the ABC company does not like the charge they can simply not hire him again.
- b. Yes, this is a clear violation and misrepresentation of work provided. He misrepresented the work completed for the client.
- c. No, since there was no stipulation as to the number of hours worked and no stipulation to a charge cap, Harley Magnum can charge what he wants.
- d. Yes, this might be a violation only if he charges by the hour. But since he charged for the entire job, the company will never know.

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37) Under Federal law, in particular the 4th Amendment and REOP (Reasonable Expectation of Privacy) rules, while working on a case, can you enter a suspect's residence during the performance of your investigation? (Chapter 12 A. Search and Seizure)

- a. As a PI it is never permissible to enter someone's private residence unless invited inside?
- b. Yes, as long as you were given permission by the client and the client has reason to believe that the person you're looking for has a warrant for their arrest.
- c. Yes, but the door must be unlocked. You cannot force open a door.
- d. No, but you can stand outside and look in the window. If you see what you're looking for you can go inside.

38) Harley Magnum frequently advertises in the local paper to attract business. In the advertisement Harley Magnum lists his qualifications, background and experience. Some of his qualifications are overinflated, but it he does help to attract more business than his competitors. His competitors complain to the Board that Harley Magnum is using deceptive advertising. Can the Board take action? If so, for what? (LAC 46: LVII Chapter 7:731)

- a. Harley Magnum has committed no violation. It will only be a violation if he accepts a job making a claim to the client that he is qualified to conduct a certain investigation when he is not. Advertising alone does not constitute a violation.
- b. As long as Harley Magnum discloses to the client that his advertisement is misleading, there is no violation. It will be up to the client to use Harley Magnum or not. Therefore, the Board cannot take action at this time.
- c. Only the client can make a complaint. Neither his competitors nor the Board can begin action against Harley Magnum without a formal client complaint.
- d. The Board can review Harley Magnum's file. If he failed to include professional certificates backing up his claims of professional qualifications the Board can take action and potentially revoke Harley Magnum's license.

39) A Private Investigators license is valid for how many years? (3517.A)

- a. 1 year
- b. 2 years
- c. 3 years
- d. 4 years

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- 40) Harley Magnum has been working on a case for the ABC Company for the past month. It is clear to Harley Magnum that the subject of his investigation is not involved in the activity for which the ABC Company hired him. Harley Magnum feels however that the employee, if investigated further will do something wrong. What should Harley Magnum do? (LAC 46:LVII Chapter 7: 725)
- Harley Magnum is required by regulation to notify the company that a successful resolution is not likely.
 - Harley Magnum can continue the investigation for another 10 days, and then if nothing surfaces he must notify the company.
 - Harley Magnum can continue the investigation as long as the client does not tell him to stop. He is not required to notify them as long as he feels the employee will eventually do something wrong.
 - It's up to the company to sever the relationship with Harley Magnum. Until such time, Harley Magnum, as long as he is working the hours billed, can continue to investigate the employee.
- 41) Jennifer Jones recently hired a nanny to watch her two young children. The nanny was given a car to use by Ms. Jones to run errands and to transport the children to school and after school activities. The nanny is not suspected of any wrong doing, but Ms. Jones hired Harley Magnum to install a GPS tracking device to ensure the nanny was a careful driver and that she used the car as it was planned. After two weeks of employment the nanny was fired because the GPS tracking device showed that she frequently exceeded the posted speed limit and therefore Ms. Jones thought the nanny was a safely risk to her children. The nanny sued Ms. Jones for civil damages in the amount of \$10,000.00 and wants Harley Magnum to lose his PI license. Does the nanny have a case? (Investigators Course Manual Chapter 4 page 254.)
- No, although some forms of GPS tracking is a violation of the 4th amendment, Ms. Jones placed the GPS device on her private vehicle for the purpose of tracking the movement of her children while in the care of the nanny.
 - Yes, this is a clear violation of the 4th amendment right to privacy as outlined in U.S. vs. Knotts. The PI should have known better and could lose his license. More than likely Ms. Jones will not be culpable since she relied on the advice of Harley Magnum.
 - Yes, but only because the GPS tracking device was used even when the children were not in the car. Otherwise, it would have been perfectly legal.
 - No, a GPS device is not considered an "Electronic Device" under these conditions and therefore the 4th amendment does not apply.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

42) Harley Magnums license is about to expire. In order to renew his license, is Harley Magnum required to complete any training requirements? (LAC 46: LVII Chapter 5:518)

- a. No, Harry only needs to submit his \$50.00 renewal fee. Training is only required every 3 years.
- b. Yes, Harry must be able to show evidence to the Board that he completed a minimum of 8 hours of training prior to renewal.
- c. Yes, Harry must complete a minimum of 8 hours. The Board will require documentation only upon request if they have a question or a complaint that Harry supplied false information on his application.
- d. Yes, Harry must complete 10 hours of training, but do nothing more.

43) Betty Sue retired from the IRS and started her own business as a forensic auditor about a year ago. Her accounting skills have come in handy over the past year as large banks are hiring her to obtain financial ratings for clients applying for large loans. (R.S. 37:3503(8)(b)(i-x)).

- a. Betty Sue needs a Private Investigators license to conduct her business because she is conducting an investigation.
- b. Betty Sue needs to contact the Board and obtain, for a fee of \$125.00, an "Exception" agreement document stipulated she won't conduct criminal investigations.
- c. Betty Sue needs to contact the Board and obtain, for a fee of \$125.00, a letter which states Betty Sue works directly for a bank. She is therefore considered an employee for the purpose of running these financial rating cases which is an authorized exception to the rules.
- d. Betty Sue needs to do nothing as she is only in the business of supplying financial information on individuals.

