

INTELLENET NEWS

September 2007

Table of Contents

| | Page |
|--|------|
| Carino's Corner | 1 |
| Know Your Fellow Members, David Forbes | 2 |
| Sorrento Facts..... | 2 |
| The Statement as a Crime Scene™ Part One..... | 4 |
| Self-Incrimination in Workplace Investigations | 9 |
| Working a Room Doesn't Have to Be Work | 11 |
| Intellenet Board of Directors..... | 12 |
| The Value of Cooperation | 21 |
| Request for Postage Stamps..... | 21 |

Carino's Corner

Several of you have heard me mention in the past a probable cogent need for PIs to develop a niche if we want to remain a viable force in the marketplace. As you know NCISS has been diligently working in our best interests to try to keep Congress from legislating us out of business. Recent and potential future legislation in the interests of privacy protection is restricting our access to information that has been traditionally available to private investigators. My purpose today is not to reiterate or even discuss that legislation herein as we address those through our Listserv messages. Suffice to note only that much of the adverse legislation is the result of general lethargy on the part of PIs nationwide to contact legislators opposing onerous portion of bills.

Rather, with current and potential legislation influencing the way PIs can do business might it not be the time to focus on our collective skill base where our expertise can be used to become the leader in the niche market? Intellenet members have a range of experience and expertise not found in many associations. Working closely with member Bill Blake (the catalyst for this program) we are putting together

a Niche Training Program. The initial offering will be part of an upcoming PALI seminar.

Shortly, through our Listserv we will detail the initial design, identifying specific niche market subjects and calling upon members to offer suggestions and to participate in this marketing / business development opportunity.

A farmer with twenty lazy hired workers on his farm tried to come up with a plan to cure them of their bad work habits.

"Men," he announced one morning, "I have a nice easy job for the laziest one of you. Will the laziest man step forward?"

Nineteen of the twenty men promptly stepped forward.

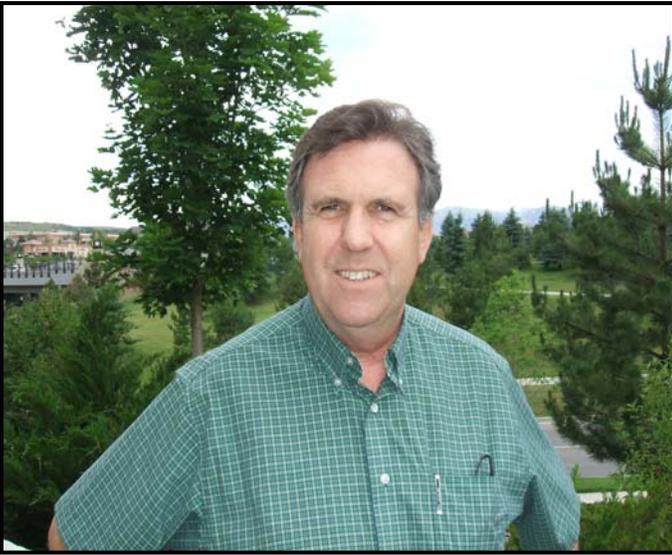
The farmer approached the one remaining man.

"Why didn't you step forward with the rest, Bob?" he asked.

"Too much trouble," was the reply.

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Know Your Fellow Members



*David Forbes
Jagwa Forbes Group
East Victoria Park, Western Australia*

David is a former Detective Inspector, Thames Valley Police Department, Oxford, United Kingdom, where he was the supervisor of fraud and complex investigations. Following his police service, he was the Head of Security for TNT Express Worldwide with global responsibility for security. This employment provided him with extensive experience with supply chain issues.

He moved to the United States and was associated with Prism International, a worldwide security consulting and investigation firm. After a period of time with Prism International, David teamed up with a nationally known aviation security consulting firm where he provided consulting services to the United States aviation industry and airports.

David has considerable knowledge and expertise in the areas of security consulting, risk assessment, designing and managing integrated security systems and corporate investigations. His clients include a range of public and private sector organizations. His special mission is to encourage and facilitate collaborative Australian-American security, defense and investigative support.

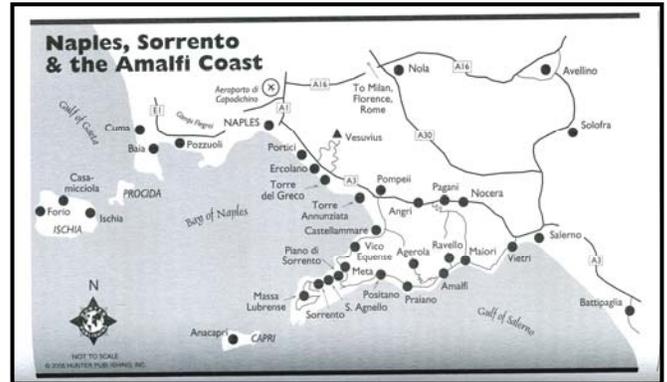
In 2006, David immigrated to Australia where he established Jagwa Forbes Group (JFG). The JFG

Headquarters and training facility, with commercial aircraft mock-ups for flight crew training, are located near Perth.

2008 Intellenet Conference Sorrento and Vicinity Facts

*Extracted from Hunter Travel Guides, Naples,
Sorrento & the Amalfi Coast*

Immigration Formalities



For short visits (up to three months) no visas are required for citizens of the European Union, the United States, Canada and New Zealand. A valid passport (or an ID card for EU citizens) must be carried at all times.

Property

Since petty crime is a problem in Naples, it is wise to take out travel insurance for valuables. Do not walk around the city with expensive jewelry or cameras on display. Drivers should leave cars in supervised car parks. There is a lost property office at the Central Railway Station in Naples. In case of theft or loss, a report should be made to the local police station (Polizia di Stato or Carabinieri).

Money

The currency of Italy is the Euro. Credit cards are accepted in most restaurants and hotels, but carry some cash for bars and cafés.

Telephones

Public telephones are located in main streets of towns and in many bars. Telephone cards can be purchased from a tobacconist or bar. Telephone

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calls from hotel rooms will be charged at well above standard local call rates.

Health Issues

International travelers are entitled to free emergency health care, but private treatment for non-urgent medical problems is expensive and it is advisable to take out a travel insurance policy that covers doctors' bills. EU citizens are entitled to the same health care as Italian nationals, provided they have the necessary (E111) forms.

Pharmacies (farmacia) are open during normal shop hours, and late at night by rotation (a list of on-duty pharmacies is usually posted on the door.) Advice on minor ailments will be given, but over-the-counter drugs are more expensive than in the UK or USA, so take adequate supplies with you.

