BYLAWS for the PROFESSIONAL INVESTIGATORS OF CALIFORNIA, INC.

adopted by the Board of Directors on October 10, 2002 Glendale, California

(Last Amended by a vote of the Active Members on October 31, 2013)

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Bylaws of the PROFESSIONAL INVESTIGATORS OF CALIFORNIA, INC.

PREAMBLE

The object and purpose of this Association shall be to promote and maintain the highest ethical practices in the profession of Private Investigator; to perpetuate a spirit of cooperation among its members and the general public; to establish and further a mutual feeling of trust, goodwill and friendship among professionals throughout the industry; to advance the profession with continuing education; and, to articulate and advocate the needs, interests and benefits of the profession before the media, and before the legislative, administrative, and judicial branches of local, state and federal governments.

ARTICLE I - NAME

1. The name of this Association is the PROFESSIONAL INVESTIGATORS OF CALIFORNIA, INC. The name of "PICA" is authorized for usage in official correspondence.

ARTICLE II - LOCATION & SEAL

- 1. The location of the corporate office shall be determined by the Board of Directors.
- 2. The Official Seal of the Association shall be of the following design: A full beaded circle around the inside of which will appear the name PROFESSIONAL INVESTIGATORS OF CALIFORNIA. Within the words appear two smaller circles, which encircle a background of laurel leaves behind a shield. Within the shield there is an outline of the State of California, the scales of justice, and PICA. The words FOUNDED 2002 appear between the beaded circle and the inner circles.
- **3**. Only members, in good standing, may use the Official Seal of the Association.

ARTICLE III - MEMBERSHIP

- 1. As a condition of membership all members agree to abide by the Code of Ethics Bylaws, and Bylaws as currently amended.
- **2.** The ACTIVE, ASSOCIATE, STUDENT, SERVICE and INDUSTRY MEMBERS in good standing as of the first day of the first Annual Business Meeting of the PROFESSIONAL INVESTIGATORS of CALIFORNIA, INC. will be known as CHARTER MEMBERS of the PROFESSIONAL INVESTIGATORS OF CALIFORNIA, INC.
- **3**. Membership classifications are as follows:
- **A. ACTIVE MEMBER.** Individuals licensed by the State of California, as a Qualified Manager, to practice the profession of Private Investigator shall be eligible to apply for ACTIVE membership. In the case of a partnership or corporation license, the partner or corporate officer designated by the partnership or corporation, who is a Qualified Manager, would be eligible to apply for membership in the Association; however, all individuals who continue to hold an individual license would remain eligible for membership in this Association. The membership is taken as an individual and is not transferable. ACTIVE members shall have the right to vote. To be eligible to hold a State or District office, they must reside in the State of California.
- **B. ASSOCIATE MEMBER.** Individuals residing outside of California and not licensed in California, who, in their own jurisdiction, is qualified under the respective laws or regulations to operate as a Private Investigator shall be eligible to apply for ASSOCIATE membership. Associate members can also be a person whose exclusive employment is investigation, i.e. in-house insurance investigators, full time law enforcement and fire department investigative personnel. ASSOCIATE members can be members of partnerships and officers of corporations, who are not Qualified Managers. An ASSOCIATE member shall have all the rights and privileges of the Association with the exception of voting rights at the State level. ASSOCIATE members may vote at the District level in the District in which they are affiliated. An ASSOCIATE member may not hold office at any level.
- C. STUDENT MEMBER is defined as a verified student, currently enrolled in an accredited institution and/or training program relating to the investigative and/or legal industry. A STUDENT member shall have all rights and privileges of the Association with the exception of the right to vote or hold office and must identify themselves in any correspondence as a STUDENT member.

D. LIFE MEMBER.

PICA will recognize and formally honor members who have maintained and supported our beloved organization for twenty years, or ten years at age 70, as continuous dues paying members in good standing, by awarding such an act of unique generosity and selflessness to our profession the highly respected and fully deserved status of "Life Member". The Board of Directors may, by a majority vote, recognize and formally honor members for

outstanding service by awarding them a: Life Membership". Thereafter which, the now designated "Life Member" is no longer obligated to pay annual dues to PICA.

