



# **PALI**

## **NEWS BULLETIN**

The Official Publication of the Pennsylvania Association of Licensed Investigators

P.O. Box 60036, Harrisburg, PA 17106-0036 (717) 576-2253 <http://www.pali.org>

### **PALI**

### **2003**

### **Election**

#### **Welcome to the New Officers & Directors**

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**Bob Meinert**

Chairman of the Board

**Rick Payton**

First Vice President

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Region 2 ..... Art Tredinnick

Region 3 ..... Chuck Kleber

Region 4 ..... V. Scott Graham

Region 5 ..... Walt Yarnall

Region 6 ..... Dennis Lagan

#### **DIRECTORS AT LARGE**

Jeff Fry

Kitty Hailey

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## **What is IASIR and What Does It Mean to You and PALI?**

During the spring of 2000 PALI received information about the National Association of Security and Investigative Regulators. After some inquiry we learned that the Pennsylvania State Police were members but were only involved as far as regulators of armed private security officers, whom they certify for Lethal Weapons Training under Act 235. We also learned that the 67 District Attorneys and 67 President Judges, as the regulators and licensors of PIs in PA, had not become involved in NASIR. A call to NASIR determined that as "self-regulators" PALI was eligible for associate membership and our board voted to join. Then-president Barry Ryan appointed me as the PALI representative and within a month I attended the Spring Meeting of NASIR in Lake Tahoe, NV where, along with 5 other associate and one individual candidate, PALI was accepted as a member. The meeting lasted for three information-packed days and the notes of General Membership Sessions and Meetings may be found, along with other relevant information on their website: [www.iasir.org](http://www.iasir.org)

To clarify: during 2001 NASIR members recognized their international membership and character and adopted their new name, International Association of Security and Investigative Regulators (IASIR.)

What began in the spring of 1993 with representatives from seven states has grown into an internationally recognized group of members from 35 states and four Canadian provinces. At regular meetings they strive to promote effective regulation and professionalism of the private security, private investigation, alarm, and related industries by pursuing their initially stated goals:

- **Enhanced applicant processing and records management**
- **Expedient background investigation and fingerprint processing**
- **Dissemination of information on insurance/bonds**
- **Keeping abreast, and sharing information, about new licensing technology**
- **The promotion of effective state regulation and enforcement**
- **Assisting in education and training standards**
- **Eliminating unlicensed activity**
- **Developing harmony between law enforcement and the regulated industries**
- **Influencing federal legislation**
- **Formulating model laws and regulations**
- **Assisting states in developing and enforcing laws and regulations**
- **Encouraging reciprocity between states**

Remembering that most of the people attending IASIR meetings are executives and staff of state agencies that regulate and license private investigators, among others, it is remarkable to me that their list of goals could almost be used as a PALI meeting agenda!

Literally, every one of their goals has been the topic of lively discussion among our members.

IASIR's Standing Committee list includes Membership, Program, Legislation, Reciprocity, Training & Education, Bylaws/Ethics, and Nominating committees. A duly elected board resembles PALI's with officers, Directors At Large, and Associate Directors included.

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## ***President's Message***

Dear Members,

It's hard to believe that two (2) years have gone by since I took over as president. A lot has happened in our organization and industry within that time, thanks to our Board and many members who have given of their time. Much work goes on behind the scene with conference calls, special meetings, e-mail, research and all of it is very much appreciated. I thank our Vice Presidents, Skip Gochenour and Rick Payton, the Directors and all of the Board for their dedicated work.

I know you may be tired of hearing about the Fair Credit Report Act (FCRA) fiasco, but as you read this, work is going on to convince congressmen and senators why we need the fix of this act. Several of our members have contacted congressmen and many have written letters to them asking for their help. You have by now received the update and a request to now speak with, or at least write our U. S. Senators. The lack of this fix will definitely affect our livelihood.

The Private detective Act (PDA), which we originally thought, had to be looked at immediately, because of a county detective's desire to have it changed, has been talked about more than anything we worked on this year. Skip Gochenour and Jeff Frey have contacted legislators they know, and determined that the bill in the judiciary committee was not going to be considered in the near future, if at all. Skip and Jeff saved us a lot of time and money. The majority of the members believe the PDA was best left alone at the present time. Most thought the PDA was better left in the hands of the courts and district attorneys and not the state police, although most agree that guards should be separated from private detectives. This will have been discussed at the September meeting and various thoughts will be presented by several members, including Jeff Fry, Skip Gochenour, Fred Bornhofen, Jim Carino and I'm sure other members.

Hopefully the website has been an asset to you. A tremendous amount of work has been put into that by the committee. Thanks to Chuck Kleber and Barbara Thompson, the site has been resurrected, updated and your recommendations have been implemented.

