



PALI

NEWS BULLETIN

The Official Publication of the Pennsylvania Association of Licensed Investigators

P.O. Box 521, Chadds Ford, PA 193170521 (610) 388-9457 <http://www.pali.org>

PALI Seminar

The 2004 PALI Seminar
will be held in
State College, PA

This year the East & West Seminars are being combined into this two day Educational, Informative, Networking & Social Seminar.

Dates:

May 21 & 22, 2004

Place:

Ramada Inn & Conference Center
1450 South Atherton Street
US Business 322 & PA Route 26
State College, PA 16801
Phone: 814-238-3001

Agenda:

Friday – May 21

11:30 a.m. Buffet Lunch
Introductory Remarks
Marketing the PI
Business
Surveillance
Background Screening
6:00 p.m. Dinner & Hospitality Suite

Saturday – May 22

7:30 a.m. Continental Breakfast
Ethics
Accident Reconstruction
Business Meeting
12:00 noon Final words

House Bill 2335 – The Future Of The Industry?

On February 3, 2004, Representative Saylor, 94th District, introduced H.B. 2335 to amend Titles 18 and 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes. H.B. 2335 amends much of the language in Title 22, the Private Detective Act of 1953. I recommend that we all read this Bill thoroughly several times, annotate what we like and don't like, and prepare to discuss it rationally and in an organized fashion. To that end, PALI has commissioned a PDA Revision Committee. All members are invited and encouraged to send any and all constructive comments to either Jeff Fry or Barbara Thompson, who will ensure that each comment, concern and suggestion is carefully considered in the proposed revision of the Private Detective Act. In due course we hope to begin a list serve discussion regarding the revision.

H.B. 2335 has been assigned to the House Judiciary Committee for review, and we anticipate numerous public hearings and meetings. The first will be on May 13, and Jim Carino, Jim West, and I will represent PALI as a stakeholder in the outcome of the legislation. The Bill's sponsors do not expect the Bill to be nearly ready for passage by the end of the present Legislative Session, December 31, 2004. Rep. Saylor, the prime sponsor, hopes it will be ready for passage by sometime late in the next Session, 2005 – 2006. Mr. Saylor is looking forward to PALI's input in this process and our Legislative Liaison Group will be staying in close contact with him, the Chairman of the Judiciary Committee, and their staffs.

Once the House Judiciary Committee has the Bill in its final form, the entire House of Representatives will vote whether or not to send it to the Pennsylvania Senate. Hopefully, it will be sent to the Senate and assigned to their Judiciary Committee for review and concurrence or amendment. If it is amended, it will be sent back to the House for concurrence on the changes. If it is not amended or changed, it will be sent to the entire Senate for a vote to either send it or not send it to the Governor, who will then decide whether to sign it into law. In short, this will be a long, drawn out process, and everyone who is a stakeholder in this Bill may and should have input at the House and Senate Judiciary Committee Hearing level. Additionally, when the Bill comes to the floor of the House and Senate, every legislator – Representatives and Senators – will have a vote and may be lobbied for support. After that, if it passes, the Governor's Office may be lobbied as well. The sponsors of this legislation are saying: 1) that it should be a crime to impersonate a private investigator, and 2) that the Private Detective Act of 1953 needs to be changed. This bill is simply the vehicle to start the process of that rewrite and what is ultimately passed into law will in all likelihood not look anything like this Bill.

This is a wonderful opportunity for PALI to help craft the law that we will live and work with for the rest of our careers. Very few people ever get to do this! Ideally, we should agree on what changes we want and, as an organization and individually, work hard to convince others that these changes are in the public's best interest. We must *listen* to what all the others have to say and *comment appropriately* on their views as necessary. There will be major disagreements and battles won and lost in this process. But this is the way we make laws in this country and it is as fundamental to our system of democracy and our nation's persona as it gets.

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President's Message

Dear Members,

PALI is now into its seventh year as an Association and, hopefully, our growing pains are behind us. As an all volunteer association, our continued growth and development will depend on the cooperative participation and support of the entire membership.

Many of us did our part in causing the onerous aspects of the FCRA to be excluded and by the time you read this the new provisions will be the law. It is expected that investigative avenues previously closed or restricted will again be open for the pursuit of business.

Our major goal for 2004 will be to propose changes to our Private Detective Act of 1953. By the time of our May Seminar we should have a clear picture of our position and expectations with respect to the new bill. We are working diligently on this, we have solicited your input and ideas, and we have every reason to believe that the new Act will meet the needs and desires of all.

This year we are trying a new approach to the *PALI* Seminar. Instead of the prior one-day event in spring in the western part of the state, and one day in the fall in the eastern part of the state, we have scheduled a two-day event (noon-to-noon) in the center part of the state in State College. One of the goals, in addition to an agenda of interest, is to offer a venue where all our members can have the opportunity to meet and network with fellow PIs. The previous east-west locations did not allow for this. The seminar has been reasonably priced and includes meals and a Friday evening get together. And, as always, it offers an opportunity for continuing education, which is likely to be required in the new PDA.

PALI is your Association. The more you participate the better we can assist one another and the PI community, and the better we can serve the public.

I hope to see and meet many of you in State College in May.