- **E. SERVICE and INDUSTRY MEMBER** is any individual who provides services and/or materials relating to the investigative industry is eligible to apply for Service and Industry membership including but not limited to Registered Process Servers, Attorney Services, Information Brokers, and Paralegals. Service and Industry members shall not have the right to vote or hold office.
- **4**. All applications for membership or renewal of membership must be submitted on a form to be provided by the Association. Both new and returning members shall be subject to the same vetting procedures. All applicants, whether new or renewal, agree that their membership is subject to approval by the Board of Directors or its designated committee. All applicants, whether new or renewal, agree to hold harmless PICA, its members and Board of Directors if said membership is not approved.
- **5**. Each member shall designate on the membership application the District with which they are affiliating. District affiliation may be changed upon written request by the member to the Secretary or Executive Director.
- **6**. All members of the Association shall serve without pay, with the exception of the Executive Director. The Board of Directors may allow a member actual and necessary expenses for Association business including but not limited to postage, photocopying, hotel and either vehicle, taxi and/or airline travel. Efforts will be made to secure the lowest costs whenever possible.
- 7. As used in these bylaws the term "member" means all members unless otherwise stated.
- **8**. The Official Publication of the Association shall be known as the "PICA INVESTIGATIVE REPORTER." It shall be published and distributed to all members no less than semi-annually.
- **9**. Whenever the masculine or feminine gender is used in these bylaws, it shall be construed to refer to both genders equally and simultaneously.

ARTICLE IV - DUES

- 1. The annual dues for membership of this Association shall be established from time-to-time by the Board of Directors in a written policy. All dues are non-refundable. All renewals are due January 1st of each year. The Board of Directors may vote to modify the annual PICA dues permanently or for specific periods of times.
- **2**. A member, whose dues for the current year have not been paid by January 31st, forfeits their membership and inclusion in the Association directory and access to the PICA Listserve Group. Exception may be made only upon approval of a majority of the Board of Directors and/or their designee.

ARTICLE V - MANAGEMENT

- 1. The activities and affairs of the Association shall be conducted and all corporate powers shall be exercised by or under the direction of the Board of Directors in accordance with the Bylaws, any Standing Rules adopted and the California Corporations Code (CCC).
- 2. The member districts shall consist of: Bay Area, Northern, Central Coast, Los Angeles, Orange County, Inland Empire and San Diego areas. The Board of Directors may increase or decrease the number of districts from time to time as needed by a majority vote of the Board members as dictated by the geographical needs of the Association.
- 3. Each District Director shall hold a minimum of one district meetings per quarter.
- 4. Each District Director may appoint an ambassador and/or committees to serve local needs

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- **5**. Each District Director may, upon approval of the Board of Directors, be reimbursed for the expenses of the district if: (a) a sufficient need is shown prior to the expense; and, (b) if the need was not caused by a reckless abandonment of the responsibilities of said position.
- **6**. The Board of Directors shall have the authority to employ an Executive Director or other personnel to assist in the daily operations of the association if the need arises. The President shall be responsible for the activities of the Executive Director or other personnel in carrying out their appointed duties.
- 7. All books and records shall be open to inspection by any member, in good standing, at any time during regular business hours and in full compliance with the California Corporate Code and all other applicable laws and regulations of the State of California. All requests shall be in writing to the Secretary, Treasurer, or Executive Director, and shall be complied with in five (5) business days following receipt of said request.
- **8**. The President, Secretary and Treasurer shall be responsible for submitting all required Tax forms and corporate papers prior to the required filing date. A late filing shall be immediately brought to the attention of the current Board of Directors.

ARTICLE VI - ANNUAL BUSINESS MEETING

- 1. The association shall hold an Annual Business Meeting.
- 2. The Annual Business Meeting shall be held prior to December 31st of each year.
- 3. Twenty (20) Active members shall constitute a quorum for the Annual Business Meeting.
- **4**. All members, in good standing, are eligible to attend all business meetings of this association. All members will be notified of the Annual Business meeting no less than sixty (60) days in advance.

ARTICLE VII - PROCEDURES

- 1. Robert's Rules of Order Newly Revised edition shall govern the conduct of all meetings.
- 2. The Board of Directors shall determine the order of business at the Annual Business Meeting.
- **3**. The Treasurer shall make available and post on the Members only Website a detailed audited financial statement of the previous year by April 15th of the new term of office.