Bob Kozura has taken over the newsletter and done a great job putting it all together. He works tirelessly on getting articles and ads and I can't thank him enough.

As you know Barry Ryan has managed to have PALI certified for continuing education credits. This goes a long way to making us more professional. Thank you Barry!

The by-laws are in for changes and several of you have taken the time to make recommendations. They will have been reviewed, discussed and voted on at our September meeting. Thanks to Fred Bornhofen, who has coordinated this for us. When we needed a treasurer to fill a vacancy, Fred graciously offered his services.

Walt Yarnall and Skip Gochenour have spent many hours in time and travel working on the Ethics and Compliance Committees. Their work is greatly appreciated.

I want to thank the newly formed Steering Committee who is working to come up with new ideas on strengthening our membership and finding ways to fund our projects. Those members, Jim Carino, Fred Bornhofen, Jeanne Arabia, Barbara Thompson, Bob Kozura, Jeff Fry and Walt Yarnall give a lot of their time and I thank them.

Also, I want to thank the nominating committee, Jeanne Arabia, Jim Flowers and Jeff Fry for all of their work in putting a fine slate together for us. I wish Jim Carino and the new officers the best and know with their dedication, this fine organization will stay on the move.

Thank you to our Solicitor, Jim West for his quick and reliable action on legal matters. Also, thanks to Suzie Gochenour and Barbara Thompson for putting together great seminars for the members.

Last but not least, I want to thank the entire membership who have seen fit to elect me to the position and assisted me throughout my tenure.

Best Wishes and I hope to see many of you at Atlantic City in October.

Bob Meinert



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# Federal Wiretapping Statutes and Computer Crime



In 2000, the United States Department of Justice reported in its computer crime survey that 90% of 643 answering corporations and government agencies had detected computer security breeches within the last 12 months establishing that experienced and sophisticated computer criminals are increasingly posing a substantial challenge to law enforcement and changing the nature of criminal activity dramatically.

More important, it remains extremely difficult to catch computer criminals. The computer itself provides a degree of anonymity and this is magnified by the availability of services that repackage electronic mail and diminish or destroy the ability to trace it. even the victims of electronic crime and their internet service providers add to the problem by failing to preserve historical logs and other records that might provide investigative leads. Sophisticated hackers also jump from network to network, sometimes going outside the United States compounding the difficulty of

tracing the origin of the harm. Moreover, traditional law enforcement remains focused on traditional criminal activity and investigative techniques and is still adjusting to the new computer crime scenario.

Recent articles coming out of the United States Department of Justice have been advocating proactive computer crime investigations using undercover agents to identify ongoing computer crimes in real-time, while the crime is actually occurring. Of course, the use of real time monitoring of criminal activity raises the specter of Orwellian Surveillance where the activities of virtually everyone are identified, recorded, logged and subject to future review, search and retrieval. In addition, these new types of investigative techniques where ongoing computer activity is captured, monitored and identified raise major legal issues concerning violation of the Federal Wiretapping statutes. This article will briefly analyze the use of computer investigative techniques *vis a vis* the wiretapping statute.

In 1986, Congress passed the Electronic Communications Privacy Act (ECPA) which extended the anti-wiretapping provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968 (Title III), 18 U.S.C. §2510 et seq. to electronic communications that are intercepted contemporaneously with their transmission. Under this statute, communications between computers and fax machines are protected from interception without a court authorized warrant unless some statutory exception applies. The two major exceptions are consent of a party "acting under color of law" and consent of a party "not acting under color of law." The exception most useful to private investigators would be the consent of a party not acting under color of law. This exception is contained in 18 U.S.C. §2511(2)(d) and would permit a victim to monitor communications to which he/she is a party even before law enforcement gets involved. This will solve many of the Title III problems but there have been frequent occasions identified where computers are being used and invaded by hackers when the victim is not "a party to a communication" that would not qualify as an exception to the wire tapping statute. In these circumstances, the Department of Justice has recommended the use of "computer banners" that appear when a person logs onto a network and provide fair warning and implied consent arguments that may overcome the prohibitions of the electronic communications privacy act.

We have all seen these banner upon entering private computer networks. They vary in wording but they usually clearly inform the user that they are on a private network and by going forward are consenting to any and all forms of monitoring and interception. Almost all government networks employ some type of a banner so that they can monitor those who are using their network but private industry, in many cases, has been slow in following suit and this can provide unnecessary hurdles both for the private investigator attempting to track down computer crime as well as state and federal law enforcement officials concerned that privacy restrictions such as those created by the electronic communications and privacy act. A properly worded banner that must be passed through in order to get into a private systems could easily result in implied consent of the person entering the system to the monitoring of all downstream activities thus alleviating privacy concerns and greatly accelerating investigative activity in hopes that the courts would recognize these implied consent exceptions to privacy statutes in the computer area the same as they have recognized them in the oral transmission of communications by telephone.

