



**MICHIGAN COUNCIL OF
PROFESSIONAL INVESTIGATORS**

Up-Close

APRIL 2020

MICHIGAN COUNCIL OF PROFESSIONAL INVESTIGATORS | 37637 Five Mile Rd, #236, Livonia, MI 48154

www.mcpihome.com



MCPI MISSION STATEMENT: The Michigan Council of Professional Investigators (MCPI) is an organizational network of investigators from across the State of Michigan founded on integrity, professionalism and high industry standards. Our organization will strive to provide investigators with education, legislative support, business opportunities, and synergistic forums to gather and exchange ideas. The MCPI members maintain the highest standard of ethics and confidentiality to promote trust and support amongst our clients and colleagues.

Thank You to our Vendor Sponsors!



Bug Sweeps

Marty VanderVliet

616-676-9206 / PO Box 1082, Ada, MI 49301

President's Message

Jerry Hardesty

Spring of 2020 finds our members facing far different challenges than we've faced before. I'd like to say I hope this letter finds everyone in good health during the COVID-19 health crisis our country is in the middle of. We watch as many of our family members are deployed to the front line of this war-something they never thought they would have to face. We at MCPI are holding on watching and helping our fellow PI's. We have put out several sources of information with links to keep you updated about what is happening in Michigan and will continue to do so. We will do our best to continue to publish links to information that will help the membership. These links and other information will be posted and preserved on the MCPI Website under the "News" tab, select "downloads".

The MCPI Fall Education Conference is scheduled for October 1, 2020 at Firekeepers in Battle Creek; we will update you as information develops. MCPI elections for the Board of Director positions are scheduled this year. We will announce how to nominate candidates in the coming weeks and months, all board positions are up for election. Newly elected board members will be announced at the Fall Conference in October.

Please Stay safe,
Jerry Hardesty, President - MCPI

FREE WEBINARS

[CLICK HERE](#) to view a list of informative *free webinars* on a variety of topics that you can download anytime.

Featured Sleuth

Justin Billard

By Russ Rheaume



Justin Billard of Downtown Investigations is a Boston, Massachusetts native who recently moved to Michigan after the birth of his first daughter. His wife Michelle and her family are from Michigan, and family is exactly what brought them here.

Justin's investigative experience began early as a Loss Prevention undercover detective for major retailers. He was motivated to become a Private Investigator after nine years of experience in corporate retail Loss Prevention. In 2006 after returning from service as a US Marine in the Iraq War, he began the process of starting his own investigative firm. In 2007, he was licensed by the Massachusetts State Police as a Private Detective. He was the youngest person ever issued a Private Detective license in Massachusetts; he was 28 years old. Justin soon joined the Licensed Private Detectives Association of Massachusetts (LPDAM). A little more than a year later, he was elected to serve on the Board of Directors and was elected as the organization's Vice President in 2012. He then served as the President of the LPDAM from 2013 to 2014. After his tenure as President was complete, Justin returned to an elected Director position until the end of that term in 2018. He has joined many other pertinent investigation societies and has been quite active.

Through Justin's company, Downtown Investigations, LLC., he has been extremely fortunate to work with some of the most qualified Private Investigators and active and retired Law Enforcement professionals across the country during casework. His clients include attorneys, corporate officers and government officials. Justin's cases have given him the privilege to have work product and courtroom testimony vetted at all levels of District, State and Federal Court. He has been responsible for complex investigations, including one of the most notable cases due to its size and scope, where he employed 18 of his licensed colleagues for an investigation that lasted seven days and totaled over 750 investigative hours!

Since relocating to Michigan and obtaining his license as a Professional Investigator here, Justin knows the importance of getting to know each of you. His office is in Brighton, Michigan which gives him relatively easy access to accept casework in the virtual square of Lansing to Flint to Detroit to Ann Arbor. With that, Justin offers himself as a subcontractor on your cases should any of you have the need for his specialties of forensic interviewing (pre-arranged, structured or unannounced door-knock), difficult locates, undercover work or surveillance assignments.

Justin would love the opportunity to speak with as many of you as possible, either over the phone, E-mail or over coffee, so please do not hesitate to reach out to him directly. He also looks forward to meeting many of you at upcoming MCPI meetings.

