



# INTELNET *News*

Official Newsletter of the  
International Intelligence Network, Ltd.

*Intellenetwork.org*

*Winter 2013*



***Intellenet's 1st Mid-Year Conference ~ Manila, Philippines, Jan. 16-20, 2013!***

Details: [IntellenetAGM.com /Manilla/](http://IntellenetAGM.com/Manilla/)

Photo: Tony Magdaraog / Shutterstock.com

## *In this Issue ...*

Carino's Corner.....	2
Intellenet Conference 2013.....	2
"I'm not a Private Investigator" by Bill Blake.....	3
Member News.....	4
Intellenet's Book in the News.....	4

"Ethical and Legal Considerations for Private Investigators in Today's Digital Age: An International Perspective" by Sheila Ponnosamy.....	5
"ISPLA Report" by Bruce Hulme.....	11
"The Flimflam Man" by Larry Troxel.....	16



## *Carino's Corner*

by

*James P. Carino, CPP, VSM ~ Executive Director, Intellenet*

*“The year 2012 had many high points  
as well as sad occasions...”*

**As** we close out another Intellenet year, we can look back as having concluded still another very successful one. Recruitment to enhance complete global with in-country resources has improved cost efficient response capability, as well as competent investigative effort to the satisfaction of clients.

Perhaps most noteworthy, however, was the award to one of our members of a project resulting in the use of 92 members throughout the U.S, as well as expansion of one other major U.S. and one international contract, all of which increased billable time for a significant number of our members. The year 2013 continues to look to be a profitable enterprise in regards to not only those three initiatives, but for access to other clients both in the domestic and international market places.

These increased billable projects will continue to place a high priority on the need for recruitment of new members in order to be responsive to requests no matter where investigative activity is required. In this regard there is need to replace member losses due to retirement and to enhance coverage as global activity and corresponding global responsiveness requirements increase. The year 2012 had many high points as well as sad occasions. One retired member (Phil Potter), and two longtime members, Cam Crowley and board member Gary Brown, have joined our list of fallen comrades. Cam and Gary are now watching over us from above. We did not know it at the time but we all said our final farewell to Gary at our successful annual conference in Vancouver, where Kevin and Sheri Ripa provided still another hospitable and memorable gathering in Canada.

Also on the positive side was the addition of many highly qualified and competent new members, the scheduling of our first ever conference in Asia – in January 2013 in Manila — and the upcoming publication of the third investigative book authored by Intellenet members. Good things happen when good people participate and bond together for attainment of common goals.

As we enter the New Year, best wishes to all. Let's all pledge to work towards peace, prosperity and a successful year for all. ♦♦♦



## *Have You Marked Your Calendar Yet?*

**Intellenet's 30th Anniversary  
Conference ~ April 24-27, 2013**

**Philadelphia, Pennsylvania**

*Details soon at [IntellenetAGM.com](http://IntellenetAGM.com)*



# *I'm Not a Private Investigator!*

By William F. Blake, CPP, CFE  
Blake and Associates, Inc. Littleton, Colorado

***Those of us who have moved from the public sector investigation agencies and into the private sector invariably call ourselves "private investigators." This is an erroneous statement ... one that will cause many future financial problems.***

While serving in the public domain, the term "investigator" or "special agent" was appropriate. Upon moving to the private sector, another title is automatically attached to your activities with or without your consent. You are no longer an investigator but have become a "**business person.**" Regardless of whether or not you are a sole employee as a private investigator or a member of a multi-person investigative firm, you must engage in business activities to be successful.

In the public sector, there never was a paucity of work: normally the workload exceeded the unit's idealistic capabilities. You did not have to seek work as the work normally came to you at an excessive rate. At the same time, there was a support staff to take care of administrative functions.

In the private sector, you will probably be the sole administrative staff member. The major administrative task that will be required of you is that of marketing your skills and business. Work will not come to you as it previously had and you will be required to find work, which is not an easy task. As your marketing and public image improves over time, you will be in a better position to get more clients and workload.

One of the problems facing many transitioning to the private sector is that many individuals have specialized over the years in one particular area of the criminal justice system. While these skills are very valuable and will be worth much as your reputation in-

creases. Until that time, however, the fledgling private investigator must resign himself or herself to working cases that would not normally be accepted. These trivial cases are where you develop clients and increase your reputation.

One area normally overlooked by the new private investigator is the civil justice system. Many of us worked nothing but criminal cases while in the public sector and fail to realize the number of billable hours that can be obtained in the civil litigation market.

Many of the billable hours in civil litigation are driven by the client's desire, for various reasons, to recover property and not involve law enforcement. When law enforcement and the criminal justice system are involved, the client may suffer adverse public relations, including the loss of customers and reduced staff morale and efficiency.