Accordingly, the time to put a banner on a private corporation or business's computer network is at the earliest possible moment. Obviously once a hacker has begun visiting a particular computer network and attempting to manipulate it, his suspicions will be aroused if suddenly a broad based banner type waiver appears when he attempts to enter. While some

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# What is IASIR and What Does It Mean to You and PALI??

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Two primary concerns of IASIR are the creation and adoption of "model laws" to serve a basis for individual states' legislation and the creation of an effective regulatory and licensing agency or function in each of the "unregulated" or under-regulated states. As this is achieved, the ultimate in reciprocity can be accomplished such as in marriage and drivers licenses where a license is obtained in one state and recognized in all states. Obviously, this is not an event but a process and one that is actually getting some traction as a concept, particularly in the alarm industry. The experience of taking the alarm industry through this process will be instructive as IASIR approaches the guard industry and private investigators in the future.

The Legislation Committee reviews existing and proposed state and federal legislation that affects the regulated industries and works to influence and strengthen IASIR's regulated interests. Model laws have been drafted by the committee regarding guard and electronic security (alarm company) laws and may be viewed on the website. Work continues on a model Private Investigator statute, but a first draft has not been completed.

The Training and Education Committee works primarily on state requirements for training, testing and experience in the various industries and building a policy and guidelines on continuing training and education requirements for licensees.

During the Lake Tahoe meeting I was fortunate to go out to dinner with the Board of Directors the first evening. I was struck with the quality of the people serving on the board, particularly the diversity of their backgrounds and agency affiliation: Secretary of State, regulatory commissioner, state police, etc. I was further impressed with the uniformity of their concerns and problems in their home jurisdictions, their enthusiasm for their work with IASIR, and their genuine interest in the viability and prosperity of the industries they regulate. With the exception of several industry members on state regulatory boards or commissions, few of the other full members and none of the board members were previously in the regulated industries.

During the second day of the General Membership meeting, amid comments from industry people that IASIR should back certain legislation that would help the regulated gain a competitive edge, the president took a minute to explain her belief that the member regulatory agencies and boards are empowered to do what is in the best interest of the public, not the industry. I thought this was an interesting and important distinction between a group such as PALI, a professional organization with one orientation, and the regulatory agency that, while wanting the industry to be well organized and professional, is primarily concerned about protecting the citizens. In no way does that put us at odds with each other. But we both must understand and respect the other's perspective and mission.

So, what can IASIR do for us? Clearly, there is a body of experience out there that we need to tap into if we are to avoid the time-consuming learning curve that so many have already gone through. As we try to craft the future of the PI industry in Pennsylvania we might do well to reach out to the relevant IASIR committee members to see what best practices they have come up with and what the risks are at each fork on the decision tree of each issue. We sense there may be change on the horizon and IASIR's experience at structuring a solid, collaborative regulatory/industry system could be invaluable.

We can also pursue our legislative agenda items with a greater understanding of the choices and their consequences. We clearly have common ground on many issues and the use of IASIR to support our positions, where appropriate, could do nothing but improve our chances of success with the legislature.

We could begin immediately looking at the work of IASIR's training and education committee to see what new and innovative training they have developed and the overall direction other states are taking in this regard. What are the courses that are being considered or offered in other member states? Who is doing the training? What materials are available? Is there financial assistance available?

No matter what the near future offers, whether simply our present efforts at self-regulation or some version of a state regulatory creation, we will be well served by expanding our perspective through meaningful involvement in IASIR and learning what is going on in our industry around the country. As an organization PALI must become an authority on trends and options in developing strategies affecting the world of private investigations. If we are not the authorities then who shall be? I do not believe there is really a choice. Only by becoming the authority on every area that touches the private investigator can we expect and demand a seat at the table when discussions begin on changes in the Private Detective Act. I believe IASIR is our vehicle to become that authority in Pennsylvania.

By: Jeff Fry, President of Stirling Corporation, Manheim, PA, former Deputy State Inspector General, in the general PI practice since 1995 and specializing in business related fraud, white collar crime and official corruption. 717.665.9231 -[jfrypi@paonline.com](mailto:jfrypi@paonline.com) Help provided by the IASIR website cited in text above.

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## Tech Notes – Audio Surveillance

Bob Kresson

Have you ever had a client tell you that in the future they are going to initiate a telephone call and record the conversation and statements used over the telephone for future use in a litigation? If you have encountered this within your practice you must be aware of wire-tapping, eavesdropping, and civil recording statutes and the culmination of new and updated laws that are in force. Although your client is recording that conversation, they may not be breaking the law however there is still the chance that there is a civil liability involved.

