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The Official Publication of Professional Investigators of California, Inc.

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## Welcome to PICA's 7th Annual Conference...

November 13, 14, 15 & 16, 2008

...at the beautiful Casa Sirena Hotel in Oxnard, California. Your attendance at this conference, and continued support of PICA through your membership will provide the tools to help sustain and improve your investigation business for years to come.

As we follow in the footsteps of past annual conferences, I continue to be amazed by the importance of attending seminars and networking. Learning first-hand from an expert in their field, has many advantages:

- Rick Albee, CFCE, PI \* Brandon Perron, CCDI, LPI
- J. Corey Friedman \* Rebecca Roberts
- Skip O'Brien \* Vicki Boser
- Debbie Spaulding \* Bruce Hanley, JD, PI
- Raymond Goldstein, Esq.

### Retaining that information to better inform a client - priceless.

As Licensed Private Investigators, our business success often relies upon the quality of our sources for information. When you attend a conference, be ready to meet new people who will make a difference for your business.

Did you know that each vendor has their own "niche" in the investigation industry? Tell them about your business - they may have a product or service that you need, or have been looking for. They often waive sign-up fees or have promotions, but you need to be at the conference to take advantage of the opportunities!

If you are reading this at the conference, thank you for attending, prepare to learn and enjoy!



## The PI in IP: Tool or Scam?

The use of private investigators in intellectual property issues has long been a tool many companies and their attorneys have successfully used. Recently, since the HP scandal, mention the word private investigator and many will freeze in their tracks. However, competent investigators correctly used are still a valuable asset. Like barristers, private investigators have their areas of specialization and some research should be conducted in the selection phase.



In the private investigative industry, intellectual property investigations go hand-in-hand with “competitive intelligence.” Defined as, “the practice of legally and ethically collecting and analyzing information about your competitors and the general business environment in order to further your company’s goals.” A similar, yet distinctive clarification has to be made as to what the intelligence obtained will be used for and why it is needed. Ultimately the goal is the same, to determine the status of a particular subject within a given industry, geographic location or business environment. The end result of the information gathering differs, as well as some of the uses for the information. In competitive intelligence, an investigator is more concerned with what a client’s competition is up to and the direction, new products or other cutting edge secrets that may be on the horizon. You can see how this has obvious crossover to the intellectual property field. While an investigator in an intellectual property matter is mainly focused on the relationship between the subject matter and any potential exclusive rights under law, many of the investigative techniques used in competitive intelligence lend themselves to this type of investigation.

Numerous potential sources are present for an investigator to utilize in their quest for the truth. **Primary** sources are facts that come directly from the source. **Secondary** sources are those bits of information that are gleaned from other sources. Held separately or individually, these secondary sources are very much like circumstantial evidence. Taken in their entirety in combination with other tidbits, they often point to an indisputable conclusion. Examples of each are shown at the right.

<u>Primary Sources</u>	<u>Secondary Sources</u>
Government Documents	Newspapers
Speeches	Magazines
Live TV & Radio Interviews	Books
Company Financial Reports	Edited TV/Radio Programs
Personal Observations	Analysts’ Reports



Within each of these categories lie additional sources of information, if properly culled by a trained investigator. Reports such as a Dunn & Bradstreet report may be in the gray area between primary and secondary sources because the information is voluntarily provided with the intent to bolster the integrity of the provider. Although usually biased information, this certainly will not preclude the use of information provided within the report. There are, however, many indexes that are often primary sources of information that remain untouched. The “brand index” found in the county clerk’s office is just one such example of a potential primary source that may have application to an investigation. If you are trying to determine if the party in question is developing a new state-of-the-art process for livestock, why not check the brand index to see if they have registered their “brand?” If they are conducting research related to this potential product, chances are they came up with the concept based on their association or ownership with livestock. In the same manner, many intellectual property issues navigate through heavily regulated industries such as food processing, agriculture, pharmaceutical, airlines, financial, safety and so on. If safety is an issue, typically there will be a paper trail associated with required filings. A party may submit documents related to process “A” and process “B” that are required, knowing that without process “C and D” the information will not taint the overall invention. (...cont. to page 6)

**PICA 2008 CONFERENCE CHANNEL ISLANDS HARBOR-OXNARD CALIFORNIA****Thursday**

MERLIN

**PRE-PICA PARTY!**

4: 30pm in the Baja Room at  
the Casa Sirena Hotel

Enjoy Merlin's FREE  
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How to save time & money  
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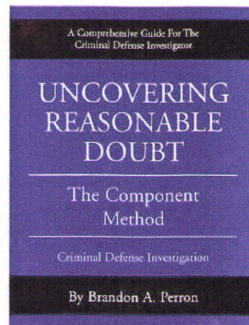
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**Friday**

Brandon A. Perron, CCDI, LPI

**Criminal Defense  
Investigations**

In 1994, he developed the Component Method of Criminal Defense Investigation, which is used to train criminal defense investigators in the public and private sector. He an author, motivational speaker, a Florida Licensed Private Investigator and criminal justice trainer.

