



**Rules of
Department of Commerce and
Insurance**

**Division 2234—Board of Private Investigator and
Private Fire Investigator Examiners
Chapter 7—Code of Conduct**

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**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 2234—Board of Private
Investigator and Private Fire
Investigator Examiners
Chapter 7—Code of Conduct**

20 CSR 2234-7.010 Code of Conduct

PURPOSE: This rule establishes the code of conduct for private investigators and private fire investigators.

(1) Responsibilities to the Profession.

(A) Cooperation with the board.

1. Private investigators and private fire investigators shall timely and truthfully answer all inquires from the board or its staff.

2. A timely response is made without undue delay and in accord with reasonable business practices.

A. A phone call is timely if returned before the end of the tenth day.

B. A response to written correspondence is timely if the response arrives at the board's office by the close of business the tenth day after the date of the correspondence.

3. An initial response to a complaint is timely if received in the board's office before the close of business on the thirtieth day after it is sent to the private investigator, private fire investigator, private investigator agency, and/or private fire investigator agency.

4. A response is not timely if any material matter known, or which would have been known upon reasonable inquiry, is omitted from the response.

5. A response is truthful if all of the information provided in the response is accurate.

A. A response based on information and belief, made after reasonable inquiry, is truthful.

6. A response setting forth a proper objection to answering the inquiry shall be deemed timely and truthful so long as—

A. There is a reasonable, lawful basis for the objection stated in the response;

B. The response is otherwise timely; and

C. Information not the subject of the objection is included in the response.

(B) Protection of the Profession.

1. Private investigators and private fire investigators who are aware of circumstances, or who become aware of circumstances, that would lead a reasonable person to believe another private investigator or private fire investigator has or is violating the profession's code of conduct, shall promptly inform

the board of the circumstances.

A. Private investigators and private fire investigators may consult with the other private investigators and private fire investigators regarding the circumstances, and if reasonably satisfied that no violation has occurred, choose not to notify the board.

B. Private investigators and private fire investigators need not investigate the conduct of the other private investigators or private fire investigators in such circumstances. Reporting the conduct to the board discharges the private investigator's or private fire investigator's duty under this section.

C. An anonymous complaint to the board does not comply with the provisions of this section.

D. No action will be taken by the board against a private investigator or private fire investigator who has made a report pursuant to the provisions of this section unless malice is shown to be the motive for an untruthful report.

(C) Aiding Unlicensed Practice.

1. Private investigators and private fire investigators shall neither permit nor suffer any person with whom they are associated to practice the profession without being properly licensed.

2. Private investigators and private fire investigators shall promptly report to the board any person who appears to be unlawfully practicing the profession without a license.

A. Private investigators and private fire investigators may consult with the person who appears to be unlawfully practicing the profession without a license regarding the circumstances, and if reasonably satisfied that no violation has occurred, choose not to notify the board.

B. Private investigators and private fire investigators need not investigate the conduct of the person who appears to be unlawfully practicing the profession without a license in such circumstances. Reporting the conduct to the board discharges the private investigator's or private fire investigator's duty under this section.

C. An anonymous complaint to the board does not comply with the provisions of this section.

D. No action will be taken by the board against a private investigator or private fire investigator who has made a report pursuant to the provisions of this section unless malice is shown to be the motive for an untruthful report.

(D) Responsibility for Subordinates.

1. Private investigators and private fire investigators are responsible for supervising their subordinates, including unlicensed indi-

viduals in their employ or with whom they have contracted for services.

2. The private investigator-in-charge or private fire investigator-in-charge of an agency is responsible for supervising subordinates, including unlicensed individuals in the employ of the agency or with whom the agency has contracted for services.

(E) Posting Licenses.

1. Private investigators and private fire investigators shall post their license in a place clearly visible at every office from which they regularly do business.

(2) Responsibilities to the Public.

(A) Honesty and Best Efforts.

1. Private investigators and private fire investigators shall, to the extent of their abilities, diligently and honestly perform the work for which they have been retained.

2. Private investigators and private fire investigators shall not make any material false statement to a client.

3. Private investigators and private fire investigators shall not withhold material information from a client.

4. Private investigators and private fire investigators shall do business only under the name with which they are licensed by the board.

A. Private investigators and private fire investigators may use pseudonyms when professionally appropriate; however, any such pseudonym shall be registered with the board prior to use.