As such, devices are being invented on a daily basis to gather information on everything from corporate espionage to the charlatan spouse. These devices are small enough to fit into a jacket pocket without ever being detected during a conversation. A perfect example of this would be a (DVR) Digital Voice Recorder that has multi-faceted capabilities. The size of a DVR is the equivalent of a lighter, no bigger than the palm of your hand and yet, certain units have the capability to capture sound from a distance of up to 75 feet away. These units also have the capability to record and play back with top quality sound that is transferable via a USB 1.1 interface with a computer, and have a battery life that range from 4 to 44 hours of usage time. This allows the user to access the device for recording with an ARS (Automatic Recording System) which prevents unnecessary recording when there is no sound or voice. Transferring this audio recording to a computer for recorded data files is then able to be handled in a fraction of the time, thus providing the user all of their information on a portable USB hard drive/ data back-up device where any file format (MS word, doc, txt, zip, jpg.. so on) can be saved and sent using specific software.

Over the years many consumers as well as dealers have become confused about covert video and audio. Although there are no Federal Laws on the books regulating covert video, 18.2-2512 (also known as Title III), title does regulate the manufacture, distribution, possession and advertising of surreptitious interception of wire, oral or electronic communications. What that means in simple terms, is that when someone has a hidden camera with audio, the audio would fall under title 18.2-2512 and is against Federal Law. Title 18.2-2511 is the Federal Law that deals with one party consent for recording a conversation, however 18.2-2512 makes it illegal to build, sell or purchase a device unless you are a provider of wire or electronic communication service, a police department or other Government Department. Another Title (47/1:15) states that parties other than law enforcement must have all parties consent before recording can take place. This means if you are not law enforcement, then it is a two part consent necessary under Federal Law.

Now if your saying to yourself, "this is very vague", you are correct. However two separate defendants attempted the defense to have charges dismissed regarding the above listed titles for being unconstitutionally vague. The defendants also argued that section 2512 conflicts with section 2511 which explicitly permits the interception of communications so long as one party consents to such interception. Even the the court stated that it was somewhat troubled by aspects of the enforcement of these laws they none the less denied the defendants motion to dismiss portions of the indictment on the ground of vagueness.

In turn, it is quite humorous to see the web sites that advertise audio with video display as an item for purchase, as it is the Buyer's, not the Distributor's, responsibility to ascertain and obey all applicable local, state and federal laws. Yet, the public purchases these items without being aware of these particular laws and once the video/audio surveillance item crosses into the buyer's possession the violation of these laws is now the buyer's responsibility. You may think that the Government will never go after the buyer however people were charged after several New York surveillance equipment shops were raided back in 1995. Customs and the FBI charged the buyers after the search warrants were served on these shops and records indicated who the buyers were.

The bottom line is, do you really want to take a chance on buy or selling an item that could place you in a Federal prison for up to 5 years? In 1995 more than forty surveillance equipment shops were raided. A large number of the owners either went to jail or were placed on probation along with some of their customers. If you feel you need the audio, then go to your local Police Department or Sheriff's office and get them involved. Otherwise stick with the video.

For additional information regarding surveillance techniques, visit [www.empireinv.com](http://www.empireinv.com) or contact us at [bk@empireinv.com](mailto:bk@empireinv.com).

## "Integrity Bears Fruit"

Let's be honest, after all, integrity comes first, doesn't it? PALI, from an unbiased, old fashioned, Private Detectives' opinion, has the ability to become an awesome conduit towards continued education, networking, building sound business relationships, friendships, therapeutic social outlets and of course let us not forget, enhancing our gross sales and product quality.

I was asked to compose this article with regards to "Integrity", unfortunately some of you may not like what I am about to articulate, as you know, most people can't handle the truth. It appears there is an admirable core of persons trying their best to build PALI to increase it's membership, what still remains is a small group of individual members with little understanding of what makes a team. Likely, the hardest goal to reach within PALI will be that each member respect and trust all other members and their motives for joining the "PALI FAMILY". Their membership should be based upon positive objectives, not self serving narcissistic motives. At the PALI Region 1 meeting, on March 25, 2003, I met quite a few professional team players, unfortunately, I met a few individuals who need a reminder that there is no "I" in "TEAM." It is human nature for all of us who built our own businesses, write our own paycheck and sometimes spend our days alone within the confines of a surveillance van to feel the need to protect our marketing strategies, investigative tools, business trade secrets, etc... It is also common that most private investigators enjoy flying solo, as an entrepreneur, we take pride in our own methods of managing our separate businesses. I assure you, that Integrity amongst your fellow investigators and clientele will yield more fruit, gain respect from your peers, enhance our public image and improve the Character of every Private Investigator aboard. The failure to implement integrity in every aspect surrounding our profession will diminish the plight of the honest, and eventually cause complete chaos within the ranks of any business relationship or organization aboard. Remember "ENRON". It only took a few who lacked integrity to bring down one of the largest corporations in the U.S., in a matter of days.