44) Before an applicant is awarded a license there are investigative steps conducted by the Board to ensure the applicant meets the basic requirements. Which of the following checks is not part of the Boards background check? (Investigator Course Manual)

- a. Examination of Fingerprint to determine if the candidate has a criminal record.
- b. Checks to determine if the applicant has been deemed incompetent or committed to a mental institution.
- c. Any investigation deemed necessary by the department.
- d. Finally, a urinalysis test.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

45) Does an attorney working in the regular practice of their profession need a license to conduct private investigations? If so, what type do they need? (3503.(8)(b)(iv))

- a. Yes, LA RS 3500 clearly states there are no exceptions for attorneys. The attorney MUST obtain a PI license if he/she will conduct or manage investigations during the course of their practice.
- b. No, this is an exception to LA RS 3500. The only requirement is that the attorney is licensed to practice law.
- c. No PI license is required, but the attorney must have a licensed PI on staff to conduct the actual investigation. The attorney is authorized to manage and run the investigation through the licensed PI.
- d. Yes, a special license just for attorneys is required. Simply pay the \$150.00 licensing fee to the Board. The license is good for 3 years.

46) A PI is not a law enforcement officer, but they can make arrest under certain circumstances. What are those circumstances? (Chapter 12 II.)

- a. A PI is never authorized to make an arrest. Case law has shown that a PI who has attempted to arrest anyone has been charged with kidnapping and false imprisonment. The mere holding one person against their will is false imprisonment.
- b. The PI has the same authority as a private citizen and can make an arrest for a misdemeanor committed in their presence or a felony whether committed in or out of their presence.
- c. A PI has the same authority as a private citizen. However, they can only make arrests when a felony crime has been committed. This crime could have taken place in or out of their presence.
- d. A PI can only make an arrest if they are accompanied by law enforcement. A PI should not put themselves in a position to make arrests anyway. Most PI's do not have the training, expertise or tools to make a safe and lawful arrest.

47) There is no need to post, in a conspicuous place, a Company license for a branch office. This is only a requirement for the main office. Many branch offices are working incognito and doing so would blow their cover.

True / False (LA: RS: 37:3512 A.)

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

- 48) Louisiana has several independent reciprocal agreements with specific states. Some have different requirements than others. Some have Full reciprocity while others have limited. For the most part, what is the consistent requirement of both types of agreements? (LA Reciprocity Agreements)
- The case must have originated in the state seeking reciprocity.
 - The PI is restricted to work in LA for a 15 day period for each case.
 - The PI needs permission from LA in order to work in the state.
 - The PI is limited to three separate cases per year.
- 49) While on Surveillance Harley Magnum was sitting in his van outside the suspect's residence peering through the front bay window. He was able to see two people standing embracing, but he was not able to make out facial features so he took out his camera with a telescopic lens and took several photographs. The pictures clearly depicted the suspect with another woman, not his wife. Later in civil court the husband's attorney argued that the husband's 4th amendment rights were violated when Harley Magnum had to use an electronic device to enhance what he could not see with the naked eye. Was the husband's attorney's argument successful to suppress the photographs from being entered into evidence? (Investigators Course Manual Chapter 3 page 160)
- Yes, Katz vs. United States clearly articulates that this is a "Trespass" via electronic Surveillance.
 - Yes, since they were in the privacy of a home and therefore a violation of their 4th amendment rights to privacy.
 - No, activity in an open window, even a private dwelling, first observed with the naked eye can be enhanced with electronic devices such as a camera with a telescopic lens.
 - No, this is not a violation only because the woman with the husband has no expectation of privacy. If it were just the husband no photographs could have been taken.
- 50) How old must you be to apply for a Private Investigative license? (3507 A.(1)-Actual Age is listed on the Website under Qualifications)
- 18
 - 19
 - 20
 - 21

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

- 51) In most instances you are required to be a U.S. Citizen before you can apply for and obtain your Private Investigators license. What is one of the ways you can obtain a license and not be a U.S. Citizen? (LA:RS:37:3507 A.(2))
- You can petition the U.S. Bureau of Citizenship and Immigration Services.
 - There is no such thing; you must be a U.S. Citizen.
 - You must be a resident alien.
 - You must have been an illegal alien for more than 10 years and have paid your state and federal taxes.
- 52) Harley Magnum conducted an interview of a witness to a crime. He took a statement of facts and notarized the statement for potential use later down the road by authorities. The statement was taken on behalf of his client, the XYZ Bank and Trust Company. The statement outlines how he witnessed the suspect taking money out of the cash register from the bank. What type of evidence would this be considered? (Chapter 3 F.)
- Material Evidence
 - Direct Evidence
 - Circumstantial Evidence
 - Real Evidence
- 53) Harley Magnum was conducting a free consultation in his office pertaining to a domestic case where the wife believes the husband is cheating on her and she wants to record his private conversations with the suspected husband's girlfriend. What should Harley Magnum advise the prospective client? (Title 18 USCA Section 2511 (2) (a) (ii) (d).
- He is unable to record conversations between her husband and the alleged girlfriend without one of them providing permission.
 - He is able to record the conversations as long as they are conducted on the telephone in the home. The home phone has no expectation of privacy.
 - He is able to record the conversation as long as the wife is covertly listening to the conversation on a third phone in the house. All she needs to do for this to be legal is to confirm that one of the people on the phone is indeed her husband.
 - He must tell her he cannot record the conversation without the authority of the local police department.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

54) Harley Magnum is sponsoring an Apprentice. How long can the Apprentice hold an Apprentice license? (LAC 46: LVII Chapter 5: 512 B.)

- a. 1 year
- b. 2 years
- c. 3 years
- d. Indefinitely

55) What does **NOT** apply to sponsoring an apprentice? (LAC 46: LVII Chapter 5: 512)

- a. The Sponsor must submit the notice of intent to sponsor the apprentice.
- b. The Sponsor can sponsor up to 10 apprentices.
- c. The apprentice must be directly supervised by a licensed investigator.
- d. The Sponsor is responsible for all training.

