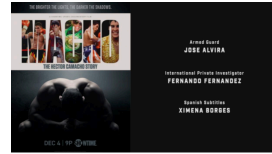


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**WHERE AUTOMATED  
DUE DILIGENCE  
REPORTS FALL  
SHORT**  
PAGE 5

# THE INTERNATIONAL COUNCILOR

CII NEWS | EVENTS | INDUSTRY LEARNING

## President's Message

Dear Members,

As we welcome in the New Year, those of us enjoying good health must remember to be thankful in this most unstable of times. Our association is tackling the pandemic head on as we navigate into 2021.

Thank you to the 102 members who have responded to our survey. Your input is invaluable. For those who haven't had a chance, please take 2 minutes to complete the ANONYMOUS survey which you can find on our website. We need this information to be more effective in navigating our association through the pandemic

and its aftermath. This survey is anonymous. Please submit it once. One submission per member enables the survey to be an accurate reflection of our membership. The results will be tallied within the MemberClicks software and shared with the membership after ample time has been provided to allow members to participate.

Our Treasurer, John Withers has included a report in this publication. It appears that CII is in a stable position as we enter our second year of the pandemic. Members are in the process of renewing and I encourage all of you who have not had the opportunity to renew to do so as soon as possible.

The calendar on our CII website displays upcoming events including the Benford's Law webinar scheduled for 13 January 2021.



Our Regional Directors are working with the conference and PR and marketing committees to plan events for 2021. If you have suggestions, please contact our Conference Chairperson, Howard Griffiths at [howard@sscinfo.co.za](mailto:howard@sscinfo.co.za).

**Sachit Kumar**

**President, Council of International Investigators**

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## Letter from the Editor

Dear Colleagues:

### *What do you want out of 2021?*

For many of us in the heart of the Covid-19 pandemic and the various upheavals around the world, our wishes for the year may be simpler and more abstract than previous years. Sometimes the very simplest goals are worthy goals. As an association, our continued success in navigating this prolonged world health crisis will determine the course of our next decade or more. The board wants to streamline the membership's goals into effective action. So I ask you:



**SEND YOUR SUBMISSIONS TO  
[CIIICOUNCILOR@GMAIL.COM](mailto:CIIICOUNCILOR@GMAIL.COM)**

What do you want *out of your CII Membership in 2021...* and beyond? It is vitally important for you to provide your unique voice in the anonymous survey you've recently received. The responses gathered will help the board chart a course through the years to come.

Professional partnerships, such as CII's collaboration with ABL, have continued to provide our members with new insights. Surely both associations look forward to in person events and opportunities. But in the meantime, we are thrilled to highlight Nadim Issa's excellent writing as recently featured in ABL's newsletter. Nadim is a Lebanon-based member of both CII and ABL, and the article, "Why Automated Due Diligence Reports Are Not a Good Fit in the Third World Countries" is not to be missed. Nadim astutely pinpoints over-reliance on database as a problem in our industry, outlining the specific ways it falls short in certain areas. In addition, we are pleased to share an article from ABL member Laura Romero, providing invaluable insights into Urugayan investigations. We look forward to hosting more of ABL's exceptional writers here in



The Councilor; in the meantime, please take a moment to [review their most recent issue](#), and [to subscribe to their quarterly newsletter](#).

In appreciation,

**Lauren Sowers**

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**Sophie Vanslambrouck**

Private Investigator

Vice-President Association of Belgian Investigators ([www.aobi.be](http://www.aobi.be))

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# Membership News

Three applications are pending:

**Yogendra Ghimire**  
Certified  
Kathmadu, Nepal

**Nuno Goncalves**  
Certified  
Loule, Portugal

**Rany Fardiany**  
Certified  
West Java, Indonesia



## MARK YOUR CALENDAR

[East Coast US/Canadian Regional Meeting scheduled for 18 February 2021.](#)

[Anne & Niclas have agreed to host a coffee/happy hour in March 2021.](#)

[Ponno & Yosh have agreed to host a coffee/happy hour on 1 April 2021.](#)

As you know, we have a speaker on Benford's Law scheduled for 13 January at 9 a.m. ET. The holiday "brunch" (coffee/happy hour) that Kyle Condun hosted on Remo met with rave reviews. It was lots of fun to have an arial view of the attendees and peek through the window before you entered a room to say hello.