While working a civil litigation matter, many of the skills used in criminal cases will be of extreme value. The civil litigation matter will be investigated in the same manner as a criminal case but slated for civil litigation for the recovery of assets and other non-financial properties.

The field of private investigations can be a lucrative and self-gratifying endeavor. The most difficult is the ideological transfer from the reactive nature of the public sector "criminal" investigation to the preventive nature of the private sector "civil" investigation. You can no longer think like a law enforcement officer but must become a part of the business community where the answer to a problem is not putting someone in jail. ♦♦♦

*Bill Blake, a retired U.S. Army criminal investigator, "business person" and former editor of Intellenet News, is the driving editorial force behind two reference books sponsored by Intellenet and published by [Charles C. Thomas](#). A third book is due this year. See Member News, page 4.*



# Member News

## ***Welcome New Members ...***

These are our newest members since we last published. You should have seen their mention in one of Jim's *InfoBriefs*, or their own "e-introductions" subsequently. If we missed a name in this issue, we apologize. Let us know and we'll mention you in the next issue. Welcome one and all to the premiere network of investigative and security specialists.

- Conrado **DUMLAO** (Manila, Philippines)
- Neal **CUSTER** (Idaho)
- Rikki **GLEN** (Wisconsin)
- Ed **KELLY** (California)
- Donna **MAXWELL** (Alexandre, Caribbean)
- Mike **BOUCHARD** (Vienna, Virginia)
- Eddie **BERMUDEZ** (Nicaragua)

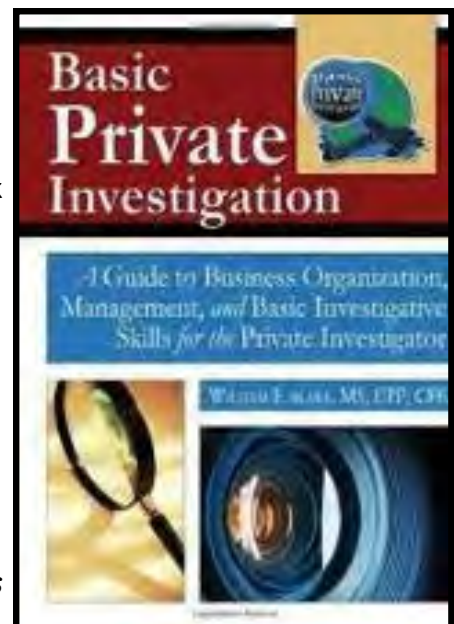
## ***Members in the News ...***

Congratulations to Pawan **AHLUWALIA** of India, who received the 2012 Malcolm W. Thompson Memorial Award from the Council of International Investigators. This prestigious award honors those who set "high ideals and professional moral standards."

## ***"Basic Private Investigation," the Intellenet book, is now mandatory reading for Tennessee PIs ...***

We send a special thank you to Tom **MILES** of Germantown, Tennessee, for his posting informing us that Intellenet's premiere guide book on investigation is required reading there. Tennessee is one of the states with rigid licensing laws, including two examinations for licensing (one on running a business and one on investigative skills) and continuing education requirements for renewals. Tom noted in his email:

*(Whether you are a) contributor or not, every member of our organization should be very proud of this fact, knowing that our group has made such a meaningful and significant impact on our profession ... Best regards to everyone, especially Jim Carino, Bill Blake and many others who made this one project such a success!*



Intellenet's second book, "Advanced Private Investigation," has received equal praise and addresses "...some of the more complex matters faced by the private investigator." The books are available through Charles C. Thomas, Publisher, Ltd., at [www.CCThomas.com](http://www.CCThomas.com). ♦♦♦

## Ethical and Legal Considerations for Private Investigators in Today's Digital Age: An International Perspective

By Sheila Ponnosamy, Mainguard International (S) Pte Ltd



### *“In civilised life, law floats in a sea of ethics.”*

This statement by Mr. Earl Warren, Chief Justice of the U.S. Supreme Court (November, 1962) holds so true, particularly for private investigators (PIs). It is inevitable that PI work, which largely involves evidence and factual gathering from both public and private sources, will raise legal and ethical questions, especially across international investigations and in today's digital age. How PIs as professionals overcome these legal and ethical issues forms the main discussion of this article.

Of course PIs should know the law, as most of our evidence gathering is used for legal purposes. In the Internet age, businesses and private affairs are conducted across international borders. PIs thrown into the realm of international investigations have to deal not just with the laws within their own state and country, but with the laws of places and countries where the investigation is being conducted.

