

**Oregon Administrative Rules – Chapter 220
BOARD OF INVESTIGATORS**

DIVISION 1

Rules of Procedure and Administration.....Pages 3-4

220-001-0010	Notice of Proposed Rules
220-001-0020	Model Rules of Procedure
220-001-0030	Introduction
220-001-0040	Policy
220-001-0050	Hearing Request and Answer: Consequences of Failure to Answer

DIVISION 5

Fees, Applications and Exam.....Pages 5-13

Definitions (p. 5-6)

220-005-0005	Definitions
--------------	-------------

Fees (p. 7)

220-005-0010	Fees
220-005-0015	Payment of Fees

Applications (p. 8-11)

220-005-0110	Initial and Renewal Applications
220-005-0115	Application Requirements for Licensees with Expired Licenses or Registrations
220-005-0120	Review of Disclosures
220-005-0130	Bonds and Letters of Credit
220-005-0135	Errors and Omissions Insurance
220-005-0140	Photographs for Identification
220-005-0150	Fingerprint ID Cards
220-005-0160	References
220-005-0170	Review of Application Materials
220-005-0180	Reopening a Closed Applicant's File

Exam (p. 12-13)

220-005-0210	Administration of the Exam
220-005-0220	Scoring the Exam
220-005-0230	Exam Retakes
220-005-0240	Appealing Exam Results
220-005-0250	Copying and Distribution of the Exam

DIVISION 10

Investigators.....Pages 14-16

- 220-010-0020 Educational Substitutes for Experience
- 220-010-0030 Provisional Investigator Upgrade to Private Investigator
- 220-010-0050 Applying for Inactive Status
- 220-010-0060 Applying for Reinstatement to Active Status
- 220-010-0200 Compliance with the Corporation Division
- 220-010-0300 Maintaining Current Information

DIVISION 30

Code of Professional Ethics.....Page 17

- 220-030-0035 Code of Ethical Conduct

DIVISION 40

Enforcement and Complaint Procedures.....Pages 18-19

- 220-040-0015 Compliance Committee
- 220-040-0025 Management of Complaints
- 220-040-0035 Filing a Complaint
- 220-040-0045 Form of Complaints
- 220-040-0050 Determination of Violations

DIVISION 50

Continuing Education.....Pages 20-23

- 220-050-0100 Continuing Education Programs
- 220-050-0110 Continuing Education Requirements for Investigator License
Renewal
- 220-050-0140 Inactive License Continuing Education Requirements
- 220-050-0150 Continuing Education Program Certification and Audits
- 220-050-0300 Continuing Education (CE) Guidelines

**DIVISION 1
RULES OF PROCEDURE**

220-001-0010

Notice of Proposed Rules

Prior to the adoption, amendment or repeal of any rule, the Oregon State Board of Investigators shall give notice of the intended action:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days prior to the effective date of the rule.
- (2) By mailing a copy of the notice to persons on the Board of Investigators mailing list established pursuant to ORS 183.335(7) at least 28 days before the effective date of the rule; and
- (3) By mailing or furnishing a copy of the notice to
 - (a) Capitol Press Room;
 - (b) Associated Press;
 - (c) Oregon Association of Licensed Investigators;
 - (d) Oregon State Court Administrator's Office;
 - (e) Oregon Bar Association;
 - (f) Oregon Criminal Defense Lawyers Association.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 183

220-001-0020

Model Rules of Procedure

Pursuant to ORS 183.341, the Oregon State Board of Investigators adopts the Attorney General's Model Rules of Procedure under the Administrative Procedures Act as amended and effective in the most recent edition (published early 1998).

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Oregon Board of Investigators.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 183

220-001-0030

Introduction

The Board may contract with consultants to provide required services. It is the intent of the Board to publicly announce all requirements for consultant services and to select consultants on the basis of demonstrated competence and qualifications for the type of professional services required. All such contracts will be executed at a fair and reasonable price.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480

220-001-0040

Policy

(1) The Board will contract for consultant services only when the work done cannot be done in a reasonable time with the Board's own work force; or when it will be less expensive to contract for the work; or when the required skills are not available within the Board.

(2) The selection of the most qualified consultant will be based on, but not limited to, the consultant's demonstrated capabilities, experience and project approach. A contract will be awarded for the professional services at a fair and reasonable cost, as approved by the Board. The Board may delegate the approval of the contract to the Executive Officer. Throughout the consultant selection process, every effort will be made to encourage disadvantaged and emerging small businesses to submit proposals.