Jim Carino

George D. Riedmiller
Private Detective

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House Bill 2335

Continued from page 1

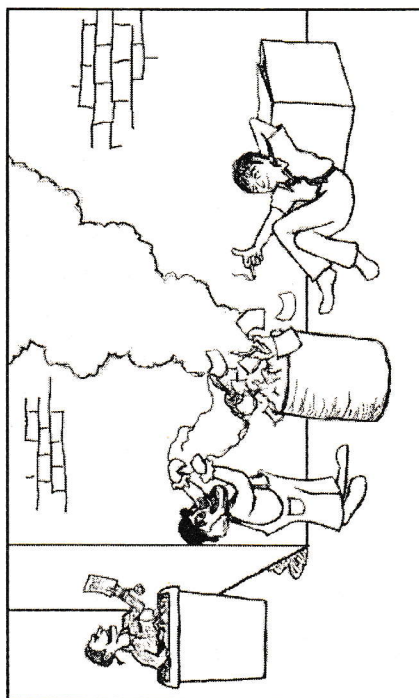
Please, let me emphasize that now is NOT the time to be contacting your legislators about what changes need to be made and why. Your legislators probably have not seen this Bill, unless they are House Judiciary Committee members, and the Committee members will probably not even read the Bill until it comes up for some discussion weeks or months from now in Committee. PLEASE, write down your thoughts on what is good, bad, or missing from this Bill and we will have a session at the General Meeting in State College in May, to the extent time allows, for discussion and suggestions. We will be much more effective if we speak to the legislature in a united *PALI* voice on each issue that comes up in their Committee deliberations. I encourage members to speak with their associates at length about the Bill, but a *PALI* list serve discussion on the topic NOW would probably not be productive. I will try to answer questions about "the process" but after you read the bill you will know as much as anyone as to what is in "the works."

Most organizations with interest in a specific piece of legislation hire a lobbying or public relations firm to monitor the legislative process. That person then keeps the "brass" in the organization informed as to what is going on and when organization witnesses might be needed to testify or provide information at hearings in Harrisburg. I will do my best to perform that function.

In conclusion, for those of you who are interested, the Pennsylvania Legislature website offers great information on the process, pending legislation, and other topics. You may visit the website at <http://www.legis.state.pa.us/>.

Jeff Fry, *PALI* Legislative Liaison Group

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Maitland Investigative Services Joins INA Family

Acquisition complements INA service model and allows MIS to leverage INA resources

Information Network Associates, Inc. (INA), a 20-year leader in the field of investigative and security services has acquired Maitland Investigative Services, Inc. (MIS). MIS, headquartered in Harrisburg, PA since 1987, specializes in insurance investigations, surveillance, and workers compensation related matters. INA provides premier investigative services to the corporate and private market, as well as highly professional protective force operations.

The acquisition of MIS complements the service offerings of INA, and allows both companies to utilize their respective resources and skill sets to better serve their clients. Both INA and MIS are licensed in multiple states, and can provide services nationwide. The strategic union of INA and MIS provides a vehicle by which both firms can solidify and increase market penetration in the Northeast and Mid Atlantic regions.

MIS has investigators that are skilled in insurance and domestic investigative matters, surveillance, and special investigations. The acquisition grants MIS investigative staff direct access to INA resources, including a significantly larger number of highly skilled investigators, undercover investigative services, and access to cutting-edge technologies in video enhancements, computer and data forensic services, and forensic accounting. INA benefits through greater access to the insurance market, as well as the investigative resources and experience of the MIS staff.

The INA and MIS union creates the largest private investigative agency in the Harrisburg area, with a complement of more than forty licensed and experienced investigators. Each company will continue to focus on their core markets, with the benefit that each will also be able to leverage resources from the other to offer maximum value to our clients.

Barry Ryan, CEO of INA and a former Special Agent in the Federal Bureau of Investigation, and Thomas Maitland, CEO of MIS and a former Special Agent in the Internal Revenue Service, have a long-standing professional relationship.

Questions regarding this acquisition should be directed to William G. Stoeffler, Vice President of Business Development at 717-599-5505 or at bstoeff@ina-inc.com.

More information about INA and MIS may be found on the respective company web sites:

Information Network Associates, Inc.: www.ina-inc.com

Maitland Investigative Services, Inc.: www.maitlandpis.com

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The Business Corner

By Barry W. Ryan

One of the first steps we take as entrepreneurs is to select a name for our business and decide what type of entity to form. For anyone without a business background, the selection process can be a confusing one, especially if we are unaware of all options. The tendency for many investigators starting a business is to select a name, a type of entity and then to place the entire matter out of mind.

There are several important questions to ask oneself in this process, if long-range financial planning goals are being considered. What will happen to my business when I no longer want it? Will it be saleable? Will I just fold it and walk away? Will a business continuation plan involve family members? Should I plan to develop employees who will eventually buy it from me? Who will want this business if I name it after myself (eg. Barry Ryan & Associates) and all the company goodwill is only associated with me personally? What type of business entity best suits my tax situation? Form a C Corporation? Form an S Corporation? How can I maximize my income and minimize my taxes? What type of business structure best reduces my personal exposure to liability issues – a sole proprietorship? A partnership? A corporation? An LLC? A GP? An LP? If a business owner is not properly protected from a successful lawsuit, then the plaintiff can attack personal assets if there are insufficient business assets to cover the damages awarded.

Without addressing these questions at the outset most small business owners do not later take the time nor incur the expense to restructure their companies even when there are changing circumstances. In fact, many times it takes a crisis situation such as a lawsuit or a significant tax obligation to force reevaluation of a business structure. It is invariably more expensive when we react to crises. By being proactive in defining both personal and company goals in a business plan, long term financial benefits will be reaped.

