

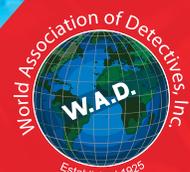
# W.A.D. beyond GLOBAL

A Quarterly Journal for Investigators and Security Professionals

■ **PANAMA PAPERS- THE LEAK AND ITS  
IMPACT ON INVESTIGATORS**

■ **JURISDICTION, COGNIZANCE AND  
PROFESSIONAL INVESTIGATION**

■ **WHEN CAN I DISCLOSE INFORMATION  
TO A PRIVATE INVESTIGATOR?**



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## EDITOR'S NOTE

Today's buzz word in promoting ethical and sustainable business is Corporate Responsibility. It has become the number one key responsibility of Corporates whereby the sustainability of the business is a reflection of the organisation's values and its connection to the well-being of society in a global environment. The impact of its business practice connecting to society, the environment and its own organisation is known as the "triple bottom line" of people, planet and profit.



This ideology of corporate conscience and responsible business goes beyond the confines of compliance and business interest, it seeks to foster social responsibility and doing social good. The impact of Corporate Responsibility, which is a form of corporate self-regulation integrated into a business model, builds positive public image, enhancing shareholder trust and by taking responsible corporate actions, business and legal risks is reduced.

The International Organisation for Standardisation (ISO) states: "In the wake of increasing globalisation, we have become increasingly conscious not only of what we buy, but also how the goods and services we buy have been produced. Environmentally harmful production, child labour, dangerous working environments and other inhumane conditions are examples of issues being brought into the open. All companies and organisations aiming at long-term profitability and credibility are starting to realise that they must act in accordance with norms of right and wrong."

Corporate Responsibility is to undertake activities in a responsible way to make a difference and create sustainable impact for the benefit of the community. W.A.D is a not-for-profit professional association with a global membership of members practicing high ethical standards in the conduct of their business. The combined efforts and resources within the membership could support global communities in need.

At the recent W.A.D Mid-term Meeting in Dublin, a Corporate Responsibility Committee was established to look into W.A.D's contribution as a socially responsible global citizen. Investigation work from human trafficking, environmental issues, counterfeiting and business crimes are indirectly part of our social responsibility to ensure that such illegal and irresponsible activities are taken to justice. One of the objective of the Committee is to identify and support an international community. Through our international network and the nature of our work, we could be championing the call for organisations to become more socially responsibly.

As a professional body, Corporate Social Responsibility is our business too.

*Siti Naidu*

Editor

We welcome readers' comments.  
You may email to the Editor your contributions.



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Bucharest, Romania



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## *Romania is calling...*

Dear Members,

Time is passing fast. We have just had our Mid-term Board meeting in Ireland and already we are working on the Annual Conference which is to take place in Bucharest, Romania. I thank all those of you who made it to the Mid-term. This was definitely one of the better Mid Terms we had. Those who could not make it to Dublin, you really missed something – the nice Dublin city waterways, the Irish pubs and a whole lot of friendship, meeting old friends and making new ones.

We had a great party at the famous Johnny Fox's Pub with great Irish music and step dancing. The meeting was very well attended and our 3rd Vice President Ajit, who had visa issues, managed to join us on the very last day.

I was especially happy to see many new young members who made it to Dublin. Our meetings are clearly attracting many members today, not only for WAD fellowship but for developing business network and opportunities.

With these opportunities WAD offers at our meetings, I would like to take this opportunity to invite all of you to our next meeting in Bucharest, happening from 14th to 18th of September 2016. Do block your calendar and make your early flight and hotel reservations. Especially for members in Europe it is easy and there are many cheap flights to travel to Bucharest. Our 5-star conference venue hotel is also reasonably priced.

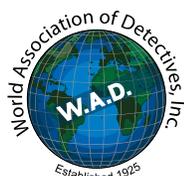
I am a personal friend of Romania for more than 10 years and spent many times in that lovely country between the Black Sea and the Carpathian Mountains. It is a huge country (the 9th biggest out of 46 on the European continent) with 20 million people, 10 percent of them living in the capital Bucharest. Romania had gone through difficult times from 1945 to 1989 and its economy is generally still very poor. The political system is unstable with corruption remains a major problem.

We have 8 fully accredited and active members in Romania and 4 of them were in Dublin. You will be surprised how professional, modern and well educated our Romanian members are. I am pretty sure, our colleagues will give us a very warm welcome and will make the 2016 WAD Annual Conference a very special one.

Bucharest as a city has much to offer, easily explored from our hotel located in the center. We are working on a professional seminar program and will have some interesting guests. We expect a high interest by the public media. Those of you, who have more time, I would recommend to extent your trip to enjoy the Danube Delta at the Black Sea or make a visit into the Carpathian Mountains, visiting the city of Sinaia or make a visit to Dracula Castle nearby. Remember that the writer who invented that Dracula story was an Irish from Dublin, what makes the perfect connection between our Mid Term and the 2016 Annual Meeting. However, I promise, our 2016 Annual Meeting in Romania will be much less scary than the Dracula novels. Come over and join us and snap your own picture of beautiful Romania.

