

# JOURNAL

*South Carolina Association of Legal Investigators*

SCALI Journal July-August-September 2010 - Vol. 26, No. 3

**Fall Conference  
October 22, 2010**



*A. B. Brislin*

IN MEMORY OF ED FEWELL

# SCALI President's Message:



*Dear Members:*

*I hope you all had a great summer. Now, as we settle into the last quarter of the year I hope you all have plans to attend the Fall Conference in Columbia on Oct. 22. Mike Spane and Ken Robison promise a wonderful conference with great speakers and connections with fellow investigators. I hope to see you there.*

*As I reflect on our year, I am both sad that we have lost Art and Ed who we will miss so much, and grateful that we have such a fabulous Association with members who deeply care about each other. I often hear from other Association members and officers that they hear great things about SCALI. We have a great reputation across the country the Regional Directors and I continue to promote SCALI nationally at conferences and the Hit the Hill Campaign.*

*Before you know it, our next Spring conference will be here. Mike Arrington and Robert Todd are working on a site and date and we will let you know that information soon. We would love your thoughts on speaker topics and "breakout" ideas.*

*Finally, I want to welcome all of the new members since the last Journal edition and say a very enthusiastic thanks to Ken and Donna for their continued hard work to make our Journal one that we can all be proud of. I continue to be honored to serve as your director and my door (or email box) is always open for suggestions from you.*

*Respectfully,*

*Vicki*

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PRIVATE  
INVESTIGATION

TO FURTHER THE  
SPIRIT OF  
COOPERATION AND  
MUTUAL  
ASSISTANCE AMONG  
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TO FURTHER A MUTUAL  
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WILL AND FRIENDSHIP  
AMONG  
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TO MONITOR AND  
TAKE  
ACTION ON ANY  
LEGISLATION THAT MAY  
AFFECT OUR  
PROFESSION

TO UPGRADE THE  
PROFESSIONAL STAN-  
DARDS OF OUR OR-  
GANIZATION AND ITS  
MEMBERS THROUGH  
CONTINUED  
EDUCATION

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## Inside This Issue:

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# From The Editor's Desk:



*Well, it's been a LONG, HOT, SUMMER, I'm sure most of you will agree!*

*Hopefully it has been a productive and profitable one as well.*

*Fall is on the way and it won't be long until the Fall Conference and then time to turn the clocks back that one hour!*

*Where does time go?*

*With vacation season essentially over, it's finally time to put the nose to the grindstone and hammer out as much work as we can before the holidays are upon us. So let's get down to business.*

***First**, PLEASE check out the page across from me! We do need some more advertisers and are ready and willing to help you in anyway possible! This includes FREE design work!!!!*

*Also, please note that for the year 2011 the inside cover will be available. This page is a COLOR page, so let's not waste it. We are looking for that bold, aggressive advertiser willing to make use of that exclusive and high profile spot!*

*Also, the back inside cover will be color as well next year, so let's ante up folks! I know some of you are struggling, but some of you have business out the roof as well!*

***Secondly**, I hope you will read and participate in the discussion that has been going on here in our group concerning the licensing of forensic or digital media examiners! THIS AFFECTS EACH AND EVERYONE OF US AND IS WHAT SCALI WAS CREATED FOR!*

*PLEASE support Dave and our other members involved in the HIT THE HILL campaign at the end of the month and every calendar day!*

*It's important to set the rules, not fall victim to them!*

*Have a great Fall season!*

*Looking forward to seeing you all at the FALL CONFERENCE on October 22, 2010 in Columbia!*

*As for me, gotta plane to catch! Sioux Falls, South Dakota is calling my name!*

*Donna*

*I want to take a moment to thank the contributors of paid advertisements for this most recent issue of the SCALI Journal. It is because of their support that Donna and I can continue bringing the membership such a quality publication.*

**Ken Walters**

We are seeking more advertisers. We can even help with the production of the ad if you want us to. We will accept all sizes, business card, quarter page, half page and full page. We even have the Directory Listing available for \$10. If we don't already have a heading you want for the listing, we can make one.

For the next ten days – September 9 – September 19, if a new advertisement is purchased and committed for the next four issues, I will move the ad to the next size up at no additional cost. So if you purchase a half page ad, you will get a full page for the cost of a half page and so on.

If you want to purchase a full page ad in the next ten days, and again, commit to the next four issues, then I will give you the 5th issue free. – Also, for every paid full page ad, you get FREE Directory Listing.

Again, below are some of the faithful advertisers who have been committed to helping bring the Journal up to a quality standard.

Thank you for advertising.

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*Ken*



## **Upstate Region Marty Henderson**

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*Don't forget our luncheon!*



## **Coastal Region Don Wilson**

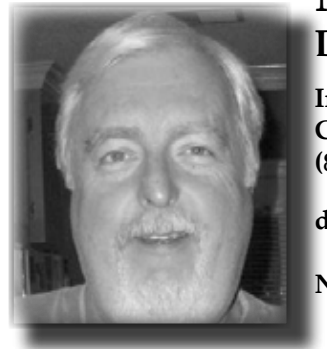
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The SCALI Coastal Region will schedule a meeting prior to our SCALI Fall Conference. All Coastal members are encouraged to attend the SCALI Fall Conference in Columbia, October 22, 2010, to be hosted by Mike Spane and Ken Robison of Hawkeye, which is expected to be a great conference, as always. Just be careful on those marble bathroom floors; ouch. The preceding Coastal Region meeting will be held in Beaufort this time, probably in late September, and the details will follow.

A special thanks to all who helped, supported and attended Coastal's Spring Conference; the members made it happen, again.

Don



## **Midlands Region Dave MacDougall**

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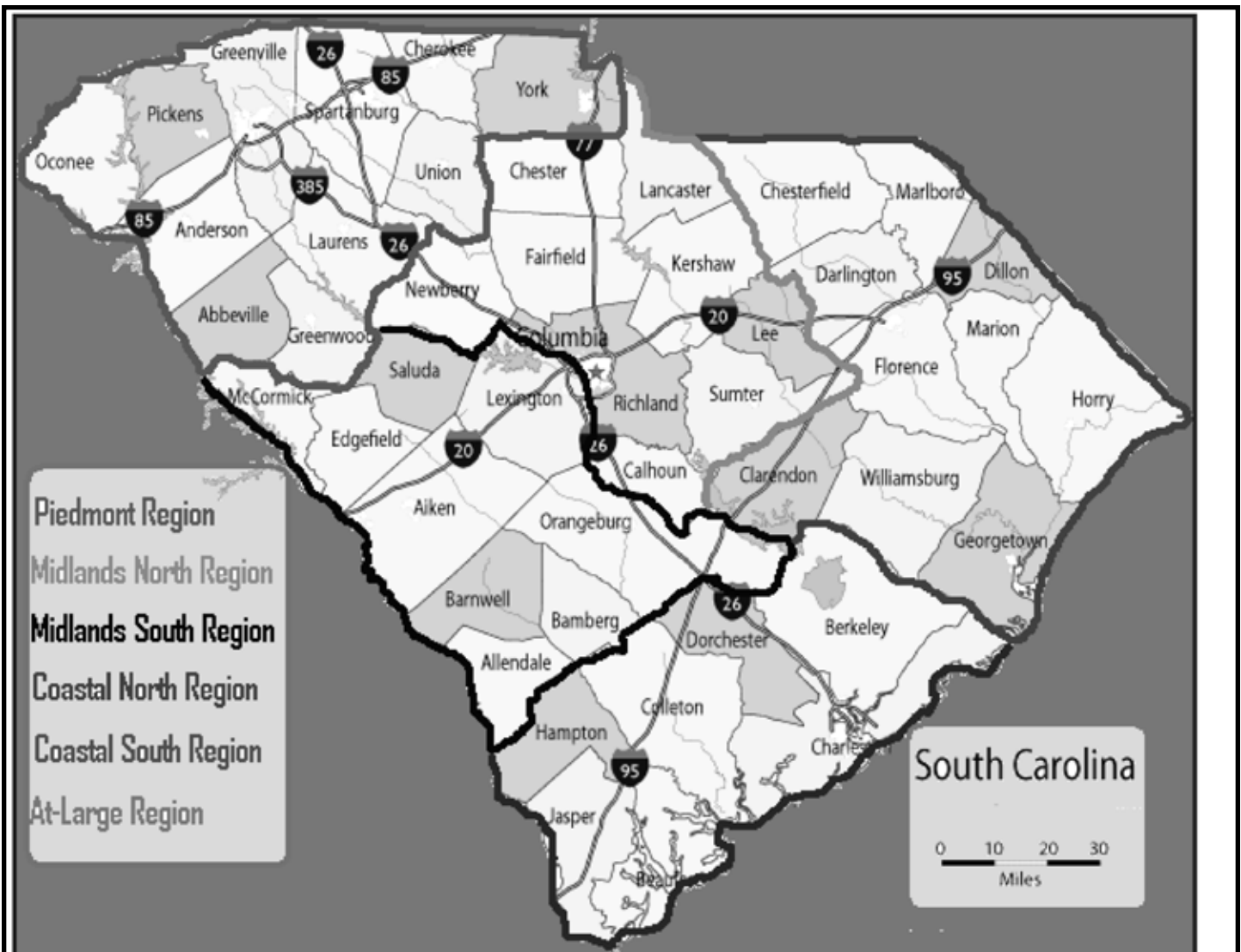


