



**CALIFORNIA ASSOCIATION OF
WORKPLACE INVESTIGATORS**

California Association of Workplace Investigators, Inc.
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Board of Directors Meeting Minutes September 20, 2010

- 1. Call to Order.** The meeting was called to order by President Amy Oppenheimer at 10:00 a.m. by teleconference. Present were Directors Amy Oppenheimer, Cynthia L. Remmers, Sue Ann Van Dermyden, John D. Weiss, Walter Cochran-Bond, Suzanne M. Ambrose, Nancy Bornn, Barry Chersky, Mary Egan, Pamela L. Hemminger, Marilou F. Mirkovich, Debra L. Reilly, and Martha Wood. Executive Director Stephen P. Angelides was also present. Michael Robbins, Co-Chair of the Strategic Planning Committee, was present for the portion of the meeting regarding the Strategic Planning Committee report. Directors Paul M. French and Jody Shipper were not present.
- 2. Approval of Minutes.** It was moved, seconded, and carried that the Board of Directors Meeting Minutes of July 21, 2010 be approved.
- 3. Annual Conference Report.** Sue Ann Van Dermyden, Chair of the Education Committee, reported in detail on the arrangements for the upcoming annual conference. Directors were asked to volunteer to help at the conference and to distribute e-mails and brochures regarding the conference.
- 4. Education Committee Report.** By unanimous consent the Board requested that the committee present a recommendation to the Board at the November 6 meeting for the 2011 annual conference to take place either September 23-25 or November 11-13. The committee is searching for locations in Southern California. Directors Bornn and Cochran-Bond volunteered to assist in that search. The committee will prepare a proposed calendar of 2011 educational events for consideration at the November 6 Board meeting including the conference and other events.
- 5. Best Practices Committee Report.** Chair Cynthia Remmers reported that she is compiling the notes of the Best Practices Roundtables and will give a brief report at the annual conference, and that the committee will be on a hiatus until the incoming committee chair, Vida Thomas, becomes a Director.
- 6. Certification Committee Report.** Committee Co-Chair Pam Hemminger reported that Committee Chair Jody Shipper has drafted an e-mail to the committee members regarding the committee members researching and summarizing different models of certification and scheduling a meeting of the committee. The Board has requested that the committee report on this work at the

Board of Directors

Amy Oppenheimer, *President* • Cynthia L. Remmers, *Vice President* • Sue Ann Van Dermyden, *Secretary* • John D. Weiss, *Treasurer*
Walter Cochran-Bond, *Assistant Treasurer* • Suzanne M. Ambrose • Nancy Bornn • Barry Chersky • Mary Egan
Pamela L. Hemminger • Paul M. French • Marilou F. Mirkovich • Debra L. Reilly • Jody Shipper • Martha Wood
Stephen P. Angelides, *Executive Director*

first Board meeting in 2011. The Executive Director mentioned that through his research he had learned that there is an accrediting agency for certification programs, the National Commission for Certifying Agencies. He will provide the information regarding that organization to the committee chair and co-chair.

- 7. Strategic Planning Committee Report.** Michael Robbins, Co-Chair of the Strategic Planning Committee, reported on the implementation of the previous recommendations of the committee, the committee's activities since the June Board meeting, and the committee's process to prepare a proposed strategic plan to present to the Board. A copy of that report is attached hereto as Exhibit A. He also presented the recommendations of the committee regarding the possible formation of a national association. The Board considered those recommendations, it was moved, seconded, and carried as follows: The Board supports the concept of CAOWI becoming a national association that grows gradually and doesn't purport to be something it's not. The AAOWI Formation Committee is requested to make specific recommendations to the Board regarding the implementation of this concept.
- 8. Ethics Committee Report.** Committee Chair Walter Cochran-Bond reported that the committee has identified a number of potential ethical issues of California investigators, and plans to study those issues and prepare white papers or opinions regarding those issues. CAOWI's insurance broker will attempt to obtain \$100,000 of insurance coverage for this activity at no additional charge.
- 9. Legislation Committee Report.** Committee Chair Mary Egan reported that the committee is making progress on the research regarding the laws of other states regarding investigators. She would like to have a joint meeting of the Legislation Committee and the Strategic Planning Committee.
- 10. Membership.** Committee Chair Marilou Mirkovich presented a written report regarding the recent membership survey, a copy of which is attached as Exhibit B. She also reported that the committee has six areas of focus regarding providing value to members, and that two committee members will be working on each of those areas.
- 11. Publications.** Committee Chair Debra Reilly reported that the October issue of the *CAOWI Quarterly* should be sent to the Executive Director for publication sometime in the next week or two.
- 12. Financial Report.** The Executive Director presented the financial report as of August 31, 2010, a copy of which is attached as Exhibit C.
- 13. Nominating Committee.** Chair Marilou Mirkovich presented the committee's nominations for 2011 Officers: President, Amy Oppenheimer; Vice President, Cynthia Remmers; Treasurer, Walter Cochran-Bond; Secretary, Sue Ann Van Dermeyden; Assistant Treasurer, Marilou Mirkovich; Assistant Secretary, Barry