**Friday**

Bruce M. Hanley, JD, PI

**Medical Billing:  
Investigations & Negotiations**

Bruce has worked in the insurance field for numerous carriers. His background includes over twenty years in the business as a Supervisor, Manager, Litigation Manager, Examiner, Director and Vice-President.

Knowledge of Workers Compensation and Liability claims sets Hanley Associates ahead of the pack.

Bruce has developed a litigation management system at Business Insurance Group which had operations in 37 states.

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**Friday**



Vicki Boser

**Setting Up for Success**

The purpose of this informative seminar is to educate the attendee on the importance of financially protecting their business with the proper insurance coverage that goes beyond general liability/Professional E&O coverage.



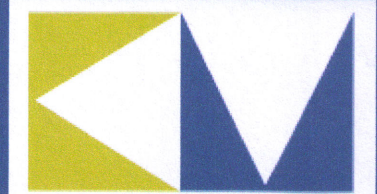
**Friday**



Rebecca Roberts

**Advanced Skiptracing Techniques**

This advanced course will teach the attendee investigative skiptracing techniques using both public and proprietary records in compliance with federal and state laws.



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**W E L C O M E !!**

## Friday



J. Corey Friedman

### Telephone Investigations

The purpose of this seminar is to expose the attendee to effective investigative skills and techniques that will enhance and improve their investigative skills.



## The PI in IP: Tool or Scam?

*(continued from page 2)*

However, if investigating a rumor, hunch or preliminary information on behalf of your client, this may be just the circumstantial evidence needed to draw the necessary conclusion of where the subject matter is headed.

Another obvious source of information is the Internet. Somewhat less obvious are other "rabbit trails" hidden within the web of the Internet. Fortunately, a quick "Google" search can often lead the investigator to many of these trails.

Today however, "blogs" are an up and coming source of potential information that should not be overlooked as is web sites such as "My Space." While the party themselves may not post incriminating information, responses and other people's postings may provide useful morsels of information. Often used tactics include conversing with your subject directly using an undercover name and email. In a recent case, our client requested our services in proving a protégé had stolen some of our client's songs. By entering into conversations with the subject via the Internet, the person soon became comfortable enough to share examples of "their" writings.

Further examination of information provided allowed this situation to be resolved to our client's benefit. Those investigators who truly specialize in Internet cases often can track a party from one message board to another. Even while writing, most people use redundant phrases and terminology that helps identify a party who jumps from site to site.

When the situation warrants, additional investigative steps can be utilized to determine the client's goals. For example, you determine that the party of interest is giving a speech. This is the perfect forum for getting a closer look at information presented and offers the opportunity to ask indirect questions that may outline or guide your cause.

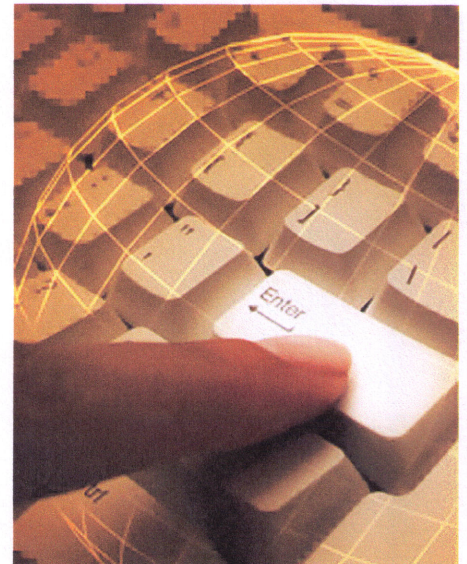
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*(...continued to page 9)*

## Saturday



Raymond Goldstein, Esq.  
Judgment Enforcement

This course is intended to give the attendee a general overview of some of the concepts and resources involved in judgment enforcement, including discovering assets and utilizing the legal system to enforce the judgment. Consider increasing your business opportunities by adding Judgment Recovery Specialist to your portfolio.

