



INTELLENET *News*

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Peter's Posting

by

Peter Psarouthakis
Executive Director, Intellenet



Dear Intellenet Members:

If you have not registered for our 2018 conference in Aruba, there is still time, but you must act now! Go to our [web site](#) for complete details.

I hope your 2018 has started out well. We are just a month away now from another great conference in sunny and warm Aruba! Our conference registration and hotel reservations numbers are looking very good. George Michael Newman has put together another tremendous line up of speakers. Ed Spicer has worked hard to provide make sure all the details are set to make the conference experience a great one for everyone. We are again having a group outing which will include a bus tour of the island with stops at several unique locations. If you have not registered for either the conference or a hotel room there is still time.

New members continue to join our ranks. Thank you to everyone involved in recruiting. It is a fact that our membership is going through a change due to retirements. Fortunately our founder, Jim Carino, had the foresight to see this as an issue several years ago and put in place a program for the future of Intellenet. As Jim has always said, no one individual makes an association. It is important for the association that we never stop looking for qualified people to become members. If you know of someone that qualifies and meets the 10 year minimum investigation experience please send their name and contact information to myself, Jim Carino or Ari Morse. As you

can see we have added a new person to our membership committee. Ari has been working with Jim for the past several months to get up to speed. Thank you Ari for stepping up to help our association. If you are interested in helping

As Jim has always said, no one individual makes an association. It is important that we never stop looking for qualified individuals.



Intellenet — your association — contact me. We have plenty of opportunities for those inclined to give a hand.

Over the holidays we saw a lot of “happy holiday” type greetings posted on our listserv. While we know your heart is in the right place, the membership is reminded that the listserv is for business and association posts. Unlike many of the other association listservs that many of us belong to, the Intellenet listserv keeps non-essential traffic to a minimum. Please try and remember to use the “Reply All” button sparingly. Thank you for your understanding and cooperation on this.

In the coming year we will be looking at updating our website. If you have any comments on the current website, suggestions or ideas for the update please send them to me. Membership input is always important.

Wishing everyone the best in 2018 and looking forward to seeing many of you in Aruba!

As always you can reach me at peter@ewiassociates.com.



Member News

Welcome New Members ...

Tamara CALDWELL — Toronto area, CANADA

Eugene CANEGATA — Raleigh, NC

Bill CARROLL — Grande Ronde, OR

Duane COLLINS — San Antonio, TX

Niles GOODING — Boise, ID

Howard GRIFFITHS — Johannesburg, S. AFRICA

Claude (Sonny) HILBRETH — McAllen, TX

Tony LASHLEY — Raleigh, NC

Constance (Connie) LEAF — Wayzata, MN

Elton LEWIS — St. Croix, VIRGIN ISLANDS

Fernando MOLINA — Mexico City, MEXICO

Richard (Dick) RYER — Ft. Walton Beach, FL

Kyp STAVROU — Edina, MN

Bob WILE — Newburyport, MA

These are our new members since we last published. To update your membership listing on the web, or in our Briefcase Roster, send info to intellenet@intellenetwork.org.

News from San Diego ...



George Michael Newman was once again asked to participate in the United States Marine Corps' training of its Defense Services Organization (DSO), held in San Diego in December, 2017.

Previously, George Michael participated in training DSO personnel at a week-long session in 2014, during which he was accompanied by his son, Jose Luis Newman (Fulcrum Investigations, Chula Vista, California).

Once again Jose accompanied George Michael during the December two-day training segment, which focused on witness/victim interviewing and report summaries for en-

listed, first-contact personnel. In recent years George Michael has assisted DSO counsel in hiring investigators and trainers around the world, with an emphasis on utilizing Intellenet and NALI members.

News from Waxahachie ...

Brian Ingram, owner of Consulting Investigation Services in Waxahachie, Texas, south of Dallas, sends us another reminder that federal law prohibits the surreptitious installation of cellphone monitoring software. It is not unusual for some of us to get the occasional phone call from someone wanting confidential access to a spouse's cell phone texts and calls. Brian notes that, if you assist said caller in this practice, "... it is completely illegal and everyone will go to jail. I recommend you refer to Title 18 USC, Sec. 2511."

News from Hoosierville ...