56) If you lose your license do you need to pay for a replacement? (LAC 46:LVII Chapter 5: 517(2))

- a. No, as long as you can show that it was lost in the line of duty.
- b. Yes, the fee is \$25.00.
- c. Not if it's the first time you've lost the license. You must pay for all licenses after one free replacement.
- d. Yes, but only if it's a Company license.

57) What is the difference between the 40-hour and the 8-hour training class? (Policies and Procedures for Training and Education Section "F")

- a. The difference is the school that provides the training. You need specialized training and instructors to provide the 40-hour class.
- b. The difference is if you are getting your license for the first time or renewing your license.
- c. The difference is with the instructor. Only Board approved instructors working for an accredited LA university can provide the 40-hour training.
- d. The difference is the type of classes provided. The 40-hour class must be given in 5 hour blocks while the 8-hour course must be given all on the same day.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

58) Harley Magnum was caught drunk by his supervisors of the ABC PI agency. During an interview with his boss Harley Magnum told him that he believes he is an alcoholic and needs assistance. As a result of this conversation will Harley Magnum lose his license? (LAC 46:LVII Chapter 7: 731)

- a. Because Harley Magnum was caught by his boss on the job, the Board requires the agency to report Harley Magnum, who in turn will suspend Harley Magnum until he can prove he is no longer abusing alcohol.
- b. Harley Magnum has the option to notify the board of his substance abuse and obtain the required assistance from a substance abuse facility without adverse action being taken.
- c. Harley Magnum is required to notify the Board or face disciplinary action. Harley Magnum will have his license "Suspended" without penalty until he completes his treatment. He cannot work because he is a liability.
- d. Harley Magnum's agency must notify the Board and guarantee that Harley Magnum will not be authorized to conduct investigations on his own, but must be with another PI at all times until he can prove he graduated from a substance abuse facility.

59) "Board" for the purposes of Louisiana Code of Private Investigations means: (LA.RS.37:3503(2))

- a. The Louisiana Private Investigation and Polygraph Commission.
- b. The Louisiana Board of Safety, Law Enforcement and Examiners.
- c. The Louisiana Board of Public Safety and Corrections.
- d. The Louisiana State Board of Private Investigator Examiners.

60) A person or Agency has how many hours/weeks to surrender to the board their license after it has been revoked of the license holder is no longer in the business? (3512 C.(1))

- a. 72 hours
- b. 2 Weeks
- c. 100 hours
- d. 3 weeks

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

61) Mr. Jones suspects his secretary of stealing his identity and obtaining credit cards which she has used to purchase over \$10,000.00 in merchandise. He does not have enough evidence to file a police complaint so he hires Harley Magnum to conduct an investigation with hopes of finding evidence to bring to the police. Harley Magnum begins by conducting a late night trash pull of the secretaries' personal trash from her residence. Harley Magnum waits until midnight and takes the secretaries trash from the side of her residence. While looking through trash he finds credit card statements with Mr. Jones' name on it. He returns at 3 a.m. and returns the trash, less the incriminating evidence. The next day Mr. Jones goes to the police department and turns over the evidence. The police subsequently bring in the secretary, and, faced with the evidence presented before her, admitted culpability and is arrested. Will the secretaries' admission be admissible in court? (Investigator Course Manual Chapter 4 page 254)

- a. Yes, based on the court case of California v. Greenwood taking someone's trash is permissible from any location outside of the interior of the dwelling.
- b. Yes, but only because Harley Magnum return the trash. Otherwise, it is illegal to remove the entire contents of the trash from the side of her residence.
- c. No, Harley Magnum trespassed on the secretaries' property by taking the trash from the side of the home. He needed to wait until the trash is placed on the curb or another common area accessible to the public.
- d. No, based on the court case of California v. Greenwood, the evidence obtained from the trash needed to be submitted by Harley Magnum and not Mr. Jones. Mr. Jones was not an eye witness and therefore the evidence obtained by the police is considered tainted as there was no chain of custody.

62) The ABC Company had a fire over the weekend and their building was destroyed. The DEF insurance company flew in an insurance investigator from GA to conduct a fire investigation regarding the insurance claim. The insurance investigator is licensed and trained in fire investigations, but does not have a LA Private Investigation license or even a Georgia Private Investigative license to be able to claim reciprocity. Can the investigator conduct his investigation? (3503.(b)(i))

- a. No, by regulation, this must be a LA fire investigator or a local insurance adjuster.
- b. No, by regulation, the insurance investigator has no authority in LA to conduct an investigation.
- c. Yes, this is an exception to the chapter; the fire investigator is providing expert advice for which he/she has been trained.
- d. Yes, but before he/she begins their investigation the insurance company must hire a local PI agency to act as their intermediary.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

63) Harley Magnum apprentice was left in the office alone to finish up some paperwork. An individual walked into the office seeking to hire Harley Magnum's agency to conduct a surveillance on a workman's compensation case. The apprentice started to fill out the contract and closed the deal. They begin working on the case the following day. (Page 11 Chart of the Ethics 7 Private Investigators Law manual)

- a. The apprentice has no authority to enter into the contract with the customer. The Board can revoke Harley Magnum Apprentice license for this violation.
- b. The apprentice has no authority to enter into the contract with the customer, but as long as Harley Magnum reviews and approves the contract within 24 hours there are no violations.
- c. The apprentice is the extended legal arm of Harley Magnum and can enter into a contract, he just cannot work on the case alone.
- d. The apprentice should have called Harley Magnum on the phone and obtained approval before entering into the contract. If he would have notified Harley Magnum beforehand there would be no violation.

64) After one year Harley Magnums apprentice applies for a PI license but is turned down by the board, why? (LAC 46: LVII Chapter 5:512)

- a. He failed to apply for the license 6 months prior to his anniversary date.
- b. He transferred to another agency.
- c. He completed 28 hours of required training.
- d. Harley Magnum was terminated from his agency prior to the Apprentices anniversary date.

65) A licensee who fails to complete the required number of continuing professional education hours each calendar year has how many weeks to comply following the expiration date before their license becomes invalid? (Policies and Procedures for Training and Education Section "C" 1.d.)