(3) All consultants are to issue impartial opinions or recommendations. An impartial opinion is defined to mean an opinion or recommendation by a person who has no reasonable expectation of pecuniary or professional gain, other than performance of the contract, if the Board adopts the person's opinion or recommendations.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480

220-001-0050

Hearing Request and Answer: Consequences of Failure to Answer

A hearing request and answer shall be made in writing to the Board by the party or the party's attorney and an answer shall include the following:

(1) An admission or denial of each factual matter alleged in the notice;

(2) A short and plain statement of each relevant affirmative defense the party may have;

(3) Except for good cause:

(a) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;

(b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;

(c) New matters alleged in the answer (affirmative defense) shall be presumed to be denied by the agency. Claimants must respond to affirmative defenses raised by licensees;

(d) Evidence shall not be taken on any issue not raised in the notice and answer.

Stat. Auth.: ORS 183 & ORS 703.480(3)

Stats. Implemented: ORS 703.480

**DIVISION 5
FEES, APPLICATIONS AND ADMINISTRATION**

220-005-0005

Definitions

- (1) "Agency" means the Oregon Board of Investigators.
- (2) "Board" means the Oregon Board of Investigators.
- (3) "Complainant" means any person or group of persons who file(s) a complaint. The Board may, on its own action, initiate a complaint.
- (4) "Complaint" means a specific charge filed with the Board that a licensed investigator or registered operative or candidate thereto, or any person apparently operating as an investigator without a license, has committed an act in violation of ORS Chapter 703 or OAR Chapter 220.
- (5) "Committee" means a group of one or more Board member(s) charged with review, recommendations, and preparation of reports to the Board concerning the work of the agency. Committee members may include agency staff.
- (6) "Continuing Education Guidelines" or "CE Guidelines" means Oregon Administrative Rule 220-050-0300.
- (7) "Educational endeavor that reasonably could be beneficial to the work of the investigator" as used in ORS 703.447(4) means those educational endeavors that are in compliance with the Oregon Board of Investigators' Continuing Education Guidelines, or are approved by the Continuing Education Committee or the Board.
- (8) "Employee," as used in ORS 703.401 to 703.490, means a person who is employed lawfully by an employer. The employer controls the performance of that person; pays the salary, unemployment insurance, and worker's compensation insurance; and has sole authority to fire and control work hours and the conditions of work. "Employee" in this context does not include a person engaged as an independent contractor.
- (9) "Expired license": a license is considered expired if renewal and late fees and application materials are not submitted within one calendar month after the renewal date. A person may not practice as a licensed investigator with an expired license. An expired license may not be reinstated.
- (10) "Hours of experience" means documented clock hours.
- (11) "Investigatory work" means any work performed in accordance with ORS 703.401(3).
- (12) "Lapsed license": a license is considered lapsed on the day following the licensee's renewal date if all renewal application requirements have not been received on or before the renewal date. A person may not practice as a licensed investigator with a lapsed license. A lapsed license may be reinstated if renewal and late fees and all other application materials are submitted within one calendar month after the renewal date.

(13) “Licensee” or “Licensed Investigator”, as used in OAR 220-001-0010 to 220-050-0300 means a person licensed as an investigator under ORS 703.430. Except where specifically provided otherwise in the rules, it includes an investigator whose license is issued with a provisional endorsement, as described in ORS 703.415 and 703.430, and an investigator registered as an operative.

(14) “Operative” means a person who was registered prior to October 6, 2001, and performed all work under the direct supervision and control of a licensed investigator or an attorney admitted to practice in this state. Operative registrations were converted to provisional investigator licenses.

(15) “Private investigator” is a licensed investigator who has completed a minimum of 1500 documented clock hours of investigatory work experience or an approved course of study or a combination of work and study as approved by the Board.

(16) “Provisional investigator” is a licensed investigator who has completed fewer than 1500 documented clock hours of investigatory work experience, or an approved course of study, or a combination of work and study as approved by the Board; and who may not employ or supervise other investigators. Under 1997 and 1999 editions of governing statute, this type of investigator was referred to as an “operative.”

(17) “Registration” means the type of licensure granted to an operative prior to October 6, 2001; thereafter converted to a license with a provisional endorsement.