In December Bill Parker of SIGCO in Martinsville, Indiana and nephew David Parker paid a lunch visit to Don C. Johnson in Bloomington, south of Martinsville. David is Bill's nephew and was licensed in January in his own PI firm, Commerce Logix, based in Indianapolis. Bill returned to Indiana a few years ago, after residing in Islamorada, the Florida Keys, for several years. Pictured, left to right: Parker, Johnson and Parker.



BEST PRACTICES FOR SURVEILLANCE INVESTIGATIONS

By Jay Groob

With extensive experience in surveillance investigations, I was recently hired to provide expert testimony in a federal district court. My client law firm represented the defendant, an investigative agency being sued by a town employee with a worker's compensation claim. The employee had alleged invasion of privacy, unlawful surveillance (including with a GPS system), intentional infliction of emotional distress, and other claims. The following article summarizes that case and illustrates best practices when engaged in surveillance activities. The complete article appeared in the December issue of [PI Magazine](#), with thanks to the publisher for its excerpts included here.

CASE REVIEW ...

The investigative agency (hereafter "Agency") was assigned to conduct surveillance of the subject in a worker's compensation claim. The Agency understood that the subject claimed to have an arm or wrist injury, and that they were to observe and document her activities and use of that arm.

Based on the testimony of the investigators, including the worker's compensation agent for the city (hereinafter "City"), there was no information that would have caused them to question the legitimacy or appropriateness of the investigation.

The surveillance and documentation methods used by the Agency, which included physical trailing, visual and video surveillance, and written reports, were all appropriate and reasonable activities under the circumstances.

There is no evidence that the Agency used a GPS device in its surveillance of the subject, and invoices provided to the City contained no charge for use of a GPS device, normally a line item.

The portion of the video showing an individual in the large, uncovered picture window in the front of the subject's house was not held to be unreasonable, as it showed nothing more than could be seen by an individual standing on the public street. Zooming into a residence is not, in my opin-



ion, normally acceptable or justified, but in this case, the use of zoom was not excessive, and the resulting video shows nothing beyond the perimeter of the window that you cannot see from the street. It should be noted that the video camera(s) in question are those that anyone can buy "off the shelf" and were not professional grade. The images were not enhanced by the use of the zoom lens, and nothing was visible by virtue of the use of a zoom function that was not visible to the naked eye.

It was my professional opinion that the surveillance performed by the Agency was conducted in a professionally reasonable and competent manner.

The scope of my expert testimony included:

- The role of a private investigator in a worker's compensation investigation, which is to gather video or photographic evidence that can be evaluated by the client to determine whether the actions depicted in the video are consistent with the claims being made.
- Testimony regarding the manner in which surveillance is gathered in a lawful private investigation included both the physical position of the investigator and the subject, the type of device used, and how the view was obtained.
- Another issue was whether the amount of surveillance conducted during the investigation was necessary, warranted, and appropriate. My expert testimony in this instance advised that it is the client who determines the scope and duration of the surveillance, and it is not the job of the investi-

gator to form opinions regarding the appropriateness or necessity of the investigation, as long as it is legal.

- A private investigator's duty to preserve all materials and information generated during a lawful private investigation as confidential work product prepared in anticipation of litigation, was also addressed in my testimony.
- Regarding use of an unlawful GPS tracking system during the surveillance and investigation of the plaintiff---there was no evidence that GPS was used. I drove the routes of travel, and determined that it was easy to identify the location of the plaintiff through conventional surveillance techniques.
- Regarding the purpose and intent of obtaining surveillance inside the plaintiff's residence, and while she was receiving treatment inside a medical office during the investigation: The actual location of the plaintiff in these two instances does not change the purpose of the surveillance to observe and document the subject's activities and limitations. The fact that this footage was obtained through windows and into buildings where the subject was in plain view from the street does not change the purpose or intent of the surveillance.

The Court found:

- 1) that the City had a legitimate motive to conduct the surveillance [*Joyce v. SCA/Howard Corp.*,
- 2) 1984 U.S. Dist. LEXIS 21555 (D. Mass. 1984) (such investigations may be necessary to "expos[e]

fraudulent claims and . . . uncover fictitious injuries;”

- 3) that the investigator's use of the zoom function on his off-the-shelf video camera at the plaintiff's home did not capture any details that were not visible from the street [*Wolfson v. Lewis*, 924 F. Supp. 1413, 1420 (E.D. Pa. 1996) (watching or observing a person in

“It is very common, and even expected, for a claimant receiving workers' compensation, disability or other benefits, to be investigated to ensure that the claim is genuine.”

