



# The International Councillor

Newsletter of the Council of International Investigators



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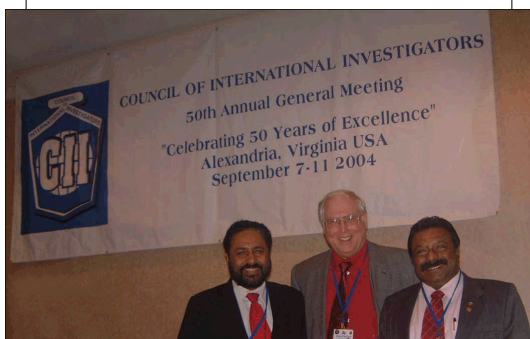
## President Joan M. Beach Sworn In

By Lois Colley, USA

Joan M. Beach was sworn in as President at the 2004 AGM held in her hometown of Alexandria, VA. In addition to assuming the presidency, President Beach was the organizing chairperson and conference host. The 2004 AGM was very well attended with over 194 attendees. The seminar program embraced the theme of "The Then and the Now" and also commemorated CII for 50 years of excellence as an association. (1954-2004). Guests included Senator Patricia S. Ticer, 30th District of Virginia, USA; Honorable Johanna L. Fitzpatrick, Court of Appeals, Mystery Writers Joe Gores of California, and Benja-

min Schutz, PHD and Andy Straka of Virginia.

The morning seminar included a panel discussion involving Dr. Schutz, Mr. Gores, Alan Marr, Al Farr and Kitty Hailey discussing "The Then" (of Private Investigations). The afternoon session included Mr. Straka, and CII members Paneen Allen, Steve Bibler, and



Pawan Ahluwalia, Robert Dudash, and Panno Kalastree...

Vicki Marr representing "The Now" (of Private Investigation). Luncheon speaker was Attorney Peter Greenspun, Esq. of the now infamous "DC Sniper" case. A Networking Tour was conducted on Friday September 10, which included a well-received trip to The Spy Museum. The highlight of the AGM was perhaps the Dancing and music by The HUB-CAPS in the Grand ballroom of the Hilton Hotel on Friday evening. This event was preceded by the Silent Auction, which generated proceeds of \$5824USD. The Gala and Banquet was held on Saturday, September 11 with Master of Ceremony Rodney Webb, and keynote speaker Judge Johanna L. Fitzpatrick, who swore in President Beach. More dancing was held with the DESIGNER SOUNDS following the Black tie Gala and Banquet.

## Press Release

### Destination: Lisbon Portugal for 2005 AGM

First Vice President Jay Groob has announced the 2005 Annual General Meeting will be held September 6-10, 2005 in Casias, Portugal, located just outside of Lisbon, one of the top five convention sites in the world. Jay Groob and CII member Roy Whitehouse will host the conference. Robert Dudash and Panno Kalastree will assist in planning. Roy Whitehouse reports that Lisbon is exceptionally accessible, with direct flights from a number of geographical locations, including England, Spain, France, Canada, and the United States.

According to Groob, it is one of the least expensive destinations in Europe, with a good public transportation system. The conference will be held at the Hotel Baia in Casias, where all of the rooms have balconies overlooking the ocean. Although the climate is known for its long, hot summers, the weather should be fantastic at the time of our Conference in early September 2005. Roy Whitehouse and Jay Groob are seeking themes for the 2005 AGM and welcome any suggestions for conference speakers or topics from our membership. Members, this is your conference, so get involved! ■

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### The International Councillor Staff

Editor:  
Jimmy Gahan

Assistant Editors:  
Lois Colley  
Sheila Kalastree

## The CIA's Work Must Not Be Impeded By Politics

By Jack Devine

Demands for U.S. intelligence reform have arrived in the high season of presidential politics. This is regrettable. While no one questions the need for structural and budgetary changes, Partisanship could undermine meaningful reform and impose an urgency on the process that would be both unrealistic and counterproductive. At the same time, there is an exaggerated focus on the need to improve the co-ordination of intelligence data between government departments—to “connect the dots”.

Breaking down bureaucratic barriers to analysis is legitimate and laudable. But we must not lose sight of the fact that the most important task is “collecting the dots”. The Central Intelligence Agency is the “point of the lance”, heading efforts to obtain intelligence abroad and penetrate and destroy terrorist cells. Since September 11 2001, the CIA has done a highly commendable job, as demonstrated by the recent arrest on Pakistan of Mohammad Naeem Noor Khan, a computer engineer allegedly involved in running a communications system for al-Qaeda leaders. It is essential that we do not undermine the agency's operation capability while creating a Washington-based bureaucracy.

The 9/11 commission's proposals must be taken for what they are: thoughtful recommendations, no infallible truths. The congressional hearing have revealed that implementing the proposed changes will be complicated

and they have reinforced what intelligence professionals already know: that, above all, reforms needs to be done right, rather than quickly.

If thoughtfully implemented, the commission's recommendations may streamline intelligence and budgetary activities, but they will not improve how intelligence is collected

and analyzed, and they may make it worse.

US intelligence agencies and their foreign counterparts are already functioning at full capacity and are aware of the need to coordinate intelligence. Restructuring can do little to improve the situation or provide greater security for America and its allies.

No matter which path we pursue—that recommended by the 9/11 commission and endorsed without reservation by John Kerry or the modified proposal by George W. Bush—it

is critical that we strengthen, not weaken, the CIA and its ability to “collect the dots”.

First, Congress must make it a priority to confirm Porter Goss as the new CIA director. In addition to his considerable congressional intelligence oversight experience, Mr. Goss offers the unique advantage of having actually served in the CIA as a “clandestine operations office”. His detailed understanding of covert operations abroad—both their strengths and weaknesses—will eliminate the need for a lengthy period to get to know the agency and provide extraordinary insight into managing reform there.

Second, the CIA's resources to hire, train, and deploy “spymasters” abroad must be substantially increased. The agency has been stretched thin covering the terrorist threat, Iraq and other priorities that pre-date September 11.

The proposed National Counter Terrorism Center (NCTC) must be tied to the CIA, no to the new national intelligence director, and it should be led by a senior CIA official with direct access to the CIA director. Intelligence collection, analysis and planning must be part of the same chain of command. Otherwise, we risk making decisions based on disjointed,

faulty intelligence and analysis. Above all, the temptation to create another free-standing intelligence agency must be resisted.