The conference committee is seeking input from CII members regarding suggestions for webinars.

### STATEMENT OF CII'S FINANCIAL POSITION (31 DECEMBER 2020):

AS OF DECEMBER 31, 2020, WE HAVE \$144,653.88 IN THE OPERATING ACCOUNT AND \$35,935.00 IN THE SCHOLARSHIP FUND ACCOUNT. AS OF JANUARY 8, WE HAVE 265 MEMBERS WHO HAVE RENEWED FOR 2021 AND 146 MEMBERS YET TO RENEW. FOUR MEMBERS HAVE NOTIFIED THE COUNCIL OFFICE OF THEIR INTENT



NOT TO RENEW. IN NORMAL YEARS, WE LOSE ABOUT 20 MEMBERS PER YEAR. WE HAVE SIX APPLICATIONS PENDING CONSIDERATION FOR MEMBERSHIP.

CONSIDERING THE UNPRECEDENTED CHALLENGES OF 2020, THE ASSOCIATION'S FINANCES HAVE NOT SUFFERED AND REMAIN STABLE. OUR BUDGET FOR 2021 IS PENDING BOARD APPROVAL AND I'M FULLY EXPECTING OUR FINANCES TO REMAIN IN A HEALTHY POSITION FOR THE YEAR AHEAD.

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JOHN WITHERS CII – TREASURER

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## TRANSPARENCY AND EXCHANGE OF INFORMATION FOR TAX PURPOSES (OCDE & URUGUAYAN LAW)

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Uruguay is considered one of the top countries of Latin America with strong political stability and democratic soundness. It is a country with a strong respect for the rules.

Uruguay has worked to establish certain regulations with the aim of converging or adjusting local rules to international standards of International Tax Transparency and Information Exchange, Prevention of Money Laundering and Terrorism Financing. Recently, it has received an overall rating of “Largely Compliant” issued by the Global Forum on Transparency and Exchange of Information for Tax Purposes (During Phase 2). Uruguay’s legal and regulatory structure guarantees that ownership, accounting and bank information is available for all relevant entities.

This article is intended to act as a general guide on this matter and a summary about one of the regulations, Law 19.484 enacted in January 2017 and regulated by decree Nº 77/017 (March 2017, as amended by Decree 243/2018) which is divided into four Chapters:

### **Chapter I. Obligation to automatically provide information on balances and income of financial sources to the Uruguayan Tax Administration (DGI).**

For reasons of general interest, financial institutions residing in the country and branches located in the country of non-resident financial institutions must provide the Tax Administration with the following information on an annual basis in relation to duly identified accounts, maintained in Uruguay and held by

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individuals, legal entities or other entities which constitute fiscal residence in another jurisdiction, under the terms and conditions established by the Executive Branch and established in DGI Resolution No. 6396/2017 about CRS Report):

1. Name, tax identification number and address of the Financial Entity
2. Data identifying the person subject to communication of information:
  - i. in the case of a **natural person or the final beneficiary of a passive non-financial institution**: name, address, tax residence jurisdictions, identification numbers (or its functional equivalent), date and place of birth;
  - ii. in the case of a **legal person or entity or a passive non-financial institution that maintains an account whose final beneficiary is one or more persons subject to communication of information**: name,

domicile, jurisdictions of tax residence and tax identification number (or its functional equivalent);

3. Account number or its equivalent;

4. Legal entities or other resident entities of a foreign country should indicate whether the balance or the value of the pre-existing account exceeded the value of USD 300,000 approx. as of December 31, of any subsequent year.