a public place, or taking a photograph of a person who can be observed from a public vantage point, is not generally an invasion of privacy));

- 4) that there was no actual evidence that a GPS tracking device had been used;
- 5) that to be actionable, the invasion must be “highly offensive to the ordinary reasonable person.” [Ayash, 443 Mass. at 382 (quoting RESTATEMENT (SECOND) OF TORTS § 652D, comment b (1977)) (alterations omitted)], and that the video evidence showed plaintiff engaged in physical activities, notwithstanding her claim of total disability, providing uncontroverted evidence that the City had a legitimate motive to conduct the surveillance;
- 6) that the video footage obtained *during the plaintiff's physical therapy appointment*

7) does not depict more than what would have been clearly visible from the street,

- 8) [*Finley v. Hartford Life & Acc. Ins. Co.*, 2007 WL 4374417, at *11 (N.D. Cal. Dec. 14, 2007) (finding that workers' compensation investigator's use of a zoom lens did not undermine the conclusion that there was no invasion of privacy because “the lens allowed the investigator to observe Plaintiff in more detail; it did not alter how much of her he could see, and there is no dispute that Plaintiff was visible with the naked eye”), noting that filming was conducted from the parking lot and through a second-floor window; and
- 9) that plaintiff failed to show that her distress was so severe “that no reasonable [person] could be expected to endure it,” [*Tetrault v. Mahoney, Hawkes & Goldings*, 425 Mass. 456, 466 (1997)].

BEST PRACTICES ...

It therefore seems an auspicious time to review and relate the best practices and standards for conducting a surveillance investigation, as most litigation involving improper surveillance is based on legal theories of trespass, invasion of privacy, unfair claims practice, defamation, slander, bad faith, and/or intentional infliction of emotional distress.

Massachusetts as an example:

Although a private investigator is required to be licensed in the Commonwealth of Massachusetts, there are no specific statutes or regulations governing what a Massachusetts private investigator can or cannot do. It is up to

the individual investigator to be guided by his or her experience and training, ethical principles, and the law as it pertains generally to private individuals.

The following applies to Massachusetts private investigators. Investigators in any other state should check that state's licensing rules and regulations.

- A private investigator is a neutral fact-finder engaged by a client to investigate a person or matter, often legal matters.
- A private investigator is *not* required to determine whether an investigation for which they have been hired is necessary or warranted.
- The client of an investigator sets the budget and scope of the investigation in terms of how long an investigation, such as surveillance, should run.
- The investigator is not required to form an opinion as to whether an investigation is excessive, or for that matter, inadequate, in a particular case.
- While an investigator cannot undertake any investigation that is illegal or unethical, and may not use investigation methods that are illegal or unethical, if the investigation or surveillance requested by the client is otherwise legal, the investigator may proceed.
- It is very common, and even expected, for a claimant receiving workers' compensation, disability,

or other benefits, to be investigated to ensure that the claim is genuine. It is quite common for the attorney representing the claimant to advise the claimant that there may be a "snoop" hired and he or she will likely be the subject of surveillance.

- A typical workers' compensation or workplace injury investigation involves conducting video surveil-



“An off-the-shelf video camera is acceptable for surveillance.”

lance of the subject, which in turn involves covert observation and tailing the subject.

- The purpose of video surveillance is to observe and document the subject's activities, abilities, and/or limitations. Covert video surveillance is imperative, or else the subject may alter their behavior to influence the results of the investigation.
- Video documentation is necessary to preserve a record of, and to corroborate, the observations reported in the investigator's oral or written reports. Some clients specifically request that video be

taken periodically throughout the surveillance to provide verification that the investigator is actively engaged in surveillance. Making a time stamp video for this purpose is a reasonable, acceptable, and customary practice.

- It is a customary and acceptable practice to use an “off the shelf” handheld video camera to conduct video surveillance.
 - It is a customary and acceptable practice to use the zoom feature on a video camera during video surveillance to isolate images or information most relevant to the investigation, and to obtain a good quality image.
 - It is a customary and acceptable practice for an investigator to transfer or upload surveillance video files to a computer for use and storage. The original storage device (such as a memory card) may be reused or overwritten. The file stored on the hard drive constitutes the “original” for chain of custody purposes.
- It is a reasonable, customary, and acceptable practice for an investigator to provide to the client only the relevant portions of the video surveillance gathered. It is within the role of an investigator to curate the footage to provide the client with excerpts that are most pertinent to the assignment. Footage that is duplicative, uninformative, or irrelevant, is typically not provided to the client. This is a matter of client service, i.e., providing a client with a concise

and useful investigative report.