ARTICLE VIII - ELECTIONS

- 1. Any qualified Active member in good standing, shall communicate their desire to the Election Committee to run for any elected office. Any nominee for the office of President is required to be a sitting board member for a full one year term or have previously served for at least a full one year term on the Board of Directors within the prior three years.
- 2. Election of officers by vote of the Active members shall be by way of private balloting procedure. The Secretary or Executive Director, as directed by the President, shall cause the official ballot to be printed and mailed to all Active members no less than 30 days prior to the date set each year for the Annual Business Meeting. The Board of Directors may, at their discretion, implement electronic voting as long as the voter's anonymity and the proof of receipt and returned ballots are preserved. Any Active member may write-in their vote for any qualified candidate of their own choosing for any office. The date for the return of ballots and the manner and means of tabulating and recording the votes shall be fixed and determined by the Board of Directors.
- **3**. The Board of Directors shall determine the manner and means of the custodial care of the ballots until tabulation and recording. Qualified candidates receiving the highest number of votes for each such office on the ballot shall be declared elected. The Secretary or Executive Director shall certify the results of the election. A notice of the election results shall be sent to all candidates and to the membership pursuant to the private balloting procedure.

- **4**. The term of office for all elected persons will be from January 1st to December 31st of each given year following the elections.
- 5. No person shall be eligible to hold any elected position unless they are an Active member in good standing and have their address (as listed on their BSIS Personal Identification Form) within California. In the event a candidate's primary residency is questioned prior to an election, the member shall provide the Secretary or Executive Director with documentation, within five calendar days, establishing that their primary residence is within California. A board member moving outside California during their term may remain in office until the end of their term, provided they continue to meet attendance requirements.
- **6**. Each candidate shall be eligible to receive one vote per voting member.
- 7. Each District is to elect a District Director at a meeting of the District to be held prior to the Annual Business Meeting each year. Active and Associate District members shall vote for the Director of their District. The District Director is to inform the Secretary or Executive Director of the results of the election no less than ten (10) days prior to the Annual Business Meeting. Voting shall be by those members who are on record with the Secretary or Executive Director as affiliated with that District.
- **8**. In the event of a vacancy in the office of District Director before the end of a term, the vacancy shall be filled by a vote of the members of the District at their next meeting. An interim director may be appointed by the President or 2nd Vice President until a new director is voted in. The appointed interim director must be ratified by the Board of Directors at their next scheduled meeting.

ARTICLE IX - BOARD OF DIRECTORS

- 1. The Board of Directors shall consist of the following officers: a President, two (2) Vice Presidents, Secretary, Treasurer, Executive Director (pursuant to Article XI of these Bylaws) and one Director from each District and the Immediate Past President. Should a vacancy exist for any elected Board Member position, a special election will be held within 30 days. If the position is unfilled after 30 days, the President shall appoint any member(s) of the association in order to facilitate the duties of said position. The appointment shall require a majority vote of the sitting Board of Directors. The appointee(s) shall not have a vote and shall not be able to be present in Executive Sessions. No two (2) members from the same investigative agency may serve on the Board of Directors simultaneously. No PICA Director or Officer shall concurrently serve on the Board of Directors of any other State, National or International Private Investigators Association. Any Member elected or appointed to the positions of Officer or Director and/or serving on the Board of Directors of PICA cannot simultaneously serve in an elected or appointed leadership position for a competing organization. A competing organization is defined as a state private investigator association that provides similar services as PICA and seeks members with the like qualifications for a similar purpose.
- 2. The Board of Directors shall have all the powers and perform all the duties necessary and appropriate to such a board in the general management of the affairs and interests of the Association. It shall direct the manner and purposes for which all funds of the Association shall be disbursed and shall approve all expenditures and disbursements. The Board, however, shall have no power to make the Association liable for any debt in excess of the amount of money in the treasury at any one time not subject to already existing liabilities. It may delegate authority to an officer or committee of the Association, prescribe additional duties for an officer, and employees of the Association and may authorize any officer, employee or other committee to contract for the Association provided such contract is approved by the majority of the Board of Directors. The Board of Directors shall perform all other duties required of it under these Bylaws; and as it may deem advisable, it shall have power to make such rules and regulations, prescribe procedures and take action in the best interests of the Association not inconsistent with the Bylaws and the California Corporate Code and all laws and regulations of the State of California.