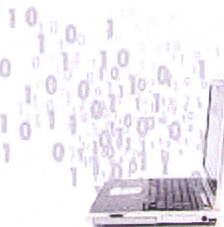


## Saturday



Rick Albee, CFCE, PI  
Computer Forensics

As the CEO of Data Chasers, Mr. Albee is a Certified Forensic Computer Examiner. Data Chasers is a select, exclusive computer forensics and e-discovery company. They provide quick recovery of deleted or hidden data evidence. cursory knowledge learned from Mr. Albee can go along way to speak intelligently with your clients about their needs.



## Saturday

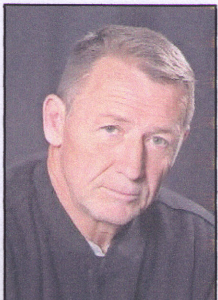


Brandon A. Perron, CCDI  
Contracts & Retainers

Mr. Perron is recognized as one of the nation's foremost private investigators and speakers in the area of criminal defense investigations. He will be speaking on the importance of contracts and obtaining retainers from clients.



## CELEBRITY GUEST SPEAKER



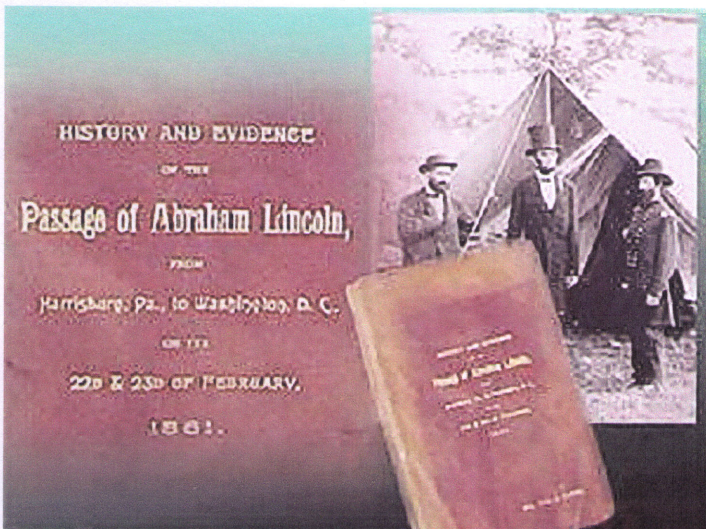
**Skip O'Brien** is an accomplished actor in both screen and theatre, acting for over 20 years. He graduated with a degree in theater in 1979 from Brookdale College in New Jersey. In addition to his reoccurring role in CSI as Detective O'Riley, he has played the roles of a Police Sergeant in "Monk" a Police Captain in "The District" a State Trooper in "Black Sheep" a Customs Agent in "Blow" a Correction Officer in "The Practice" a Court Guard in "Liar Liar" a Security Guard in "Higher Learning", a Sheriff in "Rodney," a Police Officer in "Ally McBeal" and a Bodyguard in "Hunter".



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The P.I. Museum was founded in 1978 and operates on the generosity of other Private Investigators, Interested Parties and Ben Harroll's personal interest and financing. Charter Founder's Circle Memberships are: Individual-\$25, Pinkerton-\$250, and Vidocq-\$1,000.

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## The PI in IP: Tool or Scam?

(...continued from page 6)

Taking a step further, the investigator may be called upon to conduct surveillance or to conduct garbage reconnaissance. Better known within the industry as “dumpster diving,” this tactic can provide extremely beneficial information. Of course, this can only be done when the dumpster is in a common area shared by other parties (apartment complex or business center).



*Investigators are commonly utilized when information cannot be obtained through regular channels or methods common to mainstream business. Being able to work outside the box, but within the*

*legal framework makes the investigator a valuable asset.*

Since investigators are usually involved when the attorney or client cannot achieve successful results through primary sources (mainly government records), the use of other tactics is required. Typically these include interviews either in person, by telephone or via the Internet. If the investigator or the client simply stated their intentions and reasons for inquiry, the obvious result would be the slam the door in the face ending. Therefore, the skill of the investigator is required to engage the party in a manner that solicits the person's voluntary disclosure of information. A general rule is that the majority of people like to talk and they like to talk about themselves. Devising the appropriate introduction will facilitate the ease of the overall conversation. As an example, our agency was asked to determine if a party had violated an intellectual property contract with our client. Our client was contracted to research, develop and manufacture a new product. According to the contract, once the product was produced and accepted, our client would also duplicate and mass produce the item. All went as planned, including a written acceptance of the product and the authorization to move forward

with production. Shortly thereafter, the party canceled the agreement sighting their intention to utilize a different product as their premier and featured product. Our agency was employed to prove our client had been wronged and the other party had simply taken this product in-house, changed a few insignificant issues and presented it as their own.