Climate

The Bay of Naples has a warm, pleasant climate from April to October, but can be cold in winter, though snowfall, except on high ground, is comparatively rare. August is the hottest month of the year, and cities like Naples close down as everyone leaves for a beach or mountain holiday. The weather in May—June has very pleasant temperatures—16-28°C/61-82°F.

Main Types of Food Shops:

- A *salumeria* is equivalent to a delicatessen.
- An *enoteca* sells wine.
- Bread is bought from a *panetteria*.
- Cakes and sweets are obtained from a *pasticceria*.
- Buy fruit and vegetables from a *fruttivendolo*.
- A *pescheria* sells fish.
- Red meat is sold in a *macelleria*.
- White meats like chicken and rabbit can be bought in a *polleria*.

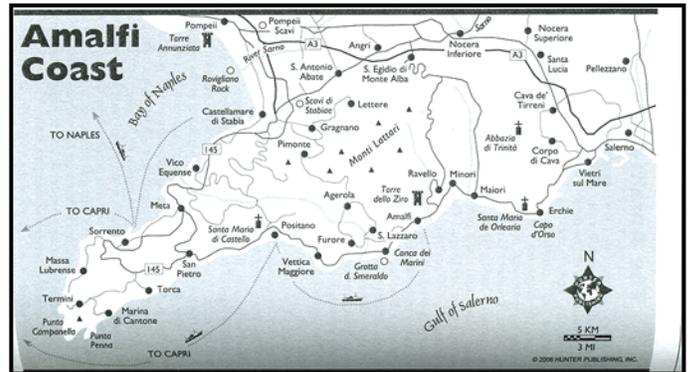
The Sorrento Peninsula

A gateway destination since Roman times, the magnificent sea views and fragrant citrus groves of the 100-KM/60-mile peninsula, dominated by the Lattari hills, continues to attract tourists today. Well situated for excursions to Pompeii and the ever-popular island of Capri, Sorrento is also a base from which to explore Naples and the Amalfi Coast. The name Sorrento is thought to

derive from the Greek, meaning "Land of the Sirens." Known as a destination for sun-worshippers, the peninsula offers up cultural clues to its long history in the ruins of sumptuous Roman villas described by many celebrated visitors and now incorporated into some of the grand hotels. The hordes of young tourists who vacation here are today more interested in the lively bars, restaurants and nightclubs of the coastal resorts, but visitors can also enjoy walks along the craggy coastlines, and into the mountainous interior, or sailing trips around the Bay of Naples from one of the small ports of the peninsula.

The charms of the historic town of Sorrento, which continue to attract the bulk of visitors to the region, more than make up for the crush of tourists in the summer months.

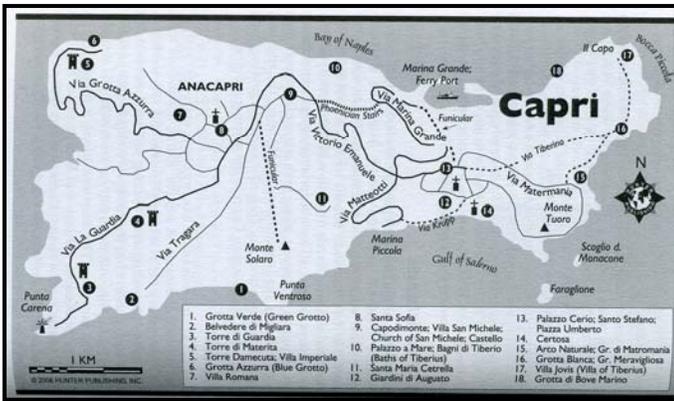
The Amalfi Coast



Thirty miles of jaw-dropping magnificence; this remains one of the most dramatic and exciting stretches of coastline in Europe despite the ever increasing numbers of tourists. The picturesque villages clinging to sheer mountainsides that drop into turquoise waters are certainly a dazzling sight that you can scarcely believe, and that you will never forget. The spectacular scenery provided by the Lattari limestone cliffs and the terraced groves and vineyards, is further enhanced by the colorful, tiled domes of the churches that grace these picture-postcard tourist resorts, and the white sails of pleasure boats skimming along the shore line.

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Capri



This 4.3 square-mile island has two towns, and is off the tip of the Sorrento Peninsula. A popular tourist destination since the 19th century, Capri is busy all year round, and terribly so in summer. If possible, avoid making your visit on weekends in the high season when the hordes of foreigners are joined by Neapolitans. But, with its largely car-free roads, it is always a delightful excursion. The limestone island is notable for its stunning residences, gardens and Roman ruins. If you can afford to stay for the sunset, Capri reveals a different ambiance after all the day-trippers depart on the early evening ferries back to Sorrento and Naples.

Pompeii

Such is the fame of Pompeii, certainly the most important classical archeological site in Europe, that it scarcely needs an introduction. By the same token, Pompeii is always busy. Fortunately, the area of excavations is large enough to afford plenty of room for the crowds who surge through the barriers every day. Tiring at any time of year, in the summer months, this is a hot, dusty, exhausting excursion. Pompeii covers an area of 123 acres and a whole day or more is needed to visit it properly, so you should prioritize. There is a café within the grounds for lunch, but carry a bottle of water with you.

Entertainment

The Sorrento Peninsula is a magnet for young and lively tourists, with several nightclubs; in summer people gravitate to beach spots rather than town. There are also classical concerts, annual music and cinema festivals, and theatrical and cultural shows that are more family-oriented.

U.S. Federal Air Marshal—Texas Edition
(Stud Muffin in Disguise?)
"Sorry, but I leave my rocket launcher at home on Mondays and Fridays!"



The Statement as a Crime Scene™ **Part One:**

"Workplace Violence As Seen in the Handwriting"
Gerald (Gary) Brown, MS, VSM
G. Brown & Associates
Beaverton, Oregon

This is the first of three articles on the "low tech" investigative technique called "Statement Analysis." This technique includes three separate, but related techniques. This article covers Behavioral Profiling, based on the handwriting of a suspect, victim and/or key witness which is the first of those three techniques. Future articles will cover Form Variance Analysis (FVA) and Content Analysis (CA). All of these techniques are a tool to help identify anonymous writers, the degree of dangerousness of a threat letter, the truthfulness

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of the content of statements and other personality and investigative clues.

As members of our society become more and more distant from each other, the workplace is a place where frustrations often lead to an increase in the threat of violence. Many workers, not to mention customers and others, are becoming increasingly disaffected and aggressive in expressing their real and/or perceived grievances towards employees and/or the company. Some make their views known openly, while others send anonymous communications, mostly in the form of letters, notes and emails. Regardless of which mode they choose to communicate their grievances, it is important to evaluate each and every threat.