It is clearly understood and certainly agreed, that the majority of members want to enhance their profit margin, and network with each other to accomplish those goals, an excellent idea, but beware when choosing quantity above quality, it will reflect upon each and everyone's reputation, both members and non-members. It would be to our benefit to exercise the utmost integrity and respect towards our peers and the public for whom we work, regardless of their financial status or ability to pay top fees. I have found more common sense, heartfelt gratitude and absolute purpose for my profession in the poorest of

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# Insurance Coverage

This edition's article will center on some of the ancillary coverages that firms need to consider when operating a security and/or private investigation business. The subjects covered are auto liability, property, and workers' compensation. While these coverages are not always required or necessary, some of your contractors will ask you to identify if you have them and at what levels.

**Auto** insurance can be a tricky item for the small investigative or security firm. In most cases, no autos are owned by the business and one would think that coverage is not required. This can be true. However, is the business protected for auto accidents caused by employees while driving their own vehicles? That question is not one to have to ask after a claim occurs.

No auto liability is afforded under the General Liability or Errors and Omissions policy. If the business owns no vehicles, there is usually no auto insurance at all for the business. In some cases, endorsements or a separate policy can be written for auto liability called Non-Owned Auto Liability. This coverage would provide auto liability for the firm in the event an employee causes an accident and the business brought into the claim. This policy does not provide physical damage to your employees' vehicles. The insurance that the employee carries for their personal vehicle would handle that aspect of the claim.

When added by endorsement to a General Liability policy, this can be fairly inexpensive. Your industry does not have a lot of insurance companies that are willing to offer this extension, however. And, in most cases, this coverage is not available as a stand-alone item. The only avenue to obtain this coverage is the state assigned risk pool and this can be very costly.

Most clients will accept personal auto insurance proof when it is required or waive the requirement when they realize the costs involved. It is important to inquire as to the availability of this coverage for your firm's protection. Be aware that the cost might outweigh the income for the project that is requiring the coverage.

**Property** insurance for a business that rents or owns an office in a commercial structure is relatively easy to obtain. The coverage would provide protection for the damage or theft of property owned by the firm while on the premises and away from the premises on a limited basis.

Again, small agencies sometimes assume that property of their business they keep in their home office is protected by a homeowners' policy. If an adjuster for your homeowners' policy discovers that any property is owned by a business the claim will be denied or will exclude these items. The homeowners' policy specifically states this regarding business personal property.

It is important to protect your assets with a policy that is both complete and portable. Be certain that the company has addressed your concerns regarding property away from the premises, what type of property is covered/excluded, and for specialized coverage for technical and surveillance equipment. The can be limited if the proper policy is not obtained.

Lastly, **workers' compensation**. State law determines when a small or large business is required by law to obtain workers' compensation coverage. In most states, this is required once you have two or three full time employees. When the owner is the only employee, it is usually not required unless your contract with a vendor specifically mentions this coverage.

Most workers' compensation is written through the state com-

pensation fund unless premium reach levels of \$10,000 or greater. The risk factors involved have made most carriers sketchy about writing this class of business unless the premium is substantial. Therefore, most small business will have to obtain their coverage from the state fund.

Workers' compensation will pay for all medical expenses associated with a work related injury along with paying indemnity for lost wages after a week off the job. This will continue for up to a year and be continuously evaluated to determine if the worker can return to work or if a longer disability term is necessary. Most companies will try to get the employee back to work as soon as possible. The disability payments are not equal to most weekly wages so there is an incentive to go back to work at the earliest possible time.

The second part of the workers' compensation policy is Employers Liability. This coverage protects an employer for liability suits brought by an employee who feels that the workers' com-

**Continued on page 15**

Detective Eileen Auch Law  
President

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*Phone 717-576-2253*

## MEMBERSHIP APPLICATION

**All Applicants for membership in the Pennsylvania Association of Licensed Investigators must comply with the following:**

1. Answer all questions on this application. Please print or use a typewriter. If you object to any question, do not answer it. write "I object to this question" and state your reason for objecting to the question.
2. Submit required non-refundable fee of \$75.00 with application.
3. **Attach:** a) Copy of PI License and/or PI photo ID; b) Copy of bond and; c) proof of insurance (if you carry).