*Matthias Willenbrink*

President  
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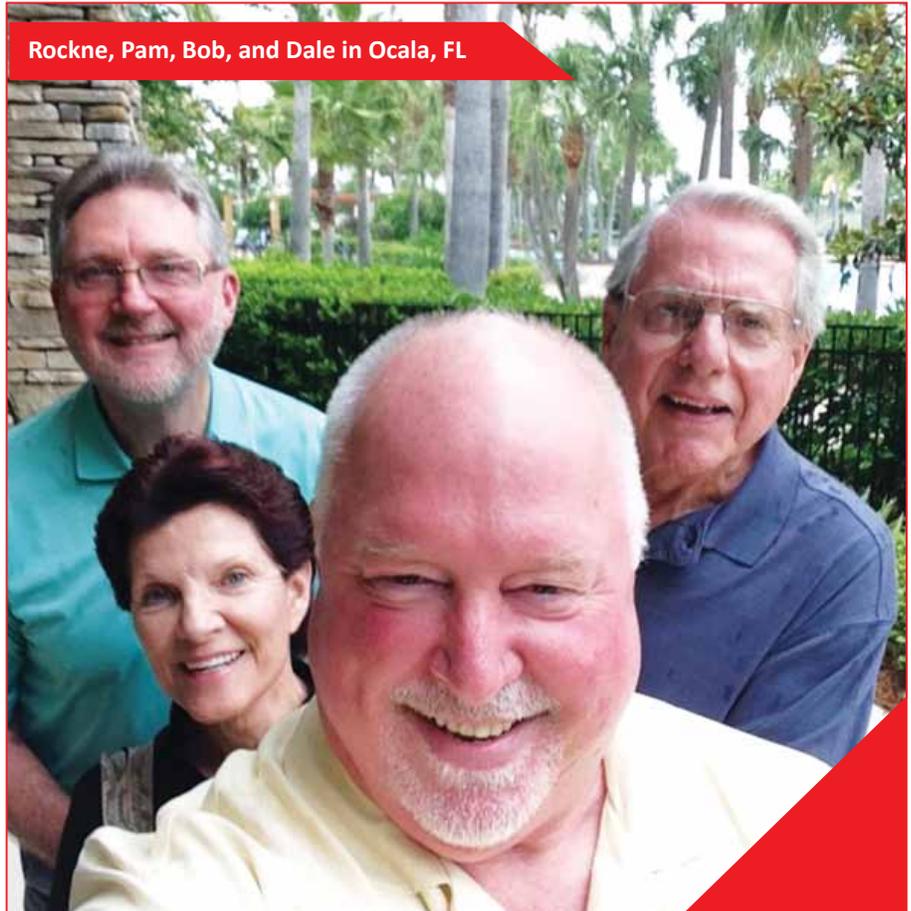
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Dear Members,

I have recently returned from the Florida Association of Licensed Investigators Conference in Tampa where Rockne Cooke and I had a chance to meet with some of our members. We also were able to recruit 11 very qualified new members to join the WAD ranks.

While in Florida, we also had a chance to meet with Mike LaCorte of the UK, and Craig Douglas of Australia, who were in Orlando attending the International Counterfeiting and Trademark Infringement Conferences. Mike was able to meet with a few potential members as well who will be joining WAD soon. We also went to Ocala to visit long time member Dale Wunderlich and his wife Pam at their new home. They recently relocated there from Colorado, and Dale has just started the game of golf in his retirement.

We had a wonderful Mid-Term Board Meeting in Dublin in April. It has been a long time since we have had so many members and guests attend who weren't on the Board. We also had 13 Past Presidents in attendance. Congratulations to Richard Jacques-Turner and Ray Pendleton on their President Emeritus selections.



We now look forward to our 91st Annual Conference in Bucharest, Romania September 13 through 17. We will be staying at the Hilton Athenee Palace. We will soon have all details available, but please block your calendars now.

Cu privire la România!