(Tidbit: Employers and investigators often tend to overestimate the danger from males and underestimate the danger from females.)

(Tidbit: It is rare that those who commit workplace violence haven't done or said something about what they were going to do.)

The techniques discussed in this article and the follow-up articles will provide a few insights into an individual's behavior, personality, and motivation. The primary purpose of these articles is to give you new ideas on how to provide even better service to your clients.

While providing information on any writer/author of disturbing communications, these techniques are most likely to lead to identification if the writer is an employee or "insider." This, of course, is where many of you can be an active and effective part of the company threat management team consisting of security/investigators, human resources, legal and behavioral expertise.

(Tidbit: The formation of Threat Management Teams [TMT's] is increasing rather dramatically.)

While this article is oriented to the employee as the perpetrator of negative communication(s), the techniques can be applied across the board anytime you need more insight into the personality of someone with whom you are dealing, be it a suspect, opposing attorney, judge, victim, key witness, etc., and can help your clients decide which direction they want the investigation to go.

As you read the article, keep in mind the following statistics¹, even though some experts consider them to be underreported by 25-50% (NIOSH):

Workplace Violence Impact:

- The leading cause of death for women and second leading cause of death for men.
- Workplace homicides remain fairly stable statistic at about 900-1,000 deaths per year. Some estimates are slightly lower at twenty workplace murders each week.
- 1 Million workers in America are attacked, six million threatened and 16 million harassed each year.
- 18,000 workers are assaulted each week.
- 61 percent of private employment, 30 percent of government employees and 8 percent of self-employed are victims of workplace assaults.
- The cost is in the millions, perhaps more, per year and results from loss of productivity, work disruptions, employee turnover, litigation, and other incident related costs, not to mention the psychological damage done to the employee(s).

One of the myths about workplace violence perpetrators is that there is a demographic profile of the potentially violent employee/individuals.²

Reality: Perpetrators of workplace violence have many different demographic backgrounds.

Reality: Demographic profiles may cause us to ignore potential threats.

Reality: Behavioral clues/ indicators are more important.

The employment of handwriting analysis (AKA: Graphology/Graphoanalysis) can, under many

¹ "Threat Assessment: A Risk Management Approach" James Turner & Michael Gelles, The Haworth Press, 20003

² Turner, Gelles, Ibid

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circumstances, provide you with personality clues/indicators any time you need to know more about a personality (suspect, victim, key witness, teacher/student/parent, judge, opposing counsel, anyone.)

The reason handwriting analysis works is that a person's handwriting "demonstrates" one's behavior/personality at the specific time of the writing. In other words, your handwriting is the result of a confluence of your natural genetically controlled predisposition and the environment - a combination of our life's experiences and current emotional makeup. In essence, you can have two writers whose handwriting, and thus personality characteristics, are very similar, yet one person becomes a serial killer and the other an upstanding doctor ministering to the public's needs. This is also the reason handwriting analysis, while able to provide information sometimes, even often, not available from any other source, cannot be relied upon as a sole evaluation tool and should not be employed to "predict" the future. Of course, when one knows under what circumstances the writing was made, it is most reliable, and when hiring an analyst, the more you can provide, the higher the confidence in the analysis.

While it should, whenever possible, be used in conjunction with other investigative tools and techniques to give an accurate picture of an individual, it is often, out of necessity, an accurate and successful tool in providing insights into an anonymous writer or anyone else. It can early on identify personality characteristics that help build a behavioral profile that may not be available anywhere else, at least not in as timely a matter. Even in anonymous letters type investigations, even a small amount of writing can be revealing. Occasionally, even graffiti reveals investigative clues.

(Tidbit: In rare circumstances, having a few words is enough to find some helpful insights.)

As a practical matter in anonymous letter cases, there are three main questions most clients are interested in: 1) How dangerous is the writer? 2) How likely is the writer to carry out the threat? and, 3) What can you tell me about the individual that will help us identify the writer? In completing our analysis we not only answer those questions, but also provide the client with our opinion as to

the truthfulness of the grievances set forth. In many cases, the end client doesn't necessarily ask that question, especially if the threat is against the CEO of a company, but every bit of intelligence about the writer can be "the" clue that leads to solving a case. However, as noted earlier, no analyst is going to be happy with anything less than a page or two of writing, but circumstances sometimes limit what you, the investigator, are able to provide. Don't give up, just because you only have a word or two. The analyst will put whatever qualifiers are necessary in his/her report.

The immediacy of the handwriting analysis can give the client insights that a psychologist may or may not be able to give, at least not as quickly and in the early stages of the investigation. While it has been our experience that a handwriting analysis and an analysis done by a forensic psychologist (we have one as an associate) will normally be very close (about 95% the same or very similar), the psychologist usually needs more time to do a thorough analysis and without "couch" time or many more details about the person, he/she is less likely to provide with definitiveness all the specific information the handwriting analyst may be able to provide. In other words, sometimes it is easier to identify the behavior demonstrated in the handwriting, than from other tools. On the other hand, unless the handwriting analyst is also a forensic/criminal psychologist, he/she is unable and totally unqualified to provide suggestions as to what to do next. (i.e. How do we "smoke out" the anonymous letter writer and how do we handle him/her when they are identified?

(Tidbit: The majority of anonymous writers are women.)

(Tidbit: If an anonymous writer is critical of the victim's children, this is very strong indicator the anonymous writer is a woman.)

How can you as investigators employ this tool? The following are based on our actual case experiences since 1988:

- Internal anonymous letters/notes: Can often provide personality clues/profile that someone will recognize and identify.

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- Can provide insight into the dangerousness of the writer, especially when employed along with Content Analysis - to be discussed in a later article. Can often provide clues as to whether the anonymous letters/notes are likely to continue.

(Tidbit: In a situation where there is more than one anonymous communication, one to three communications are evaluated at about the same danger level, assuming the tone and language remains the same. Three to ten are about the same, again assuming the content is similar. Once over ten, the danger level is considerably increased regardless of change in language. As a practical matter, by the time the writer anonymously communicates ten times, the language is also changing and most often increases the previous danger level indicators. Of course, anytime the tone/language changes or the handwriting deteriorates from one message to the next, the danger level increases regardless of the number of communications and only an expert can tell you the degree of that change.)

(Tidbit: Nasty/dirty language doesn't necessarily indicate danger.)