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No Report





## APPROVED REGIONAL CHANGES

The graphic above is the suggested, or as reported in the last Journal “approved” map for redistricting the regions, creating six as opposed to four regions. As you can see by the map, the large Midlands and Coastal regions would be divided into, allowing room for two more Regional Directors.

If you have a comments or concerns about this matter, please contact the Executive Committee. The Regional Directors contact information is provided on their page.

**South Carolina General Assembly  
118th Session, 2009-2010**

**S. 1237**

**STATUS INFORMATION**

**General Bill**

**Sponsors: Senator Setzler**

**Document Path: I:\s-resmin\drafting\ns\010comp.tcm.ns.docx**

**Introduced in the Senate on March 2, 2010**

**Currently residing in the Senate Committee on Labor, Commerce and Industry**

**Summary: Private security and investigation agencies**

**HISTORY OF LEGISLATIVE ACTIONS**

<b>Date</b>	<b>Body</b>	<b>Action Description with journal page number</b>
3/2/2010	Senate	Introduced and read first time SJ 12
3/2/2010	Senate	Referred to Committee on Labor, Commerce and Industry SJ 12

View the latest legislative information at the LPITS web site

**VERSIONS OF THIS BILL**

3/2/2010  
A BILL

**TO AMEND SECTION 40 18 140 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM CHAPTER 18 OF TITLE 40 PROVIDING FOR THE LICENSURE AND REGULATION OF PRIVATE SECURITY AND INVESTIGATION AGENCIES, TO PROVIDE THAT THE CHAPTER MUST NOT APPLY TO ANY PERSON BASED SOLELY ON BEING ENGAGED IN COMPUTER OR DIGITAL FORENSIC SERVICES OR THE ACQUISITION, REVIEW, OR ANALYSIS OF DIGITAL OR COMPUTER BASED INFORMATION OR SYSTEM VULNERABILITY TESTING.**

Be it enacted by the General Assembly of the State of South Carolina:

**SECTION 1. Section 40 18 140 of the 1976 Code is amended to read:**

“Section 40 18 140. (A) This chapter does not apply to:

- (1) an officer or employee of the federal government, or of this State or a political subdivision of either, or of a municipal corporation while the employee or officer is engaged in the performance of official duties;
- (2) a person or firm engaged as a consumer reporting agency, as defined by the Federal Fair Credit Reporting Act, when gathering, processing, or reporting information directly related to a credit rating or credit status;
- (3) an attorney at law while in the performance of his duties; or
- (4) a person, as defined by Section 38 1 20(29), licensed or authorized by the Director of Insurance to transact business within the State, when performing duties directly related to that license or authorization.

(B) This chapter must not be applied to any person based solely on being engaged in the following:

- (1) computer or digital forensic services or the acquisition, review, or analysis of digital or computer based information, whether for the purposes of obtaining or furnishing information for evidentiary or other purposes, or for providing expert testimony before a court; or
- (2) network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network.”

**SECTION 2. This act takes effect upon approval by the Governor.**

**XX**

# S.1237

## *Most Excitement In SCALI In Sometime We Need To Act!*

*Recently this bill came to the attention of our membership and has spurred some lively discussion on our internet group!*

*This is exactly what SCALI is about and what we need to focus ourselves on as a group to see that this works for us and not against us!*

*SCALI needs to act as a whole and in a professional manner to see that the right information is disseminated and that legislation such as this is decided upon with ALL the facts! If we do not protect ourselves and set standards then who will? People who have their own special interests at heart and none of our interests.*

S 1217 died when the session ended in June. However, I think it will be re-introduced when the new session starts in January.

We need the thoughts of our membership so we can take

Digital forensics is an investigation service and should be regulated by each state as they see fit. Is SC the PI license or a separate license managed by SLED similar to the PI license is a good way to go. I can compare this need for having a license to the Public Accounting industry as I am a licensed CPA in Georgia. Though there is a uniform national exam, CPA's are licensed by each state. So as a CPA I can do work for

This is being pushed by large out of state national companies who want to be able to compete for busi-

a unified stance on behalf of SCALI.

Personally I believe that if Digital Forensic Examiners are going to be licensed it should not be as a Private Investigator. There are

the public in Georgia, but not South Carolina. Computer forensics needs to be regulated in the same way to protect the citizens of the state. To be honest, every argument I have ever heard about why states should not regulate/license Digital Forensics Investigators can be equally or better made for the Public Accounting, but all of this is irrelevant because the regulation/license issue is there to protect the citizens of the state.

ness with SC PIs without having to get licensed here. It's a terrible idea. SCALI should be worried about

many eminently qualified digital forensic examiners who would not qualify as a PI but can still disassemble a computer or cell phone while blindfolded.

If they don't know how to

Once the state government begins to give up its right to protect the citizens of its state for something like Computer/Digital Forensics services being offered to the general public they open the door for other professions to do the same. They also then have no way to ensure a professional have a minimum level of skill/ability in a profession, or has a bond or insurance to compensate a customer if they mess up or lie about their abilities.

this. I have been asked for input by Sen. McConnell's legal aid. Any comments you have should be directed

maintain a chain of custody or handle evidence then that becomes their problem. If anything I'd support a separate licensing procedure for "examiners" but not under the PI law.

**Dave Mac Dougall**

We did try to improve the regulating of digital Forensic professionals in SC that were offering their services to the public, but it was shot down by the profession. Yes there were valid concerns, but a resolution was never found. Maybe it is time to find a resolution and not only oppose this bill, but offer one of our own.

Just my thoughts – **Frank Grindstaff**

to him, J.J. Gentry at the SC State Senate, or to Senator McConnell.

**Steve Abrams**

This particular bill, S1237, was introduced by Senator Setzler [D/Lex] on behalf of a Columbia computer expert whose name escapes me at this moment. He is operating on his own and since he is a computer expert wishes to do computer forensics without having to be licensed as a PI. I don't believe he is part of any national organization.

**Dave Mac Dougall**

The person you are thinking of is close to some of the people at SLED. He designed the constable website. He has a constable commission and was doing investigation work for hire. My understanding is that he got turned in to SLED for doing work without a PI license, and they couldn't bend the rules for him without changing the law. But he is a small fish in this saga, and his personal interest in this is not the primary driving force for the Senate bill. (if anything he is just a straw man for the real players behind this bill.) There has been a constant effort of the national computer forensics organization HTCIA to do away with all state laws requiring licensure for digital forensics

investigators. Their efforts here in SC pre-date this person. A few years ago, they co-opted the Science and Technology committee of the American Bar Association and pushed through a resolution by the ABA House of Delegates that no states should require licensure for digital forensics investigators. A computer security training company, and a few very large national computer forensics vendors were the primary force behind HTCIA's push for the ABA resolution. One could see that without state license laws these commercial interests would benefit from nationwide business opportunities (without the expense of licensure on a state by state basis.)

