



IAPI NEWSLETTER

IOWA ASSOCIATION OF PRIVATE INVESTIGATORS

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June 2010



President's Message By Delbert L. King

Conference time is here again! The 2010 conference is the 25th anniversary of the Iowa Association of Private Investigators Association. If you are attending please make your reservations now. The conference hotel, the Holiday Inn, 4800 Merle Hay Road, Urbandale, 515-278-4755 has set aside a block of rooms for us at a special rate.

This rate is good for only a few more days so make sure you are registered.

We have invited all of the presidents, both past and present, to our banquet this year to thank them for being instrumental in building such a wonderful organization. If you attend the conference, thank them and the rest of the board for their contribution as these are not paid positions.

Elections for president, vice president and secretary will be held the second day of the conference. If you can serve and are interested, let people know.

We have one more board meeting before the conference. That meeting is scheduled for June 11 at 10:00 a.m. at the conference site. All members are welcome.

If you know of a business that would donate give-a-way items for door prizes at the conference, please contact them and let one of your board members know. These items are always appreciated.

We will not have an Iowa National Guard color guard this year. They have been activated to the Middle East. I spoke with the officer in charge and told him the soldiers will be in our prayers. See you next month.

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Business Card Size.....\$25 per issue
Quarter Page.....\$50 per issue
Half Page.....\$100 per issue
Full Page.....\$190 per issue
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Any advertising submitted shall include, in advance of publication, the appropriate fee as well as camera-ready artwork. All advertisements and claims made in such advertisements are the sole responsibility of the advertisers. The Newsletter welcomes submitted articles, notices and other information of interest to private investigators for publication. The items published in this Newsletter and opinions herein do not necessarily reflect the views of the Iowa Association of Private Investigators. The IAPI reserves the right to edit, or strike any submitted article or advertisement which it deems inappropriate.

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2010 IAPI Conference Agenda (25th Anniversary)

Thursday, July 22, 2010

7:30 - 8:00 AM Registration/Vendors Open
8:00 - 8:30 AM Color Guard and Opening Remarks
8:30 - 9:30 AM **Michael O'Kelly** - Cell Tower Forensics
9:30 - 9:45 AM Break/Vendors Open
9:45 - 10:45 AM **Michael O'Kelly** - Cell Tower Forensics
10:45 - 11:00 AM Break/Vendors Open
11:00 - 12:00 PM **Michael O'Kelly** - Cell Tower Forensics
12:00 - 1:00 PM Lunch
1:00 - 2:00 PM **Norbert Zaenglein** - Counter Surveillance
2:00 - 2:10 PM Break/ Vendors Open
2:10 - 3:10 PM **Stan Oglesby** - Vehicle Black Box Technology
3:10 - 3:20 PM Break/Vendors Open
3:20 - 4:20 PM **Stan Oglesby** - Vehicle Black Box Technology
4:20 - 4:30 PM Break/Vendors Open
4:30 - 5:30 PM **Investigative Panel** - Questions and Answers
5:30 - 6:30 PM Social Time
6:30 - Banquet **Keynote Speaker Michael Burke**

Friday July 23, 2010

8:00 - 8:30 AM Registration - Vendors Open
8:30 - 9:30 AM **Norbert Zaenglein** - Counter Intelligence
9:30 - 9:45 AM Break/Vendors Open
9:45 - 10:45 AM **Robert Clements** - Why Most Small Businesses Don't Work
10:45 - 11:00 AM Break/Vendors Open
11:00 - 12:00 PM **Robert Clements** - Why Most Small Businesses Don't Work
12:00 - 1:00 PM Lunch
1:00 - 2:00 PM **Nancy Newhoff** - Investigative Reporting
2:00 - 2:15 PM Break/Vendors Open
2:15 - 3:15 PM **Michael Burke** - Custody Cases, Drugs & Surveillance Techniques
3:15 - 3:30 PM Break/Vendors Open
3:30 - 4:30 PM **Michael Burke** - Custody Cases, Drugs & Surveillance Techniques
4:30 - **Board Meeting - Election of Officers - Certificates**

PIBuzz

Private Investigator Research Links

Drugs and the Drug Trade - Street Names <http://www.whitehousedrugpolicy.gov/streetterms/>

"Load of Laundry" has an alternative use... This site works with Internet Explorer only.