- a. 2
- b. 4
- c. 6
- d. 8

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

- 66) Mr. Jones suspects his business partner of embezzling funds from the company. He suspects the partner is transferring large sums of money to a bank in Costa Rica. The partner identifies the bank through company toll records. The PI develops an operational plan to pose as an employee of the Costa Rica bank to discuss the wire transfers in hopes that the partner will make incriminating statements. The PI plans to record the conversation. Is that permissible by law? (Title 15 Louisiana Revised Statutes section 1303 (c) (4).
- No, the partner being recorded did not provide consent to be recorded.
 - No, it is against the law to pose as a bank official in order to obtain incriminating evidence.
 - Yes, but only because Mr. Jones authorized the recording. He is able to consent because they are using an untraceable phone line installed at the business solely for this purpose.
 - Yes, the PI can act as the consenting party and can legally record the conversation.
- 67) A police officer from FL, with permission of his police department, flies to LA to assist an Insurance Company on a case as an expert in industrial toxin spills in order to help the insurance company prepare settlement claims. Does LA require the FL Police Officer to be a licensed PI to work the case in LA? (3503.(b)(i))
- Yes, since LA does not have a reciprocity agreement with FL, they cannot work in LA without the proper licenses.
 - No, this falls into LA Law as an exception to licensure. The police officer is exempt from obtaining a LA PI license as long as the activity has been approved by his or her supervisors.
 - Yes, LA law only applies to federal law enforcement officers.
 - No, but you must have a LA PI helping on the case. The PI must write all of the reports and file them with the state.
- 68) The LSBPIE Board requires that each licensed private investigator receive _____ hours of continuing professional education during each _____ period prior to being allowed to renew their license. (Policies and Procedures for Training and Education Section "C" 1)
- 6 hours each year
 - 24 hours every two years.
 - 8 hours each year.
 - 12 hours every two years.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

- 69) A client walks in and states that they are thinking of hiring a live in Nanny and they want to install covert cameras to video tape all of the common areas in the home. Are they legally bound to inform the nanny of the location of the cameras and that her activities will be recorded before installing them? (LA SR Statute 14:283)
- Yes, the nanny must consent to be recorded. It is no different than audio recording.
 - No, as long as you do not include sound.
 - No, there is no expectation of privacy. As long as you are not recording for lewd and lascivious reasons you can record without the nanny's knowledge and permission.
 - No, but only after obtaining authorization from a district judge.
- 70) A PI is conducting surveillance in downtown New Orleans on a divorce case. He is sitting in his car taking photographs of his clients spouse while on a date. While sitting there he is approached by a police officer who is dispatched to a suspicious person sitting in a car. The PI tells the police officer he's a PI on duty but forgot to bring his license/registration card because he was running late and left it in his desk. The police officer took down his information and called his agency. The agency confirmed he was a PI with them and conducting a legitimate surveillance. Did the PI do anything wrong? (3514.B.)
- No, when on surveillance you never want to carry your PI license/registration card as it could blow your cover.
 - Yes, although he does not need his license while on surveillance, he does need to notify the police department ahead of time when he's going to be conducting surveillance so his cover is not blown and they leave him alone.
 - Yes, the PI violated Board regulations. The PI needs to carry his license/registration card at all time while on duty and conducting PI business.
 - No, as long as someone from the agency can confirm his identify it's okay. The license is supposed to stay at the agency so it's not lost.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

71) Of the qualifications below, which listed qualification would not be used to issue you a training license? (3515)

- a. Is 21 years of age
- b. Holds a two year associates degree from an accredited college or university.
- c. Has at least three years of supervisory experience with an investigative company.
- d. Holds a valid Louisiana Private Investigators License.

72) The ABC PI agency was hired by Mr. Smith to conduct surveillance on Mr. Jones who he thinks is embezzling money from his company. Unbeknownst to the ABC PI agency the local police department is also investigating Mr. Jones on a series of thefts from various companies he works with. When the local police find out that the ABC PI agency has been looking into this matter they demand all evidence and reports provided to Mr. Smith and ask them not to report this disclosure to Mr. Smith to protect the secrecy of the investigation. (709 A.).

- a. Under no circumstances can the ABC PI agency release the reports to the local police department.
- b. The ABC PI agency can provide the reports, only if given permission by Mr. Smith.
- c. Due to the fact it's a law enforcement agency they must comply and they cannot tell Mr. Smith or they can lose their license and be held for obstruction of justice.
- d. The ABC Company can provide information to the police and not tell Mr. Smith only if a judge signs a subpoena and places a gag order on the ABC PI agency.

73) Upon completing your training classes who is responsible for returning the LSBPIE Training Compliance form? (Policies and Procedures for Training and Education manual, Section "C" 2 (b))

- a. The Board Approved Course Instructor
- b. The Board Approved Training Company/Agency
- c. The Private Investigator
- d. The Private Investigator Agency

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

74) A PI is hired to conduct a 24 hours surveillance for a week at a local establishment. The PI's job is to document who comes and goes and document any unusual happenings. As he is only one person, he hired his brother, who is not a licensed PI, to help take an 8 hour shift. He told his brother to simply take pictures and take down license plate numbers, but nothing else. The brother worked for the week on the surveillance and there were no incidents. (R.S. 37: 3501)

- a. Since this is a short term contract the PI committed no violation.
- b. Any person can conduct surveillance on public property, there is no expectation of privacy, and therefore there are no licensing issues.
- c. This is in direct violation and is grounds for disciplinary action. No licensed PI can employ or contract with an unlicensed person or agency.
- d. This is in direct violation only because it's a relative. There are rules against nepotism in the State of Tennessee.

75) An officer of the ABC Agency had his license suspended for three years as a result of a violation. His friend, understanding that he can't work for that Agency anymore, offers him a job with his Agency and he accepts. Is this a violation? (3520)

- a. No, as long as he is not affiliated with the same Agency it's okay.
- b. No, as long as he does not hold a position of officer, he's not violated this chapter.
- c. Yes, the chapter is specific; he cannot work in any capacity by a licensed Agency.
- d. Yes, but it's only in violation if he has not paid all of his fines.

