

THE OREGON INVESTIGATOR



Volume XIV, Issue I
February, 2004

Happy New Year!

Welcome to 2004, my fellow Oregon investigators. I hope everyone has had a healthy and prosperous holiday season and early new year. The winter season is a slow one for the organization, but I'm sure it was plenty busy in all of our personal lives. It is my hope that 2004 is very kind to our whole organization and all our members individually as well. Each new year we have to contemplate how we did the previous year and what

we can do to get better this year. One of the things that we can do is to promote OALI. There are three ways to do this. The first is to be active, to participate and to share your knowledge and experience with others. The second is to donate time, money, or items to the group that we can use or sell to help the group as a whole. The third way is to try to get one fellow investigator to join OALI. If every member



Happy New Year!

did this, we would be very strong indeed!

The stronger we are as a group, the stronger you are.

Dan Matarazzo
Newsletter Editor
NW Regional Director

OBI Meeting Highlights

Oregon Board of Investigators Public Meeting
February 6, 2004

Highlights of OBI meeting, not in order of event:

The first 30 minutes were

spent in Executive Session. I did not catch what the discussion was about. Raul Ramirez's (sp?) from the Attorney Generals office sat in on the Executive Session.

William (Bill) Herrick, new Board member from Bend, Oregon, was introduced and welcomed. Also introduced was new OBI receptionist Judy Lee. Application Committee

(Continued on page 4)

Inside this issue:

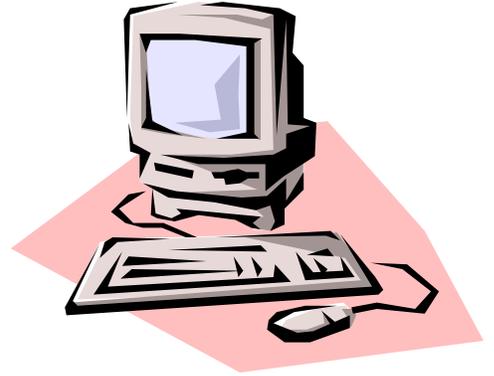
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Special points of interest:

- Recent coverage of OBI meeting
- New Robert Scott article
- Help corner
- March CE Seminar
- FCRA Changes

Developing Confidential Informants by Robert Scott, P.I.

The right confidential informant can make or break an investigation – whether the case is a small staged accident or a homicide or other serious crime. Yet for most investigators, cases with an important confidential informant are relatively far and few between. When I heard that there was an LAPD detective who was giving presentations in law enforcement circles on the cultivation and utilization of confidential informants, I had to know more. Could techniques be developed which would allow an investigator to uncover more confidential informants? Detective Robert A. Jakucs has been with the LAPD for 21 years, manning details in Robbery, Burglary, and Homicide, including the Richard Ramirez "Night Stalker" serial killer case. He's also been a licensed PI since 1990 – a job he'll be moving



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Help Corner: Video & Tapes for CE

We (OALI Treasurer and myself), have talked to several Oregon Investigators who were confused about Continuing Education rules. They were reading text from old OBI proposed rule making, that was never enacted into law. Those investigators were particularly concerned about changes to the Continuing Education Guidelines.

Detective Robert A. Jakucs has been with the LAPD for 21 years

The confusion is whether or not PIs can use video tapes to supplement or totally cover all of the CE needed by an investigator when renewing their license.

The OBI CE Committee proposed limiting viewing of video tapes to eight (8) hours. Several investigators wrote to the OBI that, limiting video tape viewing would have a detrimental effect and listed numerous reasons why

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OALI Spring Seminar, March 27 2004

Hello group,

We have mailed out the registration information for our March 27, 2004 Seminar. If you have already received your package I hope that you have also received your new OALI Lapel Pin. If not, look inside your package before you throw it away, if you wondering why the bubble package?

This should be a an excellent seminar with a group of very enthusiastic and knowledgeable speakers. You will be receiving 7.5 hrs of CE



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March 2004

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27 OALI
28	29	30	31			

Schedule of Events

- 3/27 OALI Spring Seminar
- 3/27-John Rose seminar
- Your special event (investigator related) could be shown here.

Contact Daniel Matarazzo,
editor Dan@dm-pi.com

Lane College CE Classes

Lane Community College
Eugene, Oregon

Lane Community College Presents:
200430 Winter Term Classes for
Private Investigation

3748 - Bloodstain Pattern Interpretation, 8 am-Noon, Sat, Feb 21, Bldg 19 Room 225 (4 hrs. \$13.68 + \$19 fee)

This class will provide an overview of bloodstain pattern interpretation (a crime scene reconstruction technique) and rideology (latent print development, comparison and identification).