Missing Money - Unclaimed Property Related Links

<http://www.missingmoney.com/Main/RelatedLinks.cfm>

"Unclaimed Property Related Links"

Check Emergency Medical Personnel Status <https://www.nremt.org/nremt/about/checkEmtStatus.asp>

The National Registry of Emergency Medical Technicians (NREMT) keeps a list of individuals who have gained and maintained status as a Nationally Certified First Responder, EMT-Basic, EMT-Intermediate, and/or Paramedic.

Pill Identification <http://www.drugs.com/imprints.php>

"Pill Identifier Search by Imprint, Shape or Color"

Firearms laws by state http://www.lcav.org/content/state_local.asp

Summaries of State and Local Firearms Laws

Expert Witnesses & Consultants <http://www.courtroominsight.com/>

Find legal expert witnesses, mediators and professional resources. Add your own listing.

CPADirectory - Directory Of Certified Public Accountants <http://www.cpadirectory.com/>

Search across all states from a search engine, use the site query: name site:cpadirectory.com A partial listing. Check with the state government for all licensed CPAs.

Companies and Public Employee Salaries <http://www.mydanwei.com/>

Salary, name search, public company profiles - Check some public and private employee salaries

State and County Public Records links

<http://www.integriscan.com/UltimateGuidetoBackgroundChecks.pdf>

Download this pdf of links to county and State courts, Recorders, assessors and other public records (starting at page 24). Date of document update unknown.

[Lookup medical doctors](http://www.docboard.org/docfinder.html)

<http://www.docboard.org/docfinder.html>

[MaxMind - GeoIP | IP Address Locator Demo](http://www.maxmind.com/app/locate_ip)

http://www.maxmind.com/app/locate_ip

"find countries and cities, enter IP addresses/hostnames"

[Licensure Verification Databases - By Jursidiction](http://www.clearhq.org/Default.aspx?pageId=481835#California)

<http://www.clearhq.org/Default.aspx?pageId=481835#California>

USA and Canada professional licensing verification databases.

[How to Request Military Service Records or Prove Military Service \(DD Form 214, DD-214, DD214](http://www.archives.gov/veterans/military-service-records/get-service-records.html)

<http://www.archives.gov/veterans/military-service-records/get-service-records.html>

The DD-214 is a one page document that lists discharge data, where one entered service, military specialty and civilian related occupation, decorations, medals, badges, commendations, citations, and campaign ribbons, education and training completed, type of discharge or transfer to reserve (which happens if they served less than 4 years active REGULAR service.

[Find A Grave - Millions of Cemetery Records and Online Memorials](http://www.findagrave.com/fg.cgi)

www.findagrave.com/fg.cgi

[Street Name Lookup](http://www.melissadata.com/lookups/zipstreet.asp)

<http://www.melissadata.com/lookups/zipstreet.asp>

"Enter a 5-digit ZIP Code to get a list of all the unique street names in the ZIP Code. Or enter all or part of a street name to get a list all the matches nationwide."

PI buzz (<http://pibuzz.com>) is a free webzine of tips, links, news and research guides to assist the information professional and private investigator, and businesses and attorneys, on topics ranging from database searching, business background, to privacy and public records. Free registration is available at the site. Tamara Thompson and Rosemarie Mesis are the editors and primary writers for PI buzz.

Tamara Thompson is a well-known investigator, speaker and blogger who is recognized for her expertise in Internet data gathering, genealogical tracing, witness background development and locating people. Before starting PI buzz, Tamara operated the blog PI News Link.

Rosemarie Mesis has been conducting private investigations for the last 8 years specializing in locating people, especially custodial kidnapping victims. "Roe" is also the co-owner and Publisher of PI Magazine, the largest trade publication for private investigators and law enforcement detectives in the USA.

Police: Man charged with eavesdropping

GLENS FALLS -- A Granville man was charged with eavesdropping Saturday after his ex-girlfriend discovered a recording device hidden in a child's backpack, police said.

Donald A. Connolly, 34, of Route 22, was charged with felony eavesdropping after someone in the ex-girlfriend's home spotted a red light on a 4-year-old's backpack, Glens Falls Police Sgt. Keith Knoop said. Knoop described the incident as follows:

Connolly and the ex-girlfriend have a 4-year-old child in common. Connolly had dropped the child off at the woman's Glens Falls home Saturday, and a short time later the light was spotted on the backpack. They found what appeared to be a recording device sewn into the backpack, and brought it to the Police Department. Police confirmed it was an audio recorder.