- A “best practice” is to store all original footage while the investigation is ongoing or the related legal proceedings are pending. However, if original footage is lost or destroyed, it does not, by itself, compromise the integrity of the investigation. The only effect may be to raise legitimate questions about chain of custody or authenticity. However, the investigator’s testimony constitutes evidence as well.
- A private investigator’s duties are to his or her client, not the subject of the investigation. Any preservation duties would also be to the client.
- A private investigator has a duty to keep materials and information generated during an investigation confidential as work product prepared in anticipation of litigation. Determining whether documents were prepared in anticipation of litigation is a fact question governed by federal law, *PepsiCo, Inc. v. Baird, Kurtz & Dobson, LLP.*, 305 F.3d 813, 817 (8th Cir. 2002). Accordingly, the video surveillance would typically only be used by the client, and the client would decide which portions, if any, would ever be disclosed.

CONCLUSION ...

The Court ultimately granted the defendants’ Motion for Summary Judgment with regard to the surveillance claims, and our client prevailed.

As shown by this case example, it is imperative that an investigator always consider that every surveillance per-

formed could ultimately end in litigation. It is in the investigator’s own best interest to keep detailed notes and excellent records, with the full knowledge that all evidence acquired, including video, photographs, notes, and reports, will be thoroughly scrutinized by opposing counsel. The investigator must be prepared to substantiate any comment, claim or statement made to the court. The purpose of the investigator is to simply document the facts for a client to evaluate.



Jay Groob,
President of American Investigative Services, is considered one of the foremost authorities on investigative



techniques in the Northeast. He has provided testimony in both federal and state courts on drug and homicide cases, and has been classified as an expert in the field of auto fraud investigation. He is a long-standing member of CII, INTELLENET, NCISS, LPDAM, and IAATI, and is licensed in Massachusetts, New York, Ohio and New Hampshire.

KEEP IN MIND

By Jay Groob

In general, the following protocols apply to any surveillance:

- ◆ All surveillance, shadowing, trailing, or following must be conducted in a reasonable manner and unobtrusively.
- ◆ Never engage in any activity that is, or could be perceived as, harassment of the subject.
- ◆ The individual(s) conducting the surveillance must not enter upon the property of the person who is being surveilled.
- ◆ The subject must be in public view when he or she is being watched or filmed.
- ◆ Whatever the investigator can see from a public place is deemed not private.
- ◆ It is not proper to invade the subject's privacy by shooting or peering through doorways or windows, unless the subject is visible to the public.
- ◆ The surveillance should be aborted if the subject becomes aware he or she is under surveillance.

SHOULD I BECOME AN EXPERT WITNESS?

By
William F. Blake, CPP, CFE

The average private investigator with a minimum of ten years of investigative experience has the necessary qualifications to be an expert witness. Unfortunately, many private investigators assume that there are unreachably requirements to be an expert witness. Becoming an expert witness considerably increases the financial capabilities of the investigator as well as enhancing his or her reputation.

WHO IS AN EXPERT WITNESS? ¹

An expert witness is a witness having “special knowledge of the subject about which he is to testify” (26 A. 2d, 770,773); and

- That knowledge must generally be such as is not normally possessed by the average person (22 A. 2d, 28, 29);
- The expert witness is thus “able to afford the tribunal having the matter under consideration a special assistance” (139 P. 2d 239, 242);
- This expertise may derive from either study and education, or from experience and observation (43 P. 2d 716, 720);
- An expert witness must be qualified by the court to testify as such. To qualify, he or she need not have formal training, but the court must be satisfied that the testimony presented is of a kind which in fact requires special knowledge, skill or experience (83 F. Supp. 722, 743);
- Such testimony, given by an expert witness, constitutes expert witness testimony (168 Ill. App. 419, 423).



It is evident from the above definition, that the average professional investigator could be considered an expert witness in investigative matters, especially when the investigator has specialized experience, such as accident investigation, computer forensics and related matters.

WHAT IS THE FINANCIAL BENEFIT TO BE BECOMING AN EXPERT WITNESS?