Paramilitary covert action should remain a CIA function. The 9/11 commission recommends transferring such operations to the Department of Defense. If there were to occur, it is difficult to imagine how the US would

overcome the diplomatic, political and legal obstacles to implementing paramilitary covert activities, let alone maintain the speed and efficiency with which the CIA can carry them out.

Finally, embedded in the report is a recommendation to create a new agency to exploit open-source-data from the internet,

foreign language broadcasts and media publications—a task that is already part of the every-day work of CIA analysts. This represents

yet another costly redundancy.

The congressional process is indispensable to good government when it works in the interest of the nation rather than political parties. This can be such a moment. The 9/11 commission's recommendations for intelligence reform must be thoroughly reviewed and debated in a non-partisan manner. Only if this is done will the CIA be strengthened, as it should be.

*Jack Devine is a former CIA associate deputy director of operations and president of The Arkin Group, a New York intelligence consulting firm. This article first appeared in the August 18, 2004 edition of the Financial Times and is reprinted here with the author's kind permission.*

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**...Congress must make it a priority to confirm Porter Goss as the new CIA director...**

## Fact versus Fiction: The Image of the Private Investigator in Literature

By Joan Beach and Lois Colley

Is truth really stranger than fiction? Are all PI's miserable? Writers, psychologists and private investigators united in Alexandria to discuss the evolution of the role of the Private Detective. Guest panelists included mystery writers Benjamin Schutz, Ph.D., Joe Gores and Andy Straka. Following the presentation, many of their books were person-

ally autographed and offered for sale. While the writers humbly down played their own talent, they enthusiastically absorbed first hand information about the industry from the private investigators in attendance.

As panelists in the morning and afternoon sessions delved into heavy topics such as the role and image of the private investigator, past and present, lighter topics such as the benefits of “kitty litter” for female surveillance investigators emerged to keep the audience light hearted. Every “PI wannabe author” in the room savored the experience of meeting and interacting with successful published authors who center their literary works on investigators as fictional characters. Panel commentator, writer and psychologist, Benjamin Schutz, Ph.D did a superb job as commentator. In between keeping the panel and audience interactive and participatory, Schutz was noted to be “furiously” recording anecdotes for future books. So what did Schutz really learn? “First and foremost, ‘PI’s love their work---cut the angst’.” That must mean that future works by Schutz will portray the investigator smiling while performing yoga on a beach in Malibu? I doubt it. On a more serious note, Schutz was quick to conclude that today’s law enforcement protecting today’s world need us as much as we need them. That is a welcome change for our profession.

Panelist and successful writer, past president of Mystery Writers of America and Edgar Winner, Joe Gores fits the image and persona of the former PI turned successful author. The

audience hung on every word that Gores offered. Gores provided a straight line between fact and fiction. Drawing upon his experiences as a “repo-man” in San Fran-

cisco in the 1960’s, Gores enlightened us as to how every day “real life” experiences provide a wealth of great stories to transpose into interesting fiction. Gores affirmed a common theme throughout the day--the myth and reality of being a private eye remains intertwined in the public consciousness. And Gores should know considering he worked as a PI before creating fictional characters and teleplays for Columbo, Kojack, Magnum, P.I., Mike Hammer and Remington Steel.

Author Andy Straka found the experience of serving on the afternoon panel “humbling.” According to Straka, he especially enjoyed being able to “to draw upon the knowledge and experience of the many outstanding professional investigators and authors in attendance.” Straka was quick to define the image of the PI as evolving. According to Straka, “Just as the work of private investigators has evolved over the past thirty years, publishing books and creating television shows about private eyes has changed.”

Several CII members participated as panelists offering valuable insight. Panel member Vicki Marr, of Scotland Yard noted science is ahead of fiction. According to Marr, “Tremendous strides are being achieved by scientists, especially in the field of DNA examination.” For example, London’s Metropolitan Police has adopted obtaining a DNA sample from everyone

that comes into custody for a criminal offense as standard operating procedure. On a lighter note, Marr notes that differences in the legal systems of our various countries and municipalities contribute much to the world of fiction.

Morning panelist

Alan Marr, was quick to encourage would be writers to pick up the pen. “I am sure all of us have some great stories to tell – these would be for real. So perhaps looking into the

‘FUTURE’, some of us should start writing ‘TRUE’ stories, that could be better than fiction,” offered Marr. While noting that his six foot three inches and two hundred and thirty pound frame may stereotype him as a police officer, Marr has accepted his fate as a PI in the “new world” where he cannot bend the rules or draw on the co-operation of old law enforcement friends still working in the public arena to ease the pains of his daily duties as a PI.

According to Marr, “Perhaps writing may become a more profitable way to earn a living, but until that time I for one am happy to continue as a member of C.I.I. and enjoy great seminars.”

While thoroughly enjoying the discussion, CII panel participant Paneen Allen, of Arizona USA, noted that greater worldwide representation was needed on the panel. This valuable insight raises the issue faced by all seminar planners, specifically, how to have noteworthy speakers representative of all areas of the world that do not require compensation for their time and travel expenses. Paneen Allen was also quick to note that unlike the novelist, a real PI should never be the central part of the investigation. “How irritating is it when you get an investigative report all about what the investigator did and very little about what the subject did?”

Kitty Hailey, PI from Philadelphia PA and morning panelist claims the seminar allowed her to conclude that she takes our profession “Way too seriously”. According to Hailey, “I tend to get annoyed at writers who paint our profession in light of the fictional stereotypes. Now that I have had a chance to speak with these distinguished gentlemen who write, I realize that I probably could and should lighten up a bit. They are not attempting to portray us as we truly are. If I want to paint the other picture, the one of the very hard working crazed investigator, I’ll just have to write about him or her myself.”

Steve Bibler, owner of Covert Investigations, was an afternoon panelist. According to Bibler, the most interesting discussion for him concerned the stereotypes of the female PI. According to Steve, there were some



Jay Groob, Boston USA and Rodd Webb, Perth Australia...

disagreements within the crowd but everyone seemed to agree that attitude and hard work were critical to female PI's being able to overcome the stereo-

types. "There were some disagreements within the crowd but everyone seemed to enjoy the

topic...what came out of this discussion was that while stereo types may not be fading fast enough, the determination of the professional woman investigator has not."