Connolly was called to the police station, and admitted he put the device on the backpack. He did not explain why, but Knoop said it appeared to be related to a custody dispute. He was charged with eavesdropping and released pending prosecution in City Court. Police Officer Dan Habshi made the arrest.

Top 3 Ethical Issues for PIs and How to Handle Them

It can be difficult to navigate the ethical minefield of private investigation in today's world. Evolving technologies have eradicated the days of "gumshoe" investigations, and a variety of state and federal laws can make it hard to know where the ethical and legal line is. Houston attorney Clyde W. Burlerson and Scott H. Belshaw, executive director of the University of North Texas Professional Development Institute's private investigations training program, have researched some key ethical issues for private investigators. PInow.com interviewed them to get their take on some of the top problems PIs can face and how to handle them.

Violation of privacy rights

There are many ways to violate someone's privacy, and new technology is just making it easier. To prove a violation of privacy, a person must show that his or her solitude or seclusion was violated in bad faith in a way that would offend the "reasonable man." Violations of privacy could include hacking computers; placing cameras in hidden locations or using long-range cameras to take pictures through someone's window; intercepting mail; and obtaining information under false pretenses. For instance, a credit agency can provide a person's credit report to someone who has a legitimate business interests. But private investigators must be careful not to lie about their intentions or misrepresent themselves when seeking credit reports. Obtaining a credit report under false pretenses is a federal offense. Burlerson said that information obtained illegally is not admissible in court, so it is useless to attorneys who hire PIs. Also, he said he would be likely to file a complaint against a PI he hired if he found that investigator doing something illegal to gather information. The easiest way to avoid violating privacy is to conduct investigations from public viewpoints.

Lack of understanding criminal laws

It is important for private investigators to understand federal and state laws in order to make sure they are not breaking them. “The thing is this: If it’s illegal, it’s unethical,” Burleson said. PIs need to know the laws well enough to recall them when they have to make split-second decisions. Adding complications, what is legal in one area might not be in another. For example, wiretapping laws vary between states. In Illinois, both parties in a conversation must be aware it is being recorded; in Texas, only one person’s consent is needed. But everywhere, it is illegal to record a conversation when neither party knows it is being recorded – something that is newly possible thanks to software that can crack cell phone signals and pick up conversations. As Burleson put it, “There’s probably a hundred ways to Sunday actually to do that, but they’re certainly going to get somebody sued.”

Burleson said PI’s need to be particularly familiar with the laws of the state in which they work. “If you’re not sure about what you can and can’t do, then call an attorney in your jurisdiction to explain the rules to you so that you don’t get yourself charged with a crime,” he recommended. Private investigators who break the law could not only face jail time, but also suspension of their licenses (in states that regulate private investigators).

Lack of training in ethical decision-making

In some situations, private investigators have to make quick decisions, meaning they won’t have time to consider all the angles. That’s why it is important for PIs to receive ethical and legal training, Burleson said. “If they don’t have that knowledge up front, when they make a quick decision, it could be the wrong one,” he said.

While most states require private investigators to acquire continuing education hours in ethics training, Belshaw said that is not enough. He said more universities and colleges should offer training programs for private investigators, with attorneys teaching criminal law, and other instructors offering background in privacy rights and ethics.

Belshaw also stressed the importance of mentors. He said he credits his own mentor with teaching him more than any academic program ever could, and recommended that all inexperienced PIs find someone who is successful in the field to help them along.

Also, he said, “private investigators need to be more knowledgeable in electronic investigative tools now more than ever.” He said the field has traded in magnifying glasses for GPS receivers and laptops, and PIs need to stay on top of the technology that is now a staple of their profession.