The fundamentals of both disciplines will be presented so that students will gain a basic understanding of these topics. 4/10s CEU obtained from this class that can be used toward necessary state certification requirements. - Schuessler

For more information, or to register for these classes, call Continuing Education at 463-5252

Kindly provided by Patricia Vollbrecht
OALI President

OBI, continued

(Continued from page 1)

brought two applications to the Board
#1

A computer forensics investigator who is in the application process claims he does not need to be licensed because he is an expert witness and only analyzes work as an expert witness.

The Board said he is not exempt. He must be licensed to continue operating legally.
#2

A new applicant answered a question on the application that says "Have you ever been convicted...", with "No". The question was in regard to any kind of conviction short of minor traffic.

The background check produced apparent problems including a DUI and driving while suspended. The applicant later wrote a letter to the Board saying he thought those were minor offenses and did not count according to his understanding of the question on the application.



The Board felt these were not minor offenses, the answer should have been "Yes", therefore the applicant lied on the application.

The application committee will request additional information from applicant explaining why the Board should consider these "minor", such as a letter from a previous employer who might disregard these offenses when hiring.

Licensing of National Database Companies.

A question brought to the Board "Does Open-Online need to be licensed?" The Board discussed the question and chose to skip the issue.

"The background check produced apparent problems including a DUI and driving while suspended."

The Board is trying to arrange for a larger office space. If the nurses Board wants the space now occupied by the OBI, the nursing Board will have to pay for the OBI to move to another space. When asked about confidentiality of records, Kelly Paige said they would probably have better confidentiality after the move.



Jim Hennings, Legislative Committee

Using the OALI list of specialties, the OBI plans to submit some sort of specifics on who should be licensed, to the Legislature.

Once the legislature says these people must be licensed, there will be no more question. Human Resource companies and computer forensics could be added to required group for mandatory investigator licensing. Jim Hennings said if you think a specific type of investigation should be licensed, contact him so he can add it to the list.

(Continued on page 5)

OBI

(Continued from page 4)

Mr. Hennings continues to ask for additional legislative issues and volunteers to help him form materials to submit in the next legislative session. The submissions were due April 15th, 2004, but Kelly Paige said that date has been moved to a later date.

[For text to be submitted subject to change, see the OBI website <http://www.obl.state.or.us/Welcome.htm> then scroll to "January 2004: Draft of Proposed Changes to ORS 703..." and click.]

The Board in trying to create a new type of investigator temporary license. This new license would be called an Interim Investigator license and would be a person who is already part way through the OBI licensing hoops and working for another investigator or attorney. The purpose is to get people working, even though they have not completed the licensing background check. These Interim investigators cannot have a criminal background and must have a licensed investigator or attorney make the written request for an interim license.



The next OBI Public Meeting is scheduled for April 30, 2004, on the coast in conjunction with the OCDLA Seminar. The Board is discussing what it can do to Board members who do not attend Board meetings. Board members are appointed to the position and expected to attend all meetings.

Public Comment

For text to be submitted subject to change, see the OBI website <http://www.obl.state.or.us/Welcome.htm>

David Vollbrecht, OALI Treasurer, showed the Board a stack of returned Seminar announcements, three inches thick. These were printed from an address list OALI purchased from the OBI in January 2004 and mailed within two weeks of receipt of the list. Over 50 items mailed were returned undeliverable.

Patricia Vollbrecht, OALI President, read from the Louisiana Investigators Board law, describing the punishment for inaccurate investigator contact information. "In Louisiana, it is considered a Category B penalty...
 first offense-probation (length to be determined by the board) and/or \$100 and/or 90 day suspension...
 2nd offense-\$500 plus 6 month suspension plus 1 year probation after suspension...
 3rd offense-\$500 + revocation."

Jim Hennings said Oregon has nearly word for word the same punishment, in Oregon the offense is a Class A misdemeanor. "Read chapter 163 of the criminal code"...



OBI

(Continued from page 5)

Cynthia Hamilton asked Patricia to post this information to the OALI Website regarding keeping your information up-to-date with the Oregon Board of Investigators.

Meeting adjourned.

Respectfully submitted.

Patricia A Vollbrecht
OALI President

The Board is discussing what it can do to Board members who do not attend Board meetings. Board members are appointed to the position and expected to attend all meetings.