B. Private investigators and private fire investigators shall not use a fictitious business name unless it has been registered with the secretary of state pursuant to Chapter 417, RSMo, and a copy of the registration has been delivered to the board.

(B) Business Records.

1. Private investigators and private fire investigators shall maintain complete and accurate records of the professional services that they render unless prohibited by written contract, court order, or state or federal statute. A copy of the aforementioned document shall be placed in the file in the place of the original documents. Section 324.1136, RSMo, requires that private investigators and private fire investigators maintain records for seven (7) years. The board will deem records containing the following information satisfactory, unless such records are plainly insufficient in the circumstances:

A. Any final report prepared by the private investigator or private fire investigator;

B. Field notes, interim reports, correspondence, or other records prepared during an assignment;



C. Any video or audio recordings made during the course of an assignment;

D. Correspondence to and from the client, including billing records;

E. Accounting records related to an assignment, including vouchers or receipts for expenses billed to the client; and

F. Copy shall be maintained in lieu of such documents as prescribed in paragraph 20 CSR 2234-7.010(2)(B)1.

2. Records shall be preserved in such a way that they are reasonably safe from intentional or accidental destruction and degradation.

3. Records of a particular matter need not be stored in a single form or at a single place. All of the components of a record of a particular matter shall be readily accessible, however, for the seven- (7-) year period.

A. "Readily accessible" means in a form such that they can be produced within ten (10) days of demand, under ordinary business conditions.

4. Records may be retained for more than seven (7) years, pursuant to agreement with a client or at the private investigator's or private fire investigator's pleasure.

5. Private investigators and private fire investigators who destroy records shall ensure that it is impossible to reconstruct such records.

(C) Financial Integrity.

1. Private investigators and private fire investigators shall maintain truthful records of the financial affairs of their business.

2. Private investigators and private fire investigators shall not accept anything of pecuniary value, tangible or intangible, without offering a written receipt containing the following information to the person offering the valuable thing:

A. The private investigator's or private fire investigator's name, license number, and address of record; and

B. A reasonable description of the thing of pecuniary value.

3. Private investigators and private fire investigators shall safeguard property of value that comes into their possession, regardless of whether it belongs to a client or a third person.

A. Private investigators and private fire investigators shall give written notification to any person whose valuable property has come into their possession, whose name and address are known or reasonably discoverable;

(I) Such notice may be postponed for sound investigative reasons; however, such reasons shall be memorialized in the records of the matter.

B. A private investigator or private

fire investigator shall turn over the valuable property of another person to the person upon demand, unless there is legal justification to withhold the property.

(I) A private investigator or private fire investigator who lawfully withholds property pending payment of a debt or the reasonable costs of obtaining and protecting the property shall not be deemed to have violated this section.

(II) A private investigator or private fire investigator may withhold valuable property if there is reasonable doubt as to the owner or who is entitled to possession.

(III) A private investigator and private fire investigator may withhold valuable property for which the owner or person entitled to possession is not willing to provide a written receipt.

C. A private investigator or private fire investigator shall strictly abide by the unclaimed property law of Missouri, or other state that has jurisdiction over the property.

(D) Insurance.

1. Private investigators and private fire investigators shall maintain insurance of the same type and quantity required to obtain a license in full force and effect during the license period.

2. Private investigators and private fire investigators may, at their will and pleasure, change insurance providers; however, they shall not have a gap in coverage.

3. Private investigators and private fire investigators who were not required to have workers' compensation insurance at the time that they were licensed shall obtain such insurance if they subsequently become subject to the workers' compensation law, and maintain such insurance in full force and effect during the license period.

(E) Compliance with the Law.

1. Private investigators and private fire investigators shall obey all criminal laws—federal, state, and local.

A. "Criminal laws" include the penal ordinances and regulations of political subdivisions of a state or the agencies of the federal government.

2. Private investigators and private fire investigators shall conform their conduct to the expectations of an ordered society:

A. Private investigators and private fire investigators shall not commit intentional torts.

B. Private investigators and private fire investigators shall not cause injury to others through negligence or reckless behavior.

3. The burden of proving justification or excuse for any violation of this section shall be upon the private investigators or private fire investigators.

AUTHORITY: section 324.1138, RSMo Supp. 2013. Original rule filed June 26, 2009, effective Jan. 30, 2010. Amended: Filed Sept. 13, 2013, effective March 30, 2014.*

**Original authority: 324.1138, RSMo 2007, amended 2011.*