Rules of
Department of Insurance, Financial Institutions and Professional Registration
Division 2234—Board of Private Investigator Examiners
Chapter 7—Code of Conduct

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 CSR 2234-7.010 Code of Conduct</td>
<td>3</td>
</tr>
</tbody>
</table>
PURPOSE: This rule establishes the code of conduct for private investigators.

(1) Responsibilities to the Profession.

(A) Cooperation with the board.

1. Private investigators shall timely and truthfully answer all inquiries 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 and/or private 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 who are aware of circumstances, or who become aware of circumstances, that would lead a reasonable person to believe another private investigator has or is violating the profession’s code of conduct, shall promptly inform the board of the circumstances.

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

B. Private investigators need not investigate the conduct of the other private investigators in such circumstances. Reporting the conduct to the board discharges the private 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 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 shall neither permit nor suffer any person with whom they are associated to practice the profession without being properly licensed.

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

(D) Responsibility for Subordinates.

1. Private investigators are responsible for supervising their subordinates, including unlicensed individuals in their employ or with whom they have contracted for services.

2. The private 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 shall post their license in a place clearly visible at every office from which they regularly do business.

2. 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 pleasure.

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

(C) Financial Integrity.

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

2. Private 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 name, license number, and address of record; and
   B. A reasonable description of the thing of pecuniary value.

3. Private 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 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 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 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 may withhold valuable property if there is reasonable doubt as to the owner or who is entitled to possession.
   (III) A private 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 shall strictly abide by the unclaimed property law of Missouri, or other state that has jurisdiction over the property.

(D) Insurance.

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

3. Private 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 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 shall conform their conduct to the expectations of an ordered society:
   A. Private investigators shall not commit intentional torts.
   B. Private 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 investigator.