NC fell for the pressure from the ABA and HTCIA and deregulated digital forensics in 2008-9. Within a year they were seeing problems with the lack of regulations and lack of accountability to the State. I was contacted by a state official from NC and asked to share with them the proposal we had given to SLED in 2008 to strengthen SC digital forensics regulations. Dave, as you recall, it was because of valid objections from you and others not wanting to require PIs to have additional credentials to print or copy data from clients' computers or vehicle black boxes that the effort to draft specific regulation for digital forensics investigators was put on hold.

No one is telling the national firms that they cannot do work here in South Carolina, but they need to be licensed just as each of us do. All we want is a level playing field, and a means of holding all digital forensic vendors responsible if they offer substandard services to the public, or lie, cheat or steal in the course of their work in and for SC Courts. I would much prefer changing the law to allow PIs to also have Constable Commissions, rather than deregulating the investigative professions so a constable can do investigations for hire without a license.

**Steve Abrams**

Constable,

If the information I was told about you by SLED was incorrect I apologise for any mistake of fact that I may have repeated on this non-public members only list-serv. While I am not exactly sure how you got access to the SCALI listserv, since you are not a SCALI member, I welcome your input to this debate, although I disagree with your position almost totally based upon my experiences in over two decades of computer forensics work. Without state regulation of the investigative professions the public and the justice system are inevitably harmed.

The investigation professions are regulated in South Carolina Code of Laws Title 40, Chapter 18, which begins,

"As used in this chapter, unless the context otherwise requires, the term:

(A) "Private investigation business" means engaging in business or accepting employment to obtain or furnish information with reference to the:

(1) identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of a person;

(2) location, disposition, or recovery of lost or stolen property;

(3) cause or responsibility for fires, libels, losses, acci-

dents, damage, or injury to persons or property; or

(4) securing of evidence to be used in a criminal or civil proceeding, or before a board, an administrative agency, an officer, or investigating committee"

Every one of the more than 700 computer forensics investigations that I have performed was aimed at "securing evidence to be used in a criminal or civil proceeding," and was aimed at determining the "identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of a person."

As such every digital

forensics examination falls squarely under the definition of private investigations business.

Also in all my 25 years of travels around the country and the world working for the DoD and private and public clients I have met many outstanding digital forensics investigators. I have also taught digital forensics to law enforcement and friendly foreign governments' military investigators, and in every class I have taught and every investigator I have observed the use of a good investigations database whether commercial (like IRB, Tracers, or LocatePlus), or government databases (like NCIC), have always played a major role in the process of knowing what leads to follow in the extraction of data from the digital

device. Digital forensics examiners are investigators, use the same tools as PIs, and have the same goals for the outcome of their investigations.

Public policy dictates that investigators be licensed and regulated so the public is not harmed by dishonest or incompetent investigators giving untruthful evidence in court. Many states require PIs to be licensed for just this reason. Some states require a written exam to get a PI license. I took one to get my New York PI license. This ensures competency. I agree with you that just having a PI license does not guarantee the special knowledge needed to do a good job of extracting and interpreting data from digital devices.

Frank and others on this listserv have suggested that there be a new digital

I am also curious/concerned that the Constable has access to the SCALI listserv, however I'll leave that matter to others.

Addressing some of the issues raised, first and foremost, what other state legislatures do is of only minor intellectual curiosity to me. I live and practice my craft in SC. The law, as Steve quoted is quite clear:

"As used in this chapter, unless the context otherwise requires, the term:

(A) 'Private investigation business' means engaging in business or accepting employment to obtain or furnish information with reference to the:

(1) identity, habits, conduct, business, occupation, honesty, integrity,

forensics examiner license. I agree that this would be ideal. The realities of government finance make it difficult to create a new license because every license issued by a state must have an agency who issues it and oversees the licensees thereby created. We tried to stake out a middle ground two years ago by creating a digital forensics endorsement to a SC PI license in much the same way as North Carolina had created special endorsements for specialities within the investigative professions there. To obtain an endorsement the prospective endorsee must demonstrate proficiency to a minimum standard set forth by the agency overseeing the program. We had such a program sketched out by a SLED Ad Hoc Committee on Computer Forensics two years ago. Because of concerns about requiring

credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of a person;  
(2) location, disposition, or recovery of lost or stolen property;  
(3) cause or responsibility for fires, libels, losses, accidents, damage, or injury to persons or property; or  
(4) securing of evidence to be used in a criminal or civil proceeding, or before a board, an administrative agency, an officer, or investigating committee"

If I collect such information by knocking on doors and interviewing friends/family/neighbors, I have to be a licensed PI. If I collect such information by sitting in

PIs to obtain additional credentials to do what they were already doing, the proposal died in committee. I would love to see a separate digital forensics license, however I have concerns about requiring PIs to obtain two licenses to do computer forensics, something they can already do under their PI licenses. As much as we have struggled with this issue, the system we now have in place seems adequate. It does the job of assuring investigators are of good character, and are answerable to the State of South Carolina if they do something improper. From my experience, people of good character will take it upon themselves to get adequately trained to do digital forensics before working for the public in order to protect their reputations.

The regulations for commissioning Group III constables

a vehicle and using night-vision goggles, monitoring hidden cameras and/or microphones and take photos surreptitiously, I have to be a licensed PI.

If I collect such information from a subject's computer or cell phone... I \*shouldn't\* have to be a licensed PI???

C'mon, I collect much the same info as the "traditional" PIs do. I have to follow chain-of-custody standards; I am subject to having to testify in Court where such testimony could literally be damning. I and fellow practitioners \*should\* be held to the same high standards as other PIs.

Folks, the job is the same, only the technology has changed to catch the guilty

also assures these things, good character and making one answerable to the State of South Carolina. Maybe rather than exempting digital forensics investigators from the PI statute we should explore allowing Constables to do some limited investigations work such is digital forensics for private clients while they are not working for the State. Law enforcement officers are already exempted from the PI statutes and regulations.

There has to be a workable solution to this issue that doesn't leave the public and the courts vulnerable in the way that lifting all license requirements on digital forensics examiners will.

**Steve Abrams**

(or exonerate the innocent). So, some out-of-state companies don't like our laws? Too bad. I don't like some of the laws in other states. I don't live or work there (cough "California" cough).

The HTCIA doesn't like our laws in SC? Too bad. I dropped my membership when their ban on doing defense work was going to prevent me from assisting an accused criminal. (Turns out he was guilty as all h3!!, but that's a story for the hospitality suite in a few weeks)

But, oh my, it's nice to see a spirited discussion on this board again! ;)

**Austin Troxell**



I think they should have their own license and regulated by the digital forensic police. I think they should have a yearly renewal fee of \$ 532.71. BUT, they should be entitled to a REAL copy of a license, similar to our drivers license, CWP license or our NC PI license and not some cheap piece of cardboard that can be easily and legally reproduced and does not fit into a standard size wallet.

**Ken Walters**

We as Investigators are regulated, therefore, they should also be regulated. They need to be licensed either as a P.I. or a Forensic Examiner license needs to be created. Just my thoughts.

**Marty K. Henderson**

Since Forensic Examiners (computers, phones, etc.) actually perform investigations, I.e. finding evidence for use in a court of law. This activity falls under the definition of the current PI laws.

Just my opinion.

**Bob Joseph**

I agree with Bob. It appears to be covered under a PI license at this time. But just a word of caution. The govt needs money right now. Be careful what you ask for. They are more than willing to put as many restrictions on us as we are willing to let them, but it'll take more time and people to monitor it. We may end up paying more for license ourself.

**Bonnie Carter**

I definitely agree.

First, If they provide digital forensic services to the general public or any other entities they should be certified and qualified....

Being regulated is also very important as I have observed some who claim to be a forensic examiner after a class or two pertaining to qualifications of the science...

**Guy Johnson**

Just to chime in, I believe that if they are conducting any type of investigation where information of any kind is being gathered for any type of a client, they should have to be licensed and monitored.

**Frank Rimsek**

When I spoke with Ben Moore about this bill some months ago, he assured me that if/when it goes forward SLED will aggressively oppose it. That said, time will tell. I agree that a license/proof of qualifications should be mandatory and if that falls under the SLED Regulatory umbrella, perhaps they should help define how these folks will be licensed. If they are taking \$\$ to conduct an investigation, then as it stands right now, the PI licensing would apply.

