

Investigative Journal

888-799-LSIS - www.LSISinvestigations.com



We've Moved !!!

In an effort to better serve you and your clients, we are pleased to inform you that we have moved our office to the Courthouse Professional Building, located at 615 W. Civic Center Drive, Suite 305, Santa Ana, directly across the street from the Central Justice



Center courthouse. You are invited to use our conference room as a secure area to meet with your client and/or conduct business while you're at the courthouse. Additionally, we have a computer specifically set up for your convenience with MS Word,

Corel WP and internet access. The telephones, fax and copy machines are at your disposal as well.

Call 714-835-5700. We look forward to a continued and prosperous relationship with you and your staff.
Randall Alexander

Points of Interest

- We've Moved !!!
- President Signs HR-4709
- Bureau of Security & Investigative Services
- CA Business & Professions Codes
- Noble v. Sears, Roebuck (1973)
- LSIS Case Profile
- In the News: PI pleads guilty in HP scandal
- In the News: PI Goes Above & Beyond the Call of Duty

President Signs Anti-Pretexting Bill

On January 12, 2007, President Bush signed into law: H.R. 4709, the "Telephone Records and Privacy Protection Act of 2006," which establishes criminal penalties for the fraudulent or unauthorized acquisition or disclosure of confidential phone records information. Chapter 47 of title 18, United States Code, is amended by inserting "Sec. 1039. Fraud and related activity in connection with obtaining confidential phone records on a covered entity." Key elements in this criminal violation are interstate or foreign commerce, making false statements to a covered entity, its employees, the customer or knowingly providing a false or fraudulent document to the entity or accessing customer accounts via the Internet, or by means of conduct that violate section 1030 of this title, without prior authorization from the customer.

Private Investigator Licensing and Laws

- ◆ Private Investigators are licensed through BSIS, the Bureau of Security and Investigative Services which falls under the California Department of Consumer Affairs. A private investigators license status and complaint history can be found at their website.

www.DCA.CA.GOV/

- ◆ The basic laws governing the

actions of state licensed private investigators can be found in the Business and Professions Code.

- ◆ Chapter 11.3, sections 7512 to 7573, is otherwise known as the Private Investigators Act or PIA.
- ◆ **Case Law:** The case of Noble v. Sears, Roebuck & Co., 33 C.A.3d 654; 109 Cal.Rptr. 269

(1973) holds that lawyers retaining an investigator may be held liable for at least some of the investigators torts.

- ◆ The current cases involving the Hewlett Packard scandal and Pelicano wiretap scandal may create new liability case law. The HP scandal has already resulted in the passage of a new federal privacy law.

LSIS Case Profile: Modification of Child Support

We were retained to investigate the employment status of our client's ex-wife. The client was current in his \$1,500 a month child support payments, however, he was being forced to defend his position in a request for modification of support increase. The ex-wife was living with her parents, working one day a week as a hair dresser. Her Income & expense declaration reflected a \$600 a month income.

Our undercover investigators wearing hidden covert video cameras went into the salon on different days of the week, arranging appointments and ultimately, returning for haircuts. We were able to prove the subject used an appointment book, worked 5 days a week, booking appointments a week in advance and did not document payments. A conserva-

tive income estimate was between \$6,000 to \$8,000 a month cash.

RESULT: - The opposing counsel settled in the court hallway, forfeiting all support, presumably to keep our report from becoming record and accessible to the Internal Revenue Service.

Private Investigators in the News

- ◆ 01-15-2007 A Private Investigator in HP scandal pled guilty in Federal court to identity theft and conspiracy charges. He admitted to being paid as part of a conspiracy to use fraud & deceit to collect the personal information of HP executives & their families.
- ◆ 01-11-2007 A P.I. hired by the city of San Bernardino was to investigate prostitution allegations at a night club. Unfortunately for the city, the P.I. lost control during a lap dance and paid for sex. The "ends justifies the means" is apparently not a viable defense.