Chersky. The Board will consider these nominations at its annual meeting on November 6, 2010.

- 14. Annual Meeting of Members and Election of Directors.** By unanimous consent, the time of the Annual Meeting of Members was changed to 1:30 p.m. on November 6, 2010. By unanimous consent the Board decided that the written ballots for Directors must be electronically submitted to CAOWI by October 15 to be counted. By unanimous consent the Board directed the Executive Director to send notice of the annual meeting of members to the members of record as of the record date previously established by the Board as soon as reasonably practicable after that record date, in accordance with the process specified in the Bylaws. By unanimous consent the Board set the record date for voting at the annual meeting pursuant to Section 3.9.A.2. as the day on which the meeting is held.
- 15. Travel Reimbursement for Annual Meeting.** It was moved, seconded, and carried that travel for Directors to the Annual Meeting not be reimbursed, except that in exceptional cases reimbursement may be considered by the President in consultation with the Treasurer and Assistant Treasurer.
- 16. November 6 Board Meeting.** By unanimous consent it was decided that the November 6 Annual Board Meeting will begin immediately after the Annual Meeting of Members, and will end at 5:00 p.m. Thereafter, from 5:00 p.m. to 8:00 p.m., the President will plan a dinner for those Directors who are able to remain after the end of the business meeting.
- 17. Adjournment.** There being no further business, President Amy Oppenheimer adjourned the meeting at 12:00 noon.

Respectfully submitted,

Sue Ann Van Dermiden
Secretary

Report and Recommendations of the CAOWI Strategic Planning Committee for the September 2010 Board meeting

The Strategic Planning Committee has met on a number of occasions since the CAOWI Board meeting of June, 2010. As a result of those meetings, the Committee has monitored a number of actions taken as a result of recommendations made to (and approved by) the Board. Also, it has taken a number of additional actions which do not require Board approval. Finally, the Committee hereby presents recommendations to the Board for action at the September, 2010 meeting. All of these items are discussed below.

1. Implementation of prior recommendations--

All of the recommendations made by the Committee and approved by the Board at its June 2010 meeting have been initiated and monitored by the Committee. They are:

- That Amy Oppenheimer initiate a meeting with the BSIS in an attempt to explore issues concerning the Business & Professions Code--in particular issues relating to the attorney exemption under the Code. **This is discussed in more detail below.**
- That on the main page of the Association's website, there be a disclaimer indicating that, just because someone is listed as a member of the Association, does not necessarily mean that they are qualified to conduct workplace investigations (or words to that effect).
- That on the Association's website, there should be a link to Calif. Business & Professions Code § 7520, *et seq.*
- That on the Association's website, there should be a statement that CAOWI is a professional organization for people who are qualified to conduct workplace investigations and also for those simply interested in workplace investigations (or words to that effect).
- That on the Association's website, links should be retained to each member's PI license or State Bar number.
- That Mark Tuft will be asked to do a presentation at the November CAOWI seminar on the issue of attorneys performing investigations under the Code.