**Vicki D. Childs, MS**

I've been reading the debate about the proposed legislation to exempt computer/digital forensic examiners from private investigation agency/investigator licensing with great interest over the past couple of days but due to travel, have only now had the opportunity to weigh in. Because I hold agency licenses in three states (SC, GA, and FL) but for the most part limit my practice to forensic analysis of recorded media (video, audio, and photographic), I can see some legitimate points raised by both sides.

On one hand, the public and the courts should be protected from dishonest, unscrupulous, and incom-

petent practitioners. On the other hand, the law in its current form only accomplishes the former, not the latter.

Messrs. Abrams and Troxell both enjoy well deserved sterling reputations, and any client would be well served by engaging either of them, but the fact that they have the necessary training, skills, and expertise to conduct these complex analyses competently is incidental to, not because of current statutes and regulation by SLED.

Of course, Steve is a member of the Bar and is no longer required to maintain private investigation licens-

ing, which leads into my next point: exemptions.

At the risk of redundancy, I've included the portion of the statute that defines who must be licensed, as well as the two sections that contain statutory exemptions, plus answers to frequently asked questions furnished by SLED Regulatory:

**SECTION 40-18-20.  
Definitions.**

As used in this chapter, unless the context otherwise requires, the term:

**(A)** "Private investigation business" means engaging in business or accepting employment to obtain or

furnish information with reference to the:

**(1)** identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of a person;

**(2)** location, disposition, or recovery of lost or stolen property;

**(3)** cause or responsibility for fires, libels, losses, accidents, damage, or injury to persons or property; or

**(4)** securing of evidence



to be used in a criminal or civil proceeding, or before a board, an administrative agency, an officer, or investigating committee. [emphasis added]

**SECTION 40-18-80. Security officer registration certificates; application; qualifications of applicants; report of arrests; exemptions.**

(D) A person is exempt from the registration and licensing requirements of this section when the employer is not a private investigation business and the employee is exclusively employed by that employer. The exemption from registration and licensing requirements applies only to work performed for the exclusive employer. If the person, during the period of his exclusive employment, performs or is available to perform investigative work for a different employer or more than one employer, the person must obtain a private investigation license or registration pursuant to this section.

**SECTION 40-18-140. Exceptions from application of chapter.**

*This chapter does not apply to:*

(1) an officer or employee of the federal government, or of this State or a political subdivision of either, or of a municipal corporation while the employee or officer is engaged in the performance of official duties;

(2) a person or firm engaged as a consumer reporting

agency, as defined by the Federal Fair Credit Reporting Act, when gathering, processing, or reporting information directly related to a credit rating or credit status;

(3) an attorney-at-law while in the performance of his duties; or

(4) a person, as defined by Section 38-1-20(29), licensed or authorized by the Director of Insurance to transact business within the State, when performing duties directly related to that license or authorization.

**QUESTION:** *I am a computer forensics examiner. Do I need a private investigations license to engage in this business in South Carolina?*

**ANSWER:** *Yes. If you accept a fee to secure or obtain [extract] information from any source, including a computer drive, with reference to the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of a person, or in reference to the location, disposition or recovery of stolen property, or as evidence in a criminal or civil proceeding, or before a board, an administrative agency, an officer, or investigating committee, you are required to be licensed as a private investigator in South Carolina (SC Code Section 40-18-20). However, acceptance of a fee to*

*merely examine such information after it is secured, obtained or extracted by another person for the purpose of offering your written and/or testimonial opinions concerning that information, then you are considered a consultant and are not required to be licensed as a private investigator in South Carolina.*

**QUESTION:** *I am an arson investigator residing outside of South Carolina. Must I have a South Carolina PI license to accept an investigation in South Carolina?*

**ANSWER:** *Yes. If you accept a fee to secure or obtain (in South Carolina) information with reference to the cause or responsibility for fires, libels, losses, accidents, damage, or injury to persons or property, or with reference to the location, disposition or recovery of lost or stolen property, or secure information for use as evidence in a criminal or civil proceeding, or before a board, an administrative agency, an officer, or investigating committee, you are required to be licensed as a private investigator in South Carolina (SC Code 40-18-20).*

*However, your acceptance of a fee to merely examine such information after it is secured or obtained by another person and your role is merely to offer written and/or testimonial opinions concerning that information, then you are considered a consultant and are not required to be licensed as a private investigator in South Carolina.*

*From my perspective, the current statute is vague, overreaching, and highly problematic because of one phrase, "securing of evidence". SLED's answers are somewhat self contradictory, and add language (the words "obtain" and "extract") not contained in the actual statute. I consider their answers to be self contradictory because in the case of both hypothetical questions, SLED states that one must be licensed to "secure or obtain [extract]" information "from any source", but no license is necessary to examine evidence or information "secured, obtained or extracted by another person..."*

*While the implied intent may be to allow experts in specialized fields to analyze evidence and opine on its meaning as long as they are not actually gathering the evidence from accident, crime, or fire scenes, there is nothing that effectively defines what constitutes "securing evidence". This is not just an academic curiosity either; it has very real implications.*

*For example, is Dr. Dan Demers, owner of the only ASCLD/LAB certified DNA lab in the state required to obtain a private investigation agency license? After all, he is quite literally extracting evidence - genetic material from items such as cups, clothing, sheets, etc. and maintaining a chain of custody, even though the physical evidence may have originally been gathered by someone else.*

*At present, there are no statutory exemptions for physicians (including foren-*

sic pathologists), forensic accountants, or engineers, even though these professionals are often called upon to analyze evidence, and may inadvertently "cross the line" by "extracting" tissue samples, records of hidden financial transactions, or metallurgical samples from a collapsed bridge, respectively.

How about drug testing labs? These labs routinely "secure evidence" in the form of blood, urine, and saliva for toxicology testing, the results of which may be used as evidence in legal proceedings. Then there are court reporters and notaries, who routinely "secure evidence", i.e., sworn affidavits and depositions. The law governing notaries specifically authorizes them to obtain testimonial evidence, but does not explicitly exempt them from private investigation licensing; see below:

#### SECTION 26-1-90.

##### **Powers generally.**

A notary public may administer oaths, take depositions, affidavits, protests for nonpayment of bonds, notes, drafts and bills of exchange, acknowledgments and proof of deeds and other instruments required by law to be acknowledged and renunciations of dower and perform all other acts provided by law to be performed by notaries public. [emphasis added]

*My point is this: despite its commendable goals, the current law is a MESS because of that one phrase and the absence of common sense exemptions for licensed or certified professionals in other specialties who may nevertheless handle evidence, and individuals who may "secure evidence" in the ordinary course of their paid employment on a purely coincidental basis*

*with no intent or expectation that the "evidence" may later be introduced in court or before a board.*

*In the case of my primary specialty, forensic video analysis, it would seem that as long as my client ships the videotape or archived digital video recorder files to me for processing and analysis, and I don't go out to the scene to retrieve or "extract" the video from the system, I don't need a license. But who knows how SLED may decide to interpret this law, or when I may need to go out to a store to retrieve video from the CCTV system because the manager doesn't know how, so I maintain a license anyway. Keep in mind that I'm working with surveillance video that was obtained by someone else; whether that's an investigator in a car with a camcorder or the person at the local "Stop 'n Rob" who pulled*

*the tape or disc from their CCTV system is irrelevant.*

*So, what's the answer? Ideally, there should be a license requirement for digital/computer forensic examiners, and possibly yet another class of license for "e-discovery" personnel who do not use forensic software to retrieve deleted files, and both of these licenses should have character fitness requirements in addition to professional qualifications. Do they need to be issued by SLED Regulatory, or would LLR suffice? No matter what, there should be changes to the existing law that address the current problems without creating more unintended consequences, but I'm not holding my breath...*

*Best regards,  
Jeff S. Spivack, CFC*

## ***I would like to highlight some recent contributions made by one of our own...***

SCALI Member Ken Walter (Carolina Investigations) has been interviewed at least twice in the past few weeks by a local TV station (CBS affiliate WSPA) regarding privacy concerns.

These are two very good segments that make even the most cautious of us pay attention to how our information is being handled (and the information of our children.)