Around the country, private investigator fees vary by location and type of services. For investigators with extensive experience and training, higher fees can be expected. Throughout the country, fees range from approximately \$40-60 per hour. The average hourly rate is around \$50-55 per hour. Additional fees are normally attached to the hourly rate. A common addition is mileage expense, usually around \$0.45 per mile. That hourly rate may increase significantly if another private investigator’s services are needed in order to complete your case. If the private investigator needs the assistance of an associate overseas, the hourly rate may be high. In some parts of the world, private investigators charge as much as \$300 per hour. ²

Seak.com reported in a 2017 survey of 1156 experts, that virtually all experts base their charges using an hourly rate plus expenses, or by using a combination of a flat fee and an hourly rate. Reported rates ranged from a low of \$250 per hour to over \$750 per hour. On average, 43% of respondents reported a general hourly rate of less than \$300 per hour. Thirty percent said their general hourly rate was between \$300 and \$400 dollars. An additional 22% charged more than \$400 per hour and 5% charged more than \$600 per hour.

Many factors that contribute to the variation in hourly rates and earnings among individual experts include Field of Expertise, Geographical Location, Number and Duration

of Engagement and Expected Earnings on a per engagement basis. Field of Expertise is the most consistent predictor of average hourly rates. Pharmacology and Toxicology (\$496) and Physicians (\$458) lead all fields, while experts in Family, Custody, and Seniors (\$215) matters trail all others. The average hourly rate for Investigative and Forensics was \$293, and Security was \$291.

Seak, Inc., also reported the average hourly costs, seen in the table below.³

SUMMARY:

The average professional private investigator has the inherent skills, knowledge, and expertise to be an expert witness. The financial advantages are obvious from the average investigator rate of \$40-60 per hour, to the average expert witness fees of \$291-293 per hour in investigative and security specialties.

“The average professional investigator could be considered an expert witness in investigative matters, especially when the investigator has specialized experience ...”

FOOTNOTES:

¹ Giffs, Steven H., Law Dictionary, Third Edition, Barron’s Educational Services, Inc.

² PI Now (PInow.com), “How Much Does It Cost to Hire a Private Investigator?” Downloaded 11/18/2017.

³ Seak, Inc. (seakexperts.com), 2017 Survey Results in Aggregate.



Bill Blake is the president of Blake and Associates, Inc. in



Littleton, Colorado (blakeassociates.com); and the editor of the Intellenet publications (see pages 10 and 11). Bill can be reached at billblake2@aol.com.

Hourly fee for testifying in court--AVERAGE	\$513
Hourly fee for testifying in court—HIGH	\$4,000
Hourly fee for testifying in court—LOW	\$90
Hourly fee for case review/preparation—AVERAGE	\$383
Hourly fee for case review/preparation—HIGH	\$3,000
Hourly fee for case review/preparation—LOW	\$50
Hourly fee for deposition—AVERAGE	\$483
Hourly fee for deposition—LOW	\$90
Retainer—AVERAGE	\$3,541
Retainer—HIGH	\$75,000
Retainer—LOW	\$50
Percentage accepting credit cards for payment	22%

INTELLENET PROFESSIONAL PUBLICATIONS

Intellenet has produced the following books which consist of chapters written by Intellenet member subject matter experts as well as other professionals. Any profit derived from the sale of these books is used to support the Intellenet Scholarship Program. To purchase one or more of these books, **email** your request to Intellenet at Intellenet@Intellenetwork.org.

SECURITY CONSULTING — PROTECTING THE BUSINESS OWNER

134 Pages, \$40.00

This book covers the basic security consulting skills necessary to help protect the small to medium business owner from negligent security claims. Included, inter alia, are chapters relating to the legal elements of premises liability and negligent security; what are the risks to my business; adequacy and qualifications of the security force; are the physical security devices and systems adequate; and what every private investigator must know about performing fair credit reporting act legally compliant background checks in the United States.

SECURITY CONSULTING SKILLS — BOOK #2

124 Pages, \$23.00

This book offers additional security consulting skills. Included, inter alia, are warehouse and cargo security; managing high-risk employees; nightclub and bar security; developing security awareness; evaluating parking lot lighting; workplace violence programs; and home and personal security.

PRIVATE INVESTIGATION SKILLS — BOOK #1

131 Pages, \$24.00

Included, inter alia, are controlling internal theft; how to become an expert witness; domestic issues in the workplace; organizing your private investigations business; blueprint for creating a winning website; undercover operations in the private sector; labor relations and Weingarten rights; forensic document examination; professionalism and ethics; and employee discipline.