**TYPE MEMBERSHIP:** ☐ **ACTIVE** ☐ **ASSOCIATE** ☐ **AFFILIATE** ☐ **SERVICE & INDUSTRY**

### PERSONAL INFORMATION

Name: \_\_\_\_\_ Date of Birth \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

E-Mail Address \_\_\_\_\_ Cell Phone# \_\_\_\_\_ Pager \_\_\_\_\_

### PRESENT EMPLOYER

Employer: \_\_\_\_\_ Position: \_\_\_\_\_

Business Address: \_\_\_\_\_ County: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Bus. Ph# \_\_\_\_\_

Does your state, city, etc., require you to be licensed as an investigator? \_\_\_\_\_ If so, are you licensed? \_\_\_\_\_

By what agency / authority? \_\_\_\_\_ Date License issued \_\_\_\_\_ Lic.# \_\_\_\_\_

If licensed in multiple jurisdictions, please attach an addendum hereto showing additional licenses.

Have you ever been denied an investigator's license or have your license ever been suspended or revoked? If so, explain: \_\_\_\_\_

Have you ever been terminated from a position of investigator? If so, explain: \_\_\_\_\_

Have you ever been convicted of a crime other than a traffic offense? If so, explain: \_\_\_\_\_

### EDUCATION AND REFERENCE INFO

What level of formal education have you obtained? \_\_\_\_\_

Have you written or been a lecturer/speaker on any investigation related subjects? If so, explain \_\_\_\_\_

*List two personal references other than relatives or present/previous employers:*

1. Name \_\_\_\_\_ Occupation \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_ Home Phone # \_\_\_\_\_ Work Phone # \_\_\_\_\_

2. Name \_\_\_\_\_ Occupation \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_ Home Phone # \_\_\_\_\_ Work Phone # \_\_\_\_\_

Please list the PALI member that is sponsoring your membership application, and give his/her full name & address:

Do you pledge your support to the Bylaws and Code of Ethics for PALI? \_\_\_\_\_

#### **CERTIFICATION AND RELEASE OF INFORMATION AUTHORIZATION**

I am applying for membership in the Pennsylvania Association of Licensed Investigators, Inc. I understand that submitting false, misleading, or incomplete information on this application will result in revocation of my membership. I understand that all information provided to PALI must be done in writing. If it is necessary to augment or correct information, it must be in writing. I agree to abide by the Bylaws, Code of Conduct, and Code of Ethics of PALI. I will voluntarily surrender my PALI membership, if any violation of the Bylaws, Code of Conduct, or Code of Ethics is found, following proper procedures identified in the Code of Conduct. I have not tried to mislead nor conceal facts concerning my background or qualifications for membership. I further understand that if my application is accepted, any false, misleading, or incomplete statements on this application shall be considered sufficient cause for denial or termination of membership. PALI is authorized to make any investigation of my personal and professional background history for the purpose of determining my eligibility for membership. This authorization releases any person, company or agency who furnishes such information from any liability whatsoever. A photocopy of this form shall be as valid as the original. This authorization is valid for 180 days from date of signature.

I solemnly affirm, under the penalties of unsworn falsifications, that the contents of the foregoing are true to the best of my knowledge, information and belief.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

#### **FOR BOARD USE ONLY**

##### ***Investigation:***

- ☐ Reference # 1 Comment: \_\_\_\_\_
- ☐ Reference: # 2 Comment: \_\_\_\_\_
- ☐ Comments: \_\_\_\_\_

Recommendation: ☐ Approved ☐ Rejected

Result of background investigation: \_\_\_\_\_

Chairperson of Board of Directors' Signature: \_\_\_\_\_ Date \_\_\_\_\_

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## MEET PALI MEMBERS

David E. Richter



*I would like to take this opportunity to introduce David E. Richter, Vice President of Cloud, Feehery & Richter, Inc. located in West Chester, Pennsylvania.*

Dave is a member of PALI since 1998. In 1998, Dave and his partners Tom Cloud and Jef Feehery formed Cloud, Feehery & Richter, Inc. and opened an office at 770 East Market Street, Suite 280 in West Chester, Pennsylvania 19382. The telephone number is 1-800-318-6621. Dave and Jef are retired special agents with the FBI who worked together for many years in the Newtown Square resident agency which is a sub-office of the Philadelphia division of the FBI. While assigned to the Newtown Square office, Dave worked with Tom Cloud for over 20 years while Tom was with the Pennsylvania State Police in Avondale, Embreeville and the Franklin Center barracks. Dave and Tom were part of the "team" that investigated, prosecuted and convicted the members of the infamous Johnston brother's interstate burglary ring gang that killed six witnesses.