Panel member Alan Farr, owner of A. L. Farr & Associates, cited a host of positive experiences from the seminar. Farr found Alan Marr's insight regarding the national security issue extraordinary and informative and his humility in transitioning from the public to the private sector humbling. Additionally, Farr felt that without question, Kitty Hailey's experiences and "props" took the humor award for the day. Authors Gores, Straka and Schutz were available after the seminar to personally autograph their books. Autographed copies are still available for sale. ■

*For further information contact  
joanbeach@aol.com*

*(Editor's Note: Maybe that's the fun part about writing! Turning a real live character like Alan Marr*

## Licensing and Cooperation between the Public and Private Investigation Sectors

By **Michel Jozef**, Antwerp, BELGIUM

In Belgium, the business of private investigation has been licensed since 1991. This means that not just "anyone" can become a private investigator in Belgium anymore (or in other countries of Europe). It is not my intention to go into detail regarding this law,

but it is important to understand, because of this law, the private investigation business sector has been more or less accepted by public sector law enforcement.

The cooperation between the public and private sector is very interesting and only in its first

phase. In Belgium, we consider it as one of the challenges in our sector, to work out a legal and constructive cooperation with law enforcement.

However, because there is so much confusion regarding the licensing, what follows are the basic rules to carry out private investigations in Belgium detailed as follows:

- Educated in Belgium or educational equivalent of a quality meeting Belgium standards
- Law-enforcement service of five years or greater
- Good morale conduct

Foreign colleagues cannot perform investigations in Belgium, even if doing so in conjunction with a Licensed Belgian Investigator. Any private investigator, foreign or otherwise, is required to have a Belgian License, even if he or she performs the assignment in conjunction with a Licensed Belgian investigator. Large consultancy firms like Ernst & Young and Price Waterhouse, who don't have a license, have been illegally hiring local private investigators to assist them with their investigations. The Belgium licensed private investigator must perform all of the investigation.

Let's face it: It is accepted worldwide that the public sector alone is incapable of fighting crime without the private sector's assistance. The public sector is more and more focused on security issues, which have a political angle to them. In fact, it appears that modern day politics sets the priorities for law-enforcement. The priorities for fighting crimes are dictated by political strategies and the ability to garner votes. Meanwhile, private

companies confront a lot of illegal activity, including but not limited to criminal activity; counterfeit, fraud, theft, etc. resulting in severe financial losses to our business world.

Investigating these issues is within the expertise of private investigators. But, we sometimes do not have access to the information or methodology required. For example, if a private investigator wants to carry out a detailed pre-employment check, the useful and relevant databases that are legally accessible within the EU are very limited.

In the current times, where big multinationals are very vulnerable to terrorist attacks, the means to utilize databases and other information resources for our business needs should be maximized for the private sector of investigators, in order for us to advise our clients appropriately.

A university study confirms that most law enforcement personnel are interested in and able to utilize the overlap between private investigator intelligence and types of crime affecting private companies.

In this mentioned university study, it was proven that "in the field", there is very good and effective cooperation between law enforcement and the private sector. However, legally this is not without danger for both parties.

Therefore, in Belgium, we have begun dialogue and meetings with Public Prosecutors (mostly the young generation of magistrates) who are very willing to work out a transparent and legal way to cooperate with the private sector. ■

*Michel Jozef welcomes reaction  
from any of the readers.*

*Readers may comment via email privately to  
mdk@dekort-partners.be  
or have their comments published by  
responding to lec@colleypi.com.*



Jouni Heikkinen, Fred Dehmel, Pawan Ahluwalia, Carlos Mendez, and Ponso Kalastree



## Private Investigation in China: Is There Such A Thing?

By **Ponno Kalastree**, Singapore

In June 2004, Ponno Kalastree, former CII President and Chairman returned from Shenyang, northern China where he was the guest of honor and speaker for the formation of the inaugural China Detective Association. What follows is a written excerpt from Ponno Kalastree's experience.

"It was to be an exciting event for all of us. My chosen topic was Building International Strategic Alliances from East to West. I was invited as the keynote speaker. There was also a seminar alongside this event. Heretofore, the Chinese investigative profession had not been formally recognized as they are not licensed, and they have to operate under the front of other industries such as law firms and business consultants.

Hence, this Shenyang event in 2004 was to be a milestone event. There were over 30 reporters from all over the country. There were 200 delegates from at least 10 provinces in China. Dora and I received a warm reception as the VIPs. The event was hosted at a military academy. We were assured that the necessary approvals are in place.

At the morning of the Opening Day, we prepared ourselves for the big event. We went down to the function hall but we were told to go back to our suite, as people started huddling around us. The Opening Time was postponed, we were told due to some technical issues. We did not suspect anything amiss, and thought it was a minor organizational issue. Reporters then started coming up to our room to conduct interviews.

Around 9.15 a.m., while there were reporters in our room, officials from the Public Security Bureau barged into our suite. They demanded identification from all of us including the reporters who were pulled aside for questioning. An interpreter from the Public

Security Bureau came to my side immediately to identify themselves, and explained that this was a raid as the event was illegal, and they started interrogating us.

Fortunately, we had all the necessary invitation letters and documents in place. Apparently, our presence and stay at the military academy in China was unwelcome, as the Organizers did not register our names with the government. Meanwhile, we heard that some arrests were being made, but we did not see the dramas, which took place at the function hall.

One of the organizers came up to our room and gave us 10 minutes to pack, and then huddled us in a taxi. They told us that we have to move and they are taking us to another hotel. On route, they took us to a restaurant where they wanted to host us lunch. We did not even get to taste the first



bite of the delicious spread that was ordered for us, when our hosts received a call. Immediately, they told us that we had to leave Shanghai and organized for us to go to the airport right away. We had no flights arranged as we were suppose to only leave Shenyang after the event, so we had to make our own arrangements.

After that, we made no contact with the Organizers of the event so as not to cause them undue distress. Dora and I did remain proceeded to Shanghai (Eastern China), as we had other associates there and business meetings lined up so we only just returned this weekend.

As you can tell, it was indeed an eventful and dramatic trip. For me, it was a learning experience in doing business with China. Most of us are so caught up with the economic potential of lucrative markets like China that we overlook the strict rules, regulations

and essential government approvals that must be in place before we can conduct our business - which is routine for most of us that comes from democratic societies where there is some freedom of speech and action. What is normal business practice for us is a privilege to our counterparts in China.

As a foreigner, I do not bear any resentment against the Chinese government officials for the incident, which had caused wastage of financial resources, time and also emotional distress. Perhaps it is because I come from Singapore where we have an awareness of how authorities and businesses operate in this part of the world. We have some inclinations on what lies beneath the rosy appearances that is portrayed to the rest of the world.