New from www.oali.org Benefits page

Insurance

OALI can provide contact information for Insurance providers. These companies have been recommended by our members for their excellent service, comparable rates and in some cases, special discounts for OALI members.

Fuel Cards

Our members can apply for Jubitz Pacific Pride fuel cards and receive OALI fleet pricing. Jubitz Pacific Pride fuel cards provide a secure fueling option so business owners can more effectively manage their fuel usage. Jubitz customers have free access to on-line fuel reporting and receive detailed fuel invoices, reducing back office accounting costs. You can fuel at over 1500 Pacific Pride locations in the US and Canada. For further information or to apply contact Jubitz Pacific Pride at 800-523-0600 x 4320 or 503-283-1137 x 4320.

Membership Pins

Our members receive a membership lapel pin when they join OALI. Board members receive a Gold pin, general members receive a Silver pin.

Cynthia Hamilton, Oregon Board of Investigators Chair, reminds Oregon Licensed Investigators to keep your contact information up-to-date with the Oregon Board of Investigators. It is your responsibility to update within 10 days of change.



Informants

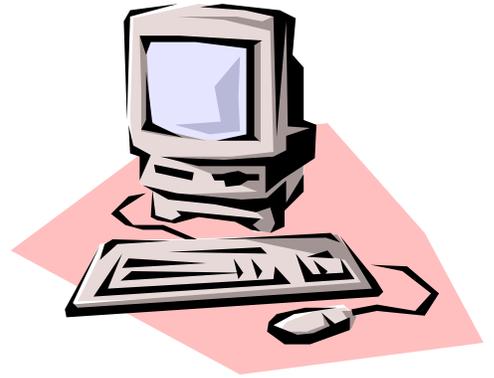
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to on a full-time basis when he retires his police badge in August. I sat down on a recent Saturday morning with Det. Jakucs (pronounced Jacks) to find out more about what he had learned about confidential informants.

Robert Scott: Why is it so important for an investigator to develop confidential informants?

Det. Robert Jakucs: An investigator can spend thousands of man hours to try and make a case. With the right technique and the right words, the same information can be developed in ten minutes from a confidential informant to break a case wide open. My approach is designed to get this person to give the information to an investigator.

R.S.: You've identified several basic motivations that most informants will respond to.



What are they?

R.J.: The main ones are fear, self-importance, retaliation or revenge, gossip, and financial motives.

R.S.: How does an investigator identify which of these motivating factors is going to work with any given potential informant?

I'm a big proponent of trying to find out as much as you can about a potential informant beforehand

R.J.: I'm a big proponent of trying to find out as much as you can about a potential informant beforehand. If you know that the person is in an economic plight, there's something you can hang on them. This tells you that this particular informant may be susceptible to a financial motive.

R.S.: Take the motivation of self-importance. How

does this work?

R.J.: Often times we come in contact with people who live in small, dreary little worlds, who have small, dreary little jobs. A PI can use this to motivate cooperation, to turn the tables, psychologically. You're pumping up his self importance. He likes that feeling and he starts to trust you.

R.S.: Where do you start with a potential confidential informant?

R.J.: The most important thing is to sell yourself -- not so much as an investigator, but as a human being. They're a human being, too. Then, try and



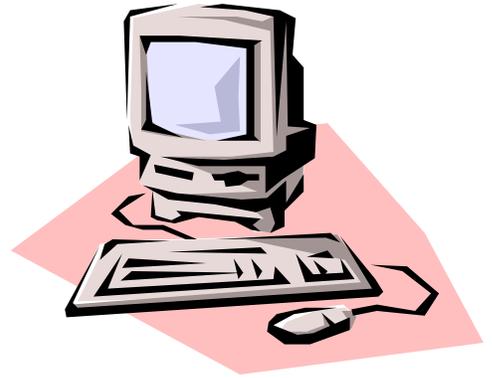
Informants

find what we have in common.

R.S.: Are you saying that the investigator's approach should not be as an authority figure?

R.J.: Oh, absolutely not. You want to establish a common ground between you and the person. An area, unrelated to the actual investigation, that you share with the person. Look for something of interest to the person that you can discuss with him. If he's wearing a Boston Celtics shirt, discuss basketball with him. He has a picture up of dogs. You discuss dogs. The purpose is to for the person to see you as a person, to relax him, so that he'll feel comfortable opening up to you. You will literally begin to see a relaxation of the body language of the potential informant toward you.

R.S.: Tell me about the interview process with the confidential informant. He's been ap-



proached. You've identified yourself as a private investigator. You've established human to human contact to create some common ground. Then what?