**School Privacy Concerns** -- the online demo he did here is very effective.

<http://www2.wspa.com/news/2010/jul/13/pine-street-elementary-school-parent-has-privacy-c-ar-578305/>

### **County Tax Record Dumpster Diving**

<http://www2.wspa.com/news/community-watchdog/2010/jul/30/1/spartanburg-county-tax-records-found-dumpster-ar-644787/>

***Thanks Ken for taking the time to help educate the public-at-large!  
Clay Boswell***

# Congress Is Scheduled To Meet On Matters Concerning PIs

posted by PInow.com Staff | July 22nd, 2010

The Subcommittee on Commerce, Trade & Consumer Recent Meetings:

Two major developments are scheduled in Congress over the next few days of critical importance to private investigators and security firms.

First, the House Financial Services Committee has tentatively scheduled a vote next week on HR 3149, "The Equal Employment for All Act". That bill would prohibit employers from accessing credit reports. NCISS is joining with a coalition of major industry groups to ask the Committee not to consider the bill. We joined with the same group when Senator Feinstein proposed identical legislation as an amendment to the financial reform legislation, HR 4173, "The Wall Street Reform and Consumer Protection Act of

2009". That proposal was stopped in the Senate. In addition, our advocate met with staff of members of the subcommittee at the time that a hearing was held to explain how such reports are used by investigators. We may be calling on you to contact your representatives on this issue if the vote is formally scheduled.

In another critical development, the House Subcommittee on Commerce, Trade and Consumer Protection will be holding a hearing Thursday afternoon on major privacy legislation which could also have a dramatic impact on private investigators. The Subcommittee will be reviewing two bills that would require that notice be provided and consent be obtained from individuals from whom "sensitive" data are obtained.

HR 5777, "Building Effective Strategies to Promote Responsibility Account-

ability Choice Transparency Innovation Consumer Expectations and Safeguards Act" or the "BEST PRACTICES Act" by Representative Bobby Rush (D-IL) was introduced Monday. The subcommittee will also consider a similar draft bill by Representative Rick Boucher (D-VA), who chairs the subcommittee on Communications, Technology and the Internet.

Recent publicity regarding behavioral advertising, privacy changes at Facebook, and some practices by Google have increased pressure on Congress to act to limit data collection from individuals who have not granted their permission. Although the activities of private investigators do not appear to be the targets of the legislation, the definitions in these proposals appear to include investigative functions. Although the bills include numerous exceptions, none appears to

apply to private investigators. For example, HR 5777 exempts many businesses which collect information from or about less than 10,000 individuals in a year. But the exception does not apply to those who use "covered information to study, monitor, or analyze the behavior of individuals as the person's primary business". The exception also does not include those who collect "sensitive information".

We are contacting members of the subcommittee in advance of the hearing to show why private investigators need a clear exception under the bill. We will also work with subcommittee members following the hearing to prevent the legislation from impacting private investigators.

*Copies of the proposed bills can be found at the NCISS website, [www.NCISS.org](http://www.NCISS.org).*

## Court Rules Against Government GPS Tracking

The US Court of Appeals for the Third Circuit has ruled that police may not use GPS tracking for long term surveillance. Because two other federal circuits have ruled that police may use GPS tracking without a warrant, it is highly likely that the matter will be settled by the Supreme Court.

The decision does not directly affect the use of tracking by the private sector. But the heightened attention to the matter could raise public and legislative concern over any use of GPS to track individuals. This week the Wall Street Journal ran a major story about the use of cell phone tracking by stalkers. Tracking issues are continuing to draw attention.

Jimmie Mesis,  
NCISS Legislative Chairman

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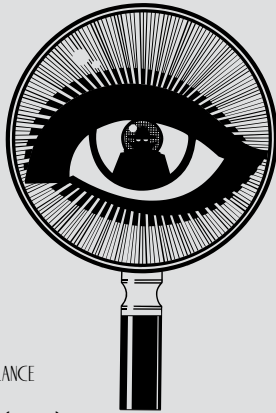
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# New SLED Arson Commander

The SLED Arson Investigation Unit is now under the command of Captain David A. Tafaoa. Lt. Bobby Shealy will remain the Arson Supervisor over the unit at this time, and if volume necessitates, another Lt. in the future may be considered to assist.

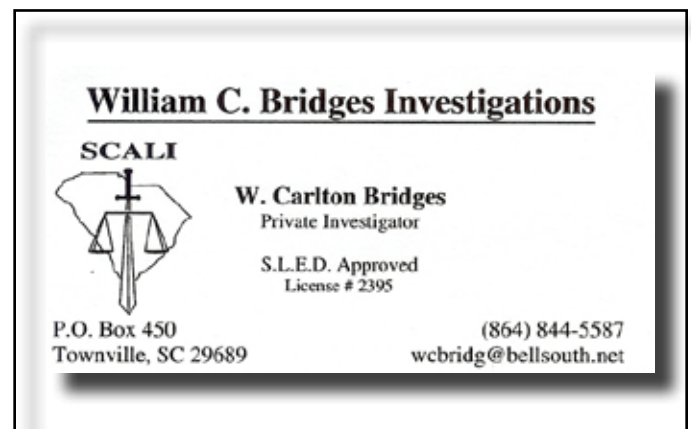
This is a positive move by Director Lloyd which will assist in combatting the crime of arson in South Carolina.


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# Security Industry Opposes Provision In Background Check Legislation

## Provision Could Remove Criminal Arrest Records From Background Checks

BY JOEL GRIFFIN,  
ASSISTANT EDITOR  
*SecurityInfoWatch.com*  
Updated: 07-22-2010 3:03 pm

New legislation intended to help improve the accuracy of the FBI's criminal history database could actually lead to the removal of criminal arrest records from a person's background check.

Under a provision in the "Fairness and Accuracy in Employment Background Checks Act of 2010 (HR 5300)," a person's arrest record would be dropped from the database if the disposition of the case remains unknown or cannot be determined after one year.

The proposed legislation has led to an outcry from those in the security industry that rely on the database

to determine if a potential employee is eligible to work for their business.

"We're concerned that criminal histories would no longer be accurate," said Larry Sabbath, who represents SCOLA (Security Companies Organized for Legislative Action), a coalition of various security guard, armored car and private investigations companies. "If there is an arrest and the trial doesn't take place for more than a year or they don't get the information back from the states for more than a year, it just gets dropped out as I read the bill. We don't think that is a logical way to

handle things and it would mean that the regulatory authorities who decide, for example, who should get a license as a security officer or a private investigator or who should be able to obtain a weapons permit, might not have knowledge that someone was pending trial for a felony."

Sabbath added that while they agree with making the database more accurate, they disagree with the proposed solution and would like to see the provision dropped from the bill. He said that SCOLA is currently in talks with several members of Congress, as well as other industry as-

sociations, to make them aware of their concerns about the legislation.

Jack Lichtenstein, vice president of government affairs and public policy for ASIS International, said the provision in the bill also presents problems to members of his organization, though they haven't taken an activist position on it yet.

"We've looked at the bill. We don't see it moving very quickly, if at all," he said. "We are keeping an eye on it. We are extremely supportive of these other organizations and we feel very much the same way they do."

## Gansler & P.I. Firm Settle

By Keith Loria  
*Baltimore (Legal Newswire)*

Maryland Attorney General Douglas Gansler announced on Wednesday that his office has reached a settlement with a private investigation firm over allegations that it took money from clients and never provided services.

Donaldson Investigations LLC, an Anne Arundel County-based private investigation company,

and Jerry Donaldson, its owner, were also allegedly debited money from clients without telling them first.

"Consumers need to know when the companies they hire to perform a service take money out of their bank accounts," Gansler said. "We are pleased that Donaldson has agreed to change the way it does business and

resolve the complaints we have received."

Although Donaldson Investigations denied it violated any laws, the company agreed to stop withdrawing money from its customers' bank accounts without letting its customers know in writing at least 10 days in advance.

The company also agreed to deal with the com-

plaints that the Consumer Protection Division has received, or that come in within the next five years, using the attorney general's arbitration program.

The settlement also calls for the company to pay \$5,000 in legal fees and \$5,000 as a civil penalty, which can increase to \$20,000 if the company doesn't comply with the agreement.