I admit I felt like a fugitive and my only crime was accepting an invitation to speak at a conference and assist in the development of a young and growing industry. It was disappointing but I take this obstacle as a challenge, and share the determination of our Chinese counterparts. I am pleased to hear that there are intentions to regulate the private investigations industry, which will at least give the profession a legitimate standing in the country's economy.

I hope the experience I am sharing with you gives you an insight on building bridges between East and West. ■

*Please email your comments to  
Ponno Kalastree at  
p.kalastree@mainguard-intl.com.sg*

*To read about the Shenyang meeting, you can visit BBC news at  
<http://news.bbc.co.uk/go/pr/fr/-/2/hi/asia-pacific/3782855.stm>*

## 2004 AGM Silent and Live Auction is Financial Success

Thanks to all CII members, spouses and Friends of the Council who supported the Silent Auction. The Auction reports proceeds totaling in excess of \$5,824USD. The committee wishes to give "special recogni-

tion" to the following individuals for their support:

**BIG SPENDERS aka "HIGH BIDDERS":**

Mike Russell\*, Jim Kerins, Jim Kirby, Alana & Jack Burke, and Trish Dehmel (sorry Fred); Goolam Monsoon, Charles Rahn, Brian King, Helen Davies and Tom Davies.

**PREPARATION, PROMOTION, DISPLAY:**

Linda Cooney, Virginia, UA  
Sharon Spates, Virginia, USA  
Haylee Cousins, Virginia, USA  
Alana Burke, Illinois, USA  
Trish Dehmel, Nova Scotia, CANADA  
Robert A. Dudash, Nebraska, USA  
Nicholas Burt, Virginia, USA  
Ryan Colley, South Carolina, USA

*(EDITOR'S NOTE: A very special thanks to Vicki Marr [England, EU] for her assistance in processing of payments and Robert Dudash [USA] for his relentless assistance in preparation of and support throughout the auction in spite of subsequently being diagnosed with pneumonia!)*

**AUCTION DONORS:**

Larry Ross, Vinod "Deepak" Kumar, Brett Mikkelson, Dora Kalastree, Ponno Kalastree, Jay Groob, Trish Dehmel, Fred Dehmel, Tom Davies, Helen Davies, Jim Kerins, Debbie Kerins, Robert "Bobby" Coombs, Meredith McEver, Ruth Hoffmann, Gerd Hoffmann, Norm Willox, Joanne Willox, Brian King, Charles Rahn, Vicki Marr, Alan Marr, Claude Myles, John J. Mahoney, Jimmy Gahan, Friends of the Council, Walter Atwood, Robert Dudash, Derek Nally, Joan Nally, Sharon Spates, Joan Beach, Haylee Cousins, Sandra Stibbards

**AUCTION WINNERS:**

Mike Russell, Brian King, Charles Rahn, Goolam Monsoon, Pat Devine, Jack Devine, Jim Kerins, Debbie Kerins, Jim Kirby, Steve Kirby, Tony Fagan, Tawni Tyndall, Reggie Montgomery, Antoinette Montgomery, William "Wild Bill" Nye, Joan Beach, Maurice Amres, Robert "Bob" Coombs, Joan Beach, Don Johnson, Gerd Hoffmann, Ruth Hoffmann, Sandra Stibbards, Buddy Bombet, Bob Kresson, Pat Dehmel, Tom Davies, Helen Davies, Jack Burke, Alana Burke, Charles Rahn, Vinod "Deepak" Kumar, Larry Ross, Dora Kalastree, Ponno Kalastree, Vicki Marr, Alan Marr, Steve Martinez, Ryan Colley, Gary Bartolotti, Deborah Lapid, Brett Mikkelson, Sayira Castroverde, Jay Groob, Paneen C. Allen. ■

## Member News

### New Officers:

Congratulations to **Bertram "Bert" S. Falbaum** (newly elected 3rd Vice President), **Nancy S. Barber** (newly elected Council Secretary), and **Steven L. Kirby** (newly appointed Council Treasurer).

### 2004 MSA Award:

Special recognition to **James P Kerins III** for being the well deserved 2004 recipient of the MSA award.

### Newly elected CII Board members:

Welcome aboard to these four newly elected CII board members:

**John T. "Jack" Burke**

Jack Burke & Associates, Ltd.  
Chicago, IL USA  
312.372.5500  
Burkeassc1@aol.com  
Spouse: Alana

**Frederick J. "Fred" Dehmel**

CSI Investigations  
Halifax, Nova Scotia, CANADA  
888.818.5251  
fdehmel@csilimited.com  
Spouse: Trish

**John J. "Jack" Devine**

The Arkin Group, LLC  
New York, NY 10022, USA  
212.333.0204  
jackdevine@thearkinggroup.com  
Spouse: Pat

**Jouni E. Heikkinen**

Academic Investigations Ltd  
Helsinki FINLAND  
358.9.662001  
academic@welho.com

### New CII Members:

**Sandra Stibbards**

Camelot Investigations,  
Corpus Christi, Texas, USA  
www.camelotinvestigations.com;  
888.584.3393

**Frederick Rustmann Jr.**

CTC International Group Inc.  
W Palm Beach, Florida USA  
www.ctcintl.com  
516.655.3111

**John Hoda**

Independent Special Investigations LLC Milford Connecticut, USA  
www.squireinvestigations.com  
203.877.0786

**Charlotte Cochrane**

American International Group Inc.  
Surrey ENGLAND  
www.aig.com  
44.208.649.6753

**Robin Brewer**

Johnston Brewer Detective Service Inc.  
Memphis, Tennessee, USA  
www.brewerdetective.com  
901.327.1818

**Gary Bartolotti**

G.A.B. Investigations  
Pleasanton, California, USA  
www.gabinvestigations.com  
925.846.7401

**Rodney Webb**

MWA Corporate Security Management  
Perth, WA AUSTRALIA  
61-893221877  
rtw@mzacorporate.com.au