- Gives insights on the personality of all suspects in theft/inventory shrinkage/loss of proprietary information, helping the investigator focus on those who have the personalities that would "allow" them to rationalize doing the crime alleged.
- Can quickly identify if an employee is likely to be taking drugs. (Could be legal or illegal, but handwriting will show that something is impacting the way an individual thinks.)
- Can often identify the likely motive for an individual to commit the alleged offense. We have more often than not seen in proven subject writings a covert defiance of authority figures indicated in that writing. (The person gives an outward appearance of supporting all the company rules and guidelines, all the while harboring deep-seeded resentment against management.)

(Tidbit: If your anonymous writer has beautiful perfect writing that is so perfect it almost looks like it was computer generated, this writer could be a very dangerous person. Being perfect your whole life builds pressure to the point of possible "explosive" behavior.)

When we screen prospective employees for a client, we will always let them know if the trait of covert resentment to authority figures shows up. That trait, combined with repression of long standing negative feelings in general, are the two traits that show up the most in employees that have problems of one kind or another and is the underlying motive for them taking actions inimical to the interests of the employer. Those two traits, which are often "not known" or readily apparent to others are also particularly prevalent in employees involved in internal fraud/theft.

- Can often identify the likelihood the writer is straightforward and above board in his or her communications. Can also identify how likely that the person will exaggerate or lives in a fantasy world and may believe they are telling the truth when they are not.

- Can identify compatibility problems between employees and supervisors. (Or teachers and parents, teachers and students, and parents and students.)

(Tidbit: Most misfits in jobs are not related to their professional competence, but to personality conflicts with supervisors/co-workers.)

Hardly a day goes by that the Wall Street Journal doesn't report on at least one senior executive of a company who is quitting "for personal reasons" often within six months or so of starting the job. Statistics show that personal interviews of prospective employees are usually no more than 35-40 percent accurate. In other words, first impressions are not the most reliable way to hire an employee. Unfortunately, far too many of those doing the hiring react almost exclusively on their "gut" feeling and often "overrule" the analyst who warns of possible

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trouble. Rarely is the analyst proven wrong. A study a decade or so ago by Paul Eckman determined that the best interviewers at identifying deception are the US Secret Service. Eckman found that most other law enforcement/investigators/Special Agents personnel are about on a par with the general public. I found that hard to believe, just as I am sure some of you may be saying "yea, yea, but I know I am a good interviewer...".

- Can identify changes in a personality such as depression. We have had two cases where the question we were asked to answer was "Could the writer have been brainwashed?" The answer was "yes" in both cases, but this type analysis can only be done with confidence when the analyst has, at a minimum, writings before and after the alleged brainwashing. It would be preferable to also have writing "during" the period the brainwashing allegedly occurred. The Patty Hearst case is probably the most famous relatively recent case where the person's personality completely changed because she was "brainwashed." Her handwriting before she was taken prisoner by the Symbionese Liberation Army was large, loopy, rounded and right slanted. When she was freed, her writing had become small, no loops at all, angular and vertical. Something happened to that personality in a very short period of time, and brainwashing was a logical reason for what happened.
- Can be employed on the romance languages, Chinese, Japanese, Arabic, and most other languages. (We had a case this year involving Somali and we have done work on French, Arabic, Japanese, German, Dutch, Spanish, Somali, and English.) There are a few esoteric languages that can cause some problems, but fortunately we don't run into them in our work. As Americans it is, of course, easiest for us to work in our native language.

What are the drawbacks to employing handwriting analysis in your investigations?

- The biggest drawback is that the attorney or legal counsel you are working for will want to have an analyst testify in court. While I am a strong believer in handwriting analysis and have helped many of you solve investigations, handwriting analysis is still not fully accepted as a fully proven valid and reliable science, at least not to the point it could withstand a withering cross examination by someone consulting with someone like me. (You always have to assume the other side knows as much as your side, though that is not always the case.) The point is that handwriting analysis is much more effective as an investigative tool, than as a tool for the attorney to use in court and when used as an investigative tool, doesn't raise questions of validity as usually other investigative effort has established or "denied" the accuracy of the handwriting analysis. (Having said that, just last week (July '06) our analysis was admitted in a civil court. I concurred with the request only because the person we analyzed was one of the two or three most dangerous persons we have seen in 18+ years of this business and it was essential to do everything we could to help protect the other parties involved.)

(Tidbit: Handwriting analysis has been admitted in courts in fifteen states and at least two federal courts. I still don't recommend it be used for more than investigative purposes. Content Analysis has been admitted in criminal courts and is being taught (forty-four hours) at the FBI Academy. (Content and Form Variance Analyses will be discussed in later articles.)

For those of you who would like to try out some amateur analysis, here are two questions/activities for you that will be answered in the next article on Form Variance Analysis. Try the following:

- Take a piece of unlined paper and your favorite pen, find a comfortable table to write on and write one sentence as small, yet readable, as you can. How did you feel? What did you have to do to accomplish the task? If very small writing

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is a person's regular writing, what trait might we expect to see about that person's ability to work on a project with many things going on around him/her? Would a person with small or large writing be more likely to be successful at an outdoor type sales job? And why?

- Now write a sentence where you make the last stroke of each word like a straight line to the right and make that stroke at least as long as three letters are wide. Is that person likely to be a good investigator who is quick to action when the situation demands it? Why?

Tidbit: A general principle of handwriting is that the more an individual's handwriting slants to the right, the more immediate the emotional response to persons, places and events. About sixty-six percent of major company CEOs, write with a vertical to slightly right slant, while approximately the same percentage of the general public writes with a significantly more right slant. Why do you think that might indicate about senior executives vs. the general public?

Another general principle of handwriting analysis is that large loops (those where the loop is wider than the width of the mid-zone letters next to it) have an above average amount of imagination. (Mid-zone letters are the a's, o's, u's, circle part of the d and g and the hump of the h.) Do you think you can trust the accuracy of an interviewee who has loops that are three times as wide as the mid-zone letters? Why?

Caution: Do not apply anything you have read here to an actual case you are working. In making some of the statements above, I have made certain assumptions about the rest of the writing. In some cases, there will be other traits in the writing that may, in effect, "cancel out" the impact of the indicator you might be applying a specific meaning to. I have also assumed a "certain strength" of a trait indicator that may or may not apply to a writing you are looking at. While you may think you know what it "means," you should always bring in the expert to, if nothing else, confirm what you suspect, but often to keep you from making an erroneous assumption. Keep in mind, that if a handwriting is seriously out of balance in some way, that

personality will probably be out of balance in some way.

