201 KAR 41:090. Code of ethics.

RELATES TO: KRS 329A.025(2)(d)
STATUTORY AUTHORITY: KRS 329A.025(2)(d)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 329A.025(2)(d) requires the board to promulgate administrative regulations establishing a code of professional practice and conduct for private investigator licensees. This administrative regulation establishes the code of professional practice and conduct for private investigators.

Section 1. Proper Conduct of Practice.

(1) The licensee shall at all times recognize the primary obligation to protect the health, safety, and welfare of the public in the performance of the licensee's professional duties.

(2) A licensee possessing knowledge of a violation, by another licensee of KRS Chapter 329A or any administrative regulation promulgated thereunder, shall report that violation to the board in writing and shall cooperate with the board in furnishing any information or assistance as the board may require.

(3) If the licensee becomes aware of a decision taken by an employer or client, against the licensee's advice, which violates applicable federal, state, or local laws and regulations or which may affect adversely the health, safety, or welfare of the public, the licensee shall:

(a) Refuse to consent to the decision; and

(b) In circumstances where the licensee reasonably believes that other decisions will be made, notwithstanding the licensee's objections, terminate services with reference to that employer or client.

Section 2. The Code of Ethics. A private investigator shall:

(1) Adhere to the guidelines, policies, and procedures of the Kentucky Private Investigators Act in KRS Chapter 329A and the administrative regulations contained in 201 KAR Chapter 41.

(2) Practice with honesty, sincerity, integrity, fidelity, morality, and good conscience in all dealings with clients, other investigators, as well as other professions.

(a) The licensee shall perform his duties in accordance with all local, state, and federal laws, as well as adhere to the highest moral principles of the profession.

(b) The licensee shall not engage in prohibited acts as set forth in KRS 329A.055.

(3) Provide only those services for which the licensee is qualified to perform.

(a) The licensee shall not falsify or permit misrepresentation of his or his associates' academic or professional qualifications.

(b) The licensee shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments.

(c) Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.

(4) All advertising shall be truthful, not misleading.

(5) Not accept any assignment that creates a personal or business conflict of interest. Regarding conflicts of interest:

(a) The licensee shall not accept compensation, financial or otherwise, from more than one (1) party for services on or relating to the same investigation, set of circumstances, court case, or issues, unless all interested parties consent in writing after full disclosure by the licensee;

(b) The licensee shall avoid all known conflicts of interest with his employer or client and shall promptly inform his employer or client of any business association, interest,

or circumstance which could influence his judgment or the quality of his services. When a conflict becomes apparent, the licensee shall disclose the circumstances to the licensee's employer and client.

(c) The licensee shall take reasonable steps to ascertain the existence of potential conflicts of interests among his employers and clients. A conflict exists when a private investigator, because of some personal interest, finds it difficult to devote himself with loyalty and singleness of purpose to the best interest of his client or employer.

(d) A private investigations company shall be responsible for avoiding conflicts of interest between:

1. The company and the clients of any private investigator(s) affiliated with the company;

2. The clients of one (1) private investigator affiliated with the company and the clients of any other private investigator affiliated with the company.

(e) A licensee or employee of a licensee shall not contact or cause to be contacted any individual under investigation for the purpose of revealing confidential information to that individual. Any contact with a subject being investigated, whether intentional or unintentional, shall be made a part of the investigative file of such case.

(f) The licensee shall ensure that all clients are dealt with justly and impartially regardless of social, political, racial, ethnic, or religious considerations, economic status, or physical characteristics.

(6) Preserve client confidentiality under any and all circumstances unless required otherwise by law.

(a) The licensee shall safeguard information and exercise due diligence to prevent improper disclosure of that information.

(b) Any licensee or registered employee may divulge to any law enforcement officer or prosecuting attorney or his representative, any information the licensee may acquire as to any criminal offense, but he shall not divulge to any other person, except as the licensee may be required by law so to do, any information acquired by the licensee, except at the direction of the employer or client for whom the information was obtained.

(c) A licensee or registered employee of a licensee, shall not knowingly make any false report to his employer or client for whom information was being obtained.

(d) Client confidentiality shall not:

1. Affect in any way the licensee's obligation to comply with a validly-issued and enforceable subpoena or summons;

2. Prohibit review of a licensee's professional practice by the Kentucky Board of Licensure for Private Investigators; or

3. Prohibit a licensee from utilizing any such relevant information in the defense of a claim asserted against a licensee.

(7) Make all reporting based upon truth and fact and shall express honest opinions on that basis.

(a) Upon the request of a client in good standing, a licensee shall submit a written report to that client or his designee.

(b) A written report shall include all relevant information obtained during the investigation.

(8) Explain to the full satisfaction of all clients any fees and charges associated with his or her case.

(a) The licensee shall not bill a client for services or expenses which have not been provided or incurred.

(b) A complete and comprehensive itemized statement of services and expenses shall be provided to the client upon request.

(9) Make certain that any obligations and responsibilities in contracts and mutual agreements shall be met in a timely manner, and the principle of appropriate and adequate compensation for those engaged in investigative work shall not be abused.

(10) Assist when necessary, law enforcement officers and all other duly-constituted authorities.

(11) Ensure that the licensee's conduct does not bring discredit to the investigative profession. A licensee may be deemed by the board to be guilty of misconduct in his professional practice if:

(a) He is convicted in a court of competent jurisdiction of a felony or misdemeanor which the board finds reflects unfavorably on the licensee's fitness for licensure; or

(b) His license or certificate of registration to practice private investigations in another jurisdiction is revoked, suspended, or voluntarily surrendered as a result of disciplinary proceedings.

(12) Refrain from maliciously injuring the professional reputation or practice of colleagues.

(32 Ky.R. 2394; 33 Ky.R. 731; eff. 10-6-2006; Crt eff. 12-11-2019; Crt eff. 9-14-2026.)