2. BSIS Meeting--

Since the June 2010 Board meeting, Amy Oppenheimer along with Strategic Planning Committee member Jim Cawood met with Connie Trujillo (Deputy Chief of the California Department of Consumer Affairs' Bureau of Security and Investigative Services). During this successful meeting, a dialogue was initiated between the two organizations. Clarification was obtained regarding the BSIS' position on several issues. In addition, both at the meeting and thereafter, Amy provided clarification of CAOWI's position on several issues.

3. Committee actions since June, 2010--

At meetings since the June 2010 Board meeting, the Strategic Planning Committee took the following actions:

- The Committee recommended that Amy Oppenheimer initiate a meeting with the CALI (the California Association of Licensed Investigators) in an attempt to explore issues concerning the Business & Professions Code--in particular issues relating to the attorney exemption under the Code. Along with Jim Cawood, the meeting was scheduled, and then postponed. We expect it to occur in the near future.
- The Committee requested that the Legislation Committee gather information regarding laws outside of California relating to qualifications to perform workplace investigations. This would be done for the purpose of supporting the Strategic Planning Committee's efforts to engage with the BSIS and with CALI. Some of that information has been compiled and distributed by the Legislation Committee; that committee is in the process of completing that task.

4. Recommendations to the Board—

Following a presentation by the AAOWI Formation Committee, the Strategic Planning Committee unanimously agreed to that committee's recommendations and therefore makes the following recommendations to the Board:

- That CAOWI proceed with efforts to form a national organization. (The name of the organization to be determined at a later date).
- That the approach in forming the organization be a gradual one under which members outside the State of California be permitted to form CAOWI chapters (once certain minimum membership numbers are achieved by the prospective chapter). Eventually, a national umbrella organization would be created with a National Board comprised of members from each chapter. Ultimately, CAOWI would become a chapter of the national organization.

- That details of the above be developed by the AAOWI Formation Committee to be presented to the Strategic Planning Committee--which then will make recommendations to the Board for implementation.

5. Future Actions--

The Committee's next meeting will take place on November 3, 2010. At that meeting, we will begin the process of establishing a three-year strategic plan for the organization. Among the areas to be addressed by the plan will be those relating to formation of a national organization (assuming Board approval, above), certification, funding and staffing, programming and educational issues, regulation and legislation issues, issues concerning membership services and a general review of the organization's committee needs.

Respectfully Submitted,



Michael A. Robbins

Co-chair, Strategic Planning Committee

MEMORANDUM

TO: CAOWI Board Members, Steve Angelides
FROM: Marilou F. Mirkovich
DATE: September 11, 2010
RE: Summary September 7, 2010 Membership Committee Results

A. General Survey Statistics and Demographics

The CAOWI Membership Committee conducted its first membership survey in September. 196 members received the survey, and 39 or 20% of those members have responded to the survey as of September 11, 2010. Members can respond to the survey until October 5, 2010.

Of the members who responded, 45% were attorneys; 20% were human resource professionals; 20% were licensed private investigators; and 10% were from other professions. 77% of the responding members have more than 6 years of experience conducting investigations. In fact, 45% of the responding members have more than 16 years of experience conducting investigations.

57% learned of CAOWI through a colleague. The remaining responders learned about CAOWI through a conference, such as the State Bar conference, or the article in the Daily Journal concerning CAOWI.

B. Motivations for Joining CAOWI

The survey contained 4 motivations for joining CAOWI, and the members were asked to rank those motivations from 1 to 4, with 1 being the most important and 4 being the least important. The 4 choices were professional development, opportunity to meet with colleagues, marketing services, and education. 51% cited "Professional Development" as the number one reason for joining CAOWI. 15% of the members cited "Opportunity to Meet with Colleagues" as the number one reason for joining CAOWI, and 44% cited "Opportunity to Meet with Colleagues" as the next most important reason for joining. Therefore, 59% of the members stated meeting with colleagues was either the first or the second reason for joining CAOWI. The ranking score for each motivation category is as follows: Professional Development, 1.9; Opportunity to Meet with Colleagues, 2.4; Education, 2.7; and Marketing My Services, 2.9

C. Types of Educational Programs or Service and Preferences for Delivery of Those Programs

The responses to the types of programs and services that members would like CAOWI to provide focused on some facet of investigation education. Some of the issues members would like CAOWI to address in educational programs were as follows: how to avoid investigative pitfalls, developing an investigation plan, questioning strategy, dealing with problematic witnesses, potential issues interviewing union employees, assessing witness credibility, identifying false testimony, evidentiary

issues, attorney-client privilege in the investigation context, the role of attorneys as private investigators, workplace investigations involving licensed investigators, how to analyze a set of investigative facts, lessons learned, burden of proof, developing a logical conclusion, investigations for public entities, updates on case law, and standards-norms-best practices.