PRIVATE INVESTIGATION SKILLS — BOOK #2

125 Pages, \$23.00

Included, inter alia, understanding insurance and insurance fraud; gypsy crime in North America; procedures for conducting photo arrays; homicide investigation; conducting death investigations; executive protection—the protective operator; interviewing techniques for domestic violence cases; and technical surveillance countermeasures.

SECURITY SUPERVISION AND MANAGEMENT: THE KEY TO SECURITY BUSINESS SUCCESS

215 Pages, \$32.00

This is a 40-hour initial training program for security officers. Topics include, inter alia, professionalism and ethics; increasing your business—market development; value added services; security officer professional liability; role of the security supervision; employee discipline; activity and incident reporting; security training and documentation; media and public relations; lesson plan design and development; labor relations and Weingarten Rights; supervisory techniques; and conflict resolution.

THE ROLE OF THE PRIVATE INVESTIGATOR AND SECURITY EXPERT IN NEGLIGENT SECURITY LITIGATION

112 Pages, \$23.00

The private investigator plays a vital role for the attorney in negligent security litigation. Topics include, inter alia, what is premises security; what are the legal elements of a premises liability claim; how can a security expert be used as a litigation asset; was the incident foreseeable; were the security measures reasonable and appropriate; how does the attorney develop a case; how does the security professional prepare for trial; examples of premises security claims; discoverable documents; and specific questions to be asked at deposition and trial.

SECURITY AND THE BUSINESS OWNER

96 Pages, \$24.00

The safety and security of a business has a direct impact on profitability. If a customer or staff member does not feel safe at your business, they will move on to another location where they have a feeling of safety. The business owner cannot guarantee the safety and security of individuals on the property. However, the business owner has an obligation to take reasonable and appropriate measures to protect the individuals on the property.

OPERATING A PROFESSIONAL PRIVATE INVESTIGATION AND SECURITY CONSULTING BUSINESS

23 Pages, \$17.50

Success in the private investigation and security consulting industry requires a flexible mindset and a willingness to adapt to new concepts and trends. The successful private investigator must constantly consider new and different business services where diversity is a key element. Many private investigation skills are readily adaptable to security consulting. Security consulting is a business partnership oriented area where the investigator joins with the business owner to develop strategies for crime prevention.

PRIVATE INVESTIGATION SKILLS — BOOK #3

124 Pages, \$24.00

Included, inter alia, asset tracing in Austria; kidnap for ransom hostage negotiation; forensic accounting; managing investigations as a revenue generator; trademark counterfeiting investigations; organizing information and taking notes for criminal cases; defending the self-defense claim; and retail store issues.





ISPLA News for INTELLENET

By

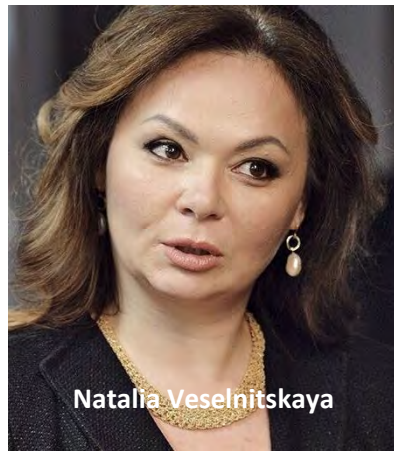
Bruce Hulme H. Hulme, CFE, BAI

ISPLA Director of Government Affairs

This ISPLA report will cover some comments on the emergence of entities engaging in opposition research wherein the services they provide are similar to conducting unlicensed private investigations. We do have colleagues who conduct such opposition research in a legal and ethical manner. They do not sell their investigative reports to opposing parties. They are licensed private investigators. However, gaining media attention are investigations conducted by Fusion GPS, its co-founder Glenn Simpson, a former *Wall Street Journal* reporter, and their retained British investigator Christopher Steel of London based Orbis Business Intelligence, relative to President Donald Trump's alleged involvement in Russia's role in the 2016 U.S. presidential election.

There are conflict of interest issues with the manner in how this opposition research firm operated that would not have been tolerated if a regulated entity such as a licensed private investigative firm. Fusion GPS, the company behind the salacious and unverified *Steele Dossier* was also retained by the law firm of Baker Hostetler who represented Russian oligarch Denis Katsyv and his company Prevezon Holdings through Russian attorney Natalia Veselnitskaya.