The foundations of laws in criminal trespass and theft in different countries are clear, as societies have clear rules on expectations of privacy and ownership of physical property. However, the lines are blurred when the asset is less tangible in nature. The key asset for clients of PIs is information. Thus, in today's digital age PIs will need to understand the laws which relate to privacy and information security, particularly as the world embarks on digital technology to store and transmit confidential data as part and parcel of life.

While technology has crept into every facet of our

organisations and is a worldwide phenomenon, the laws to protect information lag behind, to varying degrees throughout the world. The private investigation profession, while it is licensed in the Western world, remains unregulated in most countries in Asia and other parts of the world.

When working with international investigations, the question of ethics comes into play because ethics are based much more on cultural norms. In addition, the legal systems will vary from country to country.

### Ethics and Law

What are ethics? One can define ethics as acting with an awareness to comply with rules, laws and customs of the society, expectations of people, the policies of organisations and the general needs of fellow human beings. Unlike laws which carry a mandate or prohibit certain behaviour by governing authority, ethics are based more on the cultural norms of society. Hence, we can see the difference between countries and each social group, etc. Ethics provide a yardstick for PIs to gauge their decisions and evaluate other people's behaviour based on one's own sense of morality.

In private investigation work where, most of the time, PIs have to make assessments of people and situations based on facts gathered, ethics will form the foundation of their professional conduct. PIs often have to make a judgement call on what information to gather and how they should go about gathering the information to meet their evidence requirements. For instance, in checking on a person's

movements, PIs may need to decide if it is necessary to gain access to confidential records such as phone or bank statements. These records are not available publicly and in some countries it is illegal to retrieve them.

When conflicted, we, as PIs, need to ask some simple questions:

- *What does the law say?*
- *If the law is silent, then what are the options?*
- *What are the issues?*
- *What are the consequences?*

When we compromise our ethics and make a poor judgement, we often have to bear the negative repercussions. Our ethics and professional conduct reflect on our integrity and reputation. Can we afford to make this compromise? In PI work, reputation is the bread and butter of getting the business!

***“In PI work, reputation is the bread and butter of getting the business!”***

## Legal Considerations for PIs

The most pertinent legal and ethical issue facing PIs is related to breaches in privacy. Generally, this breach will relate to physical trespassing and gaining the sensitive and confidential information of someone – the subject of the investigations.

The laws affecting PI activities can be divided into two broad categories:

1. The laws relating to the PI’s relationship with the public; and
2. The laws relating to the PI’s relationship with the client.

PIs need to understand the law mainly for their own protection, and because it impacts on how they conduct the business of gathering facts for the client. In the process of obtaining information, PIs need to ensure that the evidence gathered is legally admissible and adheres to the law. If they break the law, they

will risk not having their licence to conduct business renewed.

The conduct of private investigators is regulated by common law and by legislation. The latter will always prevail over common law. PIs can be subjected to criminal (fines and imprisonment) or civil sanctions (claims for monetary damages).

At common law, a PI does *not* have any more power in carrying out his activities than a member of the public. This means that:

- PIs cannot enter into homes without permission from the owner for any reason including for process service or repossession of client’s property.

They will be considered to be trespassing.

- PIs cannot interfere with another person’s chattels (personal property). If a PI attaches a tracking device to a person’s car, for instance, they may be liable under common law relating to trespass and torts. Normally the remedy for such a situation is the client has to be a lawful owner of the property and provide authority to the PI to attach the device if such is deemed necessary.
- Common law offers protection to the public from surveillance of their activities on private property. For instance, PIs cannot be hiding in the room to conduct surveillance. Most of the time, surveillance is freely conducted only at public places where all members of the public have equal rights to be there. After September 11, 2001, most countries also have anti-terrorist laws which restrict people from taking photographs of government buildings and sites.
- PIs cannot use listening and recording devices without being part of the conversation as most countries have telecommunication laws that pre-

-vent third party recording of another person's conversation.

- The laws on privacy of correspondence are not specific in most countries. However, there are laws which restrain the publication of confidential information and also legislation which makes it illegal to steal, tamper with or fraudulently obtain articles in the course of posting.

- Harassment is not consistently defined in various jurisdictions and countries. However, harassment incorporates the act of causing embarrassment to the subject. Hence, PIs have to tread carefully when making enquiries with a person's past employers and business associates, or enquires on a subject's financial position.

- PIs have to always ensure that their actions and findings do not inflict nervous shock or emotional distress. Negative facts on a person should always be verified before going into the investigator's report or the PI can be sued for defamation by the subject. In the process of gathering information, PIs should also be careful that they do not make any negative implications, which could, for example, inflict a job loss upon the subject.