76) Each year prior to renewal the Board requires a certain number of approved training hours be submitted during each license renewal cycle. There is one particular class that must be taught during each cycle, which one is it? (Policies and Procedures for Training and Education Manual, Section "B" 3 a)

- a. Latest PI Laws and Sexual Harassment Sensitivity Training
- b. LSBPIE Updated Rules and Regulations
- c. Client Relations and Morals
- d. PI Laws and Ethics

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

77) A PI in the State of Louisiana is not considered a law enforcement officer and therefore is not controlled by the guidelines and restrictions set by the 4th Amendment (Search and Seizure). Does that mean a PI cannot violate a person's right to privacy? (Chapter 12 A.)

- a. As the PI is not subject to the 4th Amendment they cannot violate citizens' rights to privacy.
- b. PI's, although they are not law enforcement officers, must still follow an individual's reasonable expectation of privacy (REOP) and can be held civilly liable for violating someone's REOP.
- c. The only way a PI can violate someone's 4th Amendment right is when they are working with a local police officer.
- d. PI's are simply citizens with a license issued by the state to conduct investigations. Therefore, they are not bound by 4th Amendment rights or REOP of another. PI's are protected by the state by the virtue of obtaining PI license.

78) Although PI's are not subject to the same strict requirements set forth in the 4th Amendment, it is advisable for PI's to follow the law for all of the following reasons except one (1).

- a. Avoid Civil Liabilities.
- b. Enable a PI to get evidence into civil or criminal court proceedings.
- c. Avoid violating an individual's rights.
- d. Prevent violations of impersonating a police officer.

79) As it pertains to someone's REOP, is the Curtilage considered part of an individual's "Premise"? (Chapter 12 III. Search of Premises)

- a. No, the curtilage is outside of the home therefore there is no REOP.
- b. Yes, the curtilage is considered an extension of the home and would be considered part of the residence.
- c. Yes, the curtilage is considered an extension of the home, but as it pertains to REOP, it does not apply as anything in the curtilage would be considered in plain sight and therefore would not apply to an individual's REOP.
- d. Yes, but only when there is a fence tall enough to block the view of someone. By law the fence must be at least 6 feet tall for the REOP to take effect.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

- 80) What is the best and most recommended form of documenting what you see on surveillance? (Chapter 7 III)
- a. Documenting your observations on a sworn statement. This is the preferred method of attorneys and judges. It will rely on your testimony to introduce the evidence. With pictures and video claims can always be made that the captured video/picture was somehow doctored or enhanced. This leave doubt in the jurors mind.
 - b. A still camera. Taking still photographs is still the easiest, most convenient and least likely for issues to produce incriminating evidence. Digital cameras should be the preferred camera of any PI.
 - c. Video camera is the most desirable because it shows continuous motion and allows the viewer to see the suspect in action. There is little to dispute when the suspect is seen engaging in incriminating behavior on video.
 - d. Audio capture is the most damaging of all evidence as you can hear the tone and meaning in the persons voice. There is little the suspect can say when you capture his own words.
- 81) The ABC Company suspects that their comptroller is embezzling money from the company, but they don't have enough proof to go to the police. They hire a retired detective from the Louisiana State Police as a full time employee to work in their security section for the sole purpose of investigating this internal matter. In a matter of weeks he collects enough evidence to bring to the State Attorney's office to prefer charges. The State Attorney reviews the case, finds out the retired detective does not have a Private Investigators License and determines: (3503.(8)(b)(viii))
- a. The ABC Company violated Louisiana law by allowing a non-licensed person to conduct an investigation. The retired detective needed a PI license.
 - b. The ABC Company should have hired a licensed PI to work with the retired detective.
 - c. The ABC Company broke no rules. The retired detective is working an internal investigation and an employer-employee relationship was established.
 - d. The ABC Company never had an employer-employee relationship because the detective was hired to work on this investigation only. To establish an employer/employee relationship you must work for the company for at least 6 months.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

82) When you are looking at advertisements for Continuing Education Courses on line, which phrase is required by the Board in any and all Advertisements? This will let you know, as a PI ready to renew your license that the training facility has been approved. (Policies and Procedures for Training and Education Section "C" 3.c.i)

- a. "This Continuing Education program has been approved by LSBPIE on mm/dd/year, valid for one year from this date."
- b. "This Continuing Education program instructors are Board certified and the entire course curriculum has been approved by the Board which expires on mm/dd/year."
- c. "The LSBPIE inspected the XZY training company on mm/dd/year and has found they meet the Board requirements as a training facility."
- d. The XYZ Company is fully compliant with all training requirements set forth by the board as of mm//dd/year which is valid for one year.

83) Harley Magnum, who has been a Private Investigator for 10 years, was terminated from the XYZ PI agency due to cutbacks and the poor economy. Two weeks later Harley Magnum is hired by the ABC Company. Must Harley Magnum tell anyone of this change of companies? (3513)

- a. No, due to the fact he was terminated in good standing, he needs to do nothing. His new company will simply put him on the payroll.
- b. Yes, the board must be notified by both the XYZ PI Agency that they terminated Harley Magnum and the ABC Company must notify the board within 30 days that they hired Harley Magnum.
- c. Yes, the applicant or the agency must notify the Board during their annual report to the Board which is due the first week in January of every year.
- d. No, The Board needs only to be notified when an applicant or licensee finishes or terminates their apprenticeship.

84) Continuing Education courses must be approved by the Board for relevance. Which of the below courses of instruction would be the least relevant to a Private Investigator? (Policies and Procedures for Continuing Education Manual Section "C" 3.)