(18) “Renewal pending” describes the status of a license if all renewal application requirements have been received by the Board by the expiration date, and the issuance of a license is in progress. An investigator may continue to practice with a renewal pending license.

(19) “Respondent” means an investigator who is a licensee or candidate for licensure, or any person apparently operating as an investigator without a license, against whom a complaint has been filed.

(20) “Stipulated Agreement” means a written agreement entered into at any time after a complaint has been filed which resolves such complaint.

(21) “Violation” means a violation of Oregon Statutes or Administrative Rules as they pertain to Oregon licensed investigators.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.401 through ORS 703.490 and ORS 703.995.

220-005-0010

Fees

For the purpose of implementing ORS Chapter 703.401 through 703.995, fees charged are:

- (1) Application Fees:
 - (a) Examination: \$40.00;
 - (b) Exam Retakes: \$25.00.
- (2) Background Checks:
 - (a) Oregon State Police Check: \$15.00;
 - (b) FBI Fingerprint Check: \$24.00.
- (3) Private Investigator (P.I.) Fees:
 - (a) Initial License: \$550.00;
 - (b) Biennial License Renewal: \$550.00;
 - (c) Inactive License: \$50.00;
 - (d) Late Renewal: \$25.00.
- (4) Provisional Investigator Fees:
 - (a) Initial Registration: \$550.00;
 - (b) Biennial Registration Renewal: \$550.00;
 - (c) Inactive: \$25.00;
 - (d) Late Renewal: \$25.00;
 - (e) Upgrade to Private Investigator License: \$0.00 to \$275.00 (the difference between the Private Investigator license fee and the last initial or renewal fee paid, pro-rated for the remaining term of the license.
- (5) Miscellaneous Fees:
 - (a) Mailing Lists:
 - (A) Licensed Investigators: \$50.00;
 - (B) Exam Candidates: \$20.00;
 - (C) Investigation Firms: \$50.00;
 - (D) Other mailing lists by request: up to \$50.00.
 - (b) Certificates copies: \$2.50;
 - (c) Replacement ID Cards: \$10.00;
 - (d) Wall Certificate: \$10.00.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.425, ORS 703.435, ORS 703.445 & ORS 703.480

220-005-0015

Payment of Fees

Payment of Licensing Fees must be made either by check or money order. Cash may be accepted for services and fees costing \$25 or less.

NOTE: Make all checks payable to the Oregon Board of Investigators.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480(5)

220-005-0110

Initial and Renewal Applications

(1) Applications must be submitted on Board approved forms pursuant to ORS 703.425. All applicants must disclose on the initial application information required by ORS 703.425, including:

- (a) Social Security Number;
- (b) Home Address and Telephone Number;
- (c) Business Address and Telephone Number;
- (d) Place of Birth;
- (e) Any license, certification or registration. Including:
 - (A) The title or type of such license, certification or registration;
 - (B) The location of the agency issuing such license, certification, or registration;
 - (C) The license, certification or registration number issued;
 - (D) The dates such license, certification or registration was held; and
 - (E) All information regarding any revoked license, certification or registration.

(2) All applicants must disclose on the initial or renewal application any information requested, including:

- (a) Criminal charges or convictions;
- (b) Complaints, lawsuits, or disciplinary actions regarding investigative activities
- (c) Claims filed against the investigator's surety bond, credit, or insurance.

(3) Submission of any false information in connection with an application, supporting documentation or attachments for a license or registration may be grounds for discipline or refusal of license or registration.

(4) Renewal notices and forms will be sent to licensees approximately six weeks prior to the license expiration date.

(5) Renewal applications, renewal fees, and support documentation should be received two weeks prior to a licensee's renewal date to allow for staff processing time;

(6) Licensees being audited for Continuing Education compliance should have all renewal applications, renewal fees, and support documentation submitted three weeks prior to the renewal date to allow for staff processing time.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.425, ORS 703.445, ORS 703.460, and 703.465

220-005-0115

Application Requirements for Licensees with Expired Licenses or Registrations

(1) Applicants for licensure who previously had been licensed/registered in Oregon and whose license/registration had expired within five years prior to submitting the initial application must provide to the Board with the initial application either:

- (a) Proof of completion of continuing education requirements during his/her last active status period; or