- PIs are not permitted to pass on information received in confidence in the absence of just cause or excuse, such as in the interest of public safety. For instance, PIs should be passing on to their client only information that is relevant to their case. The just cause or excuse will depend on the type of information and the source of the client's interest in the information.

- PIs have to adhere to consumer protection laws. These legal provisions prohibit PIs from uncon-

scionable, misleading or deceptive conduct in the course of their business.

- PIs accessibility to information depends on the privacy laws of the country. Many countries in Asia, for example, do not have any data protection acts. The individual's general right to privacy is protected under parts of the common law, regarding disclosure of information where the



breach of privacy of the subject has caused him or her “damage” in some way. They can then seek legal recourse against the PI by way of civil suits.

- PIs do not have any more rights than a member of the public to access government held information which includes records held by com-

pany registry, courts, taxation, credit agencies, department and various authorities. There are normally specific laws which protect personal information stored by government agencies.

- In countries where there is privacy legislation, such as the Privacy Amendment (Private Sector) Bill 2000 in Australia, PIs have to be careful to conduct their enquiries in a manner that is consistent with guidelines in relation to the collection, storage and use of personal information.

## **Common Law Duties to Client**

As a service provider, PIs have common law duties to their clients, which encompass:

### ***The duty to follow instructions by client ...***

All PIs should obtain authority from the client to act on their behalf as they enter into a contractual arrangement when the case is being assigned. PIs can only work within the agreed scope requested by the

client. If the client requests surveillance to monitor movements, PIs should not be searching for confidential records on the subject, without the client's knowledge.

***The duty to act in person...***

PIs have to take responsibility for the case assigned even if they delegate work to their employees. The PI should be responsible for the investigations process regardless of to whom it is being delegated.

***The duty to act in interests of the client...***

Other than being paid for services rendered, PIs should not profit from the findings discovered during the investigations. For instance, PIs cannot go to their subject and reveal to them that they are being investigated, in order to extort money from them.

***The duty to take care of the client's property...***

PIs have to maintain confidentiality of information provided by the client, and all photographs or documents should be stored securely.

***The duty to keep separate accounts...***

The client's funds are always secure if a retainer is provided upfront.

***The duty to keep proper accounts...***

Expenses have to be recorded. Accounts can be made available for inspection by the client and licensing authority where applicable.

**Privacy Laws**

With the advancement in information technology, as more and more data are stored electronically, and in the expansion of the Internet, the issue of privacy has become the hottest topic in information

security as well as in PI work – where research most always require access to available public and proprietary databases.

Technological advancement has enabled the gathering of data from different sources to be stored, merged, sieved and sorted with ease through specialised databases. This technology has allowed people and organisations to collect, swap and sell personal information as a commodity, resulting in the public seeking government action to protect their privacy.

Historically, the U.S. has been the leader in the development and implementation of privacy and information security legislation to prevent the misuse

and exploitation of information and information technology.

Many western nations such as the United Kingdom, Canada, Australia and the European Union have developed similar legislation to protect the privacy of their citizens. All countries with privacy

acts will have similar laws and the implications for PIs remain the same.

In Asian countries, and in even the more urbanised nations like Singapore, privacy and data security is *not* protected under general and constitutional law. This means that conducting investigations in countries with no privacy laws will require the PI to exercise a command of ethics. Ethics will be determined by what is common practice in the society and its culture.

For instance, the use of confidential sources will be more prominent in Asia, as that is how accurate information is obtained. Furthermore, most countries in Asia may not have updated and accurate databases due to the lack of available technology, skills and funding.

***“...the use of confidential sources will be more prominent in Asia ... that is how accurate information is obtained.”***



However, even though there are no privacy laws, some countries in Asia have extremely strict laws which limit the extent of what PIs can do. For instance, in Singapore there are strict laws to protect confidentiality of data held by government and statutory boards. They include:

- Official Secrets Act;
- Electronic Transactions Act;
- Central Provident Fund Act; and
- There are 150 other laws with privacy provisions

In addition there are private sector privacy laws and industry codes of practices such as the Computer Misuse Act; the Banking Act; the Telecommunications Act; and the Telecom Competition Code.

Private investigators in Singapore are being regulated under the Private Investigations and Security Agencies Act (amended in 2006). Investigators who break the law under the provisions of the PISA Act may also be breaching the law under one of the above confidentiality acts where the penalty includes both a hefty fine, imprisonment and loss of licence to practice.