On the website (www.pali.org) for PALI members under "Members Only Section" is a complete list of the various forms of business entities along with a summary of advantages and disadvantages of each. Also included is a comparison of all business entities.

If you any questions, call Barry W. Ryan at INA, (800)443-0824, e-mail: bryan@ina-inc.com

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The Compliance & Non-License Committee: A Review and Insight

By Walt Yarnall, with the assistance of Skip Gochenour

Due to an increase in activity related to the PALI Compliance and Non-License Holder Committee within the past year, this article provides some insight to the workings of this Committee.

During the initial phases of the planning of PALI, the Ethics Committee was born. We believe the PALI founders were struck by the number of times and the circumstances in which the terms "honesty", "good character", "integrity", and "competence" are used in the Private Detective Act of 1953 (PDA). Therefore, our By-Laws state, "Section 10. The Ethics Committee shall provide guidance to members in regard to the ethical behavior of the members and advise the President of any instance where a member may have violated generally accepted behavior of those in the profession."

The first few years of PALI saw a number of complaints being handled discreetly by several members of the Board. More than half of the complaints involved non-members. The Board members were able to resolve each of them using the initial stage of the compliance provisions of the PALI Code of Conduct. Some of these complaints involved police officers, who were License Holders (LH). Usually after contacting the appropriate county District Attorney (DA), the issues were resolved with the LH resigning their police warrants and continuing with their Private Detective License (PDL). Some even became PALI members.

Since those beginnings and the success of the program, it was decided that two separate committees would handle the complaints. The Ethics Committee would handle matters of ethics violations with respect to PALI members. The Compliance / Non-License Holder Committee would conduct inquiries with respect to both members and non-members regarding any alleged compliance infraction or the conduct of a private investigative business without having a PDL. Both Committees followed the same basic procedures. The PALI Code of Conduct dictated confidential handling of the complaint until the problem was resolved or the subject of the complaint refused to cooperate.

In recent months, a number of inquiries have been conducted by the Compliance / Non- License Holder Committee which involved both members and non-members. As most of these inquiries have not been completely finalized, I cannot comment on the exact specifics at this point. However, the Compliance/Non-License Holder Committee is dealing with matters involving investigators and security agencies operating without licenses or whose licenses were not renewed, and client complaints against members.

We are trying to police ourselves, without the intervention of law enforcement, the local DA or the Attorney General. We believe it is our mission to take all steps necessary to maintain the integrity of our chosen profession.

Walt Yarnall is a retired US Army CID Agent, who has been a private detective in Pennsylvania since 1985. Walt is a PALI Charter member; Director, Region V – Southwest; Chairman of Compliance – Non-License Holder Committee; and, Member of the Steering Committee. Stanley R. "Skip" Gochenour, Jr., has nearly 40 years experience in the private and public sector. He is well known throughout the United States as an orator and investigator. Skip is a PALI Charter-member and former Chairman of the Ethics Committee

STALKING

Since California passed the first anti-stalking law in 1990 in response to the stalking/murder of actress Rebecca Schaeffer, almost all states have enacted anti-stalking laws. The federal government has few laws dealing with stalking but the following, seldom used, statutes may be of some value.

Chapter 110(a) of the Federal Crimes Code, covers domestic violence and stalking. 18 U.S.C. §2261(A) covers the crime of interstate stalking and punishes a person with a significant fine and term of imprisonment for crossing a state line "with the intent to *** harass another person." Likewise, Section 2262 of the Federal Crimes Code makes it a crime for a person to "travel in interstate or foreign commerce *** with the intent to engage in conduct that violates *** a protection order." While these statutes are seldom used, when the case arises they can be powerful deterrents in that they not only provide for lengthy prison terms and substantial fines but make restitution mandatory up to, and including, medical expenses, occupational therapy, transportation costs, lost income, attorney's fees and "any other losses suffered by the victim as a proximate result of the offense." Such mandatory restitution is very rare in the federal criminal system.

Obviously, post-9-11 it may be difficult to get the local FBI office to investigate such an offense but it is good to know that it is on the books and, in the proper circumstances.

Another infrequently used federal statute covers interstate domestic violence and makes it an offense to "travel in interstate *** commerce *** with the intent to *** harass or intimidate a spouse or intimate partner and, as a result of such travel, to commit or attempt to commit a crime of violence against such spouse or intimate partner." It also makes it an offense to "cause a spouse or intimate partner to travel in interstate *** commerce *** under certain circumstances."

Given the mobility of stalkers, spouses, etc., these crimes are probably being frequently committed but because most people do not know of possible federal jurisdiction in this area, are going unreported and un-prosecuted. If any member believes they have an offense that may fit into these particular federal statutes, I would be glad to discuss it with them.

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A View from the Other Side

By George Hribick

Investigator takes on many definitions and forms that offer numerous opportunities for growth and diversity to professionals like you. Most of you, at one time or another, primarily focused your services on surveillance with Insurance Companies being your major customer and source of revenue.

Well, we all know that in the past few years you had to seek new income producing services and products in order to survive and grow your business.

Surveillance is almost dead, for whatever reasons. It may never come back to where it was or where you would want it to be.

My goal with this article is to give you some ideas on other options that you may be interested in pursuing. I want you think out of the box for a while. As a former Corporate Security Investigator, I worked for over 20 + years at a very large company. Like you I was also involved with a great deal of investigative and surveillance work. The surveillance work in the corporate world also went away. It did not go away because employees, customers, and clients became more law abiding but because of an increase in costly litigation, lawsuits and last but not least *budget constraints*.