Prevezon was sanctioned for money laundering \$230 million in the U.S. In 2017, litigation involving the firm was pending before U.S. Court of Appeals for the Second Circuit in New York. The Prevezon money laundering crime had reportedly been disclosed by another Russian lawyer



Natalia Veselnitskaya

and "whistle blower," Sergei Magnitsky who died in prison in 2009 in Russia of a beating. He reportedly had been incarcerated for his investigation of Prevezon and other business entities with reported ties to Russian President Vladimir Putin.

The death of the attorney whistleblower brought about the U.S. Sergei Magnitsky Rule of Law Accountability Act in 2012 that froze Russian assets and denied certain individual Russians from securing visas to the United States.

On June 9, 2016 Russian attorney Veselnitskaya met with candidate Trump's son Donald J. Trump, Jr., his son-in-law Jared Kushner, his former campaign manager Paul Manafort, and publicist Rob Goldstone. Joining them was Veselnitskaya's translator Anatoli Samochornov, Ike Kaveladze, of a Russian-American real estate agency, and Rinat Akhmetshin, a Russian-American lobbyist who has also been reported as a former Soviet counter-intelligence officer who worked with Simpson and Veselnitskaya, according to a November 7, 2017 Fox News Investigates item.

Veselnitskaya has stated she sought the Trump Tower meeting to lobby Trump's campaign team against the U.S. sanctions imposed upon certain Russian officials and oligarchs. However, her initial approach was on her offering compromising information about Hillary Clinton. The purpose of the forgoing meeting was to eventually be described in a Trump memo as concerning resuming the adoption of Russian children, rather than rescinding the Magnitski Act. Not too long after, the release of emails relative to Hillary Clinton's campaign came to light. Wikileaks and Cambridge Analytica's potential involvement surfaced shortly thereafter, according to published reports.

Continued ...

As I write this column on February 2, 2018, the breaking news on the national front concerns the release of "The Memo" by President Donald Trump. A 2-page White House document of this date relates to the material submitted to the Foreign Intelligence Surveillance Court (FISC) by the Federal Bureau of Investigation and the Department of Justice relative to their seeking on October 21, 2016, a Foreign Intelligence Surveillance Act (FISA) probable cause order from the FISC to authorize electronic surveillance on Carter Page, an unpaid volunteer advisor to the Trump presidential campaign. The February 2 letter to Republican Congressman Devin Nunes, Chairman of the House Permanent Select Committee on Intelligence (HPSCI) was prepared by Donald F. McGahn III, Counsel to the President, relative to declassifying a 4-page January 18, 2018 HPSCI memorandum subject titled "Foreign Intelligence Act Abuses of the Department of Justice and the Federal Bureau of Investigation." It is purportedly a Majority Staff report and was initially disseminated to only the Republican Majority Members. The White House letter states: "To be clear, the Memorandum reflects the judgments of its congressional authors." Republican House Speaker Paul Ryan and Democrat Ranking Member Adam Schiff were copied McGahn's letter.

Obviously the memo comments on only a small part of the material that would have been submitted to the FISC to conduct such electronic surveillance on an American citizen, as is Carter Page. The FISA warrant targeting Page was granted, as well as three FISA renewals. When con-

ducting such surveillance on an American citizen a FISA order has to be renewed every 90 days requiring separate findings of probable cause. We do not find that the material released significantly reveals any methods and sources not previously known to foreign government intelligence agencies. However, we understand that

FUSIONGPS

Wikipedia describes Fusion GPS as "... a commercial research and strategic intelligence firm based in Washington, D.C. The company conducts open-source investigations and provides research and strategic advice for businesses, law firms and investors, as well as for political inquiries, such as opposition research. The "GPS" initialism is derived from "Global research, Political analysis, Strategic insight." The Fusion [web site](#) is one paragraph, with a similar details.

the mere identifying of Carter Page being the subject of the FISA order (as well as the name of additional target George Papadopoulos) is a departure of procedure.

It should be noted that the initial Fusion GPS political opposition investigation of President Trump was believed to have been financed by Republican interests in connection with the primary race in 2016 through *The Washington Free Beacon*. Once Trump had won the primary Fusion GPS sought to peddle their information to additional clients and eventually to the Seattle based law firm of Perkins Coie, in their representation of the Democratic National Committee for the benefit of their presi-

dential candidate Hillary Clinton. Perkins Coie authorized additional investigative services with Fusion GPS's retention of Christopher Steele. They paid GPS Fusion \$1.2 Million which in turn paid Steele \$168K.

