



October 2004

TEN YEAR ANNIVERSARY PRIVATE INVESTIGATOR'S ASSOCIATION OF UTAH, INC.

By Dennis O. Williams
Editor

In 1977 Jeffrey Nelson became a private investigator. At that time Scott Heinecke was a police officer with the Salt Lake City Police Department. In 1983 Scott left the department and became a full-time private investigator. Scott became concerned about the need for state legislation governing the licensing and activities of private investigators in order to bring credibility and respectability to the private investigator industry in Utah.

Scott obtained copies of the legislation from several different states. He solicited Jeff's assistance in contacting Utah investigators for the purpose of forming a professional association and getting the necessary legislation passed. At that time most private investigators did not see the importance and value of a professional organization.

Scott had invited many PIS to a meeting to create a professional association but only a few attended so the association was not formed at that time.

Around 1985 Scott and Michael Scott, another private investigator, got together and met with the Director of DPS and Wayne Sheppard, Committee Chairman for the Law

Enforcement Legislative Committee. Both of them were in favor of legislation that Scott had prepared and was proposing. When the bill was taken to the legislature however, they had attached a \$100,000 fiscal note to fund it. The State of Utah was not in a good financial situation at that time and this caused the legislation to not be passed. However this exercise opened the door to DPS and the Law Enforcement Legislative Committee. It also brought Scott to the attention of the Governor's Office.

Around 1986 the Governor's Office asked Scott to serve on a committee to review and make proposals to the state legislature concerning process service and constable service. Several judges, constables, sheriffs, and various department heads also served on that committee. Scott attempted to get legislation through that committee to allow private investigators to serve additional process.

In 1994 Jeff was contacted by Mel Ashton in regard to setting up a professional association and getting appropriate legislation passed. Jeff introduced Scott to Mel as being a person who had had a vision

ahead of its time and who had already completed considerable research. Scott provided Mel the file he had prepared containing the legislation from the different states.

Prior to 1995, several of the more established investigators were getting calls from the public that had problems with investigators taking their money and not finishing the investigation. At this time, investigators were licensed in the county where they had their office. Their lawful jurisdiction ended at the county line where they were licensed. Only Salt Lake County and Salt Lake City conducted background investigations on applicants.

Ten Years ago this month, the Private Investigator's Association of Utah was incorporated. A few months earlier, Mel Ashton was sitting in his office drafting a proposed law to bring private investigator licensing under the State of Utah. The telephone rang and it was Rick Garth, another private investigator. He said that he and Rand and Brook Karrington had been talking about forming an association for Private Investigators. Mel told him that this was a great idea and that he had thirty-three pages of proposed legislation to bring private investigators under a state authority.

Within a couple of weeks, Rand Karrington, Brooke Karrington, Rick Garth, Scott Heinecke, Jeff Nelson and Karen Nelson met at Lambs Café and so began the humble start of PIAU. Rand, Brook and Mel met with supervisory members of the Department Of Public Safety to ask to be licensed under their agency and to solicit their support in passing a bill to bring this into effect. We gained the support of DPS. The first edition of the Journal was November/December 1994. The officers and directors were: Randall Wm

Karrington, President; Mel B. Ashton, Vice President for Administrative Services; Jeffrey L. Nelson, Vice President for Investigative Services, Brooke M. Karrington, Secretary/Treasurer and Board of Directors members: Rick Garth, Scott L. Heinecke, and Karen K. Nelson. The PIAU telephone number rang at the Karrington's office on a separate line.

The fall of 1994, Mel Ashton contacted Representative Kurt Oscarson (D) and requested that he sponsor our bill to bring private investigators under the Department of Public Safety. He readily agreed and the bill was issued. During this legislative session, Mel, Brooke and Rand lobbied consistently and much to our dismay, when the bill was voted on in the House, it was defeated. Representative Oscarson obtained a voting record for us and after Rand and Mel talked with some of the representatives who voted against us, they determined that it was Representative John Valentine's no vote that caused them to vote no.

Rand Karrington went to Representative Valentine's home in Provo on a Sunday and learned that he had voted no because he didn't want his paralegals to have to be licensed as a private investigator. He agreed that if we would put language into the bill to exempt employees of attorneys, he would bring the bill back on the floor for a vote. This was done and effective in June, 1995, private investigators were licensed through the Department of Public Safety. This bill provided that apprentice investigators must have a sponsoring agency to become licensed. It also established a Private Investigator's Licensure and Disciplinary Board consisting of 2 private investigators, 1 Chief of Police, 1 Supervisor from DPS, and one citizen with no affiliation with private investigation.