### Pending Applicants:

**Indira Bawa**

Littlemore Services Private Limited  
Bombay, Maharashtra, INDIA

**Patricia Dehmel**

CSI Investigations  
Halifax Nova Scotia, CANADA

**Brianna Duffy**

Per Mar Security  
Davenport Iowa, USA

**Norman Groot**

McCague Peacock, et al. LLPs  
Toronto Ontario, CANADA

**Phillip Hatzis**

Chicago Detective Agency  
Athens GREECE

**Igor Tymofeyev**

Express Inquiry & Process Servers  
Berlin GERMANY

### Maltese Falcon Escapes Auction

The infamous Maltese Falcon that arrived in Alexandria Virginia on the cusp of the AGM, made an unprecedented move when it refused to participate in the Silent Auction. Renowned bird interpreter Steve Kirby diagnosed the bird's behavior as a formal protest due to the absence of its benefactor William "Bill" Elliott, CII. According to Kirby, "When it comes to birds, actions speak louder than words. This bird is clearly distressed and boycotting the auction." Kirby recommended the bird be placed in seclusion. Last minute accommodations were made by CII President Joan M. Beach to care for the bird. An

executive decision was made by President Beach to forgo any sale of the bird until the 2005 AGM in Portugal. The bird is to be provided with classical music until its anticipated release in June 2004 to allow it ample time to fly to Portugal. ■

### Brian King

Ontario CANADA:

The September 18, 2004 issue of the Globe and Mail reports in an article entitled "Murder-Conviction Review to Hear Bernardo Theory" which is the saga of Robert Baltovich. He was sentenced in 1992 to serve a life sentence in prison for murder. His bid for exoneration is about to commence in the Canadian Ontario Court of Appeal. A book entitled "No Claim to Mercy" by author Derek Finkle describes the case of Robert Baltovich who was charged and convicted with murdering his girlfriend in 1990. The case was grounded purely in circumstantial evidence. Subsequent investigation has suggested that a serial killer, Paul Bernardo, may actually have been involved in the murder. Baltovich was released on bail in mid 2000 pending the outcome of his appeal.

Brian King (Council of Investigators Investigator of the Year in 2003) of King-Reed Associates is based in Toronto and has worked "thousands of hours on the case, much of it unpaid". Brian King is quoted in the article: "It is mind-boggling that the Crown continues to fight this... I never understood how anyone could have convicted him. I felt overwhelmed that an injustice had occurred, and I hope the appeal judges set it."

King notes the Crown always maintained that the Scarborough Rapist never abducted his victims in daylight and never killed one. It turned out that both beliefs were wrong. According to King "I know that a lot of people pooh-poohed the Bernardo syndrome, but I have never seen any information that would discredit the possibility that he did it." For the complete story, follow this link:

<http://www.theglobeandmail.com/servlet/story/RTGAM.20040917.wbern18/BNStory/Front/>. ■

## Legislative News From Around the World

### Europe and The United Kingdom

By **Chris Brogan**, London

There is a great deal of legislation here in the U.K. and Europe that affects investigators. Unfortunately, they don't seem to realize it. The European Directive on Data Protection has now been effective for 6 years. Most of the prosecutions that have taken place in the U.K. are against private investigators/enquiry agents for unlawfully obtaining information. There have been a number of judgments in the U.K., one of which was referred to as Durant, which has put the U. K. Government at loggerheads with the European Commissioners on Data Protection. They are investigating the U. K. Government

with regard to compliance with the European Directive as a result of this case. The outcome will probably mean that the Information Commissioner in the U. K. will have extended investigative powers. The legislative itself is beginning to reduce the sources of information traditionally used by investigators.

The Regulation of Investigatory Powers Act was recently introduced, which, although aimed at investigators in the public sector, has ramifications for private investigators, especially those who act in behalf of or conjunction with public authorities. Once again our industry as a whole is not aware of these ramifications, despite a number of more enlightened investigators trying to make them aware of it.

Human Rights arguments are beginning to take its effect. A recent case heard by one of our senior Law Lords resulted in the costs of the case being awarded against the defendant, despite the fact that they won the case. The reason behind this was that the investigator they had employed had breached the individual's Human Rights and, although the evidence was admitted, it was considered unlaw-

ful processing, hence the award of costs against the investigator's clients.

The Data Protection Directive as a whole is being reviewed in Brussels and it is believed that, from the point of view of the investigators, there will be more draconian legislation to follow in the not too distant future. This legislation will seriously affect sources of information, covert videoing, including photographic targets.

There is some good news on the horizon, and that is that they are discussing whether a license in one European country would entitle an investigator to operate in another European Country. At the moment, if I conduct an investigation in Spain, I have to in-

volve a magistrate or have a Spanish license. If this legislation takes effect, it would mean that on the strength of my U. K. private investigator's license I



Jimmy Gahan, Jay Groob, Joan Beach, Tawni Tyndell and Charles Rahn...

could conduct an investigation in Spain without having to have a license there.

There are a number of licenses that control the activities of an investigator: The Consumer Credit License, the Data Protection Act, and probably, in about 2006, a license under the Security Industry Act.

The above is a summary of what may seem a very pessimistic outlook on the future of investigators. Personally, I don't think we have anybody to blame but ourselves. Peter Heims, an investigator of some renown, warned us about this at least 30 years ago. How much notice do we need?

I trust the above is of some value to you, as the academics say. ■

*(Editor's Note: CII sincerely regrets not being more proactive in fighting the privacy legislation that has swept the EU in recent years. To our EU brothers and sisters, we apologize. This important issue will be monitored and featured in future editions of The International Councillor.)*

## Privacy Law News from the United States

By **Nancy Barber**, California, USA

U.S Senator Diane Feinstein has introduced Senate Bill 2801 which is a bill to amend the Social Security Act "to enhance Social Security account number privacy protections, to prevent fraudulent misuse of the Social Security account number and to otherwise enhance protection against identity theft, and for other purposes. The bill was introduced on September 14, 2004.

As with all well-meaning legislation to protect privacy, the bill has serious unintended consequences for the private sector, particularly for private investigators. Specifically it specifies restrictions on the sale and display to the general public of Social Security account numbers by Federal, State and local governments as well as bankruptcy case trustees. Essentially, the bill would eliminate the availability of social security numbers in most instances to the private sector.

Various organizations, including NCISS, NALI, and CALI have mobilized to oppose this bill. On October 1, 2004, a delegation of these organizations made an attempt to meet with Senator Feinstein in her San Francisco, California office. Multiple attempts to make an appointment for a meeting were rebuffed. With approximately a dozen investigators standing in the lobby, an aide finally agreed to meet and set up an appointment for a briefing with one of the senator's representatives. The aide was presented with over 50 stories from investigators describing the beneficial and legal uses of social security numbers in investigations. Mary Nikas and Nancy S. Barber represented the Council of International Investigators in this meeting and will continue to pursue opposition to the passage of the bill. ■

*Special thanks to Mary Nikas and Nancy Barber for representing CII*

## Summary of Energy and Commerce Hearing (9-28-2004)

By **Eddy McClain**,  
NCISS Legislative Committee

Although the witness list for this hearing has not yet been posted, it is now history.