After careful collaboration with the client and their attorneys, a plan of action was outlined. With the appropriate pre-text established, our investigators set up an interview and followed this with numerous light-hearted conversations. During the course of the interviews, it came to light that internal emails existed that confirmed our client's suspicions. Realizing their mistake of letting the cat out of the bag, the party set out to discard all documents related to this project. Through follow-up surveillance, we witnessed the documents being placed in a dumpster and retrieved the same. Armed with the information, our client reached a substantial settlement.

Other often over looked candidates for a discrete interview includes previous co-workers and ex-spouses. As in most close relationships, an ex-spouse may have information related to intellectual property issues that their former spouse was pursuing. Those people that previously worked with the party in question may also have information that to them, appears insignificant but may actually be pertinent to intellectual property issues. Although more difficult to approach, these are still valuable sources of information.

When all is said and done, the right private investigator with the proper expertise in this area can be the appropriate addition to the intellectual property case. Through the use of specialized databases, interview techniques, surveillance, document discovery methods and related investigative tools, the client's objectives can be successfully achieved. Each case is unique in the course of action required to complete the investigation and requires careful analysis and pre-planning with all parties.

By Kelly E. Riddle - [www.kelmarpi.com](http://www.kelmarpi.com)

## LEGISLATIVE COMMITTEE REPORT



**NCISS Annual Conference (New York) - April 30 to May 3:** We attended the NCISS Annual Conference, which included a 2-hour Legislative Update from Bruce Hulme, NCISS Legislative Chair, various NCISS Board Meetings, SAAB (State Association Advisory Board) Meeting, seminars, and various networking opportunities.



**PICA District Meeting (San Diego) - June 16:** We attended the San Diego District Meeting in Chula Vista where we had lunch with Congressman Bob Filner. Congressman Filner was a co-sponsor of H.R. 948 and H.R. 3046, both house bills which would make it illegal to sell a social security number. Upon explaining how this would negatively affect our industry, we provided a copy of the NCISS-written "exception language," which had already been written into a Senate Bill, and provided examples to the Congressman. Within a week after our meeting, Congressman Filner sent a letter indicating his support for our position.



**PICA District Meeting (Inland Empire) - August 7:** We attended the IE District Meeting in Redlands where updates were provided of pending legislation in Sacramento and in Congress.

**PICA District Meetings (Northern California & Bay Area) - August 16-17:** We attended the Northern California & Bay Area District Meetings where updates were provided of pending legislation.

**NCISS "Hit the Hill" Campaign (Washington D.C.) - Sept. 10-13:** We attended the NCISS "Hit the Hill"



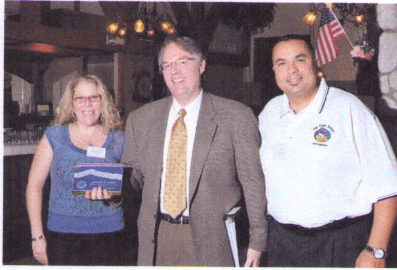
Campaign in Washington D.C. which included a Welcome Reception on the 10th, and a full day of lobbying Congressional representatives on Sept. 11th. We also attended the SAAB Meeting for 2 hours on Sept. 11th. Most of the day of Sept. 12th was spent sitting in on the NCISS Board Meeting. During the day of lobbying, we met personally with Congressman Ed Royce. A contingent of California PI's, including representation from PICA, met with staffers at Senator Feinstein and Boxer's offices, and NCISS literature was delivered to more than twenty different Congressional Offices from California. This annual visit to

Capitol Hill has paid dividends as the office staff of many Congressional representatives remember the issues we are concerned with, and make it a point to facilitate contact when the issues pertaining to our industry arise within legislation.

**PICA District Meeting (Los Angeles) - Sept. 18:** We attended the Los Angeles District Meeting, provided an overview of legislative happenings, and passed around copies of the VETO AB 2918 letter for all attendees to sign. The letters were subsequently FedEx'd to California Governor Arnold Schwarzenegger the following day. We were subsequently informed that AB 2918 had been vetoed by the Governor. Yah!

**Lexis-Nexis / ChoicePoint Merger—Oct. 8—21:** We were notified by NCISS that this merger could have a negative affect on our industry, and that a proposed response via letter was in the works. We studied the Federal Trade Communications (FTC) documentation on the merger, and NCISS communication, prepared and sent several email blasts to the PICA membership requesting letters supporting our position of being against the merger. Approximately thirty letters were faxed to the PICA Leg Fax Hotline and were subsequently faxed to NCISS President Francie Keohler for hand-delivery in Washington D.C. A letter, written on behalf of our association, was also sent via FedEx to the FTC in Washington D.C.