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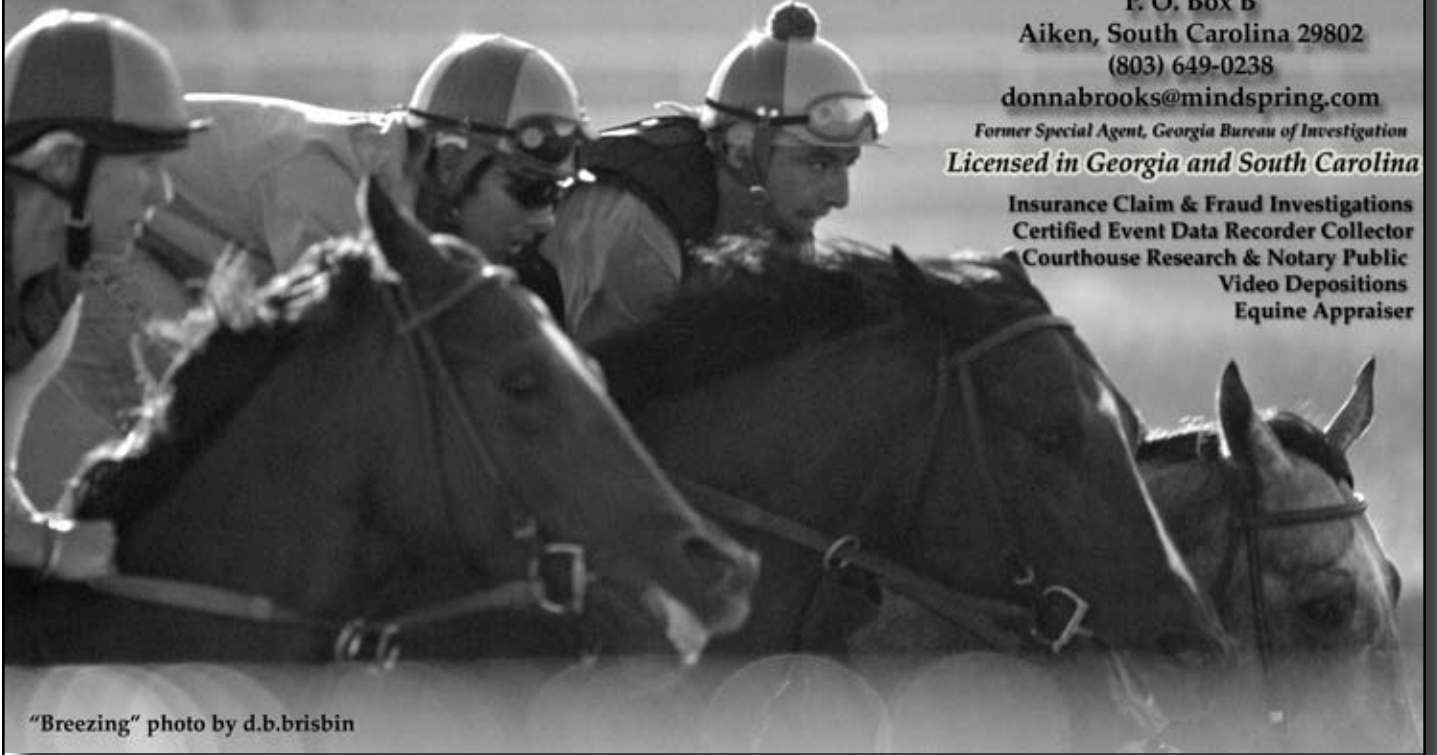
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# Privacy Regulators Combat Internet Giants

Jacquie McNish and Omar El Akkad  
Toronto — *Globe and Mail Update*  
Published on Tuesday, Apr. 20,  
2010 8:01PM EDT Last updated on  
Tuesday, Apr. 20, 2010 8:02PM EDT

The world's leading privacy regulators are joining forces to combat what they say is persistent and "willful" disregard by Internet giants such as Google Inc. of the rights of web users to protect their personal information.

Senior officials from 10 international privacy regulators, including Canada, told a Washington press conference that they have agreed to jointly investigate, audit and penalize companies that violate privacy laws across national borders.

The session followed the release of a public letter to Google that sharply criticized the California company for exposing the contacts of millions of its users of its e-mail service, called Gmail, when it rolled out its Google Buzz social networking application in February.

By flexing their muscle, the regulators are seeking to corral rapidly-growing web

giants, including Google and Facebook, that now house billions of gigabytes of information about users age, race, location and web-viewing habits.

To the companies, these rich stores of data represent a motherlode of demographic information that appeals to advertisers seeking a clearer picture of potential customers. To regulators, the data represent a potential minefield of legal issues because of the speed with which web giants can expose personal information.

"We are trying to warn the companies all over the world that there are privacy principles to obey," said Jacob Kohnstamm, director of the Dutch Data Protection Authority.

If companies don't comply, he said, regulators would take a number of steps, including "getting the public against the product," signalling that privacy officials may resort to public relations campaigns, rather than fines or reprimands, to compel companies.

The unprecedented collaboration of international

privacy cops was sparked by Canada's Privacy Commissioner, Jennifer Stoddart, whose early privacy activism has prompted web giants such as Facebook to tighten customer protection. In an interview, Ms. Stoddart said she proposed joining forces with her global counterparts at an OECD meeting in March, one month after Google Buzz was introduced.

"We were shocked. How could this thing be? How could you take people's private correspondence and then basically reveal to all the other people who you were most corresponding with?" she said.

"We are only asking online companies to do what happens in the bricks and mortar world and that is to respect the laws of the countries where they bring their product," Ms. Stoddart said.

Even though Ms. Stoddart and her counterparts said their concern extends to myriad Internet firms, they focused on Google as a proxy for those firms, singling out the world's most popular search engine.

Google's response indicated the company had no immediate plans to overhaul its privacy policies.

"We try very hard to be upfront about the data we collect, and how we use it, as well as to build meaningful controls into our products," the company said in a statement.

"We have discussed all these issues publicly many times before and have nothing to add to today's letter — instead we are focused on launching our new transparency tool which we are very excited about."

Google appears to have sped up the launch of that transparency tool, making it public Tuesday just hours after the privacy officials' critical letter. The tool turned out to be a list of all the times that government bodies have asked Google for users' data — an indirect way for the company to point out that many of its privacy breaches come at the request of the governments now seeking to scrutinize them more closely.

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# 2010 SCALI / NALI Fall Conference Schedule

## October 21 - 22, 2010



### Thursday, October 21, 2010

5:00 PM	Executive Council Meeting
7:00 PM	Hospitality Suite Opens - Embassy Suites

### Friday, October 22, 2010

8:00 AM	Welcome, Vicki Childs, SCALI Director & Michael Spane, Host
8:30 AM	Sheriff James R. Metts, Chain of Custody/Court Room Procedures
10:30 AM	Break
10:45 AM	Mark Moore, Esq. US Attorney's Office, / GPS Regulations
12:00 PM	SCALI Luncheon (Included) with SLED
1:30 PM	Phillip Keen, M.D. / Forensics and the Investigator
3:30 PM	Break
3:45 PM	Jeff Spivak / Video Forensics
5:00 PM	Closing Remarks / Presentation of Certificates & Adjourn
	<i>Continuing Education Credits are as follows: SLED Approved: 6, - by SLED: 2, NALI/GLI - 6</i>

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All pre-registered attendees will receive a Certificate of Attendance at the conclusion of the Seminar. Certificates *will not* be available prior to the conclusion of the program.

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# 2010 Fall Conference

SCALI, Inc. strives to have quality speakers in their respective fields. However, SCALI, Inc. is not responsible and can not be liable for the subject matter of any speaker presentation or content.

# Drug Firm Investigated FDA Officials

POLITICO 44

Janet Woodcock, director of the FDA's Center for Drug Evaluation and Research, is one of two officials Amphastar Pharmaceuticals paid to have investigated.

For more than two months in late 2008, private investigators working for a drug company gathered information on a high-ranking official at the Food and Drug Administration — unearthing details about her husband, two daughters and in-laws and retracing her steps on a business trip she took to Thailand.