- 3. No member shall be elected to the same Board of Directors position for more than two (2) consecutive terms. After serving two (2) consecutive terms in the same board position, the member will not be eligible for reelection to the same board position until after a one year period has elapsed. An elected board member may serve no more than five consecutive terms on the board. Following the fifth term, the board member must allow one year to pass before running for a board position.
- **4.** Any Officer or Director may be removed for cause from the Board in accordance with the CCC §7221, which includes but is not limited to, any Director missing two (2) Board Meetings, in one term, without prior approval from the President. Any Officer or Director may be removed for cause by a vote calling for such removal by three quarters (3/4) of the Board of Directors.
- **5.** A simple majority shall constitute a quorum for a meeting of the Board of Directors. A simple majority is defined as a majority of filled positions on the Board of Directors at the time the meeting is held.
- **6.** A Proxy vote by a sitting Board Member may be submitted to the Board of Directors for consideration as a vote in absence of said Board Member. The Proxy vote must be in writing and signed by the absent Board Member and indicate the specific vote for each agenda item requiring a vote. The absent Board member shall have the digression to allow his or her Proxy holder to vote on motions that are not on the agenda or evolve from an agenda item. A Proxy vote is valid only for excused absences of the Board Member requesting said Proxy. The Secretary or Executive Director shall record said Proxy vote in the minutes of the meeting.
- 7. A minimum of four (4) regular meetings of the Board of Directors shall be held during the fiscal year including the Annual Business Meeting. Telephonic, web-based conferencing or acceptable electronic communications of the Board of Director meetings are permissible in lieu of regular meetings. The Board of Directors is to be notified of every meeting by the Secretary at least two (2) weeks prior to said meeting. The President, a Vice President, the Secretary, Treasurer or any two (2) directors may call special meetings of the Board.
- **8**. All special meetings of the Board of Directors must be noticed at least 48 hours prior to the meeting. Notice may be made by USPS first class mail, facsimile, telephone and/or by way of electronic mail.
- 9. A special meeting of the Board of Directors may be held, provided that a quorum is present.
- 10. Board Meeting Minutes shall be sent to all members of the Board of Directors within fifteen (15) days of the respective meeting. Failure to comply may result in a reprimand, suspension or removal from the Board of Directors.
- 11. The Board of Directors may approve reimbursement of verified extraordinary expenses to Officers and Directors. The expenses allowed shall be actual and reasonable.
- **12.** All matters discussed by the board, orally or in writing, to include e-mails and all other electronic communications, are confidential and can only be released to outside organizations, including employers, membership organizations and governmental entities with the written permission of the President. Any violation of this section may result in administrative action up to and including expulsion from the organization.

ARTICLE X - DUTIES OF OFFICERS

1. PRESIDENT: The President shall be the Chief Executive Officer of the Association who shall serve without pay. The President will be responsible for the business affairs, interest and welfare of the association. The President shall preside at the Annual Business Meeting, shall appoint all Committee Chairmen, acting as ex officio member of each committee, and shall perform such other duties as directed by the Board of Directors. The President shall schedule and preside over all meetings of the Board of Directors, and shall be responsible for timely notices of said meetings. The President is PICA's primary representative to the Bureau of Security and Investigative Services.

- **2. VICE PRESIDENTS:** There shall be two (2) Vice Presidents who assist the President in the performance of their duties as described below. They may perform any and all other duties specifically delegated to them by the President, and shall serve without pay.
- (a). The 1st Vice President shall be responsible for developing, implementing and directing the Association's educational and public relations programs. Such duties shall include:
- 1) Act as the administrative liaison between the Association and the Bureau of Security and Investigative Services.
- 2) In the event of the absence or inability of the President to preside or perform the duties of his office, the 1st Vice President shall assume the role of President.
- (b). The 2nd Vice President shall oversee membership services and benefits. Such duties shall include:
- 1) Responsible for overseeing the verification, qualifications, and eligibility of all membership applicants and renewals.
- 2) Responsible for educating the District Directors as to their responsibilities and insuring they are in compliance with the bylaws.
- 3) In the event of the absence or inability of the President, and the 1st Vice President to preside or perform the duties of their offices, the 2nd Vice President shall assume the role of President.
- **3. SECRETARY**: The Secretary shall keep an accurate account of the minutes of annual meetings of the Association and all meetings of the Board of Directors; receive and answer all communications addressed to the Association, unless otherwise directed by the President, and perform other duties as directed. A Membership Directory shall be made available to all members
- 4. TREASURER: The Treasurer shall be the Chief Financial Officer of the Association who shall, serve without pay; keep a complete and accurate record of monies received; issue receipts for same when necessary; deposit all monies received in a Federally Insured Depository of their selection in the name of the Association; make all disbursements necessary in the regular course of business of the Association; make special disbursements when authorized to do so by the Board of Directors; provide detailed reports to the Board of Directors at the Board meetings. Complete a fiscal year financial report for all accounts held in the name of the Association. Deliver all money, books, papers and other property of the Association to their successor within fifteen (15) days following the start of the new term.
- a). The Board of Directors shall require more than one signature on any check exceeding \$2,500.00.