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JUST BECAUSE THE EVIDENCE IS NOT APPARENT DOES NOT MEAN THERE IS APPARENTLY NO EVIDENCE

Carl Sagan (possibly)

By Kitty Hailey, CLI

This quote was framed over my desk for years. It was attributed to Carl Sagan, the noted astronomer and thinker. Someone gave it to me. It's what my 9th grade English teacher used to call a "pithy maxim" or a saying that has a lot of meaning and can be debated with vigor.

Like Sagan, I believe that we cannot take things on face value. How often have we all heard the words, "The witness can't be located?" Certainly that does not mean that the witness has vanished in thin air. It just means that the investigator has not searched enough. Using one on-line research company does not constitute an investigation. Follow up with alternate databases is necessary. Research into social media websites, business affiliated clubs and organizations, ancestry registries, title searches and a myriad of other sources must be checked. Once research has concluded the investigator must do the unthinkable. He or she must get up off that comfy computer chair and put on a coat. Then the real investigation begins. The locations must be visited. Neighbors must be interviewed. Courthouses can be researched. Death records and obituaries should be culled through. There is so much that can be brought to the table beyond a cursory search or the mere acceptance of information as it is provided by a credit header report. Obviously the client's ability to fund this investigation is a large part of the equation.

Our responsibility goes beyond doing what any ordinary citizen can do. It is necessary for us to use the skills we have learned as investigators to do an extraordinary job. We receive financial remuneration for our professional skills. Surely one would expect a doctor to do more than place a band aid on a broken arm. We are the professionals with the skill sets to examine the patient, prescribe the cure or pill or splint or cast as needed.

I am reminded every time that I do a post conviction investigation of the error of our ways. Every criminal case brings with it a police report of evidence seized at the crime. There is an index of each item picked up by officers at the scene. These items are culled through for blood samples, fingerprints and DNA. Registration numbers of stolen property are compared with those on file. Most of the gathered material is placed in a box, labeled and put on a shelf in an evidence locker. Some of the pieces are selected by prosecutors and police as vital to their theory of the case. However, that which is left behind is generally only left because it does not support that theory. So it becomes incumbent upon us to review not only the evidence used at trial; but the evidence not used at trial as well.

Both the manner in which we do our job and the integrity with which we perform our work are the true test of an ethical investigator. Allowing others to think for us does not do a service to our client. Accepting the work product of others unquestioned is a shoddy means of finding information. What I'm advocating is more thorough and thoughtful work. It's not a popular concept in a world gone soft by easy access to data. It is however the mark of a professional. When it means the difference between wrongful incarceration and proper adjudication the choice is simple. The work is worth the effort. The ethical investigator has done her job.

It was this work ethic that took me into a rather dangerous inner city neighborhood today. I visited the scene of a crime that took place more than twenty years ago. Why? Because I had two concurring statements in my file. (Yes, concurring. Not conflicting). One was the report of the officer at the scene. The other was the confession of the man locked behind bars. They didn't sound right because they were too close for comfort. The words were too familiar. One echoed the findings of the other. Similar wording described the scene in both the statement of the 40-year-old officer and the 20-year-old suspect. These words were sufficient to have convinced a court and a jury of citizens that the confession was true and the client was guilty. Now, more than twenty years later I questioned not only his statement but the findings of the officer as well. So, I did my job. I went to the scene and I looked.

In depressed neighborhoods little changes over time except decay. Buildings aren't altered, unless they fall down. Houses aren't renovated and reconstructed; they are patched. New electricity isn't wired up; lines are moved from existing light fixtures to activate newly jury rigged fixtures. So, the basic skeleton of the neighborhood was the same. The houses had not been enlarged or the properties expanded. Instead new debris cluttered old yards and broken sidewalks echoed a grander day. And what I saw belied both the statement of the officer and the client. The crime could not have happened as it was stated because access to the building was not possible as described. I'm not done. I'll check further. I'll pull original blueprints from city hall and licenses for improvements on the building. I'll talk to neighbors about changes over the years. I've already done on-line research and found that the house has only changed hands one time since the crime. Thank goodness for little favors. What I might find is a coerced confession; full of lies and statements made up by an overzealous policeman. Actually, I don't know. It's just a hunch. I won't stop until I have compared his words with other confessions he has obtained over the years. There is a lot to do. It should have been done 20 years ago. But then, an investigator was never hired way back then

when it would have mattered most. I can't take the chance that the confession was true or voluntary. It might be. I'll never know until I do my job.