About the author: Gary is a retired Air Force Office of Special Investigations Special Agent and has operated his consulting business (G. Brown & Associates) since 1988. He is a long time Intellenet member, a speaker at five Intellenet, four Super Conferences, several state associations of investigators. We all know him for his work as the Intellenet listmaster

Self-Incrimination in Workplace Investigations

*Juliana Morehead J.D. CFE
Association of Certified Fraud Examiners*

In the past few months, the ACFE has received several inquiries about questions of self-incrimination and the Fifth Amendment. Because I've focused on the related issues of attorney-client and work product privilege waivers correlated with a company's cooperation with federal authorities, as well as First Amendment whistle-blowing protection of public employees, it would be good to address the Fifth Amendment's impact upon incriminating statements made by employees—both public and private.

STATE ACTION

Subject to limitations, the U.S. Constitution generally doesn't limit the powers of private employers in conducting corporate investigations. There must be evidence of "state action" to bring a charge against an employer for violating a constitution right. State action is an undertaking carried out by, or at the request of, the government. Thus, it occurs when a state or federal entity investigates an individual or organization. Whether state action is present in an investigation is determined on a case-by-case basis.

Obviously, investigations conducted directly by state or federal authorities would qualify under the rule, but the following might also be considered state action in some circumstances:

- investigations by a private company at the request or suggestion of state or federal authorities;

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- investigations by a private company that are later assumed or expanded by state or federal authorities;
- joint investigations by a private company that are required by state or federal law; and
- searches or interrogations conducted by off-duty state or federal authorities.

THE FIFTH AMENDMENT

The Fifth Amendment states that, “no person shall be...compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law...” The Fifth Amendment only protects individuals against self-incrimination where there is state action. Self-incrimination in this context is the making of any statement, which could impute one’s personal involvement in a crime. Unless governmental conduct is involved in the investigation of a private employee, the private employee isn’t protected by the Fifth Amendment should he refuse to answer self-incriminating statements, and he can subsequently be discharged for such refusal.

The Fifth Amendment applies to investigations of public employees because the investigators conducting the questioning are employed by the government or acting on its behalf. However, public employers may discharge employees for refusing to answer specific questions about their compliance with job policy and/or performance. The government may discipline or terminate an employee for commission of a crime or for violating policy, but it can’t discipline or terminate the employee solely on the basis that the employee asserted his Fifth Amendment right.

Fifth Amendment protection applies to individuals whose incriminating statements can be used against them. It doesn’t extend to witnesses who refuse to answer questions that could incriminate another individual. Thus, a non-suspect witness who has knowledge about another’s criminal activity, and refuses to answer questions about this activity can be disciplined for his or her refusal.

RIGHTS & WARNINGS

Often, there’s confusion as to when a public employee can refuse to answer self-incriminating questions without being subject to criminal prosecution. Garrity warnings and Kalkines warnings are the most frequently used cautions in the government workplace.

Garrity warning

Garrity warnings are given to public employees who are the subject of an investigation involving employment matters. The warning advises an employee that he’ll be asked question in connection with workplace misconduct, and that the employee may give answers to such questions on a voluntary basis. Furthermore, the employee is advised that his answers could be used in a subsequent criminal proceeding, and may therefore refuse to provide answers that may tend to incriminate him without being subject to discipline or dismissal. Garrity warnings are likened to Miranda warnings minus the custodial setting.³

Kalkines warning

Kalkines warnings are given when a public employer or government official wants to compel an employee to provide answers that have potential criminal liability and administrative consequences. In order to compel an employee to answer questions that might implicate the individual, the employer/government official must receive written approval from the appropriate federal or state prosecutorial authority to grant the employee “use immunity.”⁴

Use immunity precludes prosecution against the employee for statements derived from the

³ A custodial setting is equal to that of a custodial arrest or interrogation, which occurs when an individual has been taken into custody or otherwise deprived of his or her freedom by police or government authorities. Individuals in a custodial setting are entitled to be advised of their constitutional rights by being given certain warnings. The custodial setting does not require that an individual be formally arrested.

⁴ Such approval often comes in the form of a letter of declination to prosecute.

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compelled testimony. However, it doesn't protect the individual from being subject to prosecution where the government received evidence from a legitimate independent source. Furthermore, it's important to note that an employee who agrees to answer questions following a Kalkines warning may still be prosecuted for providing the public employer/government office with false statements or answers.⁵ Should the employee refuse to answer questions after having been given a proper Kalkines warning, the public employer may take disciplinary measures or otherwise dismiss the employee.

SELF-INCRIMINATION SHORTHAND SUMMARY

- A public employee can't be fired solely for asserting his or her Fifth Amendment rights by refusing to answer questions that could implicate the employee in a crime.
- A public employee can be fired for refusing to answer job-related questions as they relate to a matter of policy and that wouldn't subject the employee to potential prosecution.
- If a public employee is given official immunity (Kalkines warning) against prosecution, he or she can be compelled to answer job-related questions about his or her possible criminal conduct.
- This employee can be terminated for insubordination in refusing to answer.
- Alternatively, this employee can be terminated should his answers reveal a violation of job policy and/or performance.

(Note: All of these rules apply to private employees subject to state action.)

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⁵ 18 U.S.C §1001.

Working a Room Doesn't Have to Be Work

Reprinted with permission from the San Diego Bar Magazine

You've been invited to attend a cocktail party reception for an organization your firm supports. You don't know anyone except the others from your firm, and you know that hanging out with them is not why you're attending. It's fine to go to an event with a colleague, but it's better to work the room alone. Very few people look forward to a room full of strangers, and most everyone at the event has similar feelings. How can you turn the dread of making small talk into an opportunity to meet new people and develop your network? By strategically "working the room."

Have a plan. Research the event and the likely attendees. Your secretary or library staff should be able to get you some basic information. This will help you find a connection with the people you will meet.

Dress for the occasion. It's always better to be in appropriate business attire when others are more casual, rather than the other way around.

Develop your personal message. Prepare a brief introduction of yourself that conveys who you are, what you do and what your connection is to the event.

Bring business cards—but don't hand them out without being asked.

Walk into the event with energy and a sense of purpose. No one needs to know you'd much rather be home, or that you're really thinking about that brief you need to finish.

Get a drink first (alcoholic or nonalcoholic). It gives you a chance to scope out the room, and having a drink to sip on gives you something to do as you make your way around the room.

Don't wait to be approached. Find someone who looks as ill at ease as you feel, and strike up a conversation. Vow to enjoy yourself, smile and be pleasant and engaged.

Introduce yourself and then ask some questions:

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- How do you know the host?
- What's your affiliation with the event or organization?