(b) An explanation of why continuing education requirements were not met during his/her most recent active status period. Not meeting continuing education requirements during the last active status period could be grounds for denial of a license
Stat. Auth.: ORS 703.480(3)
Stats. Implemented: ORS 703.425, ORS 703.445, & ORS 703.480 (5)

220-005-0120

Review of Disclosures

- (1) The Board of Investigators may conduct a special review of any application on which disclosures have been made to determine if a license should be issued;
 - (2) Such review will be conducted as part of a regularly or specially scheduled Board meeting, and may be held in Executive Session;
 - (3) The Board will notify the applicant at least fourteen (14) days in advance of the scheduled meeting. The Board may request the applicant to be present at such review to speak to the Board regarding the circumstances surrounding events disclosed.
- Stat. Auth.: ORS 703.480(3)
Stats. Implemented: ORS 703.415(3)

220-005-0130

Bonds and Letters of Credit

- (1) Applications for licensure must be accompanied by proof of a minimum \$5000:
 - (a) Corporate surety bond completed on a Board approved form; or
 - (b) An irrevocable letter of credit issued by a commercial bank as defined in ORS 706.005.
 - (2) Bonds and Letters of Credit must have the applicant's name listed as principal;
 - (3) A bond will not be valid until filed with the Board and the investigator is licensed with the Board in accordance with ORS Chapter 703;
 - (4) A bond will not be valid for purposes of licensure in accordance with ORS Chapter 703 unless filed with the Board within sixty (60) days of the signature date on the bond;
 - (5) A letter of credit submitted to the Board will be reviewed and approved by the Board or Board staff prior to issuance of a license pursuant to ORS Chapter 703.
- Stat. Auth.: ORS 703.480(3)
Stats. Implemented: ORS 703.425(2) (e)

220-005-0135

Errors and Omissions Insurance

- (1) Any licensed investigator who does not have a current surety bond or irrevocable letter of credit on file with the Board:
 - (a) Is required to notify the Board if his or her errors and omissions insurance policy is cancelled or lapses for any reason;
 - (b) Notification must be given to the Board within seven days of such cancellation or lapse;

(2) If a licensed investigator plans to cancel an errors and omissions insurance policy and does not have a current surety bond or irrevocable letter of credit on file with the Board, he or she must give the Board of Investigators 30 days notice for any such intended cancellation.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.425(2) (e) & ORS 703.425(5)

220-005-0140

Photographs for Identification

(1) Applications for an investigator's initial or renewal license must be accompanied by two (2) identical color photographs taken of the applicant within the previous six months of filing the application;

(2) The size requirements of the photographs must be in compliance as outlined on application form OBI98018. The applicant's head in the photo must not be larger than 1" wide and 1.25" high;

(3) The applicant's face must be clearly visible and free from shadows or other viewing obstacles;

(4) One photograph will be used for an identification card and one will be kept in the applicant's file;

(5) If a replacement identification card is needed, 2 new, identical photographs will be required. Photographs that do not meet the above requirements may be returned to the applicant and delay the application process. Photocopies will not be accepted.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.425(2) (b)

220-005-0150

Fingerprint ID Cards

(1) Applications for licensure must be accompanied by three complete sets of fingerprints.

(2) Fingerprints must be submitted on an FBI Standard Applicant Fingerprint Card, Form FD258. These forms are provided to applicants by the Board.

(3) Fingerprints must be clear as outlined in the instructions on the back of the fingerprint card;

(4) Cards that contain fingerprints that are not clear may be returned to the applicant and may delay their application process.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.425(2) (c)

220-005-0160

References

(1) Applications for licensure must be accompanied by three (3) professional references, none of which may be from a person who is related to the applicant by blood or marriage.

- (2) Professional references should be filed with the Board in letter format and must contain, in addition to the letter, the reference's current contact telephone number, mailing address, date and signature;
- (3) Reference letters will not be valid for purposes outlined in section one above if they are dated more than six (6) months prior to when the application is filed with the Board;
- (4) Reference letters may help show that the applicant fulfills the experience requirement pursuant to ORS 703.415(2).
Stat. Auth.: ORS 703.480(3)
Stats. Implemented: ORS 703.425(2) (d)

220-005-0170

Review of Application Materials

The Board of Investigators, its staff or a committee authorized by the Board will review all applications for completeness and may:

- (1) Return all application materials received if required documents have not been submitted; or
- (2) Forward the application materials to the Board if discrepancies are found with the application disclosure requirements.
- (3) Approve the application materials and proceed with the application process.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.425