ARTICLE XI - EXECUTIVE DIRECTOR

- 1. If the Board of Directors deems it necessary, an Executive Director and/or administrative employee(s) shall be selected and hired to perform a variety of administrative and management duties that will ensure an effective and responsive Association.
- **2**. The Executive Director's position shall be an "At Will" position, subject to termination without cause or severance pay. Termination as Executive Director shall be effected by a majority of the voting members of the Board of Directors present at a scheduled meeting.
- **3**. The Executive Director shall have a job description and a memorandum of understanding established within ninety (90) days of the start of a new Board of Directors term.
- **4.** The Executive Director shall have all the rights and privileges accorded to all Board members as set forth in these Bylaws, unless otherwise directed by a majority of the voting Members of the Board of Directors present at a scheduled meeting.

ARTICLE XII - COMMITTEES and APPOINTMENTS

1. The Legislative Committee shall review and recommend a position on all bills and resolutions concerning Private Investigators and the industry.

- 2. The Grievance and Ethics Committee shall have the responsibility to receive, investigate and resolve complaints. The President shall invite any member with interest or experience to volunteer to be a member of the Committee. All Committee investigations will be conducted as confidentially as possible. The committee may receive complaints informally and attempt to resolve matters to the satisfaction of both parties. If this is not possible, the committee shall conduct a formal investigation. A complaint submitted in writing to the Committee by the Petitioner shall be investigated by the Committee unless the complaint is materially indifferent from a previously investigated complaint. A complaint against a member who serves on the Committee shall be recused from investigating said complaint, and shall be temporarily replaced by a member who is both not a party to the complaint and does not have material knowledge of the complaint. The Committee shall submit a full copy of the complaint to the Respondent within five business days of receiving the complaint. Committee reports of all complaints, formal or informal, will be submitted in writing to the full Board, and will remain confidential. The Committee will recommend appropriate action to the Board of Directors in accordance with these bylaws, Code of Ethics, Standing Rules and all amendments approved by the members of PICA. The Grievance and Ethics Committee shall complete its investigation within 45 days of the receipt of the complaint and present its report and recommendation to the Board of Directors. A vote for any proposed discipline requires a majority vote of members of the Board of Directors. If a Board member(s) is a Petitioner or Respondent to a complaint, said Board member(s) shall not have a vote on said complaint.
- **3**. **The Unlicensed Practices Committee** shall investigate all alleged violations of licensing laws involving Private Investigators and related industries that affect the membership.
- **4. The Bylaws Committee** shall accept and review all Bylaw amendment proposals submitted in accordance with ARTICLE XIV.
- **5. The Education & Training Committee** shall assist in the coordination and arranging for the attendance and presentation of informative and specialized speakers at the annual conference and at training seminars held throughout the year.
- **6. The Benefits Committee** shall develop programs to benefit the association and its members; to assist the Association in the attraction and retention of members. To this end, the specific duties of the Committee are:
 - a. Review and recommend available member benefits programs, products and/or services.
 - b. Review and monitor the quality and availability of products and services and the level of member participation.
 - c. Review and recommend ways to publicize and promote the Member Benefits.
 - d. Assist members with needs and concerns within the member benefits program.
- 7. The Annual Conference Committee shall be responsible for conducting the Annual Conference. This includes, but is not limited to, arranging for the accommodations, the speakers, the sponsors, all printed material and handouts.
- **8**. **The PICA Listserve** shall have an Administrator who will review the use of the Internet PICA Group Listserve to assure that all members are using it in compliance with its established purpose.
- (a). The Listserve Administrator will have the authority to recommend disciplinary action to the Board of Directors for any member found to be violating the Listserve rules. However, the alleged violator shall have the right to be heard either orally or in written format within five (5) calendar days after the Listserve Administrator makes there commendation for disciplinary action to the Board of Directors.
- (b). The PICA Listserve is for the exclusive use of its members and candid dialogue is encouraged. Profanity, vulgarity, derogatory and calumnious remarks and overtly hostile and demeaning dialogue are not permissible under any circumstances whatsoever. However, there shall be no restriction, regulation or censorship of the content, choice of topics or subject matter unless in violation of this section. The Administrator shall have the authority to place any member whose postings he or she determines to be in egregious violation of the Listserve rules on immediate and temporary moderation. The Administrator must submit a written explanation of