Be prepared for conversation by reading today's headlines. Know the hot issues—even if they don't interest you. Have three topics ready which are appropriate for the event or something currently in the news (but not controversial). Spend 5-10 minutes in each conversation, then excuse yourself and move on.

Wear a name tag, when provided. It should be worn high on the right side so that it is in the line of sight when you shake hands with people. And speaking of shaking hands, use a firm handshake (this goes for both men and women. Look people in the eye and make sincere contact. You're more likely to remember names if you take a moment to really connect.

Remember the names of those you meet. If there are no name tags, and you forget, ask them for a card. Some tips to recalling names

are: (1) focus on the person and his or her name—not what you are going to say next; (2) repeat the name in your head; (3) use it again as soon as possible—but don't overdo it or you'll sound like you're trying too hard; (4) when you move on to another group, reflect on the group you've just met and try to recall their names; (5) introduce them to others. This reinforces the name and establishes you as someone to know.

Before you leave, thank the hosts and say goodbye. Resist the temptation to bail early or sneak out a side door.

As soon as possible after the event, make notes and enter any potential clients or referral sources in your contacts. Be sure to follow up with anyone where you might be able to provide an article or other information on a topic you discussed.

Having a plan, enjoying yourself and following up will help build your network of contacts and will take the "work" out of working a room.

Intellenet Officers and Directors



**Jim Carino, CPP, VSM,
Executive Director
Gladwyne, PA**

Jim is a retired USAF Lt. Colonel who served 20 years with the USAF Office of Special Investigations as a Special Agent, retiring as Director of Criminal Investigations. Following retirement, he was a Security Consultant for two companies prior to starting his own company offering security consulting, security training, expert witness, and investigative services. He holds a BA degree from Colgate University and an MA degree from the University of Hawaii. He has taught baccalaureate and masters level security courses. A licensed investigator in Pennsylvania, he is an active member of several professional security organizations.



**Fred Bornhofen, CPP, CFE, VSM, CII,
Assistant Executive Director—Ethics Officer
Elverson, PA**

Fred Bornhofen, a native of Illinois, is a licensed PI, security consultant and expert witness. His background consists of once being a Special Agent of ONI, next as a security manager for Magnavox, Zenith, and Director of Security for National Tea Co and the Sun Oil Company. He is one of the founders of ISMA, PALI, and is one of the original members of the Vidocq Society and Intellenet. Alive and well, he resides in comfort in Amish Country in Pennsylvania.

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**Brad Penny,
Secretary—Treasurer—Historian
Santa Barbara, CA**

Brad is a former Special Agent of the US Air Force Office of Special Investigations where he conducted counterintelligence operations. In 1982, he founded Penny & Penny Investigations in association with his son, George. Brad has conducted corporate intelligence, counterintelligence, property theft investigations, wrongful termination cases as well as personal injury and workers compensations cases and plaintiff and defense cases for a variety of corporate entities, including insurance companies and attorneys.

He has a Bachelor of Law degree and was a top graduate at the US Air Force Special Investigator’s Course.



**Nancy Poss-Hatchl,
Assistant Secretary
Santa Ana, CA**

A native of California, she has a BA in Chemistry and an MA in Anthropology. Between these studies, she worked as an international journalist. She began as an undercover investigator, who identified a drug ring operating in an electronics firm with several drug-related deaths. She then did insurance and corporate civil investigations, and became licensed in 1979. She has actively promoted the importance of professional ethics. She is a member of CALI, CII and INTELNET. She was awarded CII International Investigator of the Year 1997, and received an award from INC Magazine. She served on a special committee of PI’s to revise the California State Licensing exams. She is still active as an investigator, specializes in Maritime cases (involving shipwrecks, mutinies and crimes on the high seas). She is fluent in Spanish and English. Her hobbies are traveling with her husband, Sidney Hatchl; writing poetry and screen plays, and enjoying her children and grandchildren.



**Bruce Hulme,
Intellenet Select Committee
for Legislative Affairs
New York, NY**

Bruce is a past president of the National Council of Investigation and Security Services (NCISS) and of the Associated Licensed Detectives of New York State (ALDONYS). He is also chairman of, or liaison to, several professional association legislative committees representing licensed private investigators, security professionals and certified fraud examiners. He serves as a member of the executive board as legislative liaison of the New York Chapter of Certified Fraud Examiners, and has lectured extensively at seminars presented by the profession’s leading associations. He assisted in drafting a provision of the federal Drivers Privacy Protection Act of 1994, with respect to obtaining access for licensed private investigators and security firms. He testified before the Federal Trade Commission on behalf of the private investigation industry’s position on consumer information privacy. His participation helped create the record that formed the

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| | <p>basis of the FTC's analysis of computer database services. He has testified before Congressional committee hearings including the House Committee on Banking and Financial Services on Identity Theft and Gramm-Leach-Bliley Act Implementation with respect to privacy issues. He was appointed by Governor George E. Pataki to serve as a member of the New York State Security Guard Advisory Council, and is an advisory board member of John Jay College of Criminal Justice. Bruce is president of Special Investigations, Inc., in New York City and is a licensed private investigator and a certified fraud examiner.</p> |
|  | <p style="text-align: center;">Gary Brown, Regional Director, Region VII —List Master Beaverton, OR</p> <p>Gary, after over two decades as an Air Force officer and special agent of the AF Office of Special Investigations, opened his statement analysis and questioned document examination business, G. Brown and Associates, in 1988. His business serves the federal, corporate, legal and private investigative communities in thirty-five states and six countries. He also works pro-bono, cold-case homicides as a member of the Vidocq Society. His analyses of the Clinton deposition in the Paula Jones case and the anthrax letter have been published nationally by the <i>Washington Post/Los Angeles Times</i> News Service and he has been interviewed on radio and TV throughout the country. He has been a speaker at seminars sponsored by corporations, federal investigative agencies, local law enforcement agencies, and private investigative associations in the United States, Canada and the United Kingdom.</p> <p>He has a B.A. in international affairs from Texas Christian University; an M.S. in general studies (specializing in investigative techniques) from George Washington University and has done additional graduate work toward an M.P.A. at the University of Southern California. He is also a distinguished AFROTC graduate at TCU and a graduate of the AF Squadron Officer School and the AF Command and Staff College.</p> |
|  | <p style="text-align: center;">Art Fredheim, CPA, CBA, CFE, Regional Director, Region I Brookline, MA</p> <p>Art is the President of Financial Investigative Services, a firm with a Northeast United States client base and international networks. He retired in 1989 from the Internal Revenue Services Criminal Investigation Division and had been based in New York and New England. He has 25 years of investigative experience in multi-jurisdictional and criminal investigations relating to organized crime and narcotics trafficking, money laundering, international brokerage frauds and domestic white collar crime. Art now provides forensic accounting expertise in financial fraud matters, reconstruction of financial and other events from incomplete records, determination of income and assets, lost earnings and profits analysis, business valuations and expert testimony in multiple state and Federal jurisdictions.</p> <p>Art has a Bachelor of Science in Economics and Business</p> |