220-005-0180

Reopening a Closed Applicant's File

- (1) An applicant may have his or her closed file reopened only if the request is made within two (2) years of their file being closed. The applicant must:
 - (a) Provide a written request for such action to the Application Committee; and
 - (b) Pay the application fee;
- (2) The Board or Application Committee may request the applicant to submit additional sets of fingerprints, if so the appropriate fee may be charged;
- (3) The Board or Application Committee may request additional reference letters;
- (4) The Application Committee may refer the request to the full Board for review at the next regularly scheduled Board meeting.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.425 & ORS 703.480

220-005-0210**Administration of the Exam**

- (1) The Board will adopt and administer a test of professional investigator competency.
- (2) The exam will be proctored by the Board staff or other designated supervisor, at a time and place established by Board staff.
- (3) The Board may close an applicant's file upon the applicant's failure to complete the application process in full within 90 days from the date the exam was taken.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480(6)

220-005-0220**Exam Results**

- (1) A minimum passing score will be established by the Board;
- (2) For security purposes, results will not be disclosed over the telephone. Results will be mailed at the discretion of the Board. Results may be released to the applicant with proper picture identification.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480(6)

220-005-0230**Exam Retakes**

- (1) Applicants who fail the exam may retake the exam only after submitting a Board approved retake application form accompanied by the proper retake fee;
- (2) The exam may be administered to an applicant only three times. If the applicant does not pass the exam by the third attempt, the Board may ask the applicant to wait one year from the date the last exam was taken to reapply for a new exam process.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480 (6)

220-005-0240**Appealing Exam Results**

- (1) An applicant may appeal the results of his or her exam in writing;
- (2) The Board must receive a written request for an appeal within 30 days from the date the exam results were mailed to the applicant;
- (3) The applicant has the right to review their exam at the time of appeal;
- (4) The Board will review such appeals at their next regularly scheduled Board meeting.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480(6)

220-005-0250

Copying and Distribution of the Exam

(1) No person, school, association or any other entity is authorized to copy or distribute any exam administered by the Board of Investigators without prior written authorization from the Board of Investigators;

(2) Applicants who take the exam must not disclose to anyone or any entity the contents of the exam including the exam questions and answers.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480(6)

DIVISION 10 INVESTIGATORS

220-010-0020

Educational Substitutes for Experience

(1) Completion of a related course of study at an educational institution licensed or approved by a State Department of Education or other State approving agency, and approved by the Oregon Board of Investigators may be substituted for up to 500 hours of the required work experience. Correspondence courses, online courses, or similar coursework will be evaluated on a case-by-case basis.

(2) Educational substitutions applied toward the required work experience will be granted on a three to one (3 to 1) basis and will be calculated using clock hours spent in class. For example, three hours in class would equate to nine hours of allowable experience;

(3) Applicants must provide the Board or its authorized representative verifiable documentation in the form of sealed certified transcripts or an official certificate from the administering institution(s) showing successful completion of study in the related subject matter;

(4) The Board or its authorized representative will review the subject matter of the applicant's education on an individual basis;

(5) Certified transcripts or official copies of certificates presented to the Board in an envelope sealed by the program or institution or instructor and verified as sealed may be accepted directly from the applicant;

(6) If a program or institution granting credit is no longer in business, the Board will accept for review a copy of a certificate of completion or transcript or diploma in the required subject matter and hours. The Board may require additional information to verify the authenticity of such documents.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.415(1) (g).

220-010-0030

Provisional Investigator Upgrade to Private Investigator

(1) The license of a Provisional Investigator will be upgraded to a Private Investigator license when the applicant provides verifiable documentation that he or she has performed 1500 hours of investigatory work, or completed a course of study approved by the Oregon Board of Investigators, and has paid any applicable upgrade fee;

(2) A provisional investigator must upgrade to private investigator upon meeting the requirements of ORS 703.415(g);

(3) If a provisional investigator upgrades to a private investigator prior to his or her current expiration date, he or she must pay a pro-rated amount of any applicable upgrade fee;

(4) The expiration date for a provisional investigator's current license will not change when upgraded to a private investigator unless the upgrade is granted at the time of renewal. The provisional investigator's license number will not change at the time of the upgrade, but the "P" endorsement will be removed.

