

201 KAR 19:455. Misconduct.

RELATES TO: KRS 323.408(1), 323.412

STATUTORY AUTHORITY: KRS 323.210(2), 323.406, 323.408(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.210(2) authorizes the board to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 323. KRS 323.406(4) authorizes the board to promulgate administrative regulations to establish a process regarding the use of a certified interior designer's signature. KRS 323.408(1) requires the board to administer and enforce the laws governing certified interior designers. This administrative regulation establishes what constitutes misconduct, and fraudulent or dishonest activity for certified interior designers.

Section 1. Misconduct. The following acts by a certified interior designer shall be "misconduct":

(1) Accepting compensation for interior design services from an entity other than his or her client or employer, unless the client or employer has notice and has waived objection;

(2) Offering or making a payment or gift to a government official, whether elected or appointed, with the intent to influence official judgment in connection with a prospective or existing project;

(3) Offering or making a payment or gift, as an individual certified interior designer or as a participating member of a partnership or corporation, to an elected governmental official, candidate for governmental office, or the campaign of a candidate for governmental office, if the payment or gift is a violation of federal or state campaign finance law;

(4) Having a court judgment entered, as described at KRS 323.412;

(5) Offering or making a gift, except a gift of nominal value, including, for example, reasonable entertainment and hospitality, with the intent to influence the judgment of an existing or prospective client in connection with a project in which the certified interior designer has an interest;

(6) Having a financial interest in the manufacture, sale, or installation of a component or process used in a project for which he or she is the certified interior designer, unless the client has been advised and has waived objection;

(7) Publicly endorsing a product, system, or service, or permitting the use of his or her name or photograph to imply endorsement of a product, system, or service not designed or developed by him or her; and

(8) Claiming to be the author of a plan, print, building specification, or report, or affixing his or her name to a drawing, which has not been prepared by the certified interior designer or an employee under the supervision of the certified interior designer.

Section 2. Fraudulent or Dishonest Activity. In addition to the prohibitions in KRS 323.412, the following practices by a certified interior designer shall be "fraudulent or dishonest behavior":

(1) Making untrue or deceitful statements or representations to the board;

(2) Bribing a person who may influence the selection of a certified interior designer;

(3) Willfully misleading or defrauding a person employing him or her as a certified interior designer;

(4) Willful violation of:

(a) A Kentucky or other state law relating to the title of certified interior designer; or

(b) An administrative regulation promulgated by the board; and.

(5) Using, or attempting to use, or working under, a certificate that has been suspended or revoked or which has not been renewed as required by law. (47 Ky.R. 640, 1553; eff. 5-4-2021.)