- a. Interview and Interrogation Techniques
- b. GPS installation
- c. Constitutional Law
- d. Ethics

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

85) How many days after the private investigators license is expired does it become null and void and therefore invalid? (R.S. 37:35171175-01.12)

- a. 15 days
- b. 30 days
- c. 45 days
- d. Never, they will always accept the renewal, but they will continue to add \$100.00 fine each 30 days.

86) Jimbo Fisher wants to hire Harley Magnum to find his ex-girlfriend who he knows is happily married to a former business partner of Harley Magnum. He tells you in confidence that he loves his ex-girlfriend and wants to win her back. He wants Harley Magnum to set up his ex-partner up with a female (not a prostitute) and take pictures while they are at a bar. He then wants Harley Magnum to mail the photographs to his ex-girlfriend. What should he do? (Ethics & Private Investigator Laws Manual)

- a. You were hired to do a job and you should take him on as a client as long as he did not ask you to break the law.
- b. It would be unethical to accept such a job and you should turn it down.
- c. You tell Mr. Fisher that it would be unethical to set up his ex-partner and take photographs, but that you can still conduct a search for the ex-girlfriend and let him know where she is living.
- d. You have an obligation to Mr. Fisher as a potential client to accept the job.

87) Harley Magnum was called into the ABC Attorney's office to give a _____ outlining the facts and circumstances of a divorce case he worked on 6 months ago. In a civil action, fill in the blank as to what Harley Magnum was asked to do. (Chapter 10 I.)

- a. Sworn Testimony
- b. Eye witness account
- c. Deposition
- d. Subpoena

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

88) Harley Magnum, who holds an individual PI license, works for the XYZ PI Agency out of Baton Rouge. He conducts all of their workman compensation cases. He has been their employee for over 10 years now and is the local expert on workman's compensation fraud. As an expert, he takes cases on the side for attorney's he's gotten to know over the years. This helps to bring in a little extra money. (R.S. 37:3507.2(A)(2))

- a. Harley Magnum is not authorized to conduct investigation on the side as he does not have a "Private Investigation Agency License". Harley Magnum could lose his license.
- b. Harley Magnum has violated no Board regulations since he is a licensed PI, but the XYZ PI Agency could terminate him for taking business away from them. He is a representative of the XYZ corporation therefore any profits made from working on the side could be subject of a civil suit.
- c. Harley Magnum is well within his right to work on the side as long as he does not work on the investigations during XYZ time.
- d. Harley Magnum is not authorized to work on cases on the side because he is affiliated with a company. He could quit the XYZ agency and be fine with his "Private Investigators License" to take on new clients.

89) While providing testimony in a trial all but what actions on your part will have a lasting impact on the jurors or judge? (Chapter 10 II.)

- a. Your attire
- b. Your facial hair
- c. How nervous you appear on the stand
- d. How clearly you speak on the stand.

90) When a PI is sued for malpractice whether the act was intentionally or through negligence and damages another individual the PI could be liable and sued for damages. If a PI is sued, in which of below courts would this first take place? (Chapter 2 Section X)

- a. The U.S. Supreme Court
- b. Federal District Court
- c. LA Court of Appeals
- d. LA District Courts

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

- 91) For the purpose of the Fourth Amendment, and of course REOP rules, does a corporation have the same rights to unreasonable search and seizure as an individual? (Chapter 2 Section V)
- As corporations are not individuals the same rules do not apply.
 - Corporations are considered “persons” and therefore they are protected just as a single person would be.
 - The answer is on a case by case basis. If the violation involves a particular person who works for the company then yes it does apply, if the company itself has engaged in wrongdoing and the individual(s) responsible for the wrong doing are unknown at the time, then the answer is no.
 - Most places in a business are identified as common areas therefore the 4th Amendment does not apply to corporations.
- 92) Harley Magnum was hired by Jim Jones to conduct a background check on a prospective partner of his business. He wants to ensure he has a clean credit history and that he does not have a criminal record. Under what act is Harley Magnum authorized to run checks on an individual? (Chapter 2 Section VI)
- Federal Consumer Reporting Act
 - Federal Fair Reporting Act
 - Federal Code of Regulations Act
 - Federal Consumer and Credit Bureau Act.
- 93) The Government is broken down into two levels: Federal and State/local government. At the federal level the Branches are the Executive (President), Legislative (Congress) and the Judicial (Federal Courts). The State/Local government is broken down as follows: (Chapter 2 IV).
- Legislative, Secretary of State, Regional Courts
 - Executive, Legislative and Judicial
 - Governor, Secretary of State, Magistrate Courts.
 - Executive, Secretary of State, State Constitution

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

94) "Separation of Powers" as allocated in the Constitution had two primary purposes. What are those? (Chapter 2 IV)

- a. Prevents any one branch from obtaining too much power and the branches can work independently without undue influence from the other branches.
- b. Keeps government separate from Church and State
- c. Allows for the free flow of information and compromise between the branches.
- d. Federal and State governments can work separately but corroborate on major issues affecting both the nation and a state and the Judicial branches can create and enforce laws without undue influence of congress.

95) When state and federal law conflict, which law prevails? (Chapter 2 IV)

- a. If it's a local/state matter, State law will prevail and vice versa if it's a federal matter. Therefore, the answer depends on the venue and who has jurisdiction.
- b. In most instances, Federal Law will prevail except in instances of executive orders issued by a states Governor.
- c. Federal Law always will prevail over State Law.
- d. It will depend on whether or not the law was created by the state or is a derivative of a federal law.

96) The Louisiana Supreme Court is composed of seven justices elected from districts throughout Louisiana. How long is their term of office? (Chapter 2 IX)

- a. They serve the same term as the Federal Supreme Court
- b. 5 years
- c. 10 years
- d. 20 years.