Stat. Auth.: ORS 703.480(3)
Stats. Implemented: ORS 703.430(3)

220-010-0050

Applying for Inactive Status

- (1) A licensed investigator may apply, using a Board-approved form, for inactive status.
- (2) A licensee may be granted inactive status upon:
 - (a) Payment of the inactive license fee; and
 - (b) Submission of the inactive status request form to the Board's administrative office.
- (3) All granted inactive status requests will be presented at the Board's next regularly scheduled meeting.
- (4) The Board will provide a license for inactive status but no photo ID card will be issued for any licensee in inactive status.

Stat. Auth.: ORS 703.480(3)
Stats. Implemented: ORS 703.445(3)

220-010-0060

Applying for Reinstatement to Active Status

- (1) A licensee in inactive status may apply to the Board to be reinstated to active status by paying the appropriate license renewal fee and completing the appropriate renewal application form;
- (2) A licensee applying for reinstatement to active status must comply with appropriate continuing education requirements as outlined in OAR 220 Division 50.

Stat. Auth.: ORS 703.480(3)
Stats. Implemented: ORS 703.445(3)

220-010-0200

Compliance with the Corporation Division

- (1) An assumed business name (ABN) used by any licensed investigator must be registered with the State of Oregon Corporation Division if the investigator operates or intends to operate an investigative business under any name other than the investigator's legal first and last name;
- (2) A limited liability company (LLC), limited liability partnership (LLP), corporation or other business entity used by an investigator for investigative purposes as defined in ORS Chapter 703 must be registered with the State of Oregon Corporation Division;
- (3) No license or renewal will be issued unless the investigator is in compliance with sections one (1) or two (2) of this rule;
- (4) Non-compliance with the Corporation Division by a licensed investigator may be grounds for disciplinary actions by the Board.

Stat. Auth.: ORS 703.480(3)
Stats. Implemented: ORS 703.430

220-010-0300

Maintaining Current Information

(1) Within 10 days, a licensed investigator must notify the Board of any changes to name, home address, home phone number, mailing address, business name, business address, or business phone number.

(2) The Board will provide a change-of-information form, which must be completed, signed, and dated.

Stat. Auth.: ORS 703.480(3)

Stat. Implemented: ORS 703.425 & ORS 703.460

DIVISION 30
CODE OF PROFESSIONAL ETHICS

220-030-0035

Code of Ethical Conduct

(1) All licensed investigators must, at all times, observe the rules and requirements of conduct as follows:

- (a) Obey all laws in the pursuit of their investigations;
- (b) Abide by all provisions of ORS Chapter 703 and OAR Chapter 220 as they relate to licensed investigators;
- (c) Never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence their professional decisions;
- (d) Never compromise and shall relentlessly perform their duties in accordance with the law, courteously and appropriately, without fear or favor, malice or ill-will;
- (e) Never employ unnecessary or unlawful force or violence;
- (f) Maintain each client's confidentiality within the limits of the law;
- (g) Be accountable and responsible for their actions;
- (h) Accept sole responsibility for their individual standard of professional performance and take every reasonable opportunity to enhance and improve their level of knowledge, competence, and professional integrity;
- (i) Actively seek and report the truth in the performance of their professional duties;
- (j) Be above reproach in the financial aspects of their relationships with clients;
- (k) Keep promises, fulfill commitments and abide by the spirit of agreements made with their clients as well as the letter of agreements with their clients;
- (l) Recognize that the credential of a licensed investigator is a symbol of public faith and will accept it as a public trust, to be held only so long as they are true to the ethics of the investigative profession.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480(7)

DIVISION 40
ENFORCEMENT AND COMPLAINT PROCEDURES

220-040-0015

Compliance Committee

(1) The Board will appoint a “Compliance Committee” consisting of one or more Board member(s) charged with the investigation and preparation of reports to the Board concerning complaints.

(2) The Compliance Committee will be chaired by the Board's public member and one other Board member to be selected on a case-by-case basis.

(3) The Compliance Committee has the full power of the Board to conduct investigations, prepare reports, negotiate agreements, and perform such other duties as may be prescribed by the Board.

(4) The Compliance Committee may request Board staff to assist in investigation, report preparation, negotiations, and other such duties as may be deemed necessary by the Compliance Committee.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480(4)

220-040-0025

Management of Complaints

A board member who is unable to render an impartial, objective decision regarding any complaint must abstain from participating in the preparation, hearing, deliberation and disposition of such complaint. An abstention will be effective from the time a Board member announces his/her decision not to participate.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: 703.480(4)

220-040-0035

Filing a Complaint

(1) The Board staff will keep a record of all complaints made, subject only to other provisions within these rules.