5. Information on stocks, shares, annual averages and incomes for all types of financial accounts, in the currency of origin of the account, considering, as appropriate:

i. the balance or value of the account at the end of the corresponding calendar year. In the event of the account being cancelled, said cancellation (Insurance contract: the surrender value). To determine the balance, value or accumulated average of the financial accounts held by a natural or legal person or other entity, the financial entity obliged to report must accumulate all the financial accounts subject to reporting opened in it or in a related entity. The provisions of this subsection shall be applicable only to the extent that the computer systems of the institution establish a link between these accounts.

ii. The annual average of the account throughout the year or other period subject to information, considering for this purpose the average in the calendar year of the balances or values in account at the end of each month.

iii. Information concerning income during the calendar year or other period subject to information (Gross amount, etc)

iv. For other accounts, the total gross amount paid or credited to the account or in respect of the account of which the reporting financial institution is a debtor or obligor.

Failure to send the information by the obliged financial institutions or comply with the due diligence procedures, the incomplete or inaccurate submission of said information or its submission outside the terms and conditions established in the Law and its regulations shall make the financial institution, depending of the breach, liable to 1) Observation. 2) Warning. 3) a fine of five hundred to one thousand times the maximum value of the fine for contravention established in Article 95 of the Uruguayan Tax Code.

- **Chapter II. The identification of the Final Beneficiary and the Nominee Holders.**

Under the Law, final beneficiaries must be identified and registered before the Central Bank of Uruguay ("BCU"). Final beneficiary is considered the natural person who directly or indirectly holds at least 15% of the capital or exercises final control over the company. In the case of trusts, the individual or individuals who comply with the conditions set forth in this paragraph in relation to the settlor, trustee and beneficiary must be identified. The identification of this information is also imposed to Notaries under Law 19.574 (AML Law) and Decree 379/2018 which includes requirements to identify the beneficial owners (Due diligence obligations).

Final Beneficiary Communication – terms of 30 or 90 days for modifications depending on whether they are residents or non-residents.

The information referred to in this law shall be **secret and confidential. Access to it will be restricted to the following bodies: the Uruguayan Tax Administration (DGI), the National Secretariat for Combating Money Laundering and the Financing of Terrorism (SENACLAFT), the Financial Analysis and information Unit, the Justice body in criminal and food matters, and the Transparency and Public Ethics Board.**

This documentation must be maintained at the domicile where the obliged person conducts its business and make it available to SENACLAFT and UIAF upon request.

Any refusal to provide the information required to comply with the know-your-client process or due diligence cause the obligation to report this matter to the UIAF as suspicious activity.

- **Chapter III. The determination of new regulation and tax rates applicable to Entities Residing in Countries or Jurisdictions of Low or No Taxation (BONT) or benefiting from a special BONT regime.**

Uruguay has especial regulations to discourage the use of entities incorporated in jurisdictions or entities that benefit from a special BONT regime.

Among other regulations, transactions carried out by taxpayers with entities incorporated or located in countries or jurisdictions with low or no taxation or benefiting from a special regime of low or no taxation, shall be presumed,



without admitting evidence to the contrary, to have been carried out between related parties (and regulations about Transfer Price must be applied).

- **Chapter IV. Adjustments to the regime of Prices of Transfer of Income Tax from Economic Activities.**

Law 19.484 regulated by Decree 353/2018 regulates the information and documentation to be provided by the taxpayer regarding related non-resident entities. These obligations are part of the international tax cooperation standards adopted by Uruguay.

### **Conclusion**

The Uruguayan legal system has been adapting to international requirements but maintains rights and safeguards framework related to Secrecy provisions (Bank Secrecy, Professional secrecy), procedure for notification of an imminent exchange of information if the person subject to an EOI is also a Uruguayan tax payer, Confidentiality (information is available only to the authorized bodies) etc. The OECD (2020), Global Forum on Transparency and Exchange of Information for Tax Purposes: Uruguay 2020 (Second Round) concluded that Uruguay's



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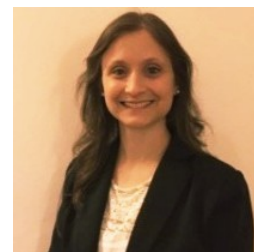
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domestic law meets the standard for confidentiality reflected in Article 26 (2) of the OECD model Taxation Convention and Article 8 of the OECD Model TIEA. The September 2020 's OECD Report concluded that Uruguay continues to be rated overall Largely Compliant with the International Standard.