In 1996, Dave retired from the FBI and Tom retired from the state police. In 1997 Jef retired from the FBI. When Dave retired, he went to work for the National Fraud Center in Horsham, Pennsylvania. Tom and Jef upon their retirement also went to work for National Fraud Center and the three men worked on various investigations that involved the coordination of efforts with various investigators throughout the United States and in many parts of the world. They then decided to open Cloud, Feehery & Richter in their own backyard and the business has continued to grow each year. There are now 10 employees and you can learn more about this company by visiting their website at [www.cfrinv.com](http://www.cfrinv.com).

Cloud, Feehery & Richter, Inc. has the very latest in database technology and prides itself in making these resources available to other private investigators around the country. With their many years of experience in law enforcement, they feel that they can locate information in the databases that is pertinent to the type of case under investigation. CFR's clients include insurance companies, law firms, corporations and the private sector. Our investigations include arson, due diligence, financial investigations, fraud investigations, product liability, sabotage and workplace violence.

Dave and all of the employees at Cloud, Feehery & Richter strive to provide a quality investigation for a reasonable fee and they would very much like to have the opportunity to provide these services for those PALI members who may be in need of this information.

### Advertising Rates

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### A Message from the Editor

Everybody reading this publication is invited to submit topical and informative articles for the PALI News Bulletin.  
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# Philadelphia District Attorney Office Meeting

Meeting with the Philadelphia County District Attorney's Office  
Representatives Regards Changes in the Licensing Law:

On 11 June 2003, PALI Representatives, Jim West, Jim Carino, and Fred Bornhofen met with Kathleen A. McDonnell, Assistant District Attorney, Assistant Chief, Legislation Unit and Albert F. Huber, Executive Officer, Private Detectives Administration, of the District Attorney's Office of Philadelphia. We discussed possible changes in the 1953 PI state licensing and the District Attorney's representatives made clear their position that they wished to make significant changes to the state enabling law for private investigators. Specifically, they wished to eliminate applicants who wish to offer security guard services from the existing act and to change the licensing requirements for PI's from County Court to State Police control. This was the second meeting on this subject and the first one was attended by Lynn Abraham, the Philadelphia District Attorney.

We expressed our concern that the membership appeared to want to continue with having the licensed issued by the County Court and to avoid any connection with the Pennsylvania State Police as the controlling authority. We agreed that the world has changed significantly since 1953 and individuals who wish to offer security guard services need not have a private detective licenses for this business endeavor. This business has evolved into a regular service business and there was no public benefit for the businessman to have the training and experience of a private investigator.

Ms McDonnell introduced House Bill 972 into the conversation indicated that this has been reintroduced into the Legislature and it appeared to have some hope of passage. This bill was introduced three times in the legislature in the past years and it is designed to regulate security guards on a voluntary basis, but with training mandated by the state police. The definition of who is regulated was so broad as to possibly include private investigators. It was agreed that we would edit this bill with language to eliminate the private investigator from the definition. We also suggested that if they wanted such a bill, it should be compulsory, and serve as a basis for a security guard certification program and also to provide for licensing of individuals who wish to provide security services such as security guard companies, alarm companies, central station operations, etc.

Because of her position with the District attorney's Association, Ms. McDonnell indicated that this new approach for this House Bill 972 had a good chance for passage and it may serve the public good.

This approach appeared to satisfy the needs of the District Attorney's Office to remove the applicants for security services from the Private Detective Act of 1953. We continued to discuss ramifications of the 1953 Private Detective Act and it was clear that the District Attorney's office was very unhappy with some Philadelphia Judges who approve applications for PI licenses despite a recommendation that by the DA's office to the contrary. It was suggested that the District Attorney's Office be granted the right to appeal judges decisions to grant private detective licenses over and above the objections from the District Attorney's office. It appeared that this for the moment also satisfied the needs are the District Attorney's Office and therefore we could leave the existing law fairly much untouched as far as PI applicant's experience, training, and of licensing by the County Court. It was agreed that we would have another meeting later this summer to hash out minor differences. All parties agreed that we did not want to have a completely new law governing the issuance of a private detective licenses for the Commonwealth of Pennsylvania because of the difficulties in obtaining passage in the Legislature.

The meeting ended on a positive note with all parties appeared to be pleased with the progress to date. On 12 June 2003, Al Huber, the designated representative from the Philadelphia DA's office contacted me and indicated that he had given some thought to maintaining the County level issuance of private detective licenses and he still had some major objections. It was his personal view that private detective licenses should be issued by a

Continued on page 15

**George D. Riedmiller**  
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## "Integrity Bears Fruit"

Continued from page 7

poorest of areas as opposed to the wealthiest of clients. Look in the mirror, are you a member of PALI solely to advance your own financial interests or do you have an interest in also enhancing the profession. What sacrifices are you willing to make to accomplish PALI's goals?