97) Which one of the below listed Constitutional Amendments will have more impact on a PI's day to day operation. (Chapter 3 V)

- a. 1st
- b. 3rd
- c. 4th
- d. 5th

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

- 98) The PI must become familiar with the Federal Fair Credit Reporting Act (FCRA) because civil and criminal actions can be taken against any PI who violates the provisions outlined in the act. All but **WHAT** types of records are covered under the FCRA? (Chapter 3 VI).
- Arrests
 - Bankruptcies
 - Loans
 - Bank Statements
- 99) Is a PI in the State of Louisiana allowed to obtain personal information from a State Motor Vehicle Department? (Chapter 3 VI.B.)
- PI's are identified in the Driver Privacy Protection Act of 1994 as a group that is not allowed access to a driver's record without the individual's written consent.
 - In General, a PI is authorized to obtain information from a State Department of Motor Vehicles (DMV) record as long as it meets one of the 14 "permissible Uses".
 - A PI can obtain information from a local DMV ONLY on behalf of a Federal, State or local agency.
 - A PI can ONLY obtain records when hired by an insurance company looking into a motor vehicle accident.
- 100) Per the Financial Services Modernization Act of 1999, a PI can obtain bank account information from banks under what circumstances? (Chapter 3 E.)
- Theft from their employer where it is suspected that the monies were transferred from the employers account to a suspects account.
 - A Domestic Dispute where one spouse suspects the other spouse of opening up bank accounts to hide money.
 - A Domestic Dispute where Child Support is delinquent.
 - A PI cannot obtain financial information without a release from the individual or a court order.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

101) There are three main definitions used as evidence which are universally used in civil litigation and criminal proceedings. Which of the rules of evidence is NOT one of the three main ones? (Chapter 3 F.)

- a. Material Evidence
- b. Direct Evidence
- c. Circumstantial Evidence
- d. Real Evidence

102) Harley Magnum was hired by Jim Jones of the ABC bank and trust company because he suspects his general manager and night manager are involved in a scheme to embezzle monies from the bank. He does not have enough evidence to go to the police, so he hired Harley Magnum to build a case that can be brought to the State Attorney for investigation and prosecution. He and Harry devise a plan to place a recording device in Mr. Jones' briefcase. After his weekly meeting with the two bank employees he suspects of embezzlement he will intentionally leave the briefcase in the conference room to record their conversation in hopes of getting evidence of their conspiracy. Is this permissible by law? (Chapter 3 H. Electron Surveillance)

- a. Yes, In *Katz vs. United States* established Reasonable Expectation of Privacy (REOP) rules. Since the two employees are in a business there is no REOP on their behalf. The recording is permissible.
- b. Yes, Louisiana is a one party consent state which means only party to a conversation need to provide permission. Since the device was in Mr. Jones' briefcase it is permissible to record the conversation.
- c. No, it was not permissible since the recording device used was not permanently affixed inside the room. There are strict rules against using mobile monitoring and recording devices, especially those that record conversations.
- d. No, once Mr. Jones left the room so did the one party consent permission. In order for the recording to be permissible one of the other two employees would have had to provide consent.

103) In Louisiana you can obtain a "Fault" divorce. All but the ONE of the below constitutes "Fault" in Louisiana. (Chapter 4 VII.)

- a. Adultery
- b. Abandonment
- c. Unintentional non-support
- d. Sexual abuse of a minor child

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

104) Harley Magnum has been trying to build an infidelity case against his clients spouse for two months now with no luck. During surveillance he saw the spouse enter a residence. The door was answered by an unknown female. Harley Magnum, to help bring this case to a quicker resolution, wanted to obtain the identity of the female and obtain pictures of them together. He devised a plan to approach the home as a building inspector because he saw minor construction going on in the rear of the home. He had an ID card made with his real name which said he was a city building inspector and that he had to take photographs and inspect the construction. He was let in and obtained photographs of the spouse with the owner of the home. He overheard them discussing plans to go away for the weekend and how he was going to lie to his wife so they could get away alone. Did Harley Magnum do anything wrong or was he simply using good investigative techniques to overcome a problem? (Chapter 4 II 16.)

- a. No, Harley Magnum was being very creative in solving in difficult problem. He should be commended for his resourcefulness.
- b. No, Harley Magnum did nothing wrong. He would have only crossed the line if he falsely impersonated a law enforcement officer.
- c. Yes, he entered the home under false pretenses. He could have been arrested for trespassing. Any evidence he finds cannot be used in civil litigation.
- d. Yes, Louisiana law prohibits impersonating any public officer, not just law enforcement. Harley Magnum was only given access to the home under false pretenses.

105) Harley Magnum was hired by John “Two Tone” Malone following his arrest for “Human Trafficking” for his part in brining illegal aliens across the border for a prostitution ring. Mr. Malone hired Harley Magnum to uncover evidence that would ensure his innocents. During the course of Harley Magnums investigation he interviews two of the state’s key eye witnesses and paid them to say that Mr. Malone knew nothing about the trafficking of human beings and the prostitution ring. The two witnesses accepted the money and agreed to testify on Mr. Malone’s behalf. What, if any, crime, did Harley Magnum commit? (Chapter 4 35.)

- a. Harley Magnum broke many laws, one of which was Obstruction of Justice.
- b. Harley Magnum could be arrested for inducing false statements in an official government investigation.
- c. Harley Magnum would be arrested for Perjury as he is advising the witnesses to lie on the stand.
- d. This is a clear case of Bribery.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

- 106) In most instances PI's can obtain copies of police records on individuals who were arrested, a complaint was filed, or any time a police officer was dispatched to a call for assistance. Prior to providing the PI with a copy of the official police report the clerk will sometime redact certain information. What information below should not be redacted from a report? (Chapter 4 IV.2.)
- Identity of an undercover officer
 - Identity of a confidential source
 - Address of the arrested
 - Address of the complainant
- 107) In an adultery case the written report is crucial to outlining the case for the judge. Subjective opinions are never recommended and could show prejudice towards your client which will have a negative impact on the judge and possibly the outcome of the judgment. A subjective opinion would be considered which of the following statements? (Chapter 4 VII.)
- Mr. Smith and Ms. Jones were observed walking down main street holding hands.
 - Mr. Smith and Ms. Jones were observed embracing one another and kissing on the lips.
 - Mr. Smith could not take his hands off of Ms. Jones while sitting at a restaurant eating.
 - Mr. Smith was observed hugging Ms. Smith under the street light at the corner of 5th and Main street.
- 108) As a PI you are sometimes asked to conduct research on individuals and their associations with corporations. There are several on-line sites available to obtain public information. What state government resource would you use to obtain information on Corporations in Louisiana? (Chapter 5 G.)
- Secretary of State
 - Bureau of Vital Statistics
 - State Licensing Board(s)
 - Commissioner of Insurance.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