Written by Allison Petty

Posted by PInow.com Staff on May 12, 2010

Philly-based private investigator lauded by FBI

The FBI today honored Stuart Drobny, a member of the Philadelphia-based private investigation firm Stumar Investigations, for helping to disrupt a counterfeit goods operation that had links to Hezbollah. The federal investigation that Drobny assisted ultimately led to the indictment last November of 26 Hezbollah operatives and sympathizers who shipped stolen and counterfeit goods around the world. Members of the ring sought to buy missiles and machine guns that were to be shipped to Syria and Iran. Drobny partnered with Jim Baldinger, of the law firm Carlton Fields, during the FBI investigation into Hezbollah-linked ring. "I am extremely proud of being part of the team that helped stop money flowing to terrorists," Drobny said, according to a news release. Here's part the original story that we ran in November on this case:

Two years ago, an undercover FBI agent in Philadelphia met up with a Lebanese guy from Dearborn, Mich., who said he wanted to do a little business. Their arrangement was pretty simple: the agent sold supposedly stolen laptops, cell phones and PlayStation systems to the guy, Hassan Mohamad Komeiha, who had the items shipped all over - Detroit, Los Angeles, Slovakia, Paraguay, Bahrain, you name it. Then some of Komeiha's friends started making requests, started talking about "the Resistance" and taking out fighter planes, and this little arrangement got really serious. Yesterday, federal authorities lifted the curtain on their long-running investigation, which climaxed Saturday when Dani Nemr Tarraf - one of Komeiha's pals - was arrested after he arrived in Philadelphia to allegedly examine anti-aircraft missiles and machine guns that he wanted shipped to Iran or Syria. The feds announced charges against Tarraf, Komeiha and three other men who took part in a ring that distributed stolen goods around the world, according to the affidavit. Authorities yesterday also detailed a separate but connected investigation that charged Komeiha and seven other men with running a stolen and counterfeit goods ring. Tarraf, 39, who has residences in Trnava, Slovakia, and in Lebanon, faces the most serious charges - including conspiracy to acquire missile systems designed to destroy aircraft, conspiracy to possess machine guns and conspiracy to transport stolen property - which could bring life in prison. "Keeping missiles, machine guns, and other sensitive U.S. weapons technology from falling into the wrong hands is one of the Justice Department's top priorities," David Kris, the assistant attorney general for national security, said in a statement. The investigation began in June 2007, when Komeiha, 39, met with the undercover agent in Philadelphia to discuss buying stolen laptops and Sony PlayStation 2 systems, according a federal affidavit. The undercover agent started shipping large numbers of stolen items for Komeiha on an almost monthly basis. The following spring, Komeiha's bosses - Tarraf, and his brother Douri Nemr Tarraf - wired nearly \$75,000 to the undercover for the shipped goods. According to the affidavit, the agent met the Tarraf brothers in Slovakia, where the men asked if the agent could supply them with night-vision camera lenses and thermal-imaging devices. Douri Tarraf told the agent to communicate through encrypted e-mails, documents show. During the following year, the stakes were raised. In June, the affidavit shows, Dani Tarraf asked the undercover agent if he could supply guided missiles that could "take down an F-16," and 10,000 machine guns. The weapons, Tarraf said, should be sent to Syria or Iran, where they would be used by "the Resistance," according to the court documents. On July 28, Tarraf met the undercover agent in Philadelphia, where he delivered a \$20,000 down payment on FIM-92 Stinger missiles and 10,000 Colt M4 Carbines, authorities said. Tarraf's plan fell apart when he was arrested Saturday. Another member of the ring, Hussein Ali Asfour, was arrested by authorities in Centerville, Ga. Their three alleged cohorts are still on the loose.

THE name's Bond – Tiffany Bond.

And just like her namesake, the blonde Brisbanite uses her powers of seduction to catch the bad guys, but for Ms Bond they're usually cheating husbands. The private investigator is a guest speaker at today's Gatta Golden Greats Sports Luncheon, an annual fundraiser at the Coolangatta Surf Lifesaving Club. After nearly four years in the Queensland Police Service, including a year undercover in the prostitution unit, Ms Bond now runs her own private investigation business specializing in infidelity. "Everyday is different; you don't know what is going to come in the door," she said. An average day on the job for Ms Bond may include conducting DNA tests on a suspected partner's underwear to see if there are any traces of another man or woman. "It was a personal experience that inspired me to start up my company," she said. "The best part of my job is helping people; I love it." One of her stand out cases, Ms Bond said, was a cheating husband who she discovered had an entire second family in the same town. "I started my company because there was a gap in the market," she said. "Ninety-five per cent of the PI industry is work cover or insurance related." Ms Bond said she would share some of her more memorable stories at today's fundraiser, including some from her time undercover in the prostitution unit. "I would stand on the street corner and wait for guys to offer me money for a sex act," she said. "As soon as they ask they've committed an offence. "There was only one time in the Valley which was quite scary; I nearly got abducted." Her experiences can also be found in her book *Confessions of a Female Private Investigator*, which was launched last October. Stories are designed to entertain and to help people who find themselves in similar situations to those she has experienced, Ms Bond said.