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| | <p>Administration (Cum Laude) from Wagner College, Staten Island, NY and a Master of Public Administration from the University of Maine, Orono, ME. He has an extensive background in presentations at professional seminars and has written numerous articles for professional publications.</p> |
|  | <p style="text-align: center;">Don Johnson, CLI, CII Regional Director, Region II Bloomington, IN</p> <p>Don has been a licensed private investigator since 1985 and founded Trace Investigations in 1990. Trace Investigations provides litigation support and general investigations services to the public. Trace offers services in insurance defense and fraud investigations, complete civil and criminal investigations, background investigations and pre-employment screening; loss prevention operations; and skip tracing for financial organizations.</p> <p>A graduate of the U.S. Defense Language Institute, Don is a former Russian intelligence analyst with the U.S. Air Force and attended Indiana University as an undergraduate. He is a published author and editor of <i>PI Magazine</i>, <i>Journal of Professional Investigator</i>. He also edits the quarterly journal of the National Council of Investigation and Security Services, <i>The NCISS Report</i>.</p> |
|  | <p style="text-align: center;">Tom Crowley, CFE, Region III, Regional Director Tampa, FL</p> |
|  | <p style="text-align: center;">Jerry Adams, Regional Director, Region VI Austin, TX</p> <p>Jerry, a retired Federal Bureau of Investigation Special Agent is the president of Gerald Adams & Associates, Inc. He is a contract FBI Special Investigator and has served as an advisor in the areas of Homeland Security and School Safety to various government entities. He specializes in hostage negotiations, crisis management, interview techniques, counter-terrorism, counter-espionage, fraud and public corruption, organized crime, kidnapping/extortion/personal protection, international drug cartels, school safety/security and workplace violence.</p> <p>He has presented lectures in numerous domestic and international venues. He is also a member of numerous civic and professional groups.</p> |

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**Robert Dudash,
Region V, Director
Omaha, NE**

Robert, a Certified Fraud Examiner (CFE), retired from the U.S. Air Force after serving for more than 30 years on active duty. During the last 18 years of his career, he was a Special Agent for the Air Force Office of Special Investigations (OSI) until his retirement in May 1989.

While on active duty, Robert was the major case agent on the U.S. Air Forces' most critical espionage investigation at the time. The case involved an Air Force 2nd Lieutenant Missile Launch Officer who was attempting to pass Top Secret information to individuals at the Soviet Embassy in Washington, D.C.

Since retirement, he has managed, supervised and conducted all types of investigations relating to security, criminal and fraudulent matters. He has provided guidance, recommendations and advice on security matters, loss prevention, and other sensitive investigative matters.



**Geoff Hughes, PCI,
Regional Director, Regions VIII and XII
Tunbridge Wells, England**

Geoff conducts and manages international investigations and risk management projects around the world from his base near London. He worked in marine insurance claims and with a UK government agency before working as Operations Director for a well-established investigations agency before forming his own company in 1993, specializing in discreet, complex and geographically widespread fraud investigations. The Jell Group now provides investigative services on both sides of the Atlantic Ocean, including Europe, the Former Soviet Union and Africa.

A longtime members of the British "Institute of Professional Investigators' (IPI) and "Institute of Directors' (IoD), Geoff was the first European to obtain the ASIS "Professional Certified Investigator" (PCI) designation.

Because most of his overseas projects are carried out in hostile conditions in "third world" countries, usually under cover of an unrelated business assignment, he has become adept at risk-evaluation and an expert on numerous foreign cultures, legal systems and commercial practices.

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**Mary Clark Fischer,
Regional Director, Region IX
Potsdam, Germany**

Mary has been living and carrying out investigations in Central Europe for the last 10 years after a long career in the US Government in the area of foreign relations and security, focused on Latin America and Central Europe. Her company, CD Business Services, is part of Jell Group (UK) and targets Central Europe, including Germany, Poland, Czech Republic, Hungary, Slovakia and specializes in intellectual property investigations with an emphasis on clothing, luxury goods and consumables, company fraud investigation, company background checks and partner searches for firms.

Additionally, she does translation, editing and proofreading for a wide range of business clients. She also provides training in those countries, including that of customs personnel in the area of counterfeiting. Mary speaks fluent German and Spanish and has a range of other languages. She has lived in Prague, Czech Republic; Budapest, Hungary; and Mexico City.



**Jeff Williams, CPP,
Regional Director, Region X
Makati City, Philippines**

Jeff is the President and Managing Director of Orion Support Incorporate (OSI) which was established in 2001. Prior to his present position, he was employed by Pinkerton with various management positions in Asia.

In 1992, he retired from the US Air Force Office of Special Investigations (OSI) after a 23-year career as a Special Agent, conducting criminal, fraud and counterintelligence investigations. In 1984, he was assigned to the Philippines as the Commander, OSI, US Embassy. He specialized in conducting joint investigative and security operations with various Philippine law enforcement and intelligence units.

Jeff is board certified in Security Management and is a member of the Investigations Council of the American Society for Industrial Security.

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**Tom Cseh,
Regional Director, Region XII
Colonia Reforma Social, Mexico**

Tom is a Regional Senior Consultant for Control Risks Group with responsibility for Mexico, Central America and the Caribbean where he conducts corporate-level investigations, vulnerability surveys, presents security awareness seminars and defensive/evasive drivers training. He has over 35 years practical experience dealing with management operations, including labor relations and contract security, in both friendly and hostile overseas environments.

He is a retired U.S. Air Force Office of Special Investigations supervisor and has been involved in numerous major investigations with U.S. and foreign police agencies. Tom has a bachelor degree in International Affairs (Latin America) and a masters degree in International Affairs (Middle East & North Africa) from The George Washington University. He is fluent in Spanish and also has limited fluency in French, Brazilian Portuguese and Chinese Mandarin.