(2) A complainant other than the Board should file the complaint with the Board within one year of knowledge of the incident's occurrence.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480(4)

220-040-0045

Form of Complaints

(1) When a complaint is first made, the staff will provide the complainant with the Board's complaint form. Unless there is an approved exception, this form shall be completed by the complainant and submitted to Board staff before a complaint is investigated.

(2) Unless otherwise prohibited by law, if the complainant is a client or former client of the respondent, the complainant must sign a waiver of confidentiality allowing the Board and its counsel access to records and other materials. Refusal by a complainant to comply with these requirements may result in no investigation of the complaint.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480(4)

220-040-0050

Determination of Violations

(1) A preliminary administrative review of the complaint will be made by the Board staff to assure there is sufficient information to proceed. Staff will:

- (a) Acknowledge receipt of complaint;
- (b) Notify the respondent of the allegation(s);
- (c) Begin preliminary investigation (e.g. data searches and other inquiries).

(2) If sufficient information is determined, the Board staff will then refer the complaint to the Compliance Committee.

(3) The Compliance Committee will investigate the complaint to determine its validity.

(4) The Committee will:

- (a) Gather relevant information and, in doing so, may submit questions to the respondent and require written answers and copies of related documents. The respondent shall comply within twenty (20) days after the request is mailed, unless an extension is authorized by the Committee.
- (b) Evaluate all evidence obtained, including reports, statements, and evidence (e.g., documents, data, and other materials) received from the respondent, Board investigators, Board staff or members;
- (c) Recommend action to the full Board at a regular or special meeting of the Board.

(5) The full Board will consider the Committee's recommendations and take appropriate action as authorized by ORS 703.465 and 703.995.

(6) The Board may enter into a Stipulated Agreement with the Respondent. A stipulated agreement must be signed by the respondent and the Board Chair, and include at least the following statements:

- (a) The agreement has been freely and voluntarily made by respondent;
- (b) An explanation of the particular facts and violations stipulated to by the respondent and the Board;
- (c) Respondent's agreement to accept a designated form of discipline in exchange for the agreement;

(7) If the Board finds that a complaint allegation is false, all records of the complaint shall be destroyed.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.480(4)

**DIVISION 50
CONTINUING EDUCATION**

220-050-0105

Continuing Education Programs

All continuing education programs must be in compliance with the Oregon Board of Investigators' Continuing Education Guidelines, as set forth in these rules.

The hour limitations and other requirements set forth in the Continuing Education Guidelines do not apply to Continuing Education hours earned before July 1, 2003.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.447

220-050-0110

Continuing Education Requirements for Investigator License Renewal

(1) No Private Investigator license or renewal will be issued by the Board of Investigators unless the licensee has satisfactorily completed and reported thirty-two (32) continuing education program hours in compliance with the Oregon Board of Investigators' Continuing Education Guidelines. Two (2) of the hours must be in ethics.

(2) No Provisional Investigator license or renewal will be issued by the Board of Investigators unless the licensee has satisfactorily completed and reported forty (40) continuing education program hours in compliance with the Oregon Board of Investigators' Continuing Education Guidelines. Two (2) of the hours must be in ethics.

(3) The Board of Investigators, its staff, or a committee authorized by the Board shall review all Continuing Education reports for completeness and may:

(a) Return all renewal application materials received if the required Continuing Education report has not been submitted; or

(b) Forward the renewal application to the Board for consideration at its next regularly scheduled meeting if the reported Continuing Education does not conform to the Continuing Education Guidelines; or

(c) Approve the renewal application materials and Continuing Education report, and proceed with the renewal process.