The Subcommittee on Commerce, Trade and Consumer Protection held a hastily arranged hearing this afternoon and received testimony from only three witnesses and a handful of Representatives. Written testimony is not yet available.

It seemed evident to me that this was a perfunctory effort and that our information that Chairman Cliff Stearns, R-FL, held the hearing as a favor for Representative Clay Shaw seems accurate.

The sole public witness was Chris Hoofnagle of EPIC, Electronic Privacy Information Center, a privacy advocacy organization, who took advantage of every opportunity to support HR 2971. Mr. Hoofnagle was repeatedly asked for his opinion as if he were the authority, particularly by ranking minority member Representative Schakowsky, D-IL.

The other two witnesses were Commissioner Tom Leary of the Federal Trade Commission and Barbara Bowberg (sp sorry Barb) of the General Accounting Office. Commissioner Leary was an excellent witness who tried to explain the complexity of eliminating the SSN as an identifier. Regrettably, the import of his testimony did not seem to sink in with the Chairman who, after the testimony asked the panelists, 'Is it fair to say then that you all favor HR 2971?' or words to that effect. It would appear that Commissioner Leary clearly understands the problems with several aspects of the bill.

The GAO witness was more middle-of-the-road, and didn't take a strong position, though she recognized problems with eliminating the SSN identifier. Full Committee Chairman Joe Barton, R-TX, testified as did Rep. Shaw. While

not conjecturing as to the bill's chance for passage this session, Rep. Shaw did say he hoped the bill would serve as the groundwork for legislation to eliminate the use of the SSN as an identifier. This could be construed as a realization that HR 2971 will not pass this year. At the end, Chairman Stearns made mention that the bill had handily passed the Ways and Means Committee.

This subcommittee did not mark up HR 2971 and it is difficult to be sure of the import of today's hearing. Overall, considering the lack of input from our opposition, we did not fair as poorly as could have happened. It is encouraging that the FTC has serious reservations about the legislation and Commissioner Leary understands the issues. Congress is scheduled to adjourn in the next few days. ■

*Thanks to Eddy McClain and Jim Carino, CII for this update.*

## Importance of Letter Writing in the U.S.

By **Bernard Cane** CIP, California USA

CIP is pursuing these two pending bills with a letter campaign to each member of the sub committees expected to review the bills. Each committee member needs to hear directly from his or her constituents. It is CIP's belief that there are enough fence riders who are just waiting for enough proof that the legislation is unreasonable or impractical. We need to keep pounding the negative effect of the legislation upon consumers (their constituents). ■



**Status: Social Security Number**

By **Eddy McClain**

NCISS Legislative Committee Member

At this moment, Congress has about ten days to go before adjourning for the elections. There is a good chance Congress will reconvene in a lame duck session thereafter.

**HR 2971**

So this status report acknowledges that there is plenty of time for skullduggery before we can be assured that Representative Clay Shaw's HR 2971 will not pass on the House floor. As a subcommittee chairman of the

majority party, Chairman Shaw is able to ask his colleagues for favors. This was evident this week when Representative Cliff Stearns, R-FL, Chairman of the

Energy and Commerce Subcommittee on Commerce, Trade and Consumer Protection, hastily called a hearing on HR 2971, apparently as a favor to Rep. Shaw.

Only three witnesses were called to testify at the September 28, 2004 hearing. They were Thomas Leary, Federal Trade Commission Commissioner; Barbara Bovbjerg, General Accounting Office; and Chris Hoofnagle of EPIC, Electronic Privacy Information Center, a privacy advocacy organization, who took advantage of every opportunity to support HR 2971. Mr. Hoofnagle was repeatedly asked for his opinion as if he were the authority, particularly by ranking minority member Representative Schawkowsky, D-IL. The following portion of Mr. Hoofnagle's written testimony is revealing:

*Protections Against Pretexting Should Be Considered*

*We wish to raise one additional concern here—even legitimate collection of the SSN contributes to unauthorized access to the identifier. That is, we are increasingly aware of manuals for private investigators and other materials suggesting that SSNs can be*

*obtained from motor vehicle departments, applications for professional licenses, and even tax returns. In these cases, the investigator probably obtains the identifier through a friend or contact working at the institution with a SSN. Alternatively, the manuals suggest the use of 'pretexting,' a practice where an investigator requests personal information from an entity while pretending to be another person or while pretending to have a legitimate reason for access to the information. The Gramm-Leach-Bliley Act prohibits pretexting with respect to financial, securities, and insurance companies, but the law doesn't apply to pretexting targeted at employers, utility companies, or other entities that have SSNs. The Subcommittee should consider whether expanding protections against pretexting would enhance the privacy of the SSN.*

Mr. Leary of the FTC seemed to be the only witness who understood the complexity

and serious consequences of trying to remove the SSN as an identifier. Rep. Shaw testified at the end of the hearing stating that he hoped his bill would serve

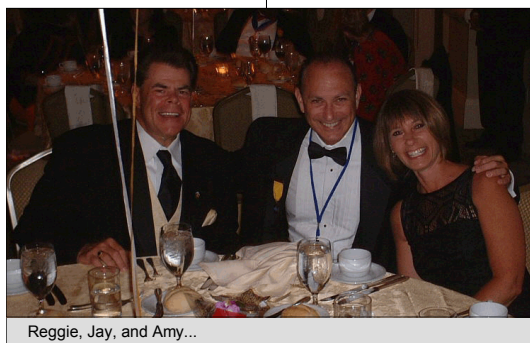
as the "groundwork" for fighting identity theft. The hearing was sparsely attended and seemed perfunctory as if Chairman Stearns was just going through the motions. The bill was not marked up but the chairman remarked that it has passed the Ways and Means Committee.

**S 2801**

On September 14, 2004, Senator Dianne Feinstein, D-CA introduced this bill which is a mirror image of HR 2971, with the following statement:

*We have only three weeks until the end of this Congress to enact this legislation to prevent such thefts by protecting Social Security Numbers. If we do not pass this legislation now, we will have to wait yet again to give basic protection to information that should have been under lock and key long ago. It is time for us to act. Thank you.*

Insiders have indicated to us that the Senator was disappointed that none of her other privacy bills held promise of passage and she perceived that HR 2971 was moving, albeit slowly, and decided to jump on the bandwagon by introducing a Senate version.



Reggie, Jay, and Amy...