Some of my experiences might be of some value to you as you look for new ways to market your products and services or in some cases to survive.

PALI members should seriously consider promoting and using your group as the vehicle to get contracts in the government and Corporate America. There are a lot of monies being budgeted by both the government agencies and the business sector as it relates to physical security, emergency preparedness and business continuity planning. I think all of you would agree that PALI is a unique group of respectful, competent and professional experts that have a great deal to offer Corporate America and Government Agencies in ways that you may never have thought about. There is huge government spending, large bureaucratic agencies awarding lucrative contracts for security purposes. You need to find your niche and get a piece of the pie. Corporate America has a false sense of security by relying on government agencies to protect their assets and infrastructure. This in my opinion is a mistake, the agencies that traditionally filled these roles are overwhelmed. PALI members, and all private investigators/detectives should be paving the way to secure some of these contracts because the government agencies are not in a position to do it all.

There is a lot of internal bickering and power control within the agencies that will take some time to sort out. The law enforcement agencies are being tasked to identify, monitor and arrest terrorists. This is a monumental mission since terrorists do not have labels on their back that clearly identifies them as a terrorist. It is like looking for a needle in the hay. Typically a crime is committed and thorough investigative work leads to a good arrest. Finding the terrorists before they strike is expensive and time consuming for the law enforcement community.

In the interim Corporate America should not be relying on the government, but should be initiating and conducting there own, or contracting out to investigators like you (PALI Members), vulnerability assessments, asset protection and physical security inspections of their facilities. They should be conducting background checks on employees, contractors and vendors to ensure the safety and security of personnel and property.

Continued on page 13

Meet PALI Members



Charles F. Kleber

Accident Reconstruction

45 Kermis Court, Dover, PA 17315 - 2015

(717) 292-4351 Fax (717) 292-0296 • E-mail: ckleber@att.net

This month I would like to introduce Chuck Kleber the President of Charles Kleber & Associates. Chuck is a charter member of PALI and currently the Region III Director. He is a listserv moderator, administrator of the PALI.org web site and the PALI Law Enforcement Liaison.

Chuck graduated from the Community College of Allegheny County in Pittsburgh with an associate degree in Mechanical Engineering Technology and Design in May, 1972. In July 1972, he entered the Pennsylvania State Police Academy in Hershey, PA. After graduation he was assigned to the Central Pennsylvania area where he served until his retirement in January 1997. He has been married for thirty years and has one child.

After retirement in 1997, Chuck opened a full service Private Detective Agency with a special emphasis on the investigation and reconstruction of motor vehicle accidents. His office is located near Harrisburg at 45 Kermis Court, Dover, PA. 17315, 717-292-4351. Charles Kleber and Associates serves the corporate, legal, insurance and public sectors. The company, which is a licensed and bonded investigative agency, operates statewide with contacts in both government and private sectors. Charles Kleber & Associates works nationally in the field of vehicular collision analysis and reconstruction. The company maintains the assets and the means to obtain the information you seek.

Chuck's recognition as an Expert is based on accident investigation experience, training and formal education. After certification as an Accident Reconstructionist his duties included reconstruction of passenger and commercial vehicle accidents for the Pennsylvania State Police, County District Attorney's Offices throughout the Commonwealth of Pennsylvania, and other Law Enforcement Agencies. These investigations included: collecting evidence, production of scale drawings, photographing and video taping scenes, tire/brake examination, scientific measurements and calculations of the direction of travel, point of impact, speed of involved vehicles, and determining if the accident was caused by human error or mechanical parts failure.

Qualified as an Accident Reconstruction Expert in both Federal and State Court. Testimony as an Expert has been rendered in the Federal Middle District Court in Harrisburg, Pennsylvania and the following Pennsylvania County Courts of Common Pleas: Adams, Crawford, Cumberland, Dauphin, Lancaster, Lebanon, Montgomery, Perry and York. These cases involved commercial motor vehicles, pedestrians, motorcycles, light trucks, trailers and passenger vehicles of all types.

While a member of the Pennsylvania State Police Chuck was trained and certified as a Firearms Instructor, Breathalyzer Operator, Crime Scene Technician, Motor Carrier Safety Inspector and Course Instructor. He also was certified by the Municipal Police Training and Education Commission as an Accident Investigation and Interview and Interrogation Techniques instructor.

Chuck has assisted numerous PALI members by providing accident investigation and reconstruction expertise. His web site URL is <http://ckleber.home.att.net>. His company strives to deliver a quality work product in a timely fashion at a fair price.

PROFESSIONAL AFFILIATIONS:

SAE	Society of Automotive Engineers
NATARI	National Association of Traffic Accident Reconstructionists and Investigators
NAPARS	National Association of Professional Accident Reconstruction Specialists
PALI	Pennsylvania Association of Licensed Investigators
NALI	National Association of Legal Investigators
FOP	Fraternal Order of Police

PRIVATE DETECTIVE ACT

There has been much email communication recently relating to the Private Detective Act and Representative Saylor's proposed amendment to the Act. The language that seems to have concerned most PALI members is contained in a rough draft of an unnumbered act that PALI member Bob Kozura was able to provide to me. This draft legislation was an attachment to a memorandum from Representative Saylor to all House members dated December 17, 2003 and provided the following absolute requirement for obtaining a private detective's license:

(b) Prohibition . . .

