



THE Connection

Official Newsletter of the Georgia Association of Professional Private Investigators, Inc.

UPCOMING MEETINGS

Mark Your Calendar for
November 4 & 5, 2011
for the 7th Annual
Southeast Investigators
Conference

The Next
GAPPI Atlanta
Chapter Meeting
August 9, 2011
at Ryan's Restaurant
705 Jimmy Carter Blvd.
Norcross
(770) 840-9096

Networking and lunch
from
11:30 a.m.—12:00 noon
Meeting from
12:00 noon—1p.m.

The cost is \$15.00 for
GAPPI members

\$20 for non-members
(includes lunch and
beverage)

\$10 for meeting only -
no lunch

Students and potential
members are always
welcome.

"We look forward to
seeing you all there!"

LEGISLATIVE REPORT

The 2011 legislative session has ended, however this is a two year session which means that any bills introduced this year that did not pass will carryover until the 2012 session. One bill that is important to our industry is HB-357. This piece of legislation would allow licensed Private Detectives access to vehicle registration information. The bill was introduced and assigned to the Motor Vehicle Committee in the House. The bill did not pass out of the Committee and will be taken up again next year. Listed below is a copy of HB-357

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House Bill 357

By: Representatives Smith of the 129th, Bearden of the 68th, Powell of the 171st, and Rice of the 51st

A BILL TO BE ENTITLED AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to add certain persons to those authorized to receive motor vehicle registration records; to add certain persons to the list of persons authorized to receive motor vehicle certificate of title records; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising subsection (c) of Code Section 40-2-130, relating to records of certificate or registration, as follows:

"(c) The motor vehicle registration records which the commissioner is required to maintain under this Code section or any other provision are exempt from the provi-

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sions of any law of this state requiring that such records be open for public inspection; provided, however, that, subject to subsection (d) of this Code section, the records may be disclosed for use as provided in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by the following:

(1) Any licensed dealer of new or used motor vehicles;

(2) Any tax collector, tax receiver, or tax commissioner;

(3) The director of the Environmental Protection Division of the Department of Natural Resources or his or her designee;

(4) Any private person who has met the requirements of Code Section 40-2-25, provided that the information shall be used for the sole purpose of effectuating the registration or renewal of motor vehicles by electronic or similar means and that the private person requesting the information has entered into an agreement to provide electronic services to the commissioner or a county tag agent; provided, further, that the information made available pursuant to this paragraph for such purpose shall be limited to the vehicle identification number, the license tag number, the date of expiration of registration, and the amount of tax owed; and

(5) A person or entity authorized by the commissioner for use in providing notice to the owners of towed or impounded vehicles; and

(6) A person or entity licensed and authorized to conduct investigations by the Secretary of State under the provisions of Chapter 38 of Title 43."

SECTION 2.

Said title is further amended by revising subsection (d) of Code Section 40-3-23, relating to issuance of certificates of title, as follows:

"(d) The motor vehicle records which the commissioner or the commissioner's duly authorized county tag agent is required to maintain under this Code section or any other provision are exempt from the provisions of any law of this state requiring that such records be open for public inspection; provided, however, that, subject to subsection (f) of this Code section, the records may be disclosed for use as provided in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by the following:

(1) Any licensed dealer of new or used motor vehicles;

(2) Any tax collector, tax receiver, or tax commissioner; and

(3) A person or entity authorized by the commissioner for use in providing notice to the owners of towed or impounded vehicles; and

(4) A person or entity licensed and authorized to conduct investigations by the Secretary of State under the provisions of Chapter 38 of Title 43."

SECTION 3.

This Act shall become effective on July 1, 2011.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

On the federal level two bills have been introduced that would limit use of GPS devices to track individuals and their vehicles. Both NCISS and ISPLA are monitoring these pieces of legislation and will lobby on our behalf for an exemption to these laws.

Good news came out of the state of New Jersey last week when a judge ruled that the use of GPS tracking by a spouse in a domestic case did not constitute an invasion of privacy.

Please keep in mind that legislative advocacy and having a lobbyist at the State Capital on behalf of GAPPI members is a great benefit but it is also a big expense for the association. The legislative committee helps to offset this expense by donating their time during the legislative session. If you are willing to serve on the committee or give a donation to help with this expense it would be greatly appreciated. Remember that our elected officials can introduce legislation every year that can either help or hurt our industry and it is imperative that we have a voice at the State level or we could find our livelihoods adversely affected.

