

PRIVATE SECURITY BUREAU HEARINGS

The Preliminary Hearing

For cases involving summary actions (denials, suspensions or revocations based on criminal history disqualifiers), the preliminary hearing is your first formal opportunity to present evidence to the Bureau, and to explain the circumstances that are the basis for the Bureau's initial determination. This hearing is conducted by one of the Bureau's attorneys by telephone. You may request a preliminary hearing by submitting the [Preliminary Hearing Request Form](#).

You may represent yourself, or you may be represented by an attorney. You have the right to present witnesses to support your case. Choose witnesses who actually saw or heard what happened. Notify them of the time and date of the hearing, and provide in advance of the hearing all of the necessary telephone numbers where each witness can be reached.

After the hearing is complete, the Bureau will mail you a written decision. If you disagree with the decision, you can appeal it. Your appeal must be filed within fifteen (15) calendar days from the date the decision was mailed to you. The appeal deadline is printed on the coversheet of your decision. The decision will also contain instructions on what you must do to file an appeal. If you file an appeal, what happens next will be determined by your participation in the initial appeal hearing.

If you do not participate in the hearing and the decision is against you, you may request that the case be reopened. Your request to reopen the hearing must be in writing and you must sign it. The request must be made no later than fifteen (15) calendar days after the date of our outcome letter. We may reopen the case and grant a new hearing if you can show that you had a good reason for not participating in the first scheduled hearing.

It is very important that the Bureau have copies of your documents before the hearing. The documents may not be used if they are not provided in enough time before the hearing begins. Well before your scheduled hearing, you should mail or fax a copy of all of the papers you want to use, other than the documents already included in the hearing notice packet, to the Bureau.

Hearing Before The State Office Of Administrative Hearings

An appeal of the Bureau's determination following a preliminary hearing, or an appeal of an administrative penalty, is heard by an Administrative Law Judge at the State Office of Administrative Hearings. This is a more formal proceeding than the Preliminary Hearing. The rules and procedures governing this hearing are available online at <http://www.soah.state.tx.us/>. This hearing is subject to the Texas Administrative Procedure Act, Gov. Code Chapter 2001. You may request a SOAH hearing by submitting the [SOAH Hearing Request Form](#).

Hearing Before The Private Security Board

In cases in which a new or renewal application has been denied solely on the basis of the Applicant's status as a registered sex offender, the Applicant can waive the right to an appeal

hearing before the State Office of Administrative Hearings, and instead appear before the Private Security Board, at one of its quarterly public meetings.

This hearing is also subject to the Texas Administrative Procedure Act, Gov. Code Chapter 2001. Accordingly, you may represent yourself or be represented by an attorney; you may call witnesses, and you may present evidence to the Board, to explain the circumstances that are the basis for the Bureau's initial determination. You may request a hearing before the Board by checking the appropriate box on the [Preliminary Hearing Request Form](#), and submitting that form to the Board.

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