*Article written by Laura Romero, Legal adviser at BP Tax Global Advisory*

*Laura specializes in tax planning and international succession, offshore companies (BVI, Cayman, Bahamas, etc.), constitution of investment funds and establishment of trusts.*



*BP Tax is the Alliance of Business Lawyers's member for Uruguay. The firm provides global solutions, especially in the areas of international tax planning and fiduciary services, with emphasis on the Latin American market.*

*More Info: <https://www.bptax.com/?lang=en> or contact Laura at [laura.romero@bptax.com](mailto:laura.romero@bptax.com)*

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## CII-KIRBY FAMILY LEGACY SCHOLARSHIP FUND FLYING HIGH

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### Committee Begins Accepting Applications

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The newly established CII-Kirby Family Legacy Scholarship Fund is off and running thanks to the generous donations of our CII membership. The fund was established by Norm & Karen Willox via the Willox Family Charitable Trust with an initial \$10,000 donation and a match of the next \$10,000 donated. To date, 35 members have contributed to the fund. The current balance in the fund is almost US \$36,000. This will allow us to award up to six \$1,500 scholarships, while keeping the fund sustainable for the foreseeable future.

At the December Board Meeting, the Executive Board approved Rules and Regulations for the fund, which can be found on the website. A bylaw change establishing a standing Scholarship Committee will also be put forth for approval at the next AGM. In the meantime, President Sachit Kumar has appointed an ad hoc committee to manage the fund consisting of himself, Steve Kirby (Chair), Norm Willox, John Withers, and Ponno Kalastree. The committee is charged with raising funds and distributing awards to deserving applicants. The committee began accepting applications as of January 1, 2021, and awards will be made during the upcoming year. The committee hopes to issue awards of US \$1,500 to each recipient.

Application forms and the procedures for applying can be found on the CII website on the homepage under the Scholarship Program tab. Applicants for scholarship must be either a CII member in good standing or direct family member (spouse/partner, child, step-child, or grandchild) who is currently enrolled in a university in at least the associate level. Candidates will be asked to submit a written request to the committee no later than July 31st of the calendar year. The request should include the application form along with two independent reference letters, one preferably from a professor attesting to the applicant's character and potential. The process is non-competitive, and the committee will attempt to award as many as possible. Awards will be announced at the Annual General Meeting.

So, if you or a direct family member are currently enrolled in a university and would like assistance with tuition, books or other educational expenses please do not hesitate to apply. That is precisely what the fund is meant for, and we look forward to receiving applications.

**OUR THANKS TO THE CHARTER SPONSORS OF  
THE SCHOLARSHIP PROGRAM.**

**PLATINUM BENEFACTOR:**

**NORM & KAREN WILLOX, USA WILLOX FAMILY  
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**CII-KIRBY FAMILY  
LEGACY SCHOLARSHIP PROGRAM**

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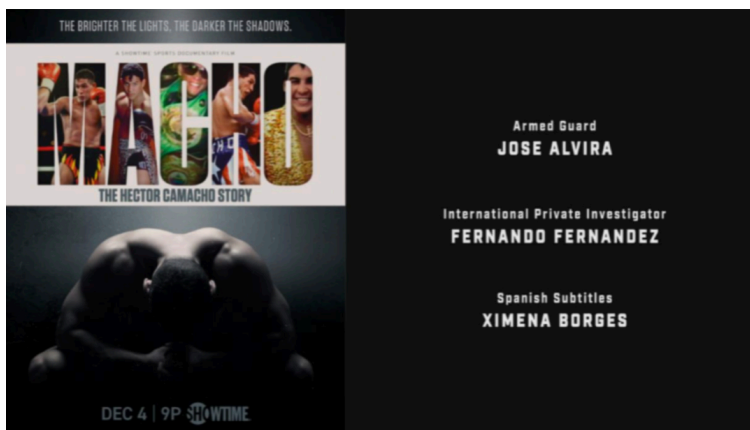
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**CAROLINA BETTENCOURT, PORTUGAL  
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# FERNANDEZ CONTRIBUTES TO FEATURE FILM