R.J.: Let the person know that you are there as an information gatherer. That you are not there as an investigator who has targeted him. Also that the most important thing to you is not who gives you the information, just that you get the information.

R.S.: Take me to the next step. The informant cracks. You get your first piece of information. What then?

R.J.: Once you get your first solid piece of information, that's where verbal praise comes in. It's the single greatest key to opening up the person. Such phrases as, "Hey, that's really important or, what a great memory". The idea is to make them feel good for giving you information. Tell

If he's wearing a Boston Celtics shirt, discuss basketball with him. He has a picture up of dogs. You discuss dogs

them they are doing a really good thing, or an important thing, or that they are really smart. People love praise and don't get enough of it. Often times you're dealing with people with little or no self esteem. All of a sudden this investigator is praising them and they feel important...and want to keep talking.

R.S.: At what point do you recommend that the investigator take out his notepad and start taking notes?

R.J.: This is a cardinal rule: Once an informant starts to talk, don't write it down at this point. The reason is, when investigators put pencil or pen to pa-



Informants

per, a fear factor can take over and the informant can say to himself, "Oh, Boy...look what's happening! Now its record and I may burn because of this."

So, my advice is, don't write it down initially. As the person continues to flow with information, casually ask the informant's permission to take notes. Tell him, "This is really great, you're giving me so much information. I can't remember all of this. Do you mind if I write this down?" I have never personally had somebody tell me that I can't write something down.

R.S.: After the investigator has successfully opened up the informant and obtained information, and needs to conclude the interview, how should it be ended?

R.J.: It should always be done on a professional, upbeat, friendly manner – whether or not the person was cooperative. Now, why would I want to leave a



non-cooperative person in such a manner? I might encounter that same person one year, or two years or five years from now. That person is back again as a potential informant. And they remember you, and they remember the fact that you left them in a positive, professional and friendly manner. They may give it up the next time they see you.

R.S.: Confidentiality is certainly a key to working with informants. What is your approach to this?

R.J.: The biggest stumbling block for any informant is his fear that his name is going to be revealed. There's a fear factor. Never promise confidentiality to an informant if you can't honor it. If you know that you will not be able to hold the informant's information confidentially, you have to tell him that.

You have to tell the client that there is a possibility that an informant may be out there who might not talk if his identity is revealed.

R.S.: What happens when a PI is accepting information from a confidential informant, but at the same time has a client to report to?

R.J.: This has to be worked out ahead of time with your client. Let him know what your ground rules are. You have to tell the client that there is a possibility that an informant may be out there who might not talk if his identity is revealed. Therefore, will he, the client, accept not knowing who the informant is if the situation arises? You have to ask your client, can we stick to those ground rules? You have to level with your client. Nothing's under the table. Everything's above board. It's got to be done ahead of time.



Informants

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Robert Scott is a Los Angeles-based private investigator and author of "The Investigator's Little Black Book 3". Visit his website at <http://www.crimetime.com/>. This article was originally published in P.I. Magazine.



Robert Scott is a Los Angeles-based private investigator and author of "The Investigator's Little Black Book 3"

Help Corner

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there should NOT be a limit. Subsequently the OBI Board DID NOT LIMIT CE from video tape hours in any way.

If you are reading any of OAR Chapter 220 rules printed prior to May 2, 2003, they are obsolete. The new rules became effective July 1, 2003. If you don't know the new rules, you need to read them from the OBI website <http://www.obl.state.or.us/Welcome.htm> select "Laws and Rules". There are changes throughout OAR Chapter 220.

There is also a copy of the new rules on the "Files and Publications" page of the OALI website, <http://www.oali.org/files.asp> go all the way to the bottom of the page, it is the last item listed, click on the file name on the right [publicversion220-0603.pdf](#)

For your convenience, following is a copy of the CE Section of OAR Chapter 220.

-----BEGIN SECTION

220-050-0300

Continuing Education (CE) Guidelines

(1) Conferences and Seminars. The Oregon Board of Investigators will maintain a list of organizations whose conferences, seminars, and educational meetings have standing approval. Continuing Education from other organizations will be approved on a case-by-case basis.



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Help Corner

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(a) Attendance: 1 CE Hour for each hour of speaker presentation.

(b) Lecturing: 4 CE Hours for each hour presented.

(c) Video tapes: 1 CE Hour for each hour viewing of videotapes.

(d) Audiotapes: 1 CE Hour for each hour or listening to audiotapes.