**LOS ANGELES DISTRICT MTGS**



Edward Corey, Esq. spoke about "e-discovery" and the extension of the discovery process in litigation, at the September 18th meeting, at the Marie Callender's in Pasadena.

You've Been Served! Gretchen Lichtenberger spoke about process serving, the different ways of serving legal documents, and the benefits of being a registered process server at the Oct. 30th meeting.

**ORANGE COUNTY DISTRICT MTGS**

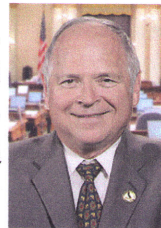
Gary S. Brummond, OC District Director and Leg Chairman, spoke about FICO Scores and to Increase Your Credit Scores at the June 26th meeting at Sizzler in Fullerton.

[www.myfico.com/12](http://www.myfico.com/12)



Lawrence S. Wong of Sentencing Investigations gave an insightful presentation of providing a criminal defendant with options at sentencing.

We were also honored to have California Assemblyman Jim Silva as a featured guest.



**CENTRAL COAST DISTRICT MTGS**



Evangiene Odeyemi, Postal Inspector, was the featured speaker at the June 3rd meeting of the Central Coast District.

Eric Leonard, investigative journalist, was the featured speaker at an Open Forum PICA meeting on August 5th.

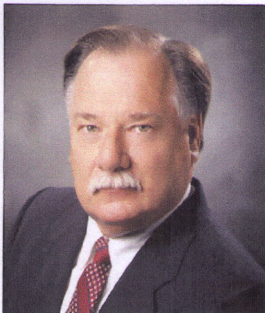


The October 7th meeting of the district focused on Business Obstacles, including how to collect unpaid invoices, marketing strategies, and how to deal with "cases and clients gone bad."

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- John Daly
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- Alison Marcotte
- Lorianna Basas

**W E L C O M E !!**

**INLAND EMPIRE DISTRICT MTGS**



The April 17th meeting featured Attorney William M. Betley speaking on investigations from an employer’s perspective. (pictured with IE Director Ed Saucerman)

Los Angeles County Public Defender Juan Antonio Nolan spoke to the June 5th meeting of the IE about Defense of Nigerian Internet Fraud Cases.

With the credit crisis looming and gas prices at \$4 per gallon, Gary Brummond spoke about FICO scores and how to Increase Your Credit Scores during a down economy at the August 7th meeting of the IE.



The October 2nd meeting of the IE featured a discussion of the Veto of California Senate Bill 1282. Also known as the Continuing Education Bill for private investigators, Governor Arnold Schwarzenegger vetoed the bill as a result of the late budget.

**SAN DIEGO DISTRICT MEETING**

The June 16th meeting of the San Diego District featured Congressman Bob Filner of California’s 51st Congressional District. Held at Marie Callender’s in Chula Vista, CA, Congressman Filner shared some of his experiences in Congress, and was interested to learn that he had co-sponsored two House bills related to Social Security Numbers that PICA was attempting to have amended. Upon explaining the need for additional wording to the Bills to allow our industry continued access to SSN’s, he later sent a letter indicating his support for the wording of the amendment.



**Safeguarding Your Credit—Understanding Your FICO Score**

Many people don’t realize the impact of their FICO scores on everyday life. Your FICO scores dictate how much you pay for big-ticket items such as a mortgage or a vehicle, and also can affect many other areas of your financial life. Your FICO scores are generated from your credit reports, which come from the three credit bureau’s, known as Equifax, Experian and TransUnion. We are all familiar with obtaining your annual “free credit report” from the three bureau’s, from [www.annualcreditreport.com](http://www.annualcreditreport.com). Unfortunately, these reports do not provide your FICO score. To obtain your FICO scores, go to [www.myfico.com/12](http://www.myfico.com/12), where it will cost approximately \$15 per score. They sometimes have promotions of up to 20%, but this enables anyone to obtain their credit reports and FICO scores, WITHOUT incurring the INQUIRY on their report that would lower their scores.

**NORTHERN CALIFORNIA & BAY AREA DISTRICT MEETINGS**

I had the privilege of presenting the Safeguarding Your Credit seminar at both the PICA Northern California District meeting on August 16th, and the PICA Bay Area District meeting on August 17th. Hosted by Ambassador C.W. Sellers, the Northern District met in the Sacramento area.



The PICA Bay Area District meeting was held in Dublin, CA where Reinhardt Schuerger was elected district director, and David Smothers was appointed as the Bay Area Ambassador. Gary Brummond is pictured sharing his FICO scores.