The responders were provided with 5 delivery methods for educational programs and were asked to rank those delivery methods from 1 to 5, with 1 being the delivery method they would be most likely to attend and 5 being the delivery method they would be least likely to attend. There was no clear leader in the way that members would like CAOWI to provide education programs. 28% responded that a Live Single Topic is the type of program that they would most likely attend. Nevertheless, that exact percentage, 28%, responded that Web-based Remote Seminar with Audio and Video is the type of program that they would most likely attend. Although only 15% ranked Half-Day Live Symposium as the number 1 type of program that they would most likely attend, 53% ranked the Half-Day Live Symposium as the second most likely type of program they would attend. Thus, the Half-Day Live Symposium had a better ranking score than either the Live Single Topic or the Webinar. The method of delivery that members are least likely to participate is, however, clear, as 51% ranked "Audio Only" as the method that they would be least likely to attend.

The ranking scores for each method are, in rank order, as follows: Half-Day Live Symposium, 2.3; Live Single Topic Seminar, 2.9; Web-Based Remote Seminar with Audio and Video (Webinar), 2.9; Day-Long Live Symposium, 3.0; and Audio-Only Remote Seminar, 3.9.

Networking and marketing events were also consistently reported as something members want CAOWI to provide. In that regard, members suggested having events where CAOWI partnered with other organizations, e.g. California Association of Equal Rights Professionals and presentations with other CAOWI members. Members suggested the following types of networking events: breakfast briefings, a gathering and tour of a sponsor's office, dinner with a presentation topic, happy hour with a meet and greet component, luncheon with training component, mentoring of individuals new to the field, and high-level specific topic training.

D. Local Circles

Approximately 75% of the responders reported that they had joined a Local Circle. The comments in the survey reflect that some members do not have a clear understanding of the Local Circle concept and that contact with Local Circle members is inconsistent or has not occurred. Time and geographical distance are barriers to participation in Local Circles. Nevertheless, 88% stated they intended to participate in their Local Circle in the future, and 83% stated they would be more likely to attend if a specific topic was set for discussion at the Local Circle.

E. Listserv

75% stated they had signed up for the listserv. The most cited impediment for signing up for the listserv was time, although a few members reported they were either unaware of the listserv or had not received the email inviting them to participate in the listserv.

F. **Recommendations**

The survey results reflect the primary reason members joined CAOWI was for education and professional development and reflect no clear preferred method for delivery of such services. With that in mind, CAOWI should take steps to determine the economics and practicality of offering members educational programs at various times during the year, at various locations, and in various formats and lengths. If any programs are to be conducted as a webinar, we must explore the technology requirements and associated costs for that format.

Because the survey results show that Local Circles scheduling and participation is inconsistent, we should more rigorously monitor the scheduling of Local Circles. In order to accomplish this task, the Membership Committee has assigned two members to work with Local Circle conveners regarding scheduling Local Circles. Additionally, we should advise members of topics that have been discussed in Local Circles and present ideas for discussion at Local Circle, as having specific topics for the Local Circle will generate more interest in attending Local Circles. We can publicize topics for Local Circles in the CAOWI News.

With respect to the Listserv, we need to ensure that members understand the process for signing up on the Listserv and understand that the process is not time-consuming. We will be sending another email to all members encouraging them to sign up for the Listserv. After that email is sent, we must determine the scope of any “bounce back” emails and determine whether we must take a more personal and direct approach for obtaining membership participation in the Listserv and My Committees. The Membership Committee has assigned two of its members to assist with increasing Listserv participation.