this action to the Board of Directors with any recommendation for continued disciplinary action within 48 hours. The re-posting of non-members' e-mails to the PICA Listserve is not permissible without written consent from the original author and does not violate the rules of this section. Any violations shall be attributed to the member who re-posted the email from the non-member.

- (c). Each member utilizing the PICA Listserve agrees to HOLD HARMLESS PICA, the Board of Directors and the membership for any damage incurred, perceived and/or anticipated.
- **9. The PICA Investigative Reporter** Editor shall be responsible for the preparation and distribution of the publication. All material may be subject to final approval of the Board of Directors.
- **10**. No PICA member will be appointed to a Committee Chairmanship position if he/she holds a similar position with a competing or like State or National Association whose principal focus is the Private Investigative Industry.

ARTICLE XIII - GRIEVANCES and DISCIPLINE

- 1. Any member may be reprimanded, suspended or expelled from the Association by the Board of Directors for conduct unbecoming a member of the Association, for violation of the Bylaws, Code of Ethics, Standing Rules and all amendments approved by the members of PICA. However, no such reprimand, suspension or expulsion shall become effective until the procedures outlined in Article XII-2 have been followed.
- 2. A vote for any proposed discipline requires a majority vote of members of the Board of Directors.
- **3**. The Secretary or Executive Director shall notify all parties of the Board of Directors' decision by certified mail within ten (10) days.
- **4**. All Board of Directors decisions relative to Discipline and Grievances are final withstanding any exonerating or extenuating circumstances mitigated by the Bureau of Security and Investigative Services and/or a court of law.

ARTICLE XIV - AMENDMENTS

1. The Bylaws shall be amended in the following manner. The Bylaws Committee will review and analyze the proposed amendment. The Committee may communicate with the submitter of the proposed amendment in an effort to effectively draft the proposed Bylaw amendment in such a way that it does not conflict with the California Corporate Code or other PICA Bylaws. The proposed amendment shall be published with the Board of Directors' recommendations. The adoption of an amendment to the Bylaws shall be by a simple majority vote of the Active members voting.

ARTICLE XV - DISSOLUTION

1. This Association may be dissolved at any time by a majority of eligible voting members in good standing. Upon the dissolution of this Association, all funds remaining shall be distributed to the members, in good standing, in accordance with the applicable sections of the California Nonprofit Mutual Benefit Corporation Law.

CODE OF ETHICS

As a member of the Professional Investigators of California, (PICA), I Pledge as follows:

- To conduct myself in my profession with honesty, sincerity, integrity, fidelity, morality and good conscience in all my dealings with clients and with the PICA association of which I am a member.
- To provide only those services which I am competent to perform.
- To respect and protect confidential and privileged client information except in those instances contrary to state or federal law.
- To concentrate and perform my duties and obligations as a Professional Investigator in accordance with all applicable state and federal laws and regulations.
- To strictly observe the precepts of truth, accuracy and prudence.
- To promote legislative initiatives designed to raise professional standards.
- To promote educational programs designed to enhance opportunity and skill for professional development and advancement of the Investigative profession.
- To prepare and present my investigative reports based upon truth and fact.
- To never directly or indirectly injure the professional reputation, or prospects of another Professional Investigator.
- We will strive to strengthen the PICA association by recommending recruitment of those Professional Investigators who are qualified and whose business operations are conducted in an honest and legitimate manner.