In January 2017, Reuters reported that Steele, a former British Secret Intelligence Service (MI6) agent who compiled the questionable compromising dossier that operatives from Russia allegedly had collected on President-elect Donald Trump, also previously assisted U.S. authorities in their investigation into corruption concerning FIFA and its former president Sepp Blatter. Steele met with the FBI in 2010 when there were reports that several FIFA officials were taking bribes in exchange for hosting rights for the 2018 or 2022 World Cup. Blatter had been elected for a fifth term by FIFA but resigned in June 2015 after 14 people were indicted and charged with racketeering, wire fraud and

money laundering conspiracies by the U.S. Department of Justice, which accused FIFA of decades of "rampant, systemic, and deep-rooted" corruption by members of world soccer's governing body.

Orbis Business Intelligence had been initially hired in 2009 by England's Football Association to investigate alleged corruption by officials in Zurich based FIFA with regard to which countries would be hosting the 2018 or 2022 World Cup tournaments. England had attempted to host such tournaments. However, the countries selected were Russia and Qatar, respectfully. Reuters reported they inspected emails indicating that members of the FBI's "Eurasian Organized Crime" squad had met with Steele

and it was his "work on corruption in international soccer that led credence to his reporting on Trump's entanglements in Russia" with the revelation that he was the person who assembled the dossier on then president-elect Trump.

A fact with scant reporting is that Steele was purportedly retained as a paid contractor by U.S. DOJ and the FBI in connection with the FIFA matter and that then U.S. Attorney General Loretta E. Lynch oversaw the prosecution of FIFA officials where this corruption case was initially brought in the U.S. Court for the Eastern District of New York where she previously served as U.S. Attorney. After Swiss police carried out a pre-dawn raid in Zurich of FIFA officials, it was she who said in December 2015 as the Attorney General that "The betrayal of trust set forth here [in the indictments] is outrageous. The scale of corruption herein is unconscionable."

Ironically, on February 1, 2018, the American Bar Association, at their 2018 Midyear Meeting held in Vancouver, issued the following statement the day before the February 2 letter of The White House release of the "Nunez Memo" stressing the independence of the Special Prosecutor Robert S. Mueller III.

American Bar President Hilarie Bass released the statement on the importance of safeguarding independence for Special Prosecutor Robert S.

Mueller III:

The United States has a history of using independent investigations to protect the nation against abuses of power. For such investigations to work, they must be allowed to go forward unfettered by threats, intimidation tactics and interference by other branches of government. Independent Prosecutor Robert Mueller's investigation cannot continue to be unfairly undermined by such tactics. It is important not just because of the critical significance of the questions being investigated by Mr. Mueller, but also because maintaining the independence of such investigations is essential to upholding the rule of law – and democracy itself – as they serve as a control on actions that potentially violate our core constitutional principles.

The unclassified HPSCI Majority Staff Report of January 18, 2018 identifies four present or former senior DOJ officials and five senior FBI officials involved with the FISA matter. Some were claimed in the report to have expressed bias against Donald J. Trump and the spouse of one worked for Fusion GPS. This 4-page Republican Majority Staff Report sets forth 5 major points that outline what they contend are FISA abuses by the DOJ and FBI and which they claim demonstrated bias against Trump and in favor of Clinton.

The six pages of the White House and HPSCI Majority reports are available,

or you can contact me for a copy if interested. As of this writing the White House had not released the HPSCI Minority report which we believe is a 10-page rebuttal that Democrat Ranking Member Adam Schiff seeks declassified and released to the public. House Majority Leader Paul Ryan indicated he would recommend its release. However, President Trump would have to have the document declassified before such could be done. The unclassified report by the Majority Staff states: "Due to the sensitive nature of foreign intelligence activity, FISA submissions (including renewals) before the FISC are classified. As such, the public's confidence in the integrity of the FISA process depends on the court's ability to hold the government to the highest standard -- particularly as it relates to American citizens ... However, the FISC's rigor in protecting the rights of Americans ... is necessarily dependent on the government's production to the court of all material of relevant facts." The Minority Report deserves to be released to the American public as well.

Bruce can be reached at brucehulme@yahoo.com. Please consider donating to [ISPLA](#) to assist in its continuing mission.