(1) In addition to the other requirements of this chapter, a license shall not be issued unless the applicant can establish that for no less than three years the applicant has;

(I) Held the rank of detective or a rank higher than that of patrol officer on a municipal police force.

(ii) Has been:

(A) A member of the Pennsylvania State Police.

(B) a Sheriff.

(C) A member of a United States investigative service.

(2) An applicant who knowingly gives false information about the applicant's law enforcement experience in order to satisfy the requirement of this subsection commits an offense under 18 pa.C.S. §4904 (relating to unsworn falsification to authorities).

(3) This subsection shall apply regardless of whether the applicant is an individual, corporation, partnership, firm, business or legal entity. In the case of a corporation, partnership, firm, business or legal entity other than a natural person, at least one officer or partner must meet the requirement of this subsection.

Obviously, such a provision would impact numerous PALI members adversely and its progress must be monitored closely. I do note that on February 2, 2004, Representative Saylor did introduce what is captioned as "2003 Bill Text PA HB 2335" which is summarized as "adding the offense of impersonating private detective; codifying the Private Detective Act of 1953 and making a repeal related to that codification." This bill does contain the language quoted above in Section 304 and is being set to various officers of PALI for their review and consideration insofar as what action is appropriate.

On March 4, 2004, Jeff Fry met with the legislative research lawyer for the House Judiciary Committee who informed him that a public hearing on this bill has been scheduled for May 13, 2004. Jeff is sending an email to all PALI members fully outlining his meeting and the role that PALI and its Officers will be playing in removing offensive language and seeing that the best bill possible is passed.

"Doing Our Homework" with PALI Membership

By Eileen Law

...We've all heard them! Those stories about fellow Private Detectives across the continent, whose ways of doing business leave much to be desired. It's the ones who lack ethics who have made some of our legislators sit up and take notice. Some of those legislators are trying to take access to many things away from us—access that helps us more readily find kidnapped children, deadbeat dads and perpetrators of stolen identities, to name a few. While I am thankful that it is a "rare few" we hear about, you know the saying: "One bad apple can spoil the whole bunch." PALI is not going to stand for ANY "bad apples"—not even one. Rather than complain about them, PALI is taking action to do something about it, right in our own backyard. We've begun to "self-police" our own, and we mean business!


We've started by revising our Membership application. You can see the new changes by going to our website: www.PALI.org. We will no longer "hand stamp" a potential member just because he or she has been recommended by a fellow member and has a license. We are performing thorough background checks on the applicant. Let's face it: who in their right mind would list a reference who they knew would provide unfavorable information about them? Answer: no one. Therefore, we won't just stop at the county clerk of courts to confirm whether or not someone is licensed and speak with those handpicked references listed. We'll talk to others, and then solicit substantive comments from our general membership listserv. We're talking to our district attorneys. It's taking more time, but I believe the results will be well worth it.

In a day when many of our futures will rely on the information we seek, it is imperative that we no longer turn our heads when we see or hear another private detective do something unscrupulous. We can't afford to! We have a wonderful board that is dedicated to the professionalism of this fine organization. I trust that you will do your part to help foster that professionalism, and the integrity that so many of us have earned.

Eileen Law is Second Vice President and Membership Chair of PALI

She is President of CIA, Inc. with Offices in
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WHEN smaller IS BETTER

With the electronic age in full swing and everyone switching to digital, it had to catch up with us in the private investigative industry sooner or later.

Are you still wearing a belt with a Sony recorder Zbox or GV-S50 the size of three, maybe four fists? Get with the program! You don't have to wear that cumbersome attire any longer! The difficult task of camouflage is no longer a worry either. For the past few years narcotic officers had the necessary budget to buy customized digital recorders the size of a small fist. As with anything, price was the problem - \$4,500 + depending upon its options.

WELCOME to 2004...

For approximately \$1000, you can be the proud owner of a fully-equipped small digital recorder the size of your new cell phone. You can even get some ad-ons such as extended memory, custom-made switches, etc. Literally, we're in a whirlwind of technological nuances with a positive attribute of *SIZE*!

Wearing only a jean jacket, an investigator can still shoot video- even when the jacket is removed- just by holding it in the proper fashion. This was unheard of in the past. Instead of videotape, memory cards the size of a postage stamps are now utilized. When surveillance ends, the card can then be downloaded to any available computer, burned to CD DVD, etc. It's literally the investigator's choice.

You ask, "Why not digital?" The answer is simple. It's YOUR personal preference.

Think of years gone by watching the old 60's mysteries on television. Those "James Bond" gadgets were only fantasy. Well, now they are reality for quite a small price. One can still get excited with a portable digital briefcase equipped with a digital recorder carrying four inputs, a receiver and a some rechargeable batteries. Hidden on a job site, in a business or a factory, the cameras will trigger the recorder to start with motion. YES... I said motion. The cameras can be set up and fine-tuned for both sensitivity and field-of-view. This eliminates any and all of the wasted of reviewing ENDLESS hours of tape. It can even call you when something happens. Yes, it's great to be a private investigator in 2004.

As a private investigator, technology is your best friend; your "right-hand" man. It allows the investigator to provide a service of excellence to his/her client without compromising his/her command.