CII's own Fernando Fernández, a private investigator based in Puerto Rico, contributed in the recently released documentary *Macho: The Hector Camacho Story*. The documentary, which was directed by Eric Drath, highlights the life of Hector "Macho" Camacho, a Puerto Rican boxer with a life full of highs and lows. While being at the top of the world as a boxer, he battled his inner demons. He was murdered in 2012, and to this day, no arrests have been made.



Fernández's work with the documentary consisted in contributing as an investigator and consultant gathering information about the surrounding events, family members and the suspect to produce the documentary. This collaboration lasted for about a month. His name appears in the credits as "International Private Investigator".

Fernández feels honored to have contributed to the creation of a documentary about one of his country's heroes: "I'm grateful to the producer Eric Drath for allowing me to be part of the production of this super documentary. It was such a great task and I am honored to have helped sharing the story of one of Puerto Rico's most beloved figures in the world of boxing."

In addition to his busy year in the documentary spotlight, Fernando was honored as the Ponce Awards recipient of the National Investigator of the Year award.

This is the second year in a row that Fernández received an award from his beloved town of Ponce, which recognizes figures from the town in various industries. He was awarded as the Professional Man of the Year in 2019.

The red carpet ceremony was held in October 24, in the beautiful urban area of Ponce, featuring exceptional music presentations, and the presence of María "Mayita" Meléndez, the mayor of Ponce.



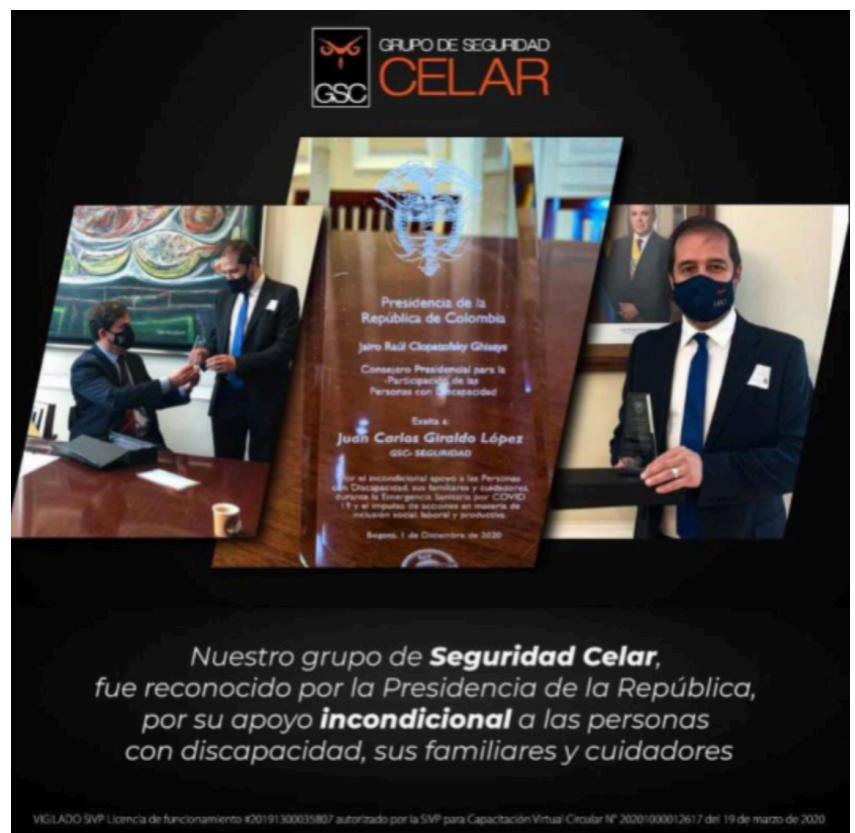
Fernández values the importance and responsibility of being recognized as a top investigator: “I feel immensely honored to have been awarded as the National Investigator of the Year. Private investigators hold the responsibility of always finding the truth. Beyond this award, I will always be committed to provide my best efforts in every single case I work.”