**Joanne Dougherty,
At Large Board Member
Lafayette Hill, PA**



**Bert Falbaum,
At Large Board Member
Tucson, AZ**

After spending 4 years in the US Air Force, Bert attended California State University at Los Angeles where he earned a Bachelor of Science degree with honors in Police Science and Administration and Syracuse University where he earned a Masters in Public Administration degree. He spent successive assignments with the US Customs Service in San Pedro, California, Nogales, Arizona, Los Angeles, California and Washington, DC. He taught at the Treasury Law Enforcement School in DC and returned to Customs at Headquarters where he was recruited to become Deputy Chief of Law Enforcement for the US Fish and Wildlife Service. Following that assignment, he became the Chief Investigator for the US Department of Justice's Office of Special Investigations (Nazi war crimes investigations). He retired from the Department of Justice and became a private investigator where he has been employed for the past 21 years in Washington, DC, Virginia and Arizona.

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**Ruth Hoffman,
At Large Board Member
Alderny, British Channel Islands**

Ruth has been engaged in the business investigation sector for over 20 years and has her own company based in the British Channel Islands, but operates worldwide. She speaks English and Dutch. Her studies have included Criminology, Interviewing, Statement Analysis and Management. She is a Member of the Board of Governors of the Institute of Professional Investigators which is based in the UK, Chair of the Institute's Legislation Committee and a member of its Training Committee. She publishes the quarterly on-line Prevention Guide.



**Kevin Ripa,
At Large Board Member
Calgary, Alberta, Canada**

Kevin started in the investigative field in 1993 after many years in the Canadian Armed Forces where he served in many hotspots around the world including the first Gulf War. His initial investigative experience was in the area of child abduction recoveries, executive protection, and insurance surveillance. Over the years, he has protected or escorted many influential people, including executives, their families, and movie and music personalities as well as being involved in security work for the Academy Awards.

In 1998, he moved into computer investigations. Computer Evidence Recovery has become a computer investigations company that operates globally. A Data Recovery division run by his son Stuart performs data recovery from computer media that was otherwise thought to be damaged or lost forever.



**Reggie Montgomery,
At Large Board Member
Allendale, NJ**

Reggie retired from local law enforcement in 1979 and became a New Jersey licensed private investigator and is currently President of R.J. Montgomery Associates, Saddle River, NJ. He is a member of, and has served as an officer with several private investigation and security professional organizations. Reggie is also an adjunct professor at New Jersey City University and has presented at national and international conferences on a range of investigations and security-related topics. He has appeared on many network television programs and media and has authored several books in corporate and criminal investigations.

**Bill Parker,
At Large Board Member
Islamorada, FL**

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**Larry Ross,
At Large Board Member
Washington, DC**

Ross Financial Services, Inc., operated by Larry and Margy Ross, has provided corporate and government research and fraud investigative services since 1991. RFS is licensed in the District of Columbia.

Larry, an attorney, is skilled at tracing ownership, cash flows, and assets through complex webs of entities, and uncovering irregularities in business transactions and financial statements. Margy, an expert at comprehensive and cost-effective online exploration, is a computer research pioneer, having spent over 20 years working for LexisNexis.

Both Larry and Margy worked in the U.S. Justice Department. Larry tried tax cases in Federal courts, primarily in Illinois and Ohio. At the time that he left the Department, he was chief of the Chicago Tax Docket, and he litigated tax cases against such well-known Chicagoans as the Pritzkers, the Crown's and Tony Spilotro (played by Joe Pesci in the movie, Casino). Margy served as a paralegal, assisting in the preparation of Federal litigation and working in an intelligence unit that reported directly to the U.S. Attorney General.

After his stint at the Justice Department, Larry became Chief Counsel to a House Ways and Means investigative subcommittee where he became a thorn in the side of the Commissioner of the Internal Revenue Service who, in utter frustration, complained that "Larry Ross makes Roy Cohen look like St. Francis of Assisi." To this day, Larry cherishes that moment as a career highlight.

Upon leaving government service, Larry founded a law firm that specialized in tax and securities law. He supervised the preparation of securities offerings, and litigated tax cases at the trial and appellate levels, as well as before the U.S. Supreme Court. Larry retired from his law practice in the early '90s and established Ross Financial Services, Inc.

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**Peter Psarouthakis,
At Large Board Member
Chelsea, MI**

Peter is a Licensed Private Investigator and owner of EWI & Associates, Inc., which was established in 1994. His company provides investigation services and technical surveillance countermeasures services to corporations and law firms. He has developed a large network of investigative and business associates throughout the United States. This network has given him the ability to perform a multitude of investigative tasks nationally and internationally. It also has given his clientele the ability to find experts and resources that he and his company may not perform directly. Peter holds a Bachelor of Science degree in Criminal Justice and an Associates degree in Law Enforcement, both from The University of Toledo. He is an active member of ASIS International Investigations Council, Espionage Research Institute, Michigan Council of Private Investigators (President), National Council of Investigation and Security Services (3rd VP and Ethics Committee Chair), National Association of Legal Investigators (Disciplinary Chair) and Pi Gamma Mu International Honor Society in Social Science.

The Value of Cooperation

*Ed Wunsch
Commercial Reports
Hopkins, Minnesota*

On Friday, July 6, 2007, Intellenet Minneapolis member, Ed Wunsch received a call from one of his best clients (MK). MK advised Wunsch that in the evening hours of Wednesday, July 4, 2007, MK's wife's vehicle was struck by a hit and run driver and damaged to the extent of almost \$2,500.00. A witness observed the accident and provided a Nebraska license plate number of the offending vehicle.

Minneapolis Police Department was unsuccessful in determining the owner of the vehicle and refused to provide any additional assistance to MK.

Through interviewing the witness and working on-line sources with no success, Wunsch contacted Intellenet Omaha Member, Robert Dudash. Together, the two investigators were able to determine that the driver of the vehicle was the son of the registered owner. The son was attending college in Minneapolis, MN. Insurance information was found and provided to MK.

In three days, a case that Minneapolis Police Department Hit and Run Unit gave up on, two Intellenet members from different States were able

to resolve for MK, saving him from paying the \$2,500.00 damages himself, or having his insurance rates increased. And it cost MK less than \$150.00.

Another fine example of how working with other Intellenet members can save you money, time and make you look like, "there isn't anything you can't find out, is there."*

*-Response from Client MK.

Request for Postage Stamps

Recently Ed Wunsch resolved a parental abduction matter involving two girls, ages 7 and 9. Ed has been "adopted" by the nine year old who has a stamp collection and is trying to collect stamps from around the world. If you are able to assist in getting some stamps for the girl, please send them to Ed Wunsch, Commercial Report, Inc., P.O. Box 5180, Hopkins, MN 55343. Your contributions will be greatly appreciated.

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