(2) Computer Seminars: One (1) CE hour of credit for each hour of attended seminar sessions hosted by computer information sources such as public record vendors; and any other similar approved seminar regarding computer information sources. Seminars on how to operate computers will not be approved for credits. (Limit 12 hours per licensing period.)

(3) Educational Institutions: Educational institutions (including colleges, universities, and trade schools) will be granted standing approval when that institution is licensed or approved by the respective State's Department of Education or other State approving



agency, and the course subject matter is appropriate to the investigator. This standing approval will apply to all courses related to law, criminal justice, ethics in the legal or investigative profession, and other courses that are clearly applicable to the private investigator. Others may be approved on a case-by-case basis.

(a) Attendance: 1 CE Hour for each hour of course instruction.

(c) Video tapes: 1 CE Hour for each hour viewing of videotapes.

(b) Guest lecture: 4 CE Hours per presentation, 1 hour or more. (Limit of 8 hours per licensing period.)

(4) Publications:

(a) Articles: Six (6) CE hours for each 1000 word or more investigation related article published, or suitable for publication, in a newsletter or journal. (Limit of 12 hours per licensing period.)

(b) Books:

(A) Twenty-four (24) CE hours for writing a full-length book on a subject appropriate to investigation.

(B) Eight (8) CE hours for updating and republishing an existing full-length published book on a subject appropriate to investigation.

(C) Eight (8) CE hours for writing a single chapter of a full-length published book on a subject appropriate to investigation.



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Help Corner

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(5) Self-Study:

(a) Correspondence Courses and Online Courses: Twelve (12) CE hours per college-equivalent credit hour; otherwise, Four (4) CE hours per course that is related to investigation, completed and passed.

(b) Books and Manuals: Two (2) CE hours for each non-fiction book or professional/technical manual that is related to investigation. All books published by Lawyers and Judges Publishing have standing approval. Other books will be approved on a case-by-case basis. (Limit of 8 hours per licensing period.)

(6) Television and Radio Appearances Four (4) CE hours for each half hour appearance on a television or radio program which provides education about investigative topics. Merely appearing or participating in a show does not

qualify. The program must qualify as an educational program. (Limit of 8 hours per licensing period.)

(7) Board Meetings Two (2) CE hours will be granted for attending an OBI Board or Committee Meeting. No CE hours will be granted for attending investigator association board or committee meetings. (Limit of 4 hours per licensing period.)

(8) Network Meetings Two (2) CE hours will be granted for approved network meetings. Meetings must be noticed and structured, and proof of attendance that includes topics covered must be supplied to attendees by the person organizing the meeting. A minimum of four investigators must be in attendance. (Limit of 8 hours per licensing period.)



Merely appearing or participating in a show does not qualify.

Eight (8) CE hours for writing a single chapter of a full-length published book on a subject appropriate to investigation

Stat. Auth.: ORS 703.480(3)
Stats. Implemented: ORS 703.447.
Hist.: BI 1-2003, f. 6-10-03, cert. ef. 7-1-03

-----END SECTION

Sincerely,
Patricia A Vollbrecht
President, OALI

OALI Seminar

(Continued from page 2)

credits with 2 credits on ethics, what a deal!

I look forward in seeing all of you and welcoming our new members to the Association once again.

Take care,

Greg Parson, OBI #1998303
Vice President, OALI
Lex Resource Management
PO Box 145, Hillsboro, OR 97123
Office: 503-640-1369

Link to registration form...

<http://www.oali.org/files/SemAgenda.pdf>



FCRA Rules Changes

Dec. 5, 2003--ASIS International (and NCISS) have achieved the most significant legislative victory in its 49-year history. Yesterday, the president signed into law a bill reauthorizing the Fair Credit Reporting Act (FCRA), which includes a provision that removes workplace misconduct investigations from the notice and disclosure requirements of the FCRA.

With organizations including the U.S. Chamber of Commerce, the Society for Human Resource Management (SHRM), and the National Council of Investigation and Security Services (NCISS), ASIS had worked for four years to achieve this goal.

With organizations including the U.S. Chamber of Commerce, the Society for Human Resource Management (SHRM), and the National Council of Investigation and Security Services (NCISS), ASIS had worked for four years to achieve this goal.

The barriers to workplace misconduct investigations were posed by a 1999 Federal Trade Commission (FTC) opinion that prohibited employers' use of outside professional investigators

in cases of suspected employee misconduct unless the same requirements used in credit investigations were satisfied. This meant that the worker suspected of misconduct had to be notified before any investigation, in effect giving him or her the opportunity to tamper with evidence or influence or threaten witnesses. In addition, the FTC required that the employer provide a complete copy of the investigation's results to the suspect employee, including the names and comments of witnesses.