109) Harley Magnum is in the middle of a case in which his client believes the spouse is committing adultery. Harley Magnum has tried everything to catch the cheating spouse to no avail. He devises a plan with his client to record his outgoing conversation in hopes of obtaining critical evidence. He knows that law enforcement are subject to the 4th amendment and that although PI's are not held to this strict amendment, they must adhere to REOP rules and regulations. However, nothing will prohibit a normal citizen from recording conversations. He tell his client where to buy and set up the recording equipment. The client begins recording immediately. Two weeks later the client brings the PI a damaging recording. The PI writes up his report which will ultimately be used in the civil litigation. Has Harley Magnum done anything wrong? (Chapter 4 VII.)

- a. As long as Harley Magnum did not actually conduct the recording he did nothing wrong. He cannot be held accountable to others actions.
- b. Harley Magnum cannot be charged with any crime, but ethically, Harley Magnum should not have recommended this course of action for his client knowing the laws and regulations.
- c. Harley Magnum can be found at fault for recommending and encouraging the illegal recording.
- d. Harley Magnum will not be held at fault as long as he does not accept, listen to or reference the recordings in his report. The client can introduce the recordings in court.

110) Harley Magnum is sitting in his vehicle across the street from the suspects residence documenting and taking photographs of people coming and going. Is this type of surveillance "Mobile" or "Stationary"? (Chapter 7 I.)

- a. Even though the surveillance is being conducted in a vehicle, the surveillance would be considered stationary.
- b. Due to the fact that you are in a vehicle it would be considered mobile since you could at any time need to follow someone from the residence.
- c. It can only be a stationary surveillance if you are, for example, in a fixed position such as a building or a residence, or even in a tree.
- d. The answer is both. You are stationary in your vehicle at the time you are parked, but you had to be mobile to get to and leave the surveillance point.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

111) Harley Magnum collects evidence of an adulterous affair during the course of his investigation. However, prior to initiating legal proceedings the couple reconciles. Learning of this Harley Magnum ends his investigation, bills his client for services rendered to date, completes his investigative report and files the evidence of the adulterous affair in the case file to be used at a later date if his client decides to sue for divorce again. (Chapter 4 VII.)

- a. The evidence of the adulterous affair is of no use to Harley Magnum if the client seeks a divorce following reconciliation. A new suit will require new evidence and proof.
- b. Harley Magnum is wise to keep the evidence as LA law stipulates that past actions are admissible in court.
- c. Harley Magnum is required by law to destroy all evidence when reconciliation is reached between the two parties. Failure to destroy the evidence within 60 days is grounds for loss of his PI license.
- d. The evidence should be turned over to the client and made part of the official report. The client would then be responsible for resurrecting the evidence if he/she decides to file again.

112) As a PI you are sometimes asked to conduct research on individuals and their criminal histories in a certain Parish. There are several on-line sites available to obtain public information. What Parish resource would you use to obtain information on criminal history? (Chapter 5 G.)

- a. Police Jury/Council
- b. Parish Housing Authority
- c. Coroner's Office
- d. Parish District Attorney's Office

113) There are three methods of car tailing outlined in the chapter. Which one of the three is not a recognized method? (Chapter 7 II B.)

- a. Multi vehicle car tail
- b. One-man car tail
- c. GPS tracking
- d. Two-Man car tail.

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

114) What is the difference between a written statement and a written declaration?

They both can be used in legal proceedings and they both provide facts and circumstances as witnessed by person being interview. So, why the distinction?

(Chapter 6)

- a. There actually is no difference. It depends who is taking the statement.
- b. A statement is obtained by a law enforcement officer while a declaration can be obtained by anyone, to include a PI during the course of his duties for a client.
- c. With a declaration the interview is conducted over the phone with someone from out of state.
- d. As a PI you would use a declaration to swear or affirm the witness whereas a statement is not sworn to.

115) When conducting a surveillance or tailing a suspect with multiple teams, what is most critical to a successful surveillance/tail? (Chapter 7)

- a. Trust in your partners
- b. Blending into your environment
- c. Communications
- d. Batteries for your equipment

LOUISIANA PRIVATE INVESTIGATOR PRACTICE EXAMINATION

ANSWER KEY

1- C	2- C	3- B	4- A	5- C	6- A	7- D	8-B	9- C	10- B
11- D	12- A	13- B	14- C	15- A	16- A	17- B	18- B	19- C	20- A
21- C	22- B	23- FALSE	24- B	25- D	26- A	27- B	28- B	29- C	30- B
31- B	32- A	33- C	34- C	35- B	36- B	37- A	38- D	39- A	40- A
41- A	42- B	43- D	44- D	45- B	46- C	47- FALSE	48- A	49- C	50- A
51- C	52- B	53- A	54- A	55- B	56- B	57- B	58- B	59- D	60- A
61- C	62- C	63- A	64- C	65- B	66- D	67- B	68- C	69- C	70- C
71 - B	72- B	73- C	74- C	75- C	76- D	77- B	78- D	79- B	80- C
81-C	82- A	83- B	84- B	85- B	86- B	87- C	88- A	89- B	90- D
91- B	92- B	93- B	94- A	95-C	96- C	97- C	98- D	99- B	100- C
101- A	102- D	103- C	104-D	105- A	106- C	107- C	108-A	109- C	110- A
111- A	112- D	113- A	114- C	115- C					

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