For more information regarding technical use or any materials covered in this article, contact Empire Investigation LLC Bob Kresson @ 1-800-860-6068 or his e-mail address AIRTASER@MSN.COM visit us on the web www.empireinv.com



Legal Eagle

*Information About The Law Written
Expressly for Private Investigators*

CIVIL LIABILITY FOR VIOLATING THE PRIVATE DETECTIVE ACT

Recently the Court of Common Pleas of Allegheny County held that a private detective agency in the Pittsburgh area named Am-Gard, Inc. was liable for the subsequent work-related activity of an unarmed security guard because the agency failed to follow the fingerprinting and background check requirements of the Private Detective Act of 1953.

Apparently Am-Gard hired one Mr. Reed to be an unarmed security guard based on Reed indicating that he had previous security experience with the Cauley Detective Agency. The hired security guard, Reed, was assigned to guard the parking lot of a local bank where he inspected the security cameras, made inquiries about other guards that were on duty and, several days after the assignment, returned with three men and robbed the bank at gunpoint shooting a non-compliant teller in the chest.

The Allegheny County Court of Common Pleas allowed the jury to return a verdict against Am-Gard based on negligence per se in that they violated a state law under the Negligence Per Se Doctrine.

The Superior Court reversed this decision on the basis that there had been no showing that the hired employee Reed had a criminal record and, therefore, that he would not have been hired if the Act had been followed because the fingerprint and background check, if done, would not have alerted anyone that the prospective employee might commit criminal acts in the future.

This leaves as an open question, if the fingerprint and background check had not been done and they would have revealed a prior criminal record, would the agency be liable for negligence per se. This is an open question and one that all private detectives that perform a security guard function should be aware of.

A copy of the Lawyer's Journal summary of the case is available by contacting Jim West at jwest@west-long.com.

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Getting "Local Called" Phone Records – Legally

Make money as a PI TelCo Consultant

By: Michele Yontef (Ma-Bell)
Licensed Private Investigator

You *can* help your clients find out who is making those ID-blocked harassing phone calls – even when the phone company says it can't or won't.

When an anonymous caller is antagonizing your client, the phone company tells your client it can trap the caller's number after three consecutive interloping incidents – but they won't give your client the information. Instead, they give it to law enforcement.

That anonymous caller is using a phone company feature known as *67 (star, six, seven). A *67 placed prior to the dialed number, is read by the switch as an addressing instruction to ring the destination number, but hold the caller station identification at the switch. The caller's identification is not sent in the data-stream read by the caller ID modem on the other end.

But, the phone company's computer still captures that information. And you can get it with a subpoena. There are some time limitations and restrictions on type of information, but, nevertheless, there's a lot of information out there for the asking. (Recently I testified expert witness against a 'Qwest employee' who told, police they could NOT court order local call detail – how incredibly incorrect!)

The profit, for the skilled investigator, is knowing who needs be subpoenaed, what the chances are that the desired 'local call records' are available in that particular phone company, how much the subpoenaed information will cost, and where to send the subpoena once the attorney has prepared it.

Unlike tolls or cell records, calls from within the local calling area of a phone company are flat-rated, this is why there's no itemization on the monthly phone bill, thus 'after the fact' the only way to ID the anonymous caller is via subpoena or court order. Usually a PI's client will need a civil subpoena of the Telco's local calls- this covering your domestic and non criminal harassment issues. Criminal subpoena's and court orders are almost exclusively associated to police business, although criminal defendants often need to subpoena phone records too.

The information is the same, but the process of a civil subpoena vs. a criminal or court ordered demand to a phone company is different. Criminal matters can be faxed and will get immediate attention. The civil subpoena goes through a different process.

Each phone company has specific differences in fees, cut-off times for obtaining information, and varying rules on the delivery of subpoena.

Your client will still need an attorney to prepare the subpoena but you will make even more money when you offer not just to provide them both with all the data needed to process that demand, but to also trace all the calls that the subpoena produces.

Here's what you need to know:

1. First, familiarize yourself with common 'local call records' descriptions:

- **MUD** (Message Unit Detail) Getting the 'local calling records' of a subscriber's outgoing calls
- **AMA** (Automatic Message Accounting) Getting the 'local calling records' of a subscribers outgoing and incoming calls.

Note: AMA or MUD via subpoena is not included in the expectation of service duty within the TelCo, it's a wonderful byproduct of routing, but never guaranteed

2. Follow these rules for submitting a civil subpoena:

Bell South Residential Civil Local Subpoena

Subpoena Compliance contact number:

Subpoena compliance Bell South: live Operator M-F 9:30-4:30 EST

770-492-4560 (From within FL 800-474-2677)

Availability of data:

AMA: 60 days, sometimes more depending on local area
MUD no

Process of receipt:

Florida subscribers must hand deliver civil subpoenas to Bell South's registered agent:

Bell South Telecommunications Inc.

C/O Prentice Hall Corp

1201 Hay ST.

Tallahassee, FL 32301

Continued on page 12

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Getting "Local Called" Phone Records – Legally

Continued from Page 11

Louisiana subscribers must hand deliver civil subpoenas to Bell South's registered agent:
Bell South Telecommunications Inc.
C/O Prentice Hall Corp
701 S Peters St suite 200
New Orleans, LA 70130

Costs:

The minimum charge for AMA is \$35.00 for 7 days of information then & 5.00

For each additional day.