The drug company, Amphastar Pharmaceuticals Inc., paid more than \$100,000 to Kroll, the New York-based private investigative firm, to uncover the information about Janet Woodcock, director of the FDA's Center for Drug Evaluation and Research, who oversees the agency's new-drug approv-

als.

At stake for Amphastar, a generic drug maker, was whether the FDA would allow it to bring to market a version of a prescription drug for blood clots and gain access to a market worth more than \$3 billion.

On behalf of the drug company, Kroll also investigated a second FDA official — Moheb Nasr, director of the FDA's Office of New Drug Quality Assessment, creating a file on him that included his birth date, the price he paid for his home and details of his education and professional background.

Amphastar says the investigation was done in order to find out if Woodcock or Nasr was unfairly favoring a competitor in the drug approval process and that it did nothing wrong.

"I feel like, as a citizen, you have a right to question your government and a right to look at public information," said Amphastar's general counsel, Jason Shandell. "There was no impropriety here."

Shandell said the investigation was limited to public records, database searches and other information available to the general public.

But the case has attracted the attention of investigators working for Senate Finance Committee Chairman Max Baucus (D-Mont.), who said it was "an outrage" and has demanded that Kroll tell him how often private detectives target public officials. He also had harsh words for Amphastar.

"Pharmaceutical companies should be focusing on getting their drugs approved

based on health research and science rather than wasting their resources hiring private investigators to snoop around the lives of FDA regulators and their families," he said.

The details of the drug company investigation, which came to light after committee investigators requested documents from Amphastar last fall, offer a rare glimpse inside the world of high-stakes corporate detective work.

At one point, the investigators hired a freelance reporter to file Freedom of Information Act requests, using her status as a journalist to request Woodcock's e-mails, phone records, voice mails, calendars and expense reports, among other documents — without mentioning that she was being paid for her efforts by a private investigative firm.

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# 10 Tips For Private Investigators To Conduct More Successful Surveillance

posted by PInow.com Staff | July 22nd, 2010

*Surveillance is an art form, not a science. Unfortunately many of its best lessons are learned through trial and error. Whether you conduct insurance defense or domestic investigations, surveillance is a large part of your day as a private investigator. The following 10 suggestions will help you conduct a more cost-effective and successful surveillance.*

## A Detailed Intake Sheet

Start by gathering as much information as you can from the client up front. This sounds pretty obvious but you'd be surprised. Many clients simply want to give you the subject's name, age and address and leave it at that. A detailed intake sheet draws together information above and beyond the industry standard: information such as doctor

appointments, therapy appointments, marital status, number of children, hobbies, etc. This allows for a clearer picture of the subject's routine and helps you avoid re-inventing the wheel out in the field. This information, together with a search of public and proprietary databases, will save you time and allow you to provide your client a more cost-effective investigation.

## Is Your Surveillance Vehicle Completely Forgettable?

If not, it should be. White, black, silver and gray are the most popular colors for cars. Beige and brown vehicles tend to be the least noticeable and, incidentally, get the fewest tickets. Red, yellow and custom paint jobs make your vehicle too noticeable. While you're at it, take a good look at your surveillance

vehicle and make sure it blends in to your environment. No bumper stickers, no window stickers, no vanity plates, no handicapped plates, nothing attached to the antenna, no custom rims, no after-market accessories and no body damage. Your vehicle should not be too clean or too dirty. The less noticeable your vehicle is the more successful you will be on surveillance. When it comes to tint don't just get limousine tent on

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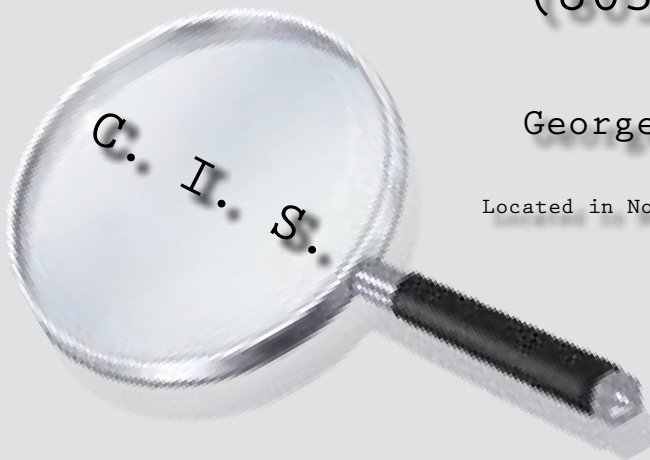
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your windows and forget about it. Limousine tint is often too dark for surveillance early in the morning and late at night.

A combination of dark tint, a windshield cover and black surveillance curtains is enough to mask your presence. Make sure you comply with your state's tint laws.

### **A Pre-Surveillance Check**

Very few companies conduct a pre-surveillance check because they're more concerned about their financial bottom line than providing quality work. With a pre-surveillance check the investigator drives by the subject's residence in the daytime the day before what would typically be an early morning surveillance. This allows the investigator to observe the correct address in daylight hours, observe what vehicles are present, locate a suitable area to set up and park, look for potential problems and scout ahead for likely exits. It's the first step in a more successful surveillance.

### **What Time Do I Start?**

Typically it's best to be in place for a workers' comp or liability surveillance by 6:00 a.m. Any later and you risk the chance of losing the subject or wondering if they are even home.

### **Moving into Position**

Move your surveillance ve-

hicle into position quickly, particularly in a residential area, and get set up. If you performed a pre-surveillance check you won't waste time circling the block twice or wondering where you'll set up surveillance. You'll simply move right into your pre-determined position. Look for spots that tend to make you less noticeable such as parking between two residences, next to large trees, walls or heavy vegetation.

### **Answering the Call of Nature**

One of the biggest mistakes made by not only rookies but seasoned investigators is thinking they can temporarily break off surveillance and grab lunch at a drive-thru or take a quick restroom break. It's practically a truism that the one time you do it, is the one time the subject decides to leave. Be prepared for a long surveillance by keeping a small ice chest in your vehicle. Fill it with water, energy bars, fruit, anything that's quick, easy and will give you energy. Of course that means when nature calls you're going to have to stay right where you're at. Old water bottles or half-gallon juice jugs are good for storing urine. Whatever you use make sure it has a solid lid. If you're a female investigator a water bottle won't do. You can purchase a small portable RV toilet which can be used again and again. Unfortunately, it'll have to be cleaned again and again.

### **Do You Possess Superhero Powers of Observation?**

It's easy to pull up on surveillance and crack open a paperback book. But you won't get very far in the surveillance world. Use your powers of observation and stay focused. Vigilance is its own reward. Is everyone's lawn mowed except the subjects? Is it trash pickup day and his cans are still on the side of his house? Are there bags of fertilizer in front of the subject's garage door? Use your powers of reasoning. Remember: people are creatures of habit. Men begin shaving on the same side of their face every time. Look to establish patterns in your subject's behavior.

### **Keep That Camera Steady**

Do your clients need Dramamine when they watch your videos? Technology, like Sony's "Steady Shot," has helped image stabilization. Go a step further and use either a monopod or a tripod.

### **Just the Facts, Ma'am ... Just the Facts.**

Your surveillance notes should contain clear and concise facts, not opinion. Write your notes as if you expect them to be subpoenaed. Any derogatory, inflammatory or discriminatory comments regarding the subject are unprofessional and could

hurt your client in court.

### **Follow That Car!**

Unfortunately, following someone is best learned by trial and error. Most of it seems obvious. For example, it's usually better to lose someone rather than be burned.

It's all about watching slightly ahead of the subject's vehicle and speculating what they will do. Will they make the light? If so, you'd better speed up. The distance you keep between your surveillance vehicle and the subject's vehicle is dictated by the kind of traffic you're in. Heavy traffic: stay close. Highway or rural traffic: you can allow some distance between you. When you begin following a subject try to look for anything on their vehicle that makes it unique, e.g., bumper stickers, window stickers, body damage, etc. Regardless of what kind of vehicle they're driving, as soon as you begin following them in traffic you'll see nothing but that particular model of vehicle.

