

ACBI News

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Message from the President

Hello and welcome to all in our FIRST newsletter. A heartfelt thanks goes to our new volunteer editor, Rick Ruhland. Please feel free to contact him at editor@acbi.net, with any suggestions, information and material for the next newsletter. Remember, this is not an "I" or "ME" organization, it is and should be a WE, US and YOURS. Please help support "US". And let "US" make this a better and greater organization.

Since this is a FIRST EDITION, it would be an appropriate time to say a BIG THANK YOU to all the present and former ACBI officers, board members, volunteers and members at large for all your past contributions, time and efforts in starting and continuing the ACBI Organization.

As I have previously stated and you have recognized, due to our growth, our records system is antiquated, time consuming and at times confusing. I personally apologize to the members for all the delays in processing membership correspondence and other problems; however, I can assure you that you have some very dedicated people working on your behalf. I do ask that you cut them some slack as they also work for a living, have a family and deserve a life. I have

promised to double their pay when the new congressional budget comes out, HA! We have some very dedicated people, Secretary, Treasurer and Board members that have started the process to bring us into the 21st century with a new web-based system for members, to enable them to apply for and renew membership, pay dues, get passwords, etc. on-line. We will keep you up-to-date on our progress and hope to have this in place by the autumn 2011, in time for the next conference. Thanks to the countless e-mails and phone calls from the membership, this was the number one outcome of the ACBI board meeting of April 2011.

Did I mention a 2012 conference? It is tentatively scheduled for March 28 – 30, 2012 (Wed-Fri) at the [National Conference Center](#) in Leesburg, Virginia, the same location as in 2010. This convenient site has given ACBI the ability to attract the most personnel from the contractors – ADC, CSC, CACI, KeyPoint, Omniplex, MSM, etc.; along with representatives of their client federal agencies or direct hire agencies -- ATF, DHS, CBP, ICE, FBI/BICS, OPM, etc. It also has the great advantage that attendees are within a 20-mile radius of many of these companies and agencies, which facilitates a personal visit to their HQs. We have several very hard working Board members that have already initiated contact with these agencies and already have many tentative commitments to attend. Please plan on attending if you're able, to shake hands, meet people, and perhaps pick up new contracts or contacts.

Robert A. Kuropkat
President, ACBI

Vice President's Report

It's time to starting planning for the 2012 ACBI Conference. Mark your calendars for Wednesday, March 28 through Friday, March 30, 2012. The venue once again is the National Conference Center (NCC) in Lansdowne, VA. Those who attended the past two conferences in 2008 and 2010 can attest to the scenic locale, comfortable meeting spaces, networking with fellow investigators, and abundant buffet meals. Don't miss out on the opportunity to meet with representatives from the government agencies and the contractors you work for. Hear what they have to say about the current climate of our industry. Check the ACBI web site and future issues of the ACBI News for more information as it becomes available. See you there!



Connie Persico
Vice President / Conference Chair, ACBI

Treasurer's Report

Income and expenses for the calendar year 2010 can be found on the ACBI website under the "Members Only" area.

A Message from the Past President

Now Is A Good Time! That's right. Now is a good time to recruit and spread the word about ACBI. What can we do for our membership? If you as a member don't know, find out. Send me a note and I can offer assistance in understanding our many benefits. The Board had printed up recruiting brochures. Each member should have received several of these with their annual dues renewal notice. Carry several with you when you go out to do your LAC checks or conduct interviews. You never know when you will bump into another BI who is not a member. Let them know who we are, what we do, give them a brochure and show them where to mail the application. If you don't have any recruiting brochures, let someone on the Board know.

Several years ago, the ACBI board had a meeting with OMNI's executive staff to address an issue with travel reimbursement. One of the questions asked of us was "How many members does ACBI have and represent?" As many of you may realize, the bigger organizations get an audience with the bigger dogs because of the clout their larger memberships provide. We are in a good position in this field but need a stronger presence. Our tax-deductible dues are not cost prohibitive. Our biennial conference brings our members in face to face contact with the movers and shakers of the industry. Many members have been able to acquire additional work with a personal meeting with a recruiter at the conference. Many rumors and myths that have plagued members and occupied many lines of text on our mail server have been dispelled or clarified at the conference. And of course, conference attendance expenses are another tax deductible business expense. You could not wish for a better deal than that.

We have also been able to assist many members who were not entirely familiar with the idea of being their own boss and being self-employed. As a BI, we run our own businesses just like the corner convenience store or the local doctor's office. We may not make as much in annual income but the basis is the same. Much talk has been generated about the location of our conference. Your Board, both past and present, has spent time looking at this as well. We have spoken to many representatives of the agencies and contractors about a change of venue. Most loved the thought of Las Vegas, Orlando or even Palm Springs, CA. However, when the location was presented to the decision makers, it was not cost effective for them to budget such a trip. We get the attendees that we get from ALL the contractors and just about ALL the agencies because the location is a short hop by car from their offices. They need only be away from their office for half a day or a full day at best. This, unfortunately, puts a burden on our members who would like to attend but find it too costly. We agree and understand. But the conference committee, of which I am a member, negotiates the best deals we can for our membership and I think we do well in comparison to other conferences I have attended. I hope to see as many of you as can make it to our next one.