Special rules/notes:

~All civil subpoenas must be hand delivered, no mailing for fax
~Civil subpoena's for Florida must originate from a Florida attorney

~Civil subpoena's for Louisiana must originate from a Louisiana attorney

QWEST RESIDENTIAL CIVIL LOCAL SUBPOENA

Subpoena Compliance contact number:

303-896-2522 – You will have to leave a message if you have any questions

Availability of data:

MUD: No availability

AMA: Up to 3 years after the fact (The farther from the date of originating call, the higher the percent of data degrading)

Process of receipt:

All civil subpoenas must be served upon Qwest's registered agent: CT Corporation. Qwest will advise you to contact 411 to find the CT Corporation nearest you; here is the CT Corporation for Arizona and the proper addressing for your Qwest civil subpoena:

Qwest Communications Corporation

C/O CT Corporation

3225 N Central Avenue Su# 1601

Phoenix, AZ 85012

Contact number for Arizona CT Corporation: 602-277-4792

Costs:

First day of data is free, each day of data thereafter is \$350.00 per day + 10 cents a page + \$10.00 an hour of process time

Special rules/notes:

~On June 30, 2000 the merger between US West and Qwest was completed; know that the systems and availability of data from them was exactly the same under US West as it is in Qwest – only the name changed. Thus, technically you can still try to subpoena data from a former US West subscribed phone.

AMERITECH RESIDENTIAL CIVIL LOCAL SUBPOENA

Subpoena Compliance contact number:

800-291-4952

Availability of data:

Ameritech is the only region where different States yield different information; choose your State of interest below to see what is available:

Illinois: MUD: 18 months, AMA 60 days

Wisconsin: MUD: 18 months, AMA 60 days

Indiana: MUD: not available, AMA: not available

Michigan: MUD: not available, AMA: not available

Ohio: MUD: not available, AMA: not available

Process of receipt:

Fax subpoena to 888-635-6615

Costs:

The data available is always a flat fee but prices change, so call first

Special rules/notes:

~For the Ameritech States that do have ability for AMA and MUD, the attorney sending the civil subpoena must have offices within one of the 5 Ameritech coverage States.

SWB RESIDENTIAL CIVIL LOCAL SUBPOENA

Subpoena Compliance contact number:

214-464-8331

Availability of data:

No MUD, no AMA, in any State. There is simply no ability for their systems to retrieve such data 'after the fact', even for law enforcement. Police in SWB territory (As in any TelCo territory) can utilize 'trap and trace' from within the central office - set up prior to anticipated calls (With proper court order).

VERIZON RESIDENTIAL CIVIL LOCAL SUBPOENA

Subpoena Compliance contact number:

888-483-2600 (Choose option 2)

Availability of data:

Verizon calls their AMA by the term: UMS (Universal Computer Search). Availability is: 3 months.

Process of receipt:

Where to send your civil subpoena depends on your former regional TelCo:

Send to 'Verizon east' for if you are in former Bell Atlantic territory

Send to 'Verizon west' if you are in former GTE territory

Mail your original subpoena (No fax):

Verizon East:

1095 Ave of the Americas

NYNY 10036

Verizon West:

POB 1001

San Angelo, TX

76902

Costs:

\$150.00 for 5 days of local calls

Special rules/notes:

~Data has to be ordered by attorney with offices in the same State as subscriber

PAC BELL RESIDENTIAL CIVIL LOCAL SUBPOENA

Civil Subpoena Compliance contact number:

408-554-7695

Availability of data:

Within 12 miles of the subscribers, central office:

AMA: no availability

MUD: no availability

Outside of the 12-mile radius of a subscriber's central office:

MUD: none available

AMA: 60 days or more depending on local area, some operators will tell you the only way to receive AMA is via court order, keep pushing, court order is not obligatory

Continued on Page 13

Getting "Local Called" Phone Records – Legally

Continued from Page 12

Costs:

\$77.50 per day

Special rules/notes:

~Can only be ordered by attorney with offices in the State of subscriber

~Pac Bell calls it's AMA a 'Bill Number Search'

NOTE: This **Telco Civil Subpoena Collection** record does not include details for receiving IntraLATA and InterLATA tolled calls, which are available, even in territories such as SBC (Southwestern Bell, Pac Bell, Ameritech).

How a local call gets from one place to another:

Calls from a conventional telephone route through the closest central office governing their location. Calls route through thousands of switches some of which read addressing instructions embedded in the dialing process. When 'Ralph Romantic' calls from home to his girlfriend, he dials simply: 323-4444. The central office closest to Mr. Romantic's home accepts the call; the switch sees the dialed number needs to remain in the same area code. The switch then determines if the prefix 323 is within its specific central office coverage area – if it is then it looks up the station code of 4444 and routes the call. If prefix 323 is not covered by Mr. Romantic's central office, but within the area code and non-tolled local calling area - then Mr. Romantic's switch looks up the central office that does handle the 323 prefix and transfers the call there. That central office looks up station code 4444 and routes the call to the girlfriend. If she has caller ID, she'll see Mr. Romantic's home phone number as the 'calling line.'

If Mr. Romantic is jilted and wants his number blocked from being sent to his now ex-girlfriend's caller ID, he could dial *67 (star, six, seven), which holds the caller station identification at the switch. Ex-girlfriend gets an anonymous, unwanted, call. That's when she turns to a licensed professional investigator for help.