The reaction of the investigative community has been instantaneous and all of our materials were readily at hand to point out the flaws of the bill since it is identical to HR 2971. Californians in particular have carried our message to the Senator's district office doorsteps throughout the state. At this writing there is no indication that the Senator has been deterred or that she admits the many faults of the bill. The bill has to get past the Senate Finance Committee chaired by Senator Charles Grassley, R-IA, which is not likely, but possible, in the waning days of this congressional session.

**The Good News**

While NCISS and its many state associations have been fighting this legislation for nearly five years, we are finally getting some help from allies who perceive the threat these bills represent to commerce and our financial and justice systems. A list of these organizations that have concerns about the bills appears on a nearby page. NCISS lobbyist Larry Sabbath and Legislative Chairman Bruce Hulme along with many others in various states have done a great job in securing allied assistance.

We have just learned that the Republican leadership has selected sections from HR 2971 and added them to HR 10, the 9/11 Recommendations Implementation Act. These sections, 104, 201, 202, 203, 204, & 205 seem to be the good parts of HR 2971. By including them in what looks like must-pass legislation, it would seem to lessen the need for Rep. Shaw and Senator Feinstein's bill, this year or next.

Most importantly, by virtue of the many faxes you have sent combined with visits to legislator's office and the NCISS Hit The Hill campaign, we have alerted Congress that there are problems with and opposition to, these ill-conceived bills. ■

**Organizations in the USA with Concerns**

re: **HR2971 / S2801**

By **Eddy McClain**

NCISS, California, USA

Privacy is a broad issue. Although it permeates the private investigation industry it affects other industries as well...security... law firms...finance.

American Bankers Association

American Insurance Association

American Council of Life Insurers

Securities Industry Association

Consumer Data Industry Association

Lexis-Nexis

National Association of Professional Background Screeners

National Association of Certified Investigators Inc.

National Association of Investigative Specialists

National Association of Legal Investigators

National Council of Investigation and Security Services

National Defenders Investigators Association

Alaska Investigators Association

Arizona Association of Licensed Private Investigators

Associated Detectives of Illinois

Associated Licensed Detectives of New York State

California Association of Licensed Investigators

Connecticut Association of Licensed Private Investigators

Florida Association of Licensed Investigators

Georgia Association of Professional Private Investigators

Indiana Association of Professional Investigators

Indiana Society of Professional Investigators, Inc.

Investigative Professional Association of Georgia

Iowa Association of Private Investigators

Kansas Association of Licensed Investigators

Kansas Association of Private Investigators

Kentucky Professional Investigators Association, Inc.

Licensed Private Detective Association of Massachusetts

Licensed Private Detective Association of Rhode Island

Louisiana Private Investigators Association

Maine Licensed Private Investigator's Association

Maryland Investigators & Security Association

Michigan Contract Security Association

Michigan Council of Private Investigators

Minnesota Association of Private Investigators

Missouri Association of Private Investigators

New Hampshire League of Investigators

New Jersey Licensed Private

**“DCI” Detectiv-Consulting-International GmbH**

Managing Director: Juergen Fritz Hebach

Member of BID, CII, WAD

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Investigators Association

North Carolina Association of Private Investigators

Ohio Association of Security & Investigation Services

Oklahoma Private Investigators Association, Inc.

Oregon Association of Licensed Investigators, Inc.

Pacific Northwest Association of Investigators

Pennsylvania Association of Licensed Investigators

Private Investigators Association of Utah, Inc.

Private Investigators Association of Virginia, Inc.

Professional Association of Wisconsin Licensed Investigators  
Professional Investigators Alliance of Maryland

Professional Investigators of California

Professional Investigators & Security Association

Professional Private Investigators of Colorado

South Carolina Association of Legal Investigators, Inc.

South Florida Investigators Association

Tennessee Association of Investigators, Inc.

Texas Association of Licensed Investigators

Vermont Association of Investigation & Security Services

Washington Association of Legal Investigators

## CII GOSSIP COLUMN (Unsubstantiated of course)

By **Roving Reporters**

**Pat and Jack Devine**—noted as being the only two individuals having enough stamina to dance throughout the Saturday evening festivities.

**Antoinette Montgomery**—arrived in Alexandria Virginia with only ten pairs of shoes; thereby rendering her unable to top

the "shoe" record held by her (Midyear 2003 in Perth Australia). Ten pairs of shoes were a slight disappointment to the fashion police, who have agreed to allow Montgomery the opportunity to redeem herself in Portugal next year.

**Bunty and Pawan Awadulla**—dining with relatives in a trendy Chinese restaurant.

Pawan was over heard asking Bunty "How many relatives do we really have in Washington DC that we need to go to lunch with?"

**Roslyn Webb**—was voted best dressed (at all times) by the AGM Fashion Police in Alexandria. Congratulations to Rodney and Roslyn Webb on their 34th wedding anniversary.

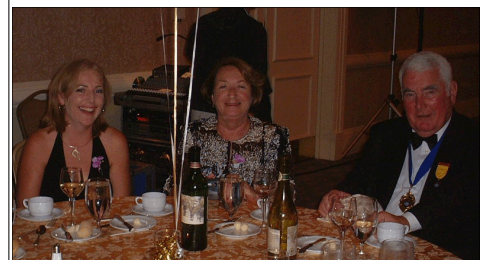
**Maltese Falcon**—The infamous Maltese Falcon was noticeably absent from the Silent Auction, prompting members to speculate about its whereabouts. See Member News for further details. ■

## "Close call with the POD ('Pals of Derek') Football!"

The Americans are wiping their brows after narrowly escaping the auction still in possession of the now infamous POD BALL. Kudos for the Yankees following a failed attempt on the part of Derek Nally and "THE PODS" (i.e. Michael Bennett, Tony Fagan and Derek Nally) to prevail in the bidding process. Reports had circulated throughout the week preceding the auction that Nally was threatening he would be "undeterred" and "pull out all stops" in retrieving "THE POD BALL". A source, speaking only on the condition of anonymity, reported observing Auction host Jimmy Gahan and Derek Nally exchanging hand signals at their table just moments before the "THE POD BALL" struck the auction block. These comments were voluminous enough to prompt action by auction committee volunteers who confronted Nally and Gahan just moments before the bidding began. According to one source, both men were queried regarding possible "conflict of interest" is-

sues. The matter was resolved to the point where the auction was able to continue, but only after Gahan, who is rumored to be only 99.9% Irish signed a written agreement promising to ignore all gestures on the part of Nally and refrain from eye contact with Nally, Bennett or Fagan during the bidding process.