## GIRALDO RECOGNIZED FOR CONTRIBUTIONS

GSC CELAR and HORIZON CPI recently received a recognition from the Presidency of the Republic of Colombia due to his diligence and compromise to helping the disabled. Also, Juan Giraldo, CEO of GSC CELAR, was awarded this recognition for the permanent support to people with disabilities in Colombia.

Juan Giraldo is a specialist in security solutions. Alongside GSC CELAR, he provides a number of services to better enhance security to his clients. GSC CELAR is a business group whose main objective is to provide all services in the field of surveillance and protection that merges technology, training, and human talent.

*HORIZON CPI is an interdisciplinary team with more than 20 years of experience oriented to guarantee an impeccable security service to their clients with the help of the most advanced technology in the security area, as well as a human group of professionals, experts and specialists who guarantee our work. [www.horizoncpi.com](http://www.horizoncpi.com)*



# RESOURCE CORNER: CHANGES TO TINDER

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By now, you are probably familiar with Tinder, but might have previously dismissed your ability to investigate or look into a subject on its platform. Why? Because Tinder was formerly only natively available through the mobile app. The game change here is that Tinder now allows account access through their website. When logging in through their website, their default wish is for you to link your new Tinder account to an active Facebook account or a mobile number.

Now, you may have a “burner number” to burn (meaning, if you have a collection of untraceable phones or phone numbers not already linked to other accounts, you can use those). The ideal situation is to be able to designate a fresh device to each investigation. But presuming you aren’t able to do that for reasons of budget or time, *please don’t* link your fake profiles to one another by using a Facebook account to access Tinder. I can think of a couple reasons.

- 1) *Removal*. If your fake Facebook account gets flagged, locked or deactivated, or if you lose the credentials to it, you may lose access to the new account(s) you’ve linked to it, and
- 2) *Traceability*. If your fake Facebook account is what I consider “outed” in an investigation (for instance, if you messaged with the target of an investigation or developed sensitive information by talking with someone online, you should consider that profile dead and *definitely* don’t use it to interact with other sites. We never know what errors big tech might make on the back end with your information, what hackers might someday publish, and what human errors are possible, especially if more than one person at your company accesses the same fake accounts. The risk of exposing one investigation to another is too great.

Tinder’s login process is rather sensitive. They go above and beyond to limit fake accounts. This means that it will likely flag you for using a VPN in combination with a VOIP. They’ll also sideline your profile development for any GPS blocking tech in the background. So the combo of a public wifi and a Google Voice number is what’s needed. Now you’re free to create your alias profile and pic. Don’t forget- in the last issue, we offered up a tutorial on [www.thispersondoesnotexist.com](http://www.thispersondoesnotexist.com).

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# LAST LOOK

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The holiday "brunch" (coffee/happy hour) that Kyle Condun hosted on Remo met with rave reviews. It was lots of fun to have an aerial view of the attendees and peek through the window before you entered a room to say hello.

We are especially grateful for the bright spots in 2020 amongst our membership. Our congratulations to CII Board Member Yosh Wong and his wife Sandy, who welcomed baby Kalister in November, 2020 (right).

In 2020's unusual amount of downtime at home, I discovered a BuzzFeed series wherein a California-based private investigator is challenged with selecting someone out of a lineup who meets various criteria. There's a time limit on his interviews and observations. Recent ridiculous tasks include identifying who is sober out of lineup, or who is single. If you need a few minutes of lighthearted investigation-related entertainment, please enjoy. <https://www.youtube.com/watch?v=f2kvy-sXHRQ>