In closing, let me offer this opportunity to the membership to use this newsletter to help address common questions, disseminate information, ask relevant questions, or just give food for

thought. Only about 35% of our members subscribe to our Yahoo Group e-mail, unfortunately. That makes it difficult and expensive to get information to all our members. If you know a member who is not receiving the ACBI Yahoo Group e-mail messages, get him hooked up. Deleting unwanted messages is easy. I'm sure many of you do it all the time with the volume of Viagra ads that are sent around! Let's make this newsletter rock!

Ed Kassof
Past President, ACBI

PROS AND CONS OF THE OPM CONTRACT

The OPM contract gets an unfair rap, in the Editor's humble opinion. We all have our preferences, but let's not unfairly criticize OPM, the personnel office for the federal government. The job they have to do is massive and complicated -- determine the character and suitability of millions of American civilian and service members in 90 days or less. And doing it while Congress and GAO offer helpful "you missed a spot" advice on how they should improve (for example, read GAO Report 09-400). But since it accounts for 80-90% of the federal background investigation work done in the US and abroad, it deserves a look and an in-depth explanation for ACBI members who have not tried it. If you want steady work and live near a DoD installation or offices for a major contractor, you should consider getting OPM credentials. But you are urged to talk to several of your fellow ACBI members that have OPM experience before you sign up.



First the Pro's (the advantages):

- 1) You will get to meet people from all walks of life, from the lowliest enlisted serviceman or servicewomen just starting out, to flag-rank officers and senior executive civilians. What you learn will be an education in itself.
- 2) You will generally get very good cooperation from the current employer of the candidate who is being investigated. Supervisors, fellow employees and HR records will be made available if someone is on duty to help.
- 3) At the place of current employment, your stops will be fairly closely located, making the most of your time devoted to interviews and record reviews. And there are often multiple cases that can be worked at the same location.
- 4) Through your efforts and skill as an experienced interviewer, you may uncover a deliberate attempt at omitting or diminishing an adverse action. This is the whole point of having background investigators – do the third parties visited during the investigation confirm what the candidates say about themselves?

Now the Con's (the disadvantages):

- 1) There is a long learning curve, partly because the Investigator's Handbook is very long and detailed. It takes about 6 months to a year to become adept at keeping in mind all of the topics and tasks you have to cover.
- 2) At the places of previous employment, you may get poor or no cooperation or be able to find former co-workers due to turnover or travel. HR staffs tend to provide only limited information, even with a signed release, as a matter of policy.
- 3) Some work, such as verifying police, court or school records, require driving long distances, walking and waiting in line. Court records may be voluminous.
- 4) Calls may not be returned, or your credentials or calling cards may not generate interviews, and people may be reluctant to participate. This may result in making repeat calls or trips with nothing to show for it (if you are a contract investigator).
- 5) Reporting is strictly proscribed. OPM does not seem to appreciate beautiful prose. But if there is a critical word or description missing from a certain narrative, the work will be returned to you for correction – at your expense.
- 6) The new PII physical security rules are burdensome and unlikely to decrease the number of personal identifying information compromises.

(ACBI members can add to the lists if they think the information will be of value to the other members. If you would like to weigh in on the pro's and con's of other BI work for a future edition of ACBI News, write to: editor@acbi.net. Again, we want to explain what the BI work is like for the ACBI members. We are not evaluating employers!)

BUSINESS ADVICE FOR THE CONTRACT INVESTIGATOR

OPM Time Study:

The OPM background investigation contractors pay sub-contractors by the hour or by piecework. But how long does it actually take to complete the assigned work, and the unavoidable associated tasks that go with it?

For those that have worked at least 6 months on the OPM contract, take the ACBI Work Hour Survey for the OPM Contract. Just click on the [survey link](#) and enter the average amount of time you typically expend for: preparation, en-route travel, interviewing, report writing, and other administrative time. The survey window will be open during the month of July 2011, and results will be reported later. It only takes about 5 – 10 minutes to complete. Aggregate results will be compiled and published in a future edition of the ACBI News. This survey may produce an estimating tool that can be used by members before they sign an OPM work agreement. But remember the GIGO rule: garbage in, garbage out. So, please do your best to enter your times as accurately as possible. Thanks for your cooperation!



Federal Taxes:

If you do not use an accountant or tax preparation software to prepare your federal taxes, information is available on the IRS small business webpage: www.irs.gov/businesses/small/ Did you know that the standard deduction for business use of your vehicle is \$0.51/mile in 2011; or that the Self-Employment tax has been reduced to 13.3% for 2011, down from the 15.3% rate in 2010? Other IRS publications of interest to the self-employed are: Publication 463 (Travel, Entertainment, Gift and Car Expenses); Publication 535 (Business Expenses); and Publication 587 (Business Use of Your Home).

Private Investigator License:

Please note, according to OPM's own [FAQ's](#), contract BI's do not need to be (state) licensed investigators to perform BI work.