A private investigator's tricks of the trade

PI Mall, a website for private investigators, caters not only to professionals, but regular folks who want to do some spying in their free time.

By Joan Goodchild, Senior Editor CSO April 21, 2010

In 1993, Private Investigator Joe Seanor had wrapped up employment stints in the CIA and the Department of Justice, and was looking for something new in his professional life. He launched PI Mall, an online private investigation database, with the intent that it would serve as a central place for those in the PI industry to go for information, and to list their services for those who might be seeking to hire. It was a need that was lacking as public exposure for PIs was almost unheard of at the time.

Today, advances in technology, and the stresses of life, have made PI Mall not only the longest running site of its kind, but also a popular destination for many people who want to find out how to become a "Citizen PI," so to speak. Members of the public with no formal investigative training are coming to Seanor in droves to buy tools and get tips in order to do their own sleuthing in instances such as a spouse's suspected infidelity.

Seanor, who also runs PI Classroom, a website for investigative training resources, spoke with CSO about the changes in the PI industry, why so many now feel the need to spy on loved ones, and what they are using to do it.

CSO: Your site has been around since 1993. What's changed from those early days?

Joe Seanor: When we first started out, our primary interest was in the private investigator community. People in the PI business didn't know about the web, or advertising. We were the resource at that time. But we've become not just a PI resource, but a public resource, too. We get calls from people, private citizens, day after day who have seen the website and they say they want to do some kind of investigation on their own. They'll usually ask "You have this equipment, will this help me out?" I can definitely say in the last year or so, I'm getting far more inquiries from the public on how to do this stuff on their own.

Why do you think that has happened?

The impression I get from all the private investigators I talk to is that it's the economy. When the economy started tanking, their businesses tanked, too. But after about six or eight months of that, business started picking up. Now investigations are focused more on the spouse issues, the divorce cases. On my end, my calls from people who want to check on their spouse has easily increased 100 percent in the last several months. I get three or four contacts a week. Before I was getting these kinds of inquiries maybe once every other week.

People are starting to look more and more at what is going on because they are having problems dealing with things and it's getting harder for people to get along. They start getting edgier and edgier and that has increased this kind of business big time.

Another thing we have seen is a big increase in the repo (repossession) business. I easily get minimum five to ten inquiries a week from people who want to find out more about starting their own repo business. That took me by surprise. I run Google Analytics on my site and frequently the number one page brought up is our repo information page. With people having problems making their payments, the repo business is growing.

What kind of products are people buying to conduct their own investigations?

Some of the bigger tools the public looks for include GPS trackers. They often want them to put one on a spouse's car. Then they look at ways to monitor cell phones or computers, to look for signs of infidelity. That's the biggest thing. Wireless cameras are also always a big hit. The public uses these for watching babysitters, that sort of thing. People also love the sunglasses with a camera built-in. I think that's more of a novelty.

How does this public interest in investigation impact the PI industry? What are professional PIs doing now?

Today we still look at the investigation issues around divorce, but now there is a steady increase in business in the area of technology-based investigation. We're still getting requests from spouses or their clients for GPS tracking, that sort of thing. But these requests are also now being made from a corporate level, too. More and more companies are coming to investigators and saying: "I need some kind of GPS on someone's vehicle." The PIs are then called in to put a GPS on company cars.

There is also a new emphasis on investigation involving social networking. We are seeing more corporate clients want to know what people are doing on Facebook or MySpace and hiring professionals to conduct this kind of investigation. They want to know: Why are these people linked up with these people on this network?

Or we might get called by insurance companies to do insurance fraud investigations. It used to be if someone slipped and fell, a PI could follow them around with a camera to confirm any suspicion of insurance fraud by filming them doing things they should not be able to do. But now people are now more savvy and they aren't going out in public. So investigators are now looking at MySpace or Facebook where people are uploading videos to social networks and doing things they shouldn't be able to do if they've made a claim.

In the past four months or so, I have doubled, sometimes tripled, my class enrollment for social networking investigation.