11:30 PM
08/31/10
Cash Basis

California Association of Workplace Investigators, Inc.
Balance Sheet
As of August 31, 2010

	<u>Aug 31, 10</u>
ASSETS	
Current Assets	
Checking/Savings	
Wells Fargo Checking	28,357.34
Total Checking/Savings	<u>28,357.34</u>
Total Current Assets	<u>28,357.34</u>
TOTAL ASSETS	<u>28,357.34</u>
LIABILITIES & EQUITY	
Equity	
Unrestricted Net Assets	25,566.69
Net Income	2,790.65
Total Equity	<u>28,357.34</u>
TOTAL LIABILITIES & EQUITY	<u>28,357.34</u>

California Association of Workplace Investigators, Inc.

08/31/10

Profit & Loss Budget vs. Actual

Cash Basis

January through August 2010

	<u>Jan - Aug 10</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Ordinary Income/Expense				
Income				
Program Income				
Annual Conference Fees	5,072.50	34,500.00	-29,427.50	14.7%
Annual Conference Sponsorships	8,000.00			
Best Practices Roundtables	2,169.92	2,000.00	169.92	108.5%
HR Conference Sponsorships	12,900.00	12,000.00	900.00	107.5%
Membership Dues	21,450.00	31,250.00	-9,800.00	68.6%
Total Program Income	<u>49,592.42</u>	<u>79,750.00</u>	<u>-30,157.58</u>	<u>62.2%</u>
Total Income	49,592.42	79,750.00	-30,157.58	62.2%
Expense				
Advertising	9,644.22	17,000.00	-7,355.78	56.7%
Bank Service Charges	12.00	250.00	-238.00	4.8%
Business Expenses				
Business Registration Fees	10.00			
Total Business Expenses	<u>10.00</u>			
Contract Services				
Outside Contract Services	3,600.00	3,600.00	0.00	100.0%
Total Contract Services	<u>3,600.00</u>	<u>3,600.00</u>	<u>0.00</u>	<u>100.0%</u>
Credit Card Processing Fees	1,373.60	2,500.00	-1,126.40	54.9%
Operations				
Postage, Mailing Service	722.20	1,200.00	-477.80	60.2%
Printing and Copying	4,206.89	5,000.00	-793.11	84.1%
Supplies	291.65	2,000.00	-1,708.35	14.6%
Telephone, Telecommunications	314.50	650.00	-335.50	48.4%
Website	1,687.17	2,750.00	-1,062.83	61.4%
Total Operations	<u>7,222.41</u>	<u>11,600.00</u>	<u>-4,377.59</u>	<u>62.3%</u>
Other Types of Expenses				
Insurance - Liability, D and O	0.00	2,500.00	-2,500.00	0.0%
Total Other Types of Expenses	<u>0.00</u>	<u>2,500.00</u>	<u>-2,500.00</u>	<u>0.0%</u>
Payroll Expenses				
Gross Payroll	14,400.00	24,000.00	-9,600.00	60.0%
Payroll Service	406.66	1,500.00	-1,093.34	27.1%
Payroll Taxes	1,402.60	4,000.00	-2,597.40	35.1%
Workers' Compensation Insurance	603.00	1,300.00	-697.00	46.4%
Total Payroll Expenses	<u>16,812.26</u>	<u>30,800.00</u>	<u>-13,987.74</u>	<u>54.6%</u>
Travel and Meetings				
Best Practices Roundtables	1,988.02	2,000.00	-11.98	99.4%
First Annual Conference Expense	3,739.02	24,000.00	-20,260.98	15.6%
Travel	2,400.24	4,000.00	-1,599.76	60.0%
Total Travel and Meetings	<u>8,127.28</u>	<u>30,000.00</u>	<u>-21,872.72</u>	<u>27.1%</u>
Total Expense	<u>46,801.77</u>	<u>98,250.00</u>	<u>-51,448.23</u>	<u>47.6%</u>
Net Ordinary Income	<u>2,790.65</u>	<u>-18,500.00</u>	<u>21,290.65</u>	<u>-15.1%</u>
Net Income	<u><u>2,790.65</u></u>	<u><u>-18,500.00</u></u>	<u><u>21,290.65</u></u>	<u><u>-15.1%</u></u>