(4) A licensed investigator may carry over up to fifteen (15) hours of unused continuing education credit hours to his/her next licensing period;

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.447

220-050-0140

Inactive License Continuing Education Requirements

(1) The Board will review, at its next regularly scheduled Board meeting, a licensee's application for re-activation and determine, on a case-by-case basis, the number of continuing education credit hours required of the licensee prior to approving the active status;

(2) The licensee should be prepared to provide the Board with documentation of the number of hours of continuing education completed during the licensee's most recent active status period.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.447

220-050-0150

Continuing Education Program Certification and Audits

(1) The Board of Investigators may randomly audit licensed investigators for compliance with Continuing Education requirements;

(2) Investigators being audited must provide both a compliance form and verification of satisfactory completion of programs attended. If the Board, or its authorized representative does not accept a program as submitted:

(a) The licensee will have up to 90 days to make up the continuing education hours;

(b) The licensee may have his/her license renewed by paying the normal renewal fee with the expectation that the hours of continuing education not approved will be completed within the 90 days of the renewal date;

(c) The licensee will be subject to disciplinary action if continuing education program deficiencies are not made up within the ninety (90) days of their renewal date; and

(3) The Board may charge a late renewal fee or impose discipline up to and including denying the renewal for an investigator who does not demonstrate a good faith effort to complete continuing education credit before his or her renewal date;

(4) Investigators not being audited will be required to submit with their renewal application a compliance form that includes a signed statement certifying that they have completed the continuing education requirements set forth in these rules;

(5) All licensed investigators must maintain a record of completed continuing education for a minimum of seven (7) years and provide these records to the Board upon request.

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.447

220-050-0300

Continuing Education (CE) Guidelines

(1) Conferences and Seminars

The Oregon Board of Investigators will maintain a list of organizations whose conferences, seminars, and educational meetings have standing approval. Continuing Education from other organizations will be approved on a case-by-case basis.

- (a) Attendance: 1 CE Hour for each hour of speaker presentation.
- (b) Lecturing: 4 CE Hours for each hour presented.
- (c) Video tapes: 1 CE Hour for each hour viewing of videotapes.
- (d) Audiotapes: 1 CE Hour for each hour or listening to audiotapes.

(2) Computer Seminars

One (1) CE hour of credit for each hour of attended seminar sessions hosted by computer information sources such as public record vendors; and any other similar approved seminar regarding computer information sources. Seminars on how to operate computers will not be approved for credits. (Limit 12 hours per licensing period.)

(3) Educational Institutions

Educational institutions (including colleges, universities, and trade schools) will be granted standing approval when that institution is licensed or approved by the respective State's Department of Education or other State approving agency, and the course subject matter is appropriate to the investigator. This standing approval will apply to all courses related to law, criminal justice, ethics in the legal or investigative profession, and other courses that are clearly applicable to the private investigator. Others may be approved on a case-by-case basis.

- (a) Attendance: 1 CE Hour for each hour of course instruction.
- (b) Guest lecture: 4 CE Hours per presentation, 1 hour or more. (Limit of 8 hours per licensing period.)

(4) Publications

(a) Articles: Six (6) CE hours for each 1000 word or more investigation related article published, or suitable for publication, in a newsletter or journal. (Limit of 12 hours per licensing period.)

(b) Books:

- (A) Twenty-four (24) CE hours for writing a full-length book on a subject appropriate to investigation.
- (B) Eight (8) CE hours for updating and republishing an existing full-length published book on a subject appropriate to investigation.
- (C) Eight (8) CE hours for writing a single chapter of a full-length published book on a subject appropriate to investigation.

(5) Self-Study

(a) Correspondence Courses and Online Courses: Twelve (12) CE hours per college-equivalent credit hour; otherwise, Four (4) CE hours per course that is related to investigation, completed and passed.

(b) Books and Manuals: Two (2) CE hours for each non-fiction book or professional/technical manual that is related to investigation. All books published by Lawyers and Judges Publishing have standing approval. Other books will be approved on a case-by-case basis. (Limit of 8 hours per licensing period.)

(6) Television and Radio Appearances

Four (4) CE hours for each half hour appearance on a television or radio program which provides education about investigative topics. Merely appearing or participating in a show does not qualify. The program must qualify as an educational program. (Limit of 8 hours per licensing period.)

(7) Board Meetings

Two (2) CE hours will be granted for attending an OBI Board or Committee Meeting. No CE hours will be granted for attending investigator association board or committee meetings. (Limit of 4 hours per licensing period.)

(8) Network Meetings

Two (2) CE hours will be granted for approved network meetings. Meetings must be noticed and structured, and proof of attendance that includes topics covered must be supplied to attendees by the person organizing the meeting. A minimum of four investigators must be in attendance. (Limit of 8 hours per licensing period.)

Stat. Auth.: ORS 703.480(3)

Stats. Implemented: ORS 703.447.