Hidden camera in Poconos topless bar used in court

Jackson Township, embroiled in a legal fight with Thrills on Route 715, hired a private investigator to record hidden-camera video to bolster its case that the topless bar is violating local zoning rules. Nearly a half an hour of footage screened Wednesday in Monroe County Court shows the investigator getting a topless lap dance and repeatedly fondling the dancer. The township is seeking a court order to stop the club, which opened in March, from offering adult entertainment, which officials say is against zoning rules in a commercial district. Club manager Ira Weiner, who is also an attorney, argued that the ordinance is too vague in its definition of an “adult cabaret” to be enforced. Private investigator Glenn Miller, of the Allentown-based Confidential Investigations Inc., testified that he was hired to find out what was going on inside the club. He said he visited Thrills on two occasions and on his second visit April 8, he recorded video using a camera in a cell phone. As township attorney John Dunn asked questions, Miller narrated three video clips that totaled 26 minutes of silent, black-and-white footage shot from about 8 p.m. to midnight. “I sat at a bar stool,” Miller said. “I struck up a conversation with a girl named Autumn. She [Autumn] presented me with the opportunity to have a private dance.” Weiner objected to the introduction of any video in court because it was “obtained illegally,” he said, on the grounds that any person who brings a video camera into the club is a trespasser, a policy stated on signs at the bar. Monroe County President Judge Ronald Vican overruled the objection and allowed the video to be shown in court. Miller testified that the “V.I.P.” dancing area included several upstairs rooms separated by dark curtains, each with a couch. He positioned his coat, he said, so his cell phone recording video was pointed at the couch and the topless lap dance was clearly caught on video. In that video he is shown repeatedly touching and kissing the dancer's breasts and touching her buttocks. The first of the three video clips showed about eight minutes of Miller talking at the bar downstairs with the dancer. According to Miller, she suggested they go upstairs for a “private” dance and discussed the prices — a \$20 initial fee to go upstairs and \$20 for every 15 minutes of lap dancing. In the second video, which took place from 9:02 p.m. to 9:18 p.m. according to a running clock on the bottom of the footage, the investigator can be seen sitting on a couch and giving the dancer \$20. She removed her top and began dancing on his lap and he repeatedly touched her. Miller testified that he she put her breast in his mouth. In the third clip, Miller is downstairs at the bar as one of the dancers removes her top to accept a \$1 tip. “A mouth did get onto a breast,” Weiner said after the hearing. “That would be contrary to club policy. Most of the contact was initiated by the customer. He took some liberties.” When questioned by Weiner, Miller said there were no sex acts performed in the club during his visits and that the dancers were never completely nude. Jack Rader Jr., Jackson Township Board of Supervisors chairman, testified that in 1997 the zoning ordinance was amended to allow “adult facilities” in an industrial zone -- not in a commercial zone like where Thrills is located. An “adult facility” is defined as an establishment that is used for one or more of four specific activities. One of those activities is an “adult cabaret.” Rader said that the township considers exposed breasts and touching of breasts, like that shown on the hidden-camera video in court, to fit the definition of an adult cabaret. Thrills opened in March featuring girls in bikinis dancing on stage. Just seven weeks after opening, however, the club began offering topless dancers. Weiner called only one witness, the club's owner and full-time disc jockey, Anastasios Adamides. He testified that he did not think the zoning precluded lap dancing when he bought the club, which was formerly Pub 715. If he had believed the zoning did not allow lap dancing he would not have located there because “that's where the dancers make most of their money,” Adamides said. At the end of the nearly three-hour hearing, Vican instructed each attorney to draft written arguments. A decision on the township's request to shut down Thrills will be issued after Memorial Day. Until then, the club will continue to offer topless dancing, Weiner said.

When Does Surveillance Become Stalking?

Surveillance is a critical skill for any private investigator (PI). In our investigative agency, over half our cases, from criminal defense to personal injury, require some degree of surveillance. For PIs who specialize in insurance or infidelity investigations, surveillance can be the bulk of their work.

Sometimes the issue arises of when legal, permitted surveillance crosses the line into stalking. A rule of thumb is to analyze one's motive for conducting surveillance. If the performed surveillance serves a purpose for obtaining information that PIs usually obtain, courts will generally uphold rigorous surveillance. Below are two separate case examples, the first where a state court found that a PI's actions were stalking, the second where a state court found that the PI's surveillance was in the course of legitimate investigative activities.