*Scott B. Fulmer is a guest writer for PInow.com. Fulmer is President and CEO of Scott B. Fulmer Investigations in San Antonio, Texas, and has been in the private investigations industry for about 20 years. He is a Gulf War veteran and a graduate of the University of Texas at San Antonio.*

<http://www.sc.gov/Pages/OnlineServices.aspx>

# South Carolina Insurance Fraud Prosecutions:

## *Spartanburg Woman Pleads Guilty, Is Sentenced In Insurance Fraud Case*

Columbia, S.C. Sept. 1, 2010 -- A Spartanburg woman has pleaded guilty to insurance fraud.

Carolyn Davis, 70, pleaded guilty to presenting a false claim for payment over \$5,000.

She was sentenced Aug. 26 by Judge Joseph Derham Cole to five years and a \$5,000 fine suspended to 90 days or \$100 plus three years probation and \$4,225 in restitution to State Farm Insurance. The sentence was given in Spartanburg County Court of General Sessions.

(Total restitution of \$5,225 must be paid jointly by Davis and her co-defendant; Davis has already paid \$1,000, according to the court.)

Davis originally pleaded guilty on Dec. 17, 2008. Sentencing was delayed pending the disposition of her co-defendant's case.

On March 5, 2008, Davis reported her 2000 Ford Explorer had been stolen from a Bi-Lo parking lot while she was shopping, according to police. The vehicle was found burning nearby a short time later. She filed a claim with State Farm Insurance for vehicle theft and was paid \$5,225.

Police obtained a surveillance video from the store showing Davis being dropped off by her co-defendant, Reuben Jones. The video showed Jones driving away in her Explorer.

When Davis was shown the video, she confessed that she and Jones had conspired to burn the vehicle.

On June 29, Jones pleaded guilty to arson and presenting a false claim for payment over \$5,000 and was sentenced to five years incarceration and a \$5,000 fine suspended to one year of incarceration and five years probation plus \$5,225 in restitution (to be paid jointly with Davis).

The case was investigated by SLED agent Joe Jordan and Jerry Lawson of State Farm. It was prosecuted by the S.C. Attorney General's Office.

## *Upstate Man Pleads Guilty To Insurance Fraud*

Columbia, S.C. July 30, 2010 -- An Upstate man has pleaded guilty to insurance fraud in Spartanburg County.

Mark Wingo, 40, formerly of Moore, S.C., pleaded guilty on July 28 in Spartanburg County General Sessions Court to presenting false claims for payment of \$1,000 or less. Judge R. Lawton McIntosh sentenced Wingo to 30 days to be served concurrently with his unrelated six-month sentence for failure to pay child support.

On March 26, 2009, Wingo went to Lowe's store in Spartanburg County and took a package of drill bits from a shelf. The video shows him doing something near the floor, then replacing the package on the shelf. Wingo then showed a Lowe's employee a cut on his hand and said he had cut his hand on the packaging or while opening the packaging. Bloody packaging was found on the shelf; then a razor was found six feet away.

One hour later, Wingo made the same claim at Home Depot in Spartanburg. Lowe's and Home Depot communicated and discovered the dual claim, so both claims were denied.

The case was investigated by Danny Remion of SLED and was prosecuted by the S.C. Attorney General's Office.

## *Lyman Woman Pleads Guilty To Insurance Fraud*

Columbia, S.C. July 15, 2010 A Lyman woman has pleaded guilty in an insurance fraud case.

Tracy Rochelle Gage, 34, of Lyman, pleaded guilty July 13 in Greenville County Court of General Sessions to forgery, less than \$5,000. Judge Charles Pyle Jr. sentenced Gage to one year, suspended to one year probation and 30 days community service. Investigators said

Gage reported that her 1994 Mazda Navajo was stolen while it was on display for sale. The vehicle was recovered with damage.

Gage claimed the theft of an after-market stereo system from the car and produced a sales receipt of \$1,450. The receipt was submitted to AIG insurance for payment. Norton's Stereo told investigators the submitted receipt had

been altered. A true copy of the receipt showed that Gage had changed the amount from \$150 to \$1,450.

The case was investigated by SLED agents Joe Jordan and Danny Remion and AIG. It was prosecuted by the S.C. Attorney General's Office.

## *Myrtle Beach woman pleads guilty to insurance fraud*

Columbia, S.C. July 15, 2010 A Myrtle Beach woman has pleaded guilty to insurance fraud.

Sheila Gourdine, 35, of Myrtle Beach, on July 14 pleaded guilty in Horry County Court of General Sessions to presenting a false claim over \$1,000.

Judge Larry B. Hyman Jr. sentenced Gourdine to three years suspended to time served and three

years probation. She was ordered to complete 100 hours of public service employment. Hyman also ordered that the probation could terminate after one year if Gourdine had completed her public service employment.

Authorities said that in the early hours of July 23, 2007, Gourdine reported that her car had been stolen. She made a claim with her insurance company.

An investigation found that she had loaned her car to her stepson, who had an accident in the vehicle and fled on foot. Gourdine admitted that the car had not been stolen and she had filed a false claim with her insurance company.

The case was investigated by SLED and Bristol West Insurance Co., and was prosecuted by the S.C. Attorney General's Office.

## *Myrtle Beach Man Pleads Guilty To Insurance Fraud And Arson*

Columbia, S.C. July 15, 2010 A Myrtle Beach man has pleaded guilty to insurance fraud and arson.

Ernesto Lopez-Torres, 28, of Myrtle Beach on July 14 pleaded guilty in Horry County Court of General Sessions to presenting a false claim over \$5,000 and arson, third degree.

Judge Larry B. Hyman Jr. sentenced Lopez-Torres to 18 months on each charge, to run concurrently.

The false claim charge is a felony and can carry up to 10 years in prison and/or a fine of \$5,000.

According to investigators, Lopez-Torres' truck was destroyed by fire on or about Nov. 9, 2008. The defendant then made a claim to Safeco Insurance to be paid for the truck. He offered several explanations for the fire, but claimed it was accidental.

Lopez-Torres later admitted to a SLED officer

that he had been worried about money and had intentionally set the fire. He said that he poured gasoline from a soft drink bottle onto the passenger floorboard and lit the fire with a napkin. Lopez-Torres said he then jumped out of the truck but was almost killed in the fire before he escaped.

The case was investigated by SLED and Safeco Insurance and was prosecuted by the S.C. Attorney General's Office.



# The S.C. Insurance News Service Reports A Few Interesting Facts From The Attorney General's 2009 Report On Insurance Fraud:

By far the largest number of complaints came from automobile insurance fraud, at 493 of the 834 total (59 percent). Personal/commercial property fraud was next most common, at 13 percent of the total, followed by workers' comp (10 percent) and health/medical (9 percent).

Cases have been reported from all over the state and the 335 files opened break down by region as follows:

**Low Country: 30% (102)**

**Piedmont : 24% (79)**

**Midlands: 24% (82)**

**Pee Dee: 22% (72)**

*Richland County reported the largest number of complaints made, with 88, in an amount of \$1,628,174.*

*Greenville County had the largest dollar value of fraud reported, with \$2,226,496 (63 complaints).*

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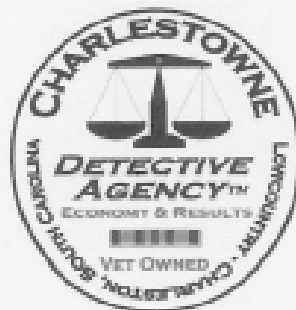
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### **Mission Statement**

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## ***Your Carolina Connection to Information***

Centurion Professional Services, Inc. is a full service investigative and security consulting corporation incorporated in North Carolina with offices located in Lake Norman and Charlotte, NC.

(Charlotte – Metropolitan Area)

Centurion Professional Services is licensed and insured in North and South Carolina and specializes in Confidential Investigations tailored to meet the unique requirements of our clients.

M.F. Barnes is a 30 year veteran of the Charlotte-Mecklenburg Police Department and graduate of The University of North Carolina at Charlotte and the FBI National Academy. He has considerable experience conducting criminal investigations along with threat assessment and internal investigations for the business community.

J.E. Barnes has 29 years of banking experience. She has considerable experience with banking laws. She is certified in areas of recovering judgments and asset tracking.

## ***PROFESSIONAL ASSOCIATION***

- Member FBI National Academy – NC Chapter
- Past President FBI National Academy North Carolina Chapter
- Former Secretary-Treasurer FBI-NA North Carolina Chapter
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