As investigators we deal with this conundrum daily. My thoughts go to a case I investigated many years ago. A diagram of a crime scene was presented into evidence by the crime scene tech. It was accepted by all parties and used as a template upon which the prosecutor described the entrance of the assailant into the apartment. A witness who had the foresight to hide in a closet positively identified the client from her vantage point. This was pointed out as well. There could be no doubt in the collective minds of the jury that her view was unobstructed and she was brave to come forth with this information. Below on the left is a simulated diagram of that apartment. The defense attorney took the evidence at face value and did not question it. Many years later I revisited that same location. I confirmed that no alterations had been made to the apartment and no construction had taken place since the crime. I obtained original blue prints of the scene and prepared my own diagram from my own measurements inside the apartment. My simulated diagram is on the right. Simple differences. Astounding revelations. "Just because the evidence is not apparent....."

"Just because the evidence is not apparent does not mean there is apparently no evidence." Since I picked this topic as the basis for writing an article about Investigative Ethics with all good intent, it was incumbent upon me to check the original quotation for accuracy. I started with Google. Then I went to the site for Bartlett's familiar quotations. Now I've done on-line research for more than a half an hour and can't find a source that really and truly ascribes the quote to Carl Sagan. Although when one thinks of Sagan's forays into the stars, it is believable that he would have thought such a thing. Regardless of the source of this quote (and it was credited to deists and anti-deists as well), my point is well proven even before it was made.

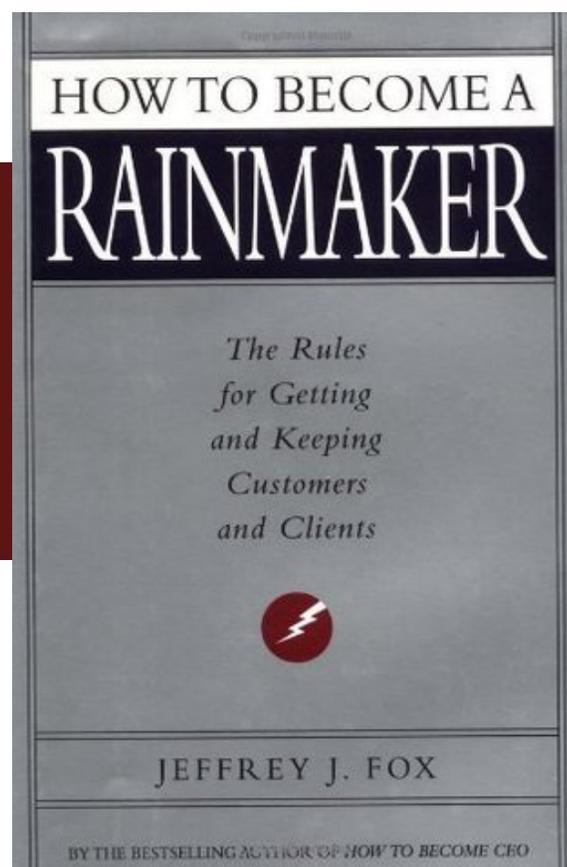
My point; the thesis for this paper, is simply that investigators have a duty to go beyond that which is obvious and to find that which is fact. We have a responsibility not to allow information presented to us to be taken at face value. If we do not question, research and discover what lies beyond the evidence presented, we are not doing our jobs. We should not be believers. We are questioners. We cannot afford to allow others to provide us with information; we must verify it on our own. It is a moral and ethical obligation to our craft.

Thank you, Mr. Sagan, or whoever you might be. The thought is worthy of quoting.

GOOD BOOK

How to Become a Rainmaker, By Jeffery Fox

An old little book with smart ideas. Fox offers practical wisdom that will help you rise above the competition in any company, in any field; may help you build your business & keep your customers



The Two Sides of “Distracted Driving”

Part Two

Eric Waidelich

As we discussed in the last issue, Part One, as with anything in life there are always two sides of any situation. For the second part of the series we are focusing on you, as the working by-stander who might be the recipient of someone else texting and driving. Keep in mind that all of the information we are about to cover is not just for your safety, but is also an expectation of OSHA.