## Areas of Ethical Consideration for PIs

### **Surveillance...**

Surveillance is an accepted legitimate form of investigations in most democratic countries, even with privacy laws. The argument is that everybody has a right to privacy but that right is not "an absolute right." It involves balancing privacy interest with competing interests. From a PI's ethical viewpoint, there are codes of practice and specific legislation on evidence gathering, but it is the court that determines the reasonability and legal admissibility of the evidence obtained.

Most countries will allow surveillance in public places, but not in government buildings nor can the investigator enter private rooms without permis-

sion from the owner to gather the evidence.

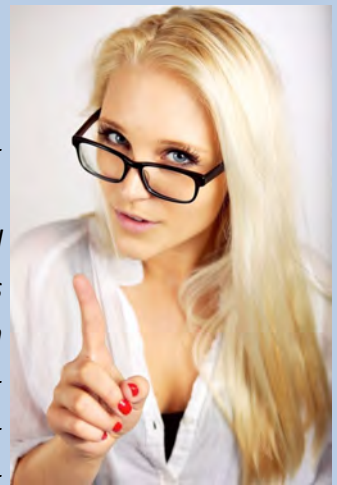
In some countries where the political system is based on a less open ideology, surveillance can be an extremely dangerous mode of operations for the PI, as it is considered a threat to national security. Hence, in some parts of Asia and the Middle East surveillance cannot be used in the information gathering process.

### **Misuse of Information...**

The use of confidential sources to retrieve information is less acceptable in countries where there are privacy laws, as the general community expects safeguards to protect their information from unauthorised persons. However, in cases involving fraud investigations or debt recovery, this may be justified by the courts. When faced with this ethical dilemma, PIs should always ensure they are legally covered.

### **Subtle Coercion...**

*Subtle coercion is an unethical practice for PIs, regardless of the legal systems. Here the PIs force co-operation from the subjects of investigations by threats or blackmail – directly or indirectly. For instance, in insurance investigations, the insured or their family may refuse to cooperate with the investigator, who then provides a negative report which will disadvantage them in the claim process, even though the claim may be legitimate.*



...continued next page

### ***Interviewing...***

Similarly, when conducting interviews, PIs have to ensure that they are not making threats or promises, or offering inducement, to procure information. The PI himself has no legal power and it is the attorney client who can provide the legal options.

PIs have to always ensure that an adult is present when interviewing a minor, and ideally, they should have another witness when conducting the interview.

### ***Unethical Request from Clients...***

Clients may make ethically questionable requests, but PIs are expected to abide by the law and their ethics to protect themselves. For instance, clients may request PIs to hack into a computer system to steal confidential information, such as bank statements, phone records, etc. Most countries have laws that clearly state such actions are illegal.

PIs should always also question the purpose of the client's need for the information and the implications once the client has that information. For example, a client may want to locate a person. However, is the purpose of locating the subject to harm him? This is another area where the PIs judgment and ethics must come into play.

### **Raising the Bar for PIs**

Education and training is the only way for PIs to learn and understand the legal and ethical implications for what they do. The education can be in the form of a formal training programme in a classroom

setting, or it can be through professional networking with other like-minded peers. All professional PI organisations will have codes of ethics to provide guidelines for PIs in conducting themselves in the line of duty. The discussions with other fellow professions from different parts of the country and world will open the mind to learning how other investigators conduct themselves, and how they overcome their problems.

***“The key stakeholders in privacy laws and information security controls often have competing interests. There needs to be a healthy balance to manage the conflicting interests of investigators and their clients, the public which becomes targets of the enquiries and the governments which are responsible for legal reform and regulation.”***

The law in one country may not be applicable to a fellow investigator based in another country, yet sometimes the work can be accomplished legally and ethically through a professional strategic alliance.

The sensitive nature of PI work may be made more difficult by the privacy laws in countries where investigations are legislated. However, there is a strong sense of professionalism among investigators who are supportive of government's role to regulate to lift the standards and image of a profession. Governments will need to provide means of facilitating the benefits provided by PIs with pre-service training,

more active consultation with the PIs and especially facilitating a productive balance between justifiable requests for information and the interest for personal privacy. While the government can strengthen controls on access to confidential information held by government bodies, they can also provide controlled access to PIs to retrieve information for legitimate purposes.

*Continued on next page*

The key stakeholders in privacy laws and information security controls often have competing interests. There needs to be a healthy balance to manage the conflicting interests of investigators and their clients, the public which becomes targets of the enquiries and the governments which are responsible for legal reform and regulation.

It is not always clear whether illegal and unethical conduct by PIs is the result of inadequate controls on misconduct, or whether it stems from the PIs lack of understanding of the laws regulating their activities. However, through knowledge sharing and professional networking, the PIs' professional bar will continue to rise in the eyes of public and governments.