This update was prepared by the Legislative Committee Co-Chairs, John Roberson and Pam Griggs

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Continuing Education for Private Detectives and Security Employees in Georgia

Roy Wilkinson, SPI Services
GAPPI President

As we all know, the Georgia Board of Private Detective and Security Agencies has a Continuing Education requirement for private detective and security employees. Although Continuing Education is standard in many professional fields, it's still relatively new to some fields, and like anything that's new, it can be a little confusing.

The bottom line is, in order to renew your license, the state licensing board requires either 8 hours of continuing education (for registered security employees) or 16 hours of continuing education (for registered private detective or private detective / security employees) during the licensing period, in order to qualify to renew your license. There are also minimums for specific types of training within those hours, listed in Georgia Board Rule 509-3-.12 (3.)

Although GAPPI does not set or enforce these requirements, we often get questions about them. One common question is whether a particular training course or school would be approved by the state board. Another is regarding the amount of continuing education credit hours awarded by various groups, companies or individuals and whether they are legitimate compared to the time spent training or type of activity that credit was given for.

We've all seen advertisements or emails for this or that training course from companies claiming that they are 'approved in Georgia'. According to the Georgia Board's Rules, for training to be considered provided by "Acceptable Continuing Education Providers (ACEP's)", it must be "facilitated or provided by an instructor licensed by the Board". (509-3-.12 (3c)) The Georgia Board has stated on several occasions that it does not license or approve *companies* to provide continuing education; they only license *individuals* who meet their criteria. As a licensed private detective or security professional, please keep that in mind when choosing continuing education providers.

As we discussed in the GAPPI meeting the other day, a number of us received a flyer like this recently, claiming that their advertised course would count toward Continuing Ed, but a quick check on the Secretary of State's website showed that the person listed as teaching the course *is not licensed as an instructor*. (As a side note, in this kind of case, it's possible that the company has planned for someone who *is* licensed as an instructor to be there to oversee the training and authorize the credit hours, but that wasn't indicated on the advertisement.)

The Georgia Board's Rules specify that they accept continuing education credits for instruction provided by legitimate private detective &/or security associations. Since GAPPI is a legitimate association for this profession, training provided by GAPPI would be in this category, and will count toward your CE hours. They also state that they will accept continuing education courses provided by a company solely for its own registered employees.

Regarding Institutions, Individuals and Firms who provide training for profit, including those that provide 'Distance Learning' such as internet-based training or correspondence courses, the Georgia Board's Rules stipulate that this type of training must meet the criteria as listed in Rule 509-3-.12 (4.), which reiterates the requirement that training "must be provided under the direction of an instructor licensed by the Board".

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Please be careful when pursuing your continuing education that your time and money are spent wisely. Be sure the instructor is qualified to teach the subject, that they are licensed by the Georgia Board as an instructor, and that the training you get will count towards your licensing requirement. Unfortunately, there may be unscrupulous or unaware persons or companies out there who could end up with your money while you end up with training that won't meet the licensing requirements.

On the second question - The number of hours or credits awarded by people or groups offering continuing education should correspond directly to the hours of training provided. Not only does this follow good old common sense, it also follows industry standards for continuing education requirements. A one-hour class is only worth one hour of continuing education credit.

For example, the schedule for a day-long training event may span eight hours 'by the clock', but may only have six hours of actual class time. In this case, six hours of continuing education is all that can ethically be awarded. Time that's spent for things like meals, breaks, registration, and so on, would not generally be part of a training program and shouldn't be considered as continuing education.

Since the continuing education requirement was established a few years ago, we have received various reports of groups or instructors awarding continuing education credit beyond the time actually spent training, giving credit for lunch breaks - and worse. We urge you to proceed with caution and to look for those who administer their training programs with integrity.

License renewal will be coming up in the next few months, and more training opportunities will appear as we get closer. Use the skills you have developed as a PI to evaluate these opportunities thoroughly and make sure your training dollars and time are invested wisely.

We wish you the best with your professional and educational needs, and we look forward to seeing you at a future GAPPI event.

(This article is not a legal opinion and is not provided as legal advice. Rules may change over time. Refer to the Georgia Board of Private Detective and Security Agencies for their current rules and procedures.)

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