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FCRA

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These barriers were overlooked as Congress, reviewing the FCRA, focused primarily on the consumer credit issues that form the bulk of the law. This was the case until Rep. Pete Sessions, a Republican from Texas, recognized the threat posed to the security and safety of employees and consumers by the FTC opinion. Sessions developed and introduced legislation to correct this problem in the 106th, 107th and 108th Congresses. He sought help from industry groups, including ASIS, in moving his legislation.



ASIS Director of Government Affairs Jack Lichtenstein attributes the success of the effort mainly to "the determination and drive of Congressman Pete Sessions," who "recognized a serious failure in the law and worked tirelessly to build bipartisan support in the Congress to correct it. He

promised that he would keep pursuing this until the problem was resolved," Lichtenstein said, "and he was true to his word."

In meetings with Members of Congress and their staffs over four years, ASIS' continuing emphasis on the security implications of the FTC opinion, especially its potential impact on workplace violence, strongly affected the bill's outcome. The pairing of ASIS and NCISS on this issue seemed particularly effective. NCISS represents professional investigators and ASIS represents the security managers who often hire them to conduct investigations. In addition, FCRA reform was the major issue addressed at two Security Summits organized by ASIS, which involved the International

ASIS Director of Government Affairs Jack Lichtenstein attributes the success of the effort mainly to "the determination and drive of Congressman Pete Sessions,"

Security Management Association (ISMA), the National Association of Security Companies (NASCO), and other industry groups.

Sarah Pierce, Manager of Employment Policy at SHRM, said, "HR professionals are tasked with compliance of the numerous federal and state laws that govern the workplace. The FTC's 1999 interpretation was problematic because it contradicted numerous other laws that were specifically tailored to apply to the workplace. The correction of the 1999 Vail Opinion Letter is an



FCRA

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appropriate correction of the law removing this compliance conundrum. We are very pleased with the outcome."

"Because of the changes, employers can now hire outside experts to investigate incidents of workplace misconduct without fear of liability under FCRA," said Josh Ulman, Director, Labor Law Policy for the U. S. Chamber of Commerce. "Clearly, this will facilitate employers in their ongoing efforts to combat workplace violence, harassment, and other threats to workplace safety," he added.

"The FCRA had greatly hampered us," reports Marene Allison, Director of Security for the telecommunications corporation Avaya. "This is a major victory for the employer's right to maintain a safe and secure workplace, and insures a suspect's right to a professional, thorough, and impartial investigation."



"Because of the changes, employers can now hire outside experts to investigate incidents of workplace misconduct without fear of liability under FCRA,"

March 27, 2004 OALI Seminar

Outstanding Speakers:

James A. Green, *Document Examinations*
 Robert W. Brown, *Ethical & Procedural Considerations*
 Robert M. Julian, MD, *Recognizing Drug Use*
 Michael J. Hansen, *Electronic Forensics*
 James F. Curtis, *Subrosa Surveillance*

Vendors:

Merlin Information Systems
 Jubitz Fuel
 Yergey Insurance Company
 Fingerprinting

Free Drawing Gifts:

Battery Backup; 150 Watt Power Inverter; Computer Grade Surge Protector; ??????

Registration form is on the Internet at <http://www.oali.org/files/SemAgenda.pdf>

A JOURNAL OF THE OREGON ASSOCIATION OF
LICENSED INVESTIGATORS

OALI
PO Box 2705
Portland OR 97208

Toll Free Referral Line! Phone: 866-584-8645

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WWW.OALI.org



Editor's Note

I am still hoping that I will be able to reap the benefits of having so many accomplished investigators as a part of this great group.

What I mean is that I hope more of you might think about writing an article, something that shows off your brilliance and experience!

My latest idea is about having a small section of the newsletter dedicated to one investigator's recap of a recent case, or some activity that might be beneficial to us all.

Don't fear it, embrace it. Let me know what you think. I only need a couple small articles. It would not even be a lot of work, just a few paragraphs.

Daniel Matarazzo, editor

Dan@dm-pi.com

The Oregon Association of Licensed Investigators

2003-2004 Board of Directors

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Vice President: Greg Parson

Secretary: Shelly Radmer

Treasurer: David Vollbrecht

Sergeant at Arms: Charles Farrington Jr.

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My website is WWW.DM-PI.com