*Sheila PONNOSAMY is Operations Director at Mainguard International (S) Pte Ltd. The company is a security risk management and private investigations firm, in Asia for the past 32 years. Sheila manages the international clientele from USA and Europe, which includes law firms, insurance companies and multinational corporations. In 2010 in Cardiff, UK, she received the International Investigator Award from the Council of International Investigators. Sheila is also a member of the Female Legal Investigative Professionals. She received her Masters of Business Administration degree from Edith Cowan University, Perth.*



## ISPLA Report

by Bruce Hulme, CFE

As we enter 2013 and the beginning of the 2-year cycle of the 113<sup>th</sup> Congress, we ask our Intellenet readers to reflect on what ISPLA has accomplished in 2012. ISPLA has been leading the way for our profession in addressing head-on, and in a proactive manner, legislation and regulatory issues at both state and federal levels.

We have assisted in enacting state laws favorable to our profession, prevented bad bills from moving forward, and have continued to educate legislative bodies and regulatory agencies. On the federal level, we have worked with members of Congress and their committees on issues such as privacy, indigent defense, and records destruction. Since ISPLA's formation in 2009, we have put forward the views of investigative and security professionals who are members of Intellenet regarding critical issues pending before the DOJ, FEC, FTC, NARA, SEC and the U.S. courts.

### Tragedy Hits the Northeast U.S...

Since the fall issue of this Intellenet publication, there were two tragic events that occurred in the northeast U.S. First was the loss of lives and the economic toll from Hurricane Sandy. Tri-state colleagues in New Jersey, New York, and Connecticut were especially impacted, some losing their homes and many suffering a loss of business due to electrical outages and storm property damage.

The biennial ALDONYS (Associated Licensed Detectives of New York State) Person of the Year Awards Dinner scheduled at the Sheraton New York Hotel on November 8 had to be cancelled due to Hurricane Sandy's aftermath.

*Continued on next page*

It has been re-scheduled for March 8, 2013, at the same location. ISPLA had been scheduled to bestow its first "Legacy Award" to ALDONYS for its strong support of ISPLA. That award presentation will be made at the ALDONYS April dinner event.

The second recent tragic event occurred close to home for me. That was the shooting massacre on December 14 by a young man of unsound mind in Newtown, Connecticut, at the Sandy Hook Elementary School. The ALDONYS Board Chairman and Chairman and CEO of T & M Protection Resources, LLC, Robert S. Tucker, offered words of sympathy and suggestions to parents and school officials in part as follows:



***“As the father of three small children, the youngest almost in kindergarten, I am among millions of parents anguished over the mass shooting at the Sandy Hook Elementary School. As parents, we're all wondering Could a horrific crime like this happen at our children's school? Will our children return home from school safe and sound?”***

*To the grieving parents who lost their children, to the relatives of the fallen staff, to the students and teachers who escaped this nightmare that will forever haunt them and to the emergency responders who heroically raced to a scene that no one should ever have to confront, I offer my sincerest sympathies.*

*This tragedy has sparked soul-searching about whether our nation's schools are prepared for a day like today. It has been our experience at T&M that academic institutions are often under-prepared, perhaps because the events of this morning are difficult*

*to imagine. In conducting security vulnerability and crisis readiness assessments at schools, T&M has found that many don't plan for an active shooter invasion. Today's tragedy forces us to confront new realities and address the unthinkable.*

*Every parent needs to ask school administrators:*

- *What are the school's crisis management plans?*
- *How will the school communicate with me during an emergency?*
- *Does the school have an active shooter response plan?*
- *Are staff, administrators and students trained regularly on emergency preparedness?*
- *Do students have alternate escape routes from their classrooms?*
- *How is access controlled within the school and its classrooms during the day?*
- *How are visitors at the school monitored?*
- *When does the school go into lockdown?*

*I am deeply saddened by the heartbreaking events that have caused me to reach out to all of you today.*

***However, if we don't all ask the right questions and demand adequate responses from our schools, then unfortunately this will probably not be the last time that we see a tragedy of this magnitude.”***

## **The Second Amendment ...**

The tragedy in Newtown is the 30<sup>th</sup> mass shooting in the U.S. since twelve students and a teacher were killed at the Columbine School in Colorado in 1999. The U.S. Supreme Court has ruled definitively that the Second Amendment guarantees the right of Americans to bear arms. At the very least it has ruled that right in the home for protection, and many legal scholars would argue that the case of DC v. Heller extends that right outside the home. Three members of ISPLA's executive committee assisted in the security industry's defense of Heller in that case.