Concern was expressed by auction winners Steve and Jim Kirby when following their acquisition of "THE POD BALL" Derek and his lovely wife Joan Nally announced they would be remaining on the American continent for another week following the AGM. Nally had been rumored to be undergoing treatment for "buyers remorse" following the sale of the POD BALL at last year's AGM in Kinsale Ireland. Another source claims to have overheard Nally following the auction lamenting over the loyalty of persons who are "only 99.9% Irish vs. full blooded Irishmen". The comment was believed to have been directed at Gahan. Gahan was last seen seeking directions to the local chapel from the concierge. Meanwhile, The POD BALL was moved to safe keeping by local authorities that report the POD BALL is resting quietly in an undisclosed bank vault. The POD BALL has been outfitted with glasses and a red bow tie aptly suiting its stature in America. The location where "THE POD BALL" is residing shall be disclosed



The P.O.D. Ringleaders...

once authorities confirm that Nally and THE PODS have left the Continent. Persons with information pertaining to Nally's current whereabouts may contact THE INTERNATIONAL COUNCILLOR at lec@colleypi.com. ■

## Committee Appointments From 2004—2005

President Beach has announced the following committee appointments:

### Audit and Finance Committee

Bert Falbaum—Chair (Arizona USA)  
Jack Burke (Illinois USA)  
Rod Webb (Australia)  
Robert Kaszynski (Maine USA)

### Editor of the International Councillor

Lois Colley—Co-Chair (Ohio USA)  
Jimmy Gahan—Co-Chair (Ireland)

### Legislative Committee

Jay Groob—Chair (Massachusetts USA)  
Steve Kirby (Illinois USA)  
Steve Bibler (Michigan USA)  
Deb Aylward (Virginia USA)

### Membership Committee

Bert Falbaum—Chair (Arizona USA)  
Fred Dehmel (Canada)  
Robert Dudash (Nebraska USA)  
Garry White (Canada)

### Public Relations Committee (Includes Internet Committee)

Lois Colley—Chair (Ohio USA)  
Jack Devine (New York USA)  
Don Johnson (Indiana USA)  
Kevin Ripa (Canada)  
Rod Webb (Australia)  
Fred Dehmel (Canada)

### Nominating Committee

Alan Marr—Chair (England)  
Joan M. Beach (Virginia USA)  
Nancy Barber (California USA)  
James Kerins (Maryland USA)

### International Investigator of the Year Award

Brian King—Chair (Canada)  
Jay Groob (Massachusetts USA)  
Thomas Herder (Minnesota USA)  
Juergen Hebach (Germany)

### MSA Committee

Joan M. Beach—Chair (Virginia USA)  
Nancy Barber (California USA)  
Reginald Montgomery (New Jersey USA)  
William Nye (Iowa USA)

### Strategic Planning Committee

Alan Marr—Chair (England)  
Fred Dehmel (Canada)  
James Kerins (Maryland USA)

### Standing Education Committee

Jay Groob—Chair (Massachusetts)  
Joan M. Beach (Virginia USA)  
All Board Members

### Malcolm Thomson Award

Alan Marr—Chair (England)  
Joan M. Beach (Virginia USA)  
Nancy Barber (California USA)  
Ponno Kalastree (Singapore)

### Parliamentary Committee

Bert Falbaum—Chair (Arizona USA)  
Larry Ross (Washington, D.C. USA)  
Larry Miller (Michigan USA)  
Gerd Hoffmann, Sr. (Channel Islands)

### 2005 Annual General Committee

Jay Groob—Chair (Massachusetts)  
Roy Whitehouse (Portugal)  
Brian King (Canada)  
Derek Nally (Ireland)

### 2006 Annual General Committee

Bert Falbaum—Chair (Arizona USA)  
Jouni Heikkinen (Finland)  
Juergen Hebach (Germany)  
Goolam Monsoor (France)

### Historian Committee

James Kirby—Chair (Illinois USA)  
Ben Harroll (California USA)  
Walter Atwood (South Carolina USA)



## CII Officers and Board Members

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#### President: Joan M Beach

Virginia, USA  
joanmbeach@aol.com  
703.359.8084

#### Chairman: Alan J. Marr

London, ENGLAND  
Alan-marr@jigsaw-services.demon.co.uk  
44.1932.875224

#### First Vice President: Jay L. Groob

Massachusetts, USA  
aisprvti@aol.com  
617.232.4728

#### Third Vice President: Bertram S. Falbaum

Arizona, USA  
520.751.1615  
bertfalbaum@cs.com

#### Secretary: Nancy S. Barber

California, USA  
415.334.0856  
Nickbk@aol.com

#### Treasurer-James R. "Jim" Kirby

Illinois, USA  
630.941.1700  
jkirby@kirbyinvestigations.com



### Board Members:

#### John T. "Jack" Burke

Jack Burke & Associates, Ltd.  
Chicago, IL USA  
312.372.5500  
Burkeassc1@aol.com

#### Frederick J. "Fred" Dehmel

CSI Investigations  
Halifax, Nova Scotia, CANADA  
888.818.5251  
fdehmel@csilimited.com

#### John J. "Jack" Devine

The Arkin Group, LLC  
New York, NY 10022, USA  
212.333.0204  
jackdevine@thearkinggroup.com

#### Jouni E. Heikkinen

Academic Investigations Ltd  
Helsinki FINLAND  
358.9.662001  
academic@welho.com

#### K. Haja Mohideen

Global Security Network  
Singapore SINGAPORE  
65.63422025  
globalz@pacific.net.sg

#### Reginald J. Montgomery

RJ Montgomery Associates  
Allendale, NJ USA  
201.327.3301  
reggie@njinvestigator.com

#### Hermann Kaminski

IWA Group  
Hamburg GERMANY  
49.180.5356262  
kaimnski@iwagroup.de

#### Gerd H. Hoffmann

GH Hoffmann Senior Ltd  
Alderney CHANNEL ISLANDS  
44.0.1481.822464  
g\_h\_hoffmann@cwgsy.net

#### Jurgen F. "Fritz" Hebach

Detectiv-Consuting-International  
Berlin GERMANY  
hebach@fritz-CII-wad-berlin.de

#### Rodney Webb

MWA Corporate Security Management  
Perth, WA AUSTRALIA  
61-893221877  
rtw@mwacorporate.com.au

#### Lois E. Colley

Due Diligence  
Ohio & South Carolina, USA  
888.310.6660  
lec@colleypi.com