Michele Yontef has taught more than 900 PIs and LEO's nationally how to use telecom-based secrets to skip trace and ID subscribers of phone numbers in her seminars 'TELECOM SECRETS'. Fine reputation and talents preceding her, she is known by peers as 'Ma-Bell Michele' and recognized for TelCo investigations excellence worldwide. Advising thou-

sands online via Yahoo Groups on how to tackle difficult phone based mysteries, Michele has written for several magazines including TelCo advice in PI Magazine since 1999. State and Federal court appointed expert witness in the emerging new field of telecommunications investigations, Michele's court testimony explains false number broadcasts, subpoena compliance data

retrieval ability, network routing, and cellular trace and tracking which via analysis has proved accused, innocent. An Arizona licensed private investigator, paralegal, and officer of the Arizona courts, Michele's unique and sought-after personal services include all forms of phone and cell number trace to subscriber, skiptrace, VIP clandestine relocation and celebrity stealthing needs. Contact her at 877-665-6864, write her at PrivateEyes@Qwest.net or apply to join her professional Yahoo Group* at www.Ma-Bell.com (*professional licensing restrictions apply).

A View From The Other Side

Continued from Page 6

Other areas to look at are implementing and developing security awareness presentations, loss prevention and workplace violence planning, crisis prevention, emergency preparedness and business continuity planning.

The law enforcement agencies have my utmost respect especially the men and women on the street; they are the true heroes and intelligence-gathering group but they are too overwhelmed to truly help the private sector. Most times it is the private sector that discovers the leads that are then turned over to law enforcement agencies for follow-up.

In my opinion the smart companies and government agencies should and would utilize professionals like members of PALI to minimize their risk of a catastrophic event that could potentially cost them millions of dollars but more importantly save lives.

Again, I suggest you think out side of the old investigative/surveillance box.

With all the corporate downsizing and budget cuts, out sourcing has increased.

Times have changed and the way you provided your professional services have changed. In order to increase your business you must continually change to meet the needs of your Clients.

I am a former PALI member(due to corporate downsizing). Should you have any questions on this article or about corporate security feel free to contact me at 717.587.1418.

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MEMBERSHIP APPLICATION

All Applicants for membership in the PALI must comply with the following:

1. Answer all questions on this application. Please print or use a typewriter.
2. Submit two checks: one required non-refundable application fee of \$25.00 & one for \$75.00 dues 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:

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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? Yes or No? If so, explain: _____
Have you ever been terminated from a position of investigator? Yes or No? If so, explain: _____
Have you ever been arrested and/or convicted of a crime other than a traffic offense? Yes or No? (Note: an affirmative response does not necessarily preclude you from membership) If so, explain: _____

EMPLOYMENT HISTORY:

Please list the names, addresses and phone numbers of your past three (3) employers:

EDUCATION AND REFERENCE INFORMATION:

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 (can be found on website: www.PALI.org) Answer yes or no _____

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. **I hereby authorize PALI to make any investigation of my personal, professional and employment history for the purpose of determining my eligibility for membership. This authorization releases and indemnifies 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* _____

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Insurance Info.

By Bob Yergey

In the past I have offered articles that pertained to general insurance terms and coverage and how they may come in to play with your exposures. In the article I am going to review a claim scenario that might help to clarify when a claim is covered and when a claim will be denied.

We have seen a growing number of claims for personal injury type of losses in the past two to three years. These losses include defamation suits, libel and slander accusations, and invasion of privacy claims. Under the standard general liability portion of your insurance program, coverage is usually afforded under the general heading of "Personal Injury". Most policies offer the usual policy limits for each claim and aggregate for this coverage.

Have you ever done surveillance for a client only to be accused of invasion of privacy? The trend in litigation these days is that once the subject has been found to have either broken the law or violated the terms of the insurance settlement for workers compensation or disability insurance they decide to sue you for invasion of privacy during your surveillance.

The main question here is - What did you do wrong? Your client authorized you to perform your surveillance under contract and you did your job as requested. The subject has since lost his benefits due to your findings. The suit alleges that you had no right to perform the surveillance and that it was a DELIBERATE and INTENTIONAL violation of his privacy rights. Your response is that I was under contract to perform this service and the subject should not have taken advantage of the system. The claim is for the emotional pain and suffering caused by your surveillance. If no wrongdoing were found by your actions, the subject would still be receiving benefits!

The language that many attorneys are using is deliberate and intentional. If you read the fine print in your policy, you will find an exclusion for intentional and/or deliberate acts. No general liability policy will protect any person for intentional and deliberate acts. The insurance company is going to deny the claim due to this wording in most cases.

In the investigative field, most everything that you do is intentional; otherwise you may be in the wrong profession. How do you protect yourself from these claims? There are two items that you can address up front. First, be sure that your client is following the proper legal procedure for authorizing the surveillance and that their case has sufficient reason to go forward. No amount of money is worth being sued for something that insurance won't protect. Second, be certain that the legal requirements of your state allow for the surveillance to be done without the knowledge of the subject. In some jurisdictions, you are obligated to inform the subject of the surveillance before you begin!

The insurance company is almost always going to put forth a reservation of rights for any personal injury claim involving intentional acts. In most cases they will outright deny coverage. When this happens, you are on your own for the defense of the claim. Therefore, do your homework before you start a job that involves a surveillance of a subject that does not have the subject's authorization. Don't put yourself in a litigious position before you even begin your work!

Each policy form is different in at least some small way and it is important that you understand your policy for this sensitive matter. You won't be able to obtain coverage for willful acts, but you can prepare yourself for the situation and be prepared to fight the claim with a complete file and the proper documentation from your client. As always, please call me with any questions regarding this article or any other matter. Forward any comments and questions or ideas for new articles to bob@yergeyins.com.

Thank you, Bob



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-- Yogi Berra, Hall of Fame ballplayer, philosopher

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