In 1996, we were on the hill to protect our access to protected records. We prevailed and obtained access to protected records such as Driver's License information and DMV information.

In 1997, several of our investigators received complaints from people wanting to get an apprentice license and that no one would sponsor them and that we were shutting them out of the industry.

In 1998, PIAU sponsored legislation to permit people to get an apprentice license without having a sponsor. This allowed many to get into the industry and more agencies were willing to work with them on a contract basis without having the liability of sponsoring them. This has helped our industry immensely.

In 2002, there was legislation proposed by State Farm Insurance to protect Accident Reports. They were concerned about the "ambulance chasing lawyers and doctors." PIAU successfully worked with the legislators and State Farm attorneys to exempt private investigators from this bill. We can obtain accident reports now; however, they are a protected record.

In 2002, legislation was proposed to create a stalking law. This law provided for a 10 day injunction until the court could hear the issue. PIAU talked with the bill sponsor and she agreed to exempt private investigators from this bill. Can you imagine sitting on a case and have the subject get your license number, give it to his or her attorney and you be served with a 10 day injunction.

In 2003, PIAU worked hard with the Law Enforcement Legislative Committee, and the Senate Sub-Committee to preserve the Private Investigator's Licensure and Disciplinary Board and ensure that

apprentice investigators remained under the close supervision of an agency. House Bill 217 proposed making the Board an appellate board only and removing the close supervision language in the original licensure bill. Several of the Chief's of Police called Senator Lyle Hillyard who was on the Senate Sub-Committee in support of the close supervision and the Law Enforcement Legislative Committee spoke up in support of keeping the State Board intact and in support of keeping apprentices under the close supervision of an agency. Several PIAU members testified at that committee. PIAU persevered in this effort and the board remained intact and apprentice investigators remained under the close supervision of an agency.

In 2003, PIAU also sponsored SB 111 which provided for private investigators to serve many other types of legal service beyond the summons & complaint and subpoena. The Constables fought us with all their might and we lost in the committee. From nowhere came the lobbyist for the Collection Agencies and contacted Mel Ashton. She got our bill back to the committee and it passed. It passed the House with no problems and became law. This was a great help to our profession.

Over the past 10 years, PIAU has established a good relation with the Department of Public Safety, the Law Enforcement Legislative Committee, the Chief's of Police and Sheriff's Associations and the Attorney General's Office. We have affiliated with AIASS which provides for good rates on E & O insurance, Website creation at discounts, and a door to forensic facilities. PIAU is the only state association in Utah qualified for membership in AIASS.

The PIAU is a member of NCISS that is a national lobby group for the private

investigator and security industries. They have done much good at Washington DC for our industry.

The PIAU is the only non-profit professional association for private investigators in Utah, and is recognized as such by the Internal Revenue Service. During the last ten years many people have generously served in various capacities in the PIAU without compensation. PIAU exists for the betterment of the private investigator industry and we are working hard for you.

The following persons have served as President.

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| 1995-1997 | Randall Wm. Karrington |
| 1997-1998 | Brook Karrington |
| 1998-2001 | Scott L. Heinecke |
| 2001-2003 | Dennis O. Williams |
| 2003-2004 | Steve Ketter |

This has been a great 10 years for PIAU. There have been struggles to keep legislation in our best interest and the work has been hard, but it surely has been worth it. We look forward to much more success in our association and mark this tenth anniversary of PIAU with much satisfaction with our success for our industry.

State of Utah
Department of Public Safety
Bureau of Criminal Investigation
Private Investigator Hearing and Licensure Board
by **Ronald L. Probert**
Chairman of the Board

The Private Investigator Hearing and Licensure Board is comprised of 5 members who are appointed by the Commissioner of Public Safety and serve 4 year terms. The make-up of the board consists of 2 licensed Private Investigators, 2 Law Enforcement Officials, and 1 private citizen.

Attending with the board are 1 member of the Bureau of Criminal Investigation (BCI), and the secretary to this member of the Bureau. Minutes are taken each meeting, which are held every 3 months or quarterly.