Read this <http://caselaw.findlaw.com/us-4th-circuit/1097591.html> to learn more about one of the earliest conflicts between the federal and state governments over regulation of private investigators employed to conduct federal background investigations. In this 1998 case, the U.S. 4th Circuit ruled that Virginia did not have the authority to compel otherwise federally-qualified investigators to pay Virginia licensing fees before they could work on the FBI's background investigation contract services (BICS) program.

Liability Insurance:

What is E&O insurance, and do I need it? Errors and Omissions insurance is a form of professional liability insurance purchased to cover actual or perceived errors an agent may have made in completing required paperwork for a client. Some examples of this would be a real estate, loan, investment or estate planning documents. Background investigators are in the business of summarizing personal and record testimony, and the reports they write can affect the outcome of a subject getting (or keeping) a security clearance, and employment.

At the recent ACBI Board meeting, it was suggested that ACBI should make information available to the membership on Professional Liability Errors and Omissions Insurance for Background Investigators. Below are links to two such companies that provide this type of insurance. If you happen to know of other companies that provide E&O coverage, please share this with your fellow members, and it will be published in a future issue.

Wright USA http://www.wrightandco.com/federal_retirees_rates.html

Yergey Insurance <http://www.yergeyins.com/coverage.html>

RECOMMENDED READING

ACBI members are encouraged to recommend books, articles, or studies dealing with espionage, investigations or the intelligence community that may be of interest to their fellow investigators.



Learn when and why it became necessary to start investigating the backgrounds of federal employees, the motivations of some spies, and how they were uncovered. Send your recommendations to: editor@acbi.net with a brief review of why you enjoyed reading it.

The Haunted Wood: Soviet Espionage in America - The Stalin Era, by Allen Weinstein and Alexander Vassiliev. Excellent book with chapters on several highly-placed Americans who, while opposing the Nazi's or Fascists, volunteered to spy on the U.S. for the Soviets in the 1930's, 1940's and 1950's. This book was made possible by the brief opening of KGB files by then President Yeltsin in the early 1990's.

The Origins of FBI Counter-Intelligence, by Raymond Batvinis. Describes the very beginnings of how the US was forced to confront Nazi espionage in the time leading up to America entering WWII, and how the FBI eventually was assigned to the job. Written by a retired FBI counter-intelligence Special Agent.

Spy Handler: Memoir of a KGB Officer - The True Story of the Man Who Recruited Robert Hanssen and Aldrich Ames, by Victor Cherkashin and Gregory Feifer. Retired former KGB officer and part-time lecturer in the U.S. tells the fascinating story of how the KGB and FBI squared off against each other. An outstanding account from insiders on two of the biggest spy cases in U.S. history.

HELPFUL WEBSITES

ACBI members are encouraged to recommend websites they believe have made them more efficient and productive investigators. Please send your recommendations to: editor@acbi.net with a brief description of how you believe it can serve the ACBI membership.



www.findlaw.com/casecode/ contains links to federal and state laws and case law. This is helpful in determining whether violations are considered felonies or misdemeanors, and to interpret police or court records that are too abbreviated for reporting purposes.

It is more probable that a violation that was omitted from the case papers involved a violation of a municipal code. Municipal codes websites can usually be found at a local municipal court or

county website. Here is a link that offers municipal codes for several states: <http://www.conwaygreene.com/index.html>. Again, this will come in handy if you need to interpret police or court records for reporting purposes.

www.theworknumber.com is used by many large employers to redirect queries from other employers and background investigators, but only minimum employment data can be verified through this method. Even with a SF 86 signed release, the HR staffs of some companies are advised by their in-house legal counsel to release only this information (title, dates and location of job) to avoid possible civil action from a terminated employee. With uncertainty about what can be disclosed and turnover in the HR staff, these employers see this as the safest action. So, don't take the rejection of your credential or your inquiries personally. For the purposes of investigating adverse actions at an employer, this information is almost worthless.

www.clearancejobs.com/ allows visitors to search for jobs requiring a security clearance, but it also has some of the very latest news concerning the background investigation process including FAQ's for applicants, security clearance web logs, job fairs, and legal and industry news.

www.pimagazine.com is a trade magazine website written for the private investigator. It also has a link to the PI license requirements in most states.

www.gao.gov/ is maintained by the Government Accountability Office. It is an excellent source of reports and testimony provided to the U.S. Congress on a variety of topics. There have been dozens of reports written on background investigations. A few years ago, this was considered a "High Risk" area because of the backlog of investigations.

<http://www.opm.gov/investigate/> is maintained by the Office of Personnel Management, Federal Investigative Services. It has official and up-to-date information on the background investigation process, standard forms, [FAQ's](#) and websites for the current BI contractors.

CONTACT THE EDITOR

Questions to be researched, comments, constructive criticism, and content recommended for future publication in the ACBI News is welcome. The ACBI News is published quarterly in January, April, July and October, for the benefit of the ACBI members, and is accessible at the ACBI website. Write to the Editor at: "editor@acbi.net"