ISPLA recently posted to its members conflicting decisions handed down in the 7<sup>th</sup> and 2<sup>nd</sup> Circuit Courts of Appeals on the issue of possessing handguns for self-defense outside one's home. The Supreme

Court will have to resolve these conflicting decisions someday. Aspects of firearms regulation issues directly affect many private investigators and armed contract security companies and their armed guards. Corporate security and in-house security departments are also affected. Our membership is also divided on these issues.

However, some sensible regulation needs to be discussed and all issues placed on the table. Presently there is no slippery slope leading to all weapons being confiscated – the strongest argument of the NRA for many years. The Supreme Court has seen to that! However, proscribed restrictions on machine guns are constitutional. The ban of assault weapons was upheld, but Congress let the ban expire. Discussion and compromise regarding rescinding that ban, and discussing high-capacity magazine clips, eliminating gun show loopholes that allow inadequate criminal background checks and preventing straw buyers as well as maintaining an updated data bank on persons checked need to be thoroughly reviewed and discussed.

### **Protection of Persons and Property ...**

But more stringent “gun laws” will not necessarily eliminate killings, mass or otherwise. One must also focus on the causes of mass shootings, which all appear to have one common factor – some sort of mental illness or emotional disturbance. Laws on the books for committing crimes with firearms should also be prosecuted to the fullest extent of the law and not pled down.

Suggestions of stationing armed security personnel in schools have been met with ridicule by “Brady Group” advocates and “progressive” politicians. Such implementation presents problems, but this scheme already exists in some City of New York schools where police presently are stationed, having taken over duties of previously armed guards under the jurisdiction of the Board of Education. If armed police and armed contract security guards can be deployed as they presently are at courthouses and government office buildings throughout the U.S, many in highly populated areas, then certainly similar security procedures can be at least further discussed and possibly implemented at schools. In addition to armed guards, more physical security



*“Suggestions of stationing armed security personnel in schools have been met with ridicule...”*

measures such as the installation of more secure entrance and exit structures can minimize armed attacks.

### **The Federal Trade Commission ...**

ISPLA interacts with and carefully monitors the activities of the FTC, a key regulatory agency of the U.S. In recent months, ISPLA has reported on numerous items in the FTC agenda that can have an impact on our profession. We maintain an ongoing dialog with a number of their key counsel and staffers in their Bureau of Consumer Protection. In a recent email message to ISPLA, FTC Chairman Jon Leibowitz advised us that David C. Vladeck, Director of the FTC’s Bureau of Consumer Protection, is leaving the agency on December 31 to return to a faculty position at Georgetown University Law Center, and that Charles A. Harwood, who has been a Deputy Director in the Bureau for the past three years, will serve as Acting Director of the Bureau of Consumer Protection. ISPLA’s leadership has had extensive interaction with the FTC’s Bureau of Consumer Protection over the years regarding regulatory issues of concern to professional investigators.

Director Vladeck joined the agency as Bureau Director in 2009 and made stopping frauds that targeted financially distressed consumers a top priority. The FTC brought more than 100 cases against scammers trying to take consumers' last dollar with false promises of mortgage assistance, debt relief, jobs or other money-making opportunities, government grants, and health insurance. He also oversaw action against scams on the Internet, including stopping nearly \$1 billion in online marketing fraud by shutting down bogus "free trial" offer schemes. Under his leadership the FTC also created the Mobile Technology Unit to coordinate the agency's mobile enforcement actions and policy work and established an undercover Mobile Technology Lab to investigate and capture evidence.

In addition, during Vladeck's tenure, the agency developed a comprehensive framework for privacy protection and brought a number of landmark enforcement actions to protect consumer privacy, including cases against Google and Facebook. The agency also took action against several national advertisers for allegedly making overhyped claims and obtained settlements providing refunds to consumers who purchased their products. Vladeck was also a key force in helping to forge partnerships with legal services providers and other community organizations to reach traditionally under-served consumers, and in the development of basic, easy-to-read educational materials for consumers.

### **Political Action Committees ...**

The year 2012 was also a challenging one on the political action committee front. In this year's presidential and congressional elections, "Super PACs" dwarfed contributions made by separate segregated

fund PACS, such as ISPLA-PAC. Even so, it is still important that ISPLA, in maintaining its relationships in Congress, continue to let it be known that we have this important tool, the ISPLA-PAC. All funds collected by this PAC are utilized solely for the legislative mission of ISPLA and for nothing else. Maintaining this PAC is costly and requires numerous filings, with potential draconian sanctions should errors occur in a report to the FTC. Thus far, ISPLA has been in full compliance with all federal election laws and regulations.