At the beginning of each year, a Chairman of the Board is chosen, and remains in this position until the year is out, or is replaced by term expiration.

Typically, the people who apply for Agency, Registrant, or Apprentice licenses are

reviewed by BCI, and approved pending review by the full board. As stated the board will then review the applicants again each quarter, and if there is a question, or further investigation is needed, the board will hold up a license being issued.

At a typical meeting approximately 25-40 licenses will be reviewed, and usually 2-4 are questioned because of improper responses to questions, failure to provide adequate paperwork, or because proper documentation is missing.

At most meetings there is a hearing on someone who has been requested to come in and explain a problem seen on their application. They are asked to explain further to the board what has happened with this issue. As an example we have seen instances where an applicant has had a

problem in the past, but where there is no court resolution listed to this issue, and we then require the applicant to supply court documentation as to the official resolution of the problem.

It is rare, but occasionally the board will deny a license to an applicant. These are usually an applicant who has applied for a registrant, or agency license but who has failed to document the required hours to be granted this level of license.

The applicant may appeal this decision and be heard regarding his application at the next scheduled hearing. This allows the applicant to get the necessary documentation gathered up, or sent to BCI so the license may be issued.

As Chairman of the Board for the past two years, I have the pleasure of working with the people appointed to the Board, and seeing the excellent job performed by BCI in screening and processing complaints against Private Investigators. This task of hearing the complaint and investigation is the most difficult task for board members as it usually requires a letter of reprimand, or even more difficult, revocation of the license issued to this agency, or individual.

I would encourage any licensed private investigator interested in serving on this board to send me a letter indicating your interest in serving, so it can be forwarded to the Commissioner of Public Safety for consideration.

How To Choose A Competent Forensic Document Examiner

**By Linda Cropp
Certified Document Examiner**

The field of forensic document examination offers services related to the study of documents or other material containing handwriting, typewriting, or printing. A forensic document examiner draws conclusions about documents including verification of the authenticity of the documents and any other material that contains writing.

M.K. Mehta in his book, *Identification of Handwriting and Cross-Examination of Experts*, writes, "Identification of handwriting depends mostly on two factors: keen observations and correct interpretation of the writing characteristics." (p 51). The ability to present evidence properly in court is also an essential requirement of a forensic document examiner.

What services does a document examiner provide? Document examination includes

alterations, substitutions and counterfeiting of documents in addition to a comparison of handwriting. After they have completed their review, they may give an oral opinion and, if requested by the client, write a letter of opinion or an affidavit. Document examiners prepare detailed reports on request and prepare exhibits to graphically demonstrate their findings, and when necessary, testify in deposition and in court concerning their opinions.

Besides educating their clients about document examination, experts can assist in preparing a case involving questioned documents, prepare questions for deposition of opposing experts, review their depositions for inconsistencies and misinformation, and help prepare cross examination questions and give the attorney enough information to properly litigate a case.

A document examiner should supply a fee structure and or a fee agreement contract for her services that spells out the retainer fee, hourly rate, and charges for expenses. Fees cover preliminary opinions, written opinions, consultation, case review, technical investigation, report and exhibit preparation, pre-court conferences, travel time, time spent in court, and in deposition testifying as an expert witness.

The following basic questions should be asked when retaining an expert. Are you a certified document examiner? Were you required to pass any tests in order to be

certified? Are you a member of any document examiners' organizations and if so, which ones? What seminars have you attended on document examination? How long have you been a document examiner? Have you ever failed to qualify as an expert witness in court?

The amount of experience a document examiner has had in the field of questioned documents reflects her ability to assess the uniqueness of individual characteristics within the handwriting.

United States Internal Revenue Service Recognition of a Professional Association

**By A. Franklin Adams
Certified Public Accountant**

The Private Investigator's Association of Utah, Inc. has complied with the law from its inception. PIAU is a non-profit incorporated entity in good standing with the Utah Department of Commerce. Being declared non-profit by the state qualified PIAU to file form 1025, Application for Recognition of Exemption under Section 501(a) with the Internal Revenue Service. A profit and loss statement was also submitted

to prove that none of the officers were receiving remuneration for their services. A. Franklin Adams, CPA and Treasurer of the PIAU completed the necessary forms and mailed them to the Internal Revenue Service. IRS honored our request and recognizes PIAU as a Tax Exempt entity representing the private investigation profession in Utah.