

# THE INVESTIGATOR

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## ***MESSAGE FROM THE CHAIRMAN***

We are coming up on our first CPE seminar under the new administration. The first thing you will notice is the change in location from the Maxwell House to the Willis Center, a facility which deals exclusively in seminars and sales meetings. This is a first class facility. We went through it and were impressed with the competency of the staff, the convenience of the facility itself and the many extras, charged for in other facilities, which are covered in the set up price at Willis Center. The on-site contact has been in touch with me almost every week since we were there two months ago.

Our growth depends on providing you with the best services we can. To grow we need to raise our revenue. In a separate article you will find a membership program that has worked for many other organizations and will work for us if you participate.

I encourage each member of TAI to work with us to rebuild TAI into what it once was and will be again: The First Association in Tennessee, not only in dates of organization but in services

provided. I look forward to seeing you in Nashville on Saturday, May 3, 2003.

Carl Watson, State Chairman

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## ***CHAIRMAN ATTENDS SAAB MEETING***

Carl Watson attended the association's division of NCISS meeting in Ft. Lauderdale, FL on March 21, 2003. There were representatives from 16 other state associations at that meeting. He found a number of similar problems such as lack of interest on the part of the private investigators to join the association, revenue, licensing board problems, unlicensed investigators, lobbyists, etc.

Eddy McClain reported to the committee that the Fair Credit Reporting Act had been amended to suit investigators and will be introduced that week and assigned a new number. This will be introduced once again by Congressman Sessions (R-TX) in an attempt to clear up the Fair Credit Reporting Act. If you are not familiar with that situation,

according to the FCRA before an investigator, attorney or any third party goes into a business to conduct an investigation they must first notify the suspect that they are conducting an investigation and in fact must supply him a report of their findings after the investigation is completed. This is a ridiculous interpretation, but it is the way the bill was written. NCISS along with one of its largest supporters TAI, is attempting to make these changes effective this year. NCISS is paying close attention to other bills that have been introduced into Congress this year. TAI recommends that each investigator join NCISS to support their efforts.

At the meeting it was found that the average association has a membership from 75 to 200. Over 21,000 licensed investigators are in the 16 states represented at this meeting but only 3,470 belong to an association that equals 17% participation.

It was found that TAI's \$50 membership fee is one of the lowest. Some charge up to \$175.

The meeting was informative and Chairman Watson felt it would be helpful in shaping programs for our association in the future.

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## ***COMMENTS AND PI COMMISSION MEETINGS***

*The Private Investigators and Polygraph Commission meeting was held in*

*Nashville on Friday, February 28, 2003. Chairman Watson attended the Commission meeting. The full slate of Commission members were in attendance. The main discussion during this meeting was the approval of schools for the Continuing Professional Education and the complaints regarding numerous investigators not receiving their 6 hours of continuing professional education. Many of these people were fined \$250 for failing to obtain the required 6 hours of CPE within the calendar year. TAI recommends that our members attend the TAI sponsored seminars which are re-approved by the Commission. If you plan to attend a seminar that has not been pre-approved, please contact the Commission prior to attending to make sure you receive the necessary 6 hours.*

*Gary Litton and Carl Watson spoke to the Commission concerning the ethics rule 8.4. Both expressed concern about the rule. Both associations had asked their members to write letters to the Tennessee Supreme Court regarding the effects this rule would have on our industry. Chairman Watson advised he had been in touch with attorney Lucian Pera and a motion had been filed by the Bar Association to have that ethics rule overturned. The rule went into affect March 1, 2003 with the last day for any arguments being March 14, 2003. It is expected it will be five to six weeks before any answer will be received. (See article 8.4)*

*The Commission met in Gatlinburg on Friday, March 21, 2003. The Commission members listened to a number of complaints brought by staff attorney Andrew Cunnyingham. These were cases from the year 2000 and were*

*dismissed. A discussion took place concerning the attempted regulation of unlicensed investigators. Commission member Chip Cope advised that the Commission did not appear to be able to regulate this situation. Donna Hancock advised that the only thing they could do was to have a letter sent to the Attorney General's office requesting that action be taken. Obviously in many situations no action was taken. Attorney Cunyningham advised that possibly he could get the internal investigators go to the Attorney General's office to sign warrants. He would investigate that situation.*

*The licensing test required to become a licensed investigator was discussed. Chairman Dawson made it known that he wanted to attempt to change that particular test. He wants the test to involve more questions regarding activity performed by an investigator. A committee was formed to study a number of books and report back to the Commission with their findings. Chris White, Chip Cope and Jasmine Rivera-Chambers volunteered for that committee.*

### ***ETHICS RULE 8.4***

*Effective March 1, 2003 a new attorney ethics rule 8.4 started. According to the rule attorneys were no longer allowed to hire anyone to conduct surreptitious recording or surveillance. This means that it is unethical for an attorney to hire an investigator or anyone else to conduct a covert surveillance by using a video recording device. Of course, this has had an affect on our industry. TAI has been writing letters to the Supreme Court and working closely with the Tennessee Bar Association Ethics and Professional Responsibility Committee*

*to overturn this ruling. The TBA filed a motion before the March 14, 2003 deadline and it will take 4 to 5 weeks to hear from the Supreme Court. We will keep you posted.*

### ***CPE SEMINAR DATE SET SUPPORT YOUR ASSOCIATION***

*The CPE Seminar will be held Saturday, May 3, 2003 at the Willis Center in Nashville. As a special to our membership, you may sign up anyone at your company for the membership rate of \$85. Support TAI by attending this event.*

### ***EOGO CAMPAIGN***

*In order to carry on in the way originally intended in 1991 and continue to provide members the services we have now, we need to increase our revenue. We cannot depend on our seminars to raise that revenue. There is one solution: MORE MEMBERS. We are announcing the EOGO Campaign. For each NEW member you sign up or an old member who hasn't renewed yet, we will give you a \$10 credit on your dues. If you have already paid this year, we will carry that figure over to next year. Consider targeting newly licensed PIs. They need to know there is an organization working on their behalf. There is no limit to the number of credits you can get. Pay your dues by signing up new members. – Carl Watson*

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