Understand the hazards

Working close to traffic is dangerous, whether it involves construction related activities, maintaining property or vegetation. Each work site has its own unique set of hazards. Make sure all of the affected staff are informed of the known hazards at the work site before beginning work.

Be aware that the types of hazards can change over the course of your work shift. For example, traffic volumes can increase, a large number of 16 year old “first year drivers” leaving the local high school parking lot may not know how to properly operate the vehicle in an congested area where people are working near the road, or simply may not be paying attention.

From a defensive position, automatically assume that every person who is driving a vehicle near your work area is texting and driving. Taking this mental approach will assist you in establishing a work area that will help protect you from incidents involving a distracted driver. As we learned from the first section of this article, people under the age of 20 are involved in more fatal crashes due to distractions than any other age group.

Potential hazards around the work site

- Consider if work vehicles will be entering or exiting the work site over the course of the day.
- Store your equipment and supplies in an area where they won’t get hit and you can safely access them.
- Potential hazards on the road
- Be aware if you are working near an intersection with traffic coming from multiple directions.
- Measure how much space you have between your work site and the roadway. Be aware of your location vis-à-vis traffic, cyclists and pedestrians as you work.
- Be aware of the visibility of approaching drivers. Check to see if there are any curves, crests of hills, trees and bushes, or parked vehicles.

Potential traffic hazards

- Be aware of the type of traffic that is passing by – passenger vehicles, buses, large trucks.
- Large vehicles such as commercial trucks travel are often wider than normal vehicles and may have protruding side mirrors.
- Be aware of vehicles travelling faster than the speed limit.
- Look at the local area
- Identify any traffic entering or exiting nearby commercial premises that could block signage or obstruct visibility of you or your co-workers.
- Consider any police, ambulance or fire stations you should be aware of.

Look at the environment

- Consider if the weather may impact visibility of drivers (e.g., fog, heavy rain).
- Be aware of the condition of the roads. Are they slick or slippery?
- Be aware of any light conditions or location of the sun that may affect the drivers’ visibility.

Consider how the above hazards may change over the course of your work.

For example:

- Rush-hour traffic flows
- School run traffic and parking
- Special events
- Weather, amount of daylight, and road surface conditions

Review this checklist before beginning your roadside work.

- Are you aware of the hazards associated with your work site?
- Have you had a safety briefing to review work site hazards and address safety concerns?
- Do you understand your organization’s procedures for working safely around work vehicles and mobile equipment?
- Are you wearing high-visibility garments? Is it clean and usable – not torn or faded?
- Do you know your escape route in case a vehicle crosses into the work zone?
- If you don’t know where your work site will be in advance, do you know how to identify and address site-specific hazards once you arrive at your work site?

Remember

- Where possible, work facing traffic. This is especially important if the area is noisy or you're wearing hearing protection.
- Be careful not to inadvertently move closer to traffic as you work. Keep your focus; stay aware of your position.
- Be aware of changing conditions over the course of your work shift. Traffic volumes, road surface conditions and visibility can change quickly and increase your risk.
- Be aware of work vehicles, especially as they enter and exit the work zone. If you have any concerns about your safety – or the safety of co-workers, motorists, or pedestrians near your work site – alert your supervisor or employer.

Information provided by Eric Waidelich of Rizikon Inc. Office: (877) 591-0300; Mobile: (313) 530-8251; Email: ewaideich@rizikon.net

**Source material and statistics are from OSHA, NHTSA, and ConeZoneBC.*

NEW SYSTEM IN PLACE AT MSP FOR FOIA REQUESTS

Information PROVIDED BY MEMBER Tom Williams, CLI, CFE; Great Lakes Investigations

MSP FOIA is now Online - you can now submit our requests, pay and download our documents, and track the progress of your requests.

Now Available at MICHIGAN.GOV/FOIA-MSP

Freedom of Information Act requests for Michigan State Police records may now be submitted online via the **Michigan State Policy Public Record Request Portal**. Requestors who submit their request via the portal will have the ability to trace the progress of their request online. Upon completion of the request, response letters and responsive documents, if any, may be available for download directly in the portal.

For instruction on how to submit your next request online, please visit:

www.michigan.gov/FOIA-MSP