The Federal Election Committee is an independent regulatory agency that administers and enforces federal campaign finance laws. It has jurisdiction over the financing of campaigns for the U.S. House of Representatives, the U.S. Senate, the Presidency and the Vice Presidency. Established in 1975, the FEC is composed of six Commissioners who are nominated by the President and confirmed by the U.S. Senate.

On December 20, the Federal Election Commission elected Ellen L. Weintraub as Chair. Commissioner Weintraub took office on December 9, 2002, after receiving a recess appointment. She was re-nominated and confirmed unanimously by the United States Senate on March 18, 2003. She previously served as FEC Chair in 2003.

Prior to her appointment to the Commission, Commissioner Weintraub was of Counsel to Perkins Coie LLP and a member of its Political Law Group. She previously practiced as a litigator with the New York firm of Cahill Gordon & Reindel. Previous government service included being Counsel to the Committee on Standards of Official Conduct for the U.S. House of Representatives (the House Ethics Committee) focusing on implementing the Ethics Reform Act of 1989. She also served as Editor in Chief of the House Ethics Manual and was a principal contributor to the Senate Ethics Manual.

*Continued on next page*



## The International Association of Security and Investigative Regulators ...

... scheduled its annual conference in Seattle, Washington, the same week as “Sandy” hit the shores of the northeastern states. I had been scheduled to attend that conference as well, at its board meeting on October 29 as the IASIR board member representing the private investigation sector. However, all flights were grounded from New York area airports so I was unable to attend. I was pleased to learn that I was re-elected in absentia to another two-year term in that position. Dennis Casteel of Brinks was elected to replace Mike Gambrill of Dunbar, who chose not to seek re-election on the board representing the armored car industry. Rudy Buck, a detective with the Arizona Department of Public Safety, was elected President of the IASIR.

IASIR is the pre-eminent organization of government regulators in the US, Canada, and the United Arab Emirates, working to enhance public safety by promoting professionalism in the alarm, armored car, private security, and investigative industries through effective regulation. The association’s membership is made up of state and provincial government regulators of these industries as well as law enforcement and industry members from across North America (and increasingly, other parts of the world).

Buck will serve a two-year term as IASIR President, promoting best practices worldwide and continuing to examine regulatory reform, licensing processes, and training and education to improve public safety at home and abroad. Buck will also preside at the 2013 Conference to be held next fall in Quebec.

Peter D’Arcy of the United Arab Emirates was also elected to the IASIR board. He has been working on follow-up to his UN presentation on private security matters inviting attendees to contact the U.S. Department of State on Resolutions 18/2 2009 and 21/1 of 2012. The purpose of the “study” is to establish whether a case exists for international standards that address regulation and training for the private security industry. He is currently crafting a message seeking input from all IASIR members.

He has invited Angela Evans, Assistant Attorney General with the Kentucky office of regulators, as an IASIR representative to Vienna in 2013 as a participant in the Inter-Governmental Expert Group Meeting. She is a newly elected IASIR Director-at-Large, has UN experience, and would have standing in the government group.

## ISPLA Success in 2012 and Beyond ...

As of this writing every bill that ISPLA opposed during the 112th Congress failed to be enacted. Do something great to help your fellow professionals fight the good fight in 2013. Consider making a personal donation to the ISPLA-PAC. It is easy to do with your credit card now by going to [www.ispla.org/isplapac](http://www.ispla.org/isplapac). Intellenet members are also encouraged to individually join ISPLA and if they wish, to consider taking advantage of ISPLA’s low-cost insurance plan. Details about ISPLA can be found at [www.ISPLA.org](http://www.ISPLA.org).



*Bruce Hulme, CFE, is ISPLA’s Director of Government Affairs ([www.ispla.org](http://www.ispla.org)). ISPLA is a resource for the investigative and security professions, U.S. and state governments and the media.*



# The Flimflam Man

He used part of the Golden Rule  
As means of his deceitful game and tool  
It served him well, this twisted creed  
Driven by slick sophistry and greed.

*Do unto to others...*was his tenet  
Omitting truth in his every sentence  
Preying on victims and their trust  
Gaining confidence by lies of disgust.

Skilled in selecting his victims of scam  
To entice with his practice of flimflam  
Plying his trade on misfortunes they had  
His crafty words would make them feel glad.

His reasonings all seemed plausible enough  
The answers he gave were up to snuff  
He told stories that surely were real  
By flaxen rope he led victims with zeal.

With selfishness he built his house of cards  
Till the day it crashed into heaps of shards  
After gaining his booty by trick and device  
He moved on to another to dupe with his vice.

What of his victims that lie in his wake  
Deprived and deceived with wounds that ache?  
Left to wonder about this fake and fraudster  
And now careful of other future imposters.

*~by Larry Troxel~*