New Hampshire Supreme Court Case: *PI Found to Be a Stalker*

In the state of New Hampshire, one variety of stalking is when there is repeated, unwanted contact between a protected person (with a restraining order) and the restrained person (or their agent). There is an exception to this type of stalking in those instances for "conduct that is necessary for a legitimate purpose." This encompasses "legitimate" domestic relations surveillance to prevent child support fraud or to uncover bad living conditions for children. However, a PI learned the hard way it does not cover "leaning on your ex" according to *Miller v. Blackden* 913 A. 2d 742 (NH Sup. Ct. 2007).

A New Hampshire woman convinced the state court that her ex-boyfriend hired a private investigator, also his personal friend, to stalk her. In the history between the woman and her ex, he'd broken into her home several months after breaking up with her and a few months before hiring the investigator to follow her. The PI followed the woman on 6 occasions in a 24-hour period. During this time, she claimed he parked outside her home at night with his vehicle lights off, followed her the next morning to her son's school, drove past her at the school while "staring her down" as she dropped off her child, and drove past her again when she picked up her son later that afternoon. It seems the PI sealed his fate that same day when he followed the woman to the courthouse and waited for her as she filled out the court paperwork for a restraining order against him.

At the hearing, the PI cited private investigator privilege and refused to tell the court why he had been following the woman. The court found it significant that there was a history of illegal activity on the ex-boyfriend's part and concluded the PI's conduct caused "a reasonable person to fear for their safety." All of this compelled the New Hampshire Supreme Court to confirm that stalking had taken place and that the PI could not claim his "conduct had a legitimate purpose."

This case teaches us that a private investigator must:

1. Have a legitimate purpose for surveillance
2. Conduct it in such a way that he/she does not strike fear into the heart of a subject who has been recently victimized
3. Look carefully at a client's motives for conducting a surveillance.

Continued on page 14

I API is pleased to welcome these new members to our Association

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The next example is a court upholding a PI's rigorous surveillance activities:

Michigan Supreme Court Case: *PI Absolved of Stalking Accusation*

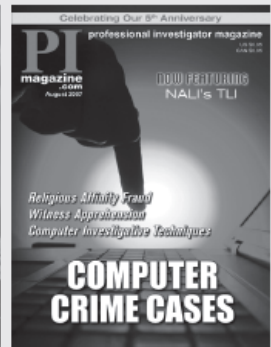
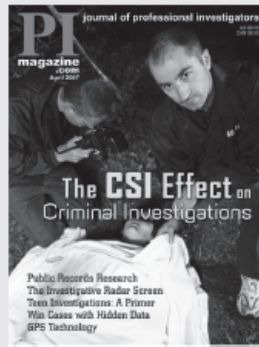
A few years ago, an individual in Michigan sued a PI firm for a violation of the Michigan stalking law for actions the investigators took during an insurance surveillance (Nastal v. Henderson 471 Mich. 712, 619 N.W.2d 1 2005).

The PI firm fought the case all the way to the Michigan Supreme Court, which agreed with the PI firm that "surveillance by private investigators contributes to the goal of obtaining information and amounts to conduct that serves a legitimate purpose. Even though plaintiff observed the investigators following him more than once, this is not a violation of the stalking law." (In summary, the Michigan Supreme Court dismissed the lawsuit outright and never allowed it to the stage where a trial was held.)

Stalking Laws

The legal definition for stalking varies across jurisdictions. State laws differ regarding victim fear, emotional and/or physical distress, and intent of the stalker. Some states require that the victim was in fear of the stalker, others require only that the stalking behavior might cause a reasonable person to experience fear. Add to this that states vary on what level of fear is required. In our state, Colorado, it is a felony to repeatedly follow someone (who is protected by court order) and cause them "severe emotional distress." Interstate stalking is defined by federal law.

To play it safe, conduct surveillances that recognize and respect others' privacy rights and personal boundaries, and are conducted for the sole purpose of gathering evidence. Like the Eagles song "On the Border," a PI needs to stay on the border, walkin' the line.



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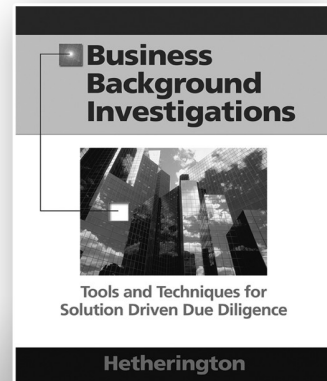
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