I was once told, many years ago, during an annual salary review with a previous investigative firm, that their chief complaint with my performance was that "I was honest to a fault". I resigned that day and started my own business in the months to follow, and refused since that day to accept anything less than "Integrity" or to associate myself with any entity that does not share my passion. My success is limited, I seek only a small piece of pie, but at the end of the day, I sleep well, as do my clients.

Michael Kane, Kane Investigations, 610-326-3000  
[kaneinvestigations@earthlink.net](mailto:kaneinvestigations@earthlink.net)

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# Philadelphia Meeting

Continued from page 13

statewide agency such as the State Police or some other statewide licensing agency. He even proposed a commission would be established that would include individuals such as himself, representatives of PALI and representatives of the state police who would receive the applications and approve or disapprove the applications according to a body of rules. He was fairly insistent on getting the licensing out of the County Court system and into State control of some manner.

He wished to bring up this issue before the next meeting between representatives of PALI and the District Attorney's office so it could be contemplated properly. The representatives of the Philadelphia County District Attorney's office felt confident that they could engender statewide support for their concepts for the state passage because of their connections with the District Attorney's Association and the legislature in general. Al Huber was advised that most of the members of PALI appeared to be quite comfortable with having their licenses issued by court order but he dismissed this concept as being antiquated.

Al Huber, as spokesman, also indicated that he was quite pleased with the other developments of the meeting, and suggested that we meet again in the summer of 2003 because nothing will happen legislatively during this time.

In summary, it appears that HB 972 with suggested changes, will be introduced this fall and the DA's office will want to introduce a bill to change the state law to their advantage. It will incumbent for PALI to develop a strategy to deal with this issue.

Frederick A. Bornhofen, CPP, CFE, VSM  
Secretary and Acting Treasurer  
Steering Committee Chairman  
PALI

## Affiliate Membership

Kathryn Newton  
MAITLAND INVESTIGATIVE SERVICE, INC.  
1110 N. Mountain Road, Harrisburg, PA 17112

Patricia Smith  
SLOAN PRIVATE DETECTIVE AGENCY  
125E North St., suite 205, New Castle, PA 16101

## Service & Industry Membership

George L. Johnson  
HANDWRITING ANALYZED, INC.  
5345 Tamarack Dr., POB 165, Sharpsville, PA 16150-0165

Sean P. Tagle  
HARRISBURG PROPERTY SERVICES  
1 N. 2<sup>nd</sup> Street, Harrisburg, PA 17101

# Federal Wiretapping

Continued from page 3

hackers will view this as a challenge and continue feeling they may have been detected, most will be immediately deterred. On the other hand, if a banner is there in a normal course of business, the warning will be treated much as the warning on a pack of cigarettes not indicating that investigation is being conducted or eminent but merely indicating that investigation is possible. Most importantly if it becomes necessary to call in federal law enforcement authorities, the presence of such a warning and their reliance on the implied consent given by entering after the warning, could greatly advance the investigation and aid your clients in receiving their fair share of law enforcement activity directed at computer crime.

Obviously the law is still being developed in the area of computer crime but one of the primary areas that law enforcement computer analysts focus at the initial stage of an investigation is whether they themselves could be accused of violating Title III wiretapping provisions as updated in 1986 under the Electronic Communications Privacy Act. A client who is seeing hundreds of thousands of dollars of damage arising out of a hacker's activities on his computer, probably has little concern about whether or not the privacy rights of the hacker are being violated but state and federal law enforcement officials will ask this as one of their first questions when called upon to conduct an investigation that does not directly involve a "party to the communication". This hurdle can be eliminated by the simple expedient of a proper banner being placed on the business' computer network. Tell your clients.

*Jim West, attorney At Law, PALI Legal Counsel, West Long LLC.  
(717) 233-5051.*

# Insurance Coverage

Continued from page 8

pensation benefits have been wrongly denied or not offered. Once a claim is filed for this coverage, all benefits to the suing employee are halted. If the employee loses the case, they will be required to pay back all benefits to the company back to the date of injury. Seldom is this avenue approached due to the potential loss to the disgruntled employee should they lose their case.

When deciding on whether to obtain workers' compensation, keep in mind that employees and even subcontractors can seek damages from your firm if they are injured while on company time, whether or not you have coverage. With this protection in place, your business and perhaps personal assets are not the front line when an employee or contractor is injured.

These are but a few of the alternative coverages available to all business, but with a flavor for your industry. As always, different insurance companies offer varied forms of these coverages, so be sure to evaluate your policy in detail to determine if your coverage extends to your particular situation.

Thank you again, and please let me know if you have a subject that you wish to approach in this column. My name is Robert Yergey, and I can be reached at 800-683-1226 or at [bob@yergeyins.com](mailto:bob@yergeyins.com).



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***February 2004***

***June 2004***

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