In Friendship,

*Bob Heales*

Bob Heales  
Association Manager  
and Executive Director

## WAD UPCOMING EVENTS



### W.A.D 91ST ANNUAL CONFERENCE

September 14 – 18, 2016

Athenee Palace Hilton, Bucarest, Romania



### W.A.D MID-TERM BOARD MEETING

2017

Miami, Florida, USA



### W.A.D 92ND ANNUAL CONFERENCE

2017

New Delhi, India



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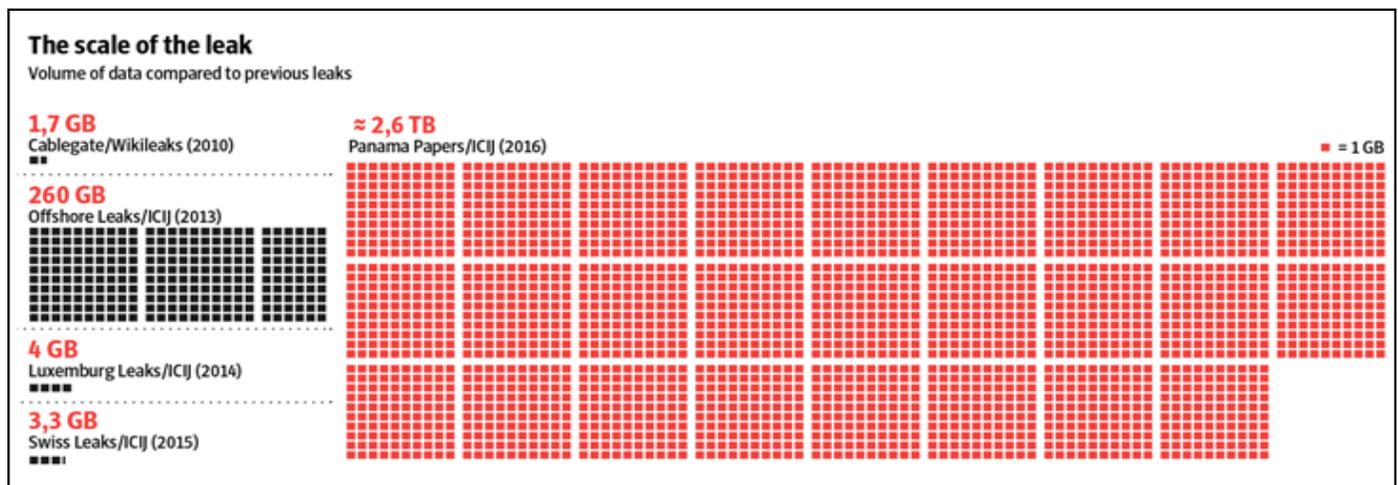
# PANAMA PAPERS THE LEAK AND ITS IMPACT ON INVESTIGATORS

There has been substantial media interest in the Panama Papers and the world waits in anticipation to see whether the information will be fully released.

The internal databases of Mossack Fonseca were illegally accessed and the 2.6 terabytes of information commonly known as the ‘Panama Papers’ was subsequently leaked via an anonymous source to German newspaper Süddeutsche Zeitung back in early 2015. On May 9 The International Consortium of Investigative Journalists ICIJ released the Panama Papers database, which will likely be the largest ever release of data on secret offshore companies and the people behind them. *Source: <https://panamapapers.icij.org>*

## The scale of the leak

The following graphic shows the sheer size of the Panama Papers leak and compared to previous leaks. There is a vast amount of information (11.5 million documents and 2.6 terabytes to be precise) of which investigative journalists from all over the world will need to sift through. *Source: <https://panamapapers.icij.org/blog/20160425-data-tech-team-ICIJ.html>*



## What Information Was Leaked

The leaked documents contain the identities of some 214,000 off shore companies, company shareholders and directors associated with Mossack Fonseca and illustrate how wealthy individuals, including public officials, hide assets from public scrutiny.

## Investigation and litigation

The Panama Papers (if fully disclosed) will truly be a treasure chest for Investigators, the contents of which can be used in civil litigation specifically in the following scenarios:

- The tracing of Assets in current, historical claims and/or legal proceedings whereby previous information may be incorrect or not fully disclosed.
- To assist in Asset Recovery specifically outstanding judgements
- To assist with Fraud investigations and/or identifying further off-shore jurisdictions to search
- To identify other person/s linked to a specific off-shore company

**Panama Papers available in Open Source**

There have been claims that the Panama Papers are freely available via open source searches. Is this information useable in court or are there ‘data protection’ breaches that we as investigators need to be made aware of?

If you come across the Panama List through your own Open Source searches, is this information trustworthy and more importantly, can we use this as part of an investigation?

**LAWYER COMMENTS**

A lawyer who preferred to stay anonymous in this article said that investigators need to exercise caution in obtaining and using Open Source Panama leaked information. Whilst there is the option to find and use the material in court, there may well be Data Protection and reputation damages that need to be considered if one would use information to discredit a potential person/s that have been listed in the Panama leak document. A tactical defence lawyer could use the defamatory and client privacy acts against the Investigators directly for producing such material in court.

**On The Ground in Panama**



Our trusted and local investigator based in Panama comments on the current status of the leak, how this is currently affecting investigations, and how he sees the industry changing if the Panama Papers are fully released:

**SOME PERSONAL VIEWS ON THE CURRENT SITUATION**

Here is a personal account from our locally based WAD member **Brett Mikkleson**. The letters in bold are my comments and not his: I’m more stunned about how the world acts so shocked about this whole ordeal. Nothing illegal happened in Panama. The Panama laws on the creation of corporations was actually modeled after the exact system used in Delaware, USA. I’ll admit that the lawyers involved and many others in Panama and elsewhere for that matter, are diving into unethical waters, but they’ve done nothing illegal.

The basic concept is that a client approaches these law firms for them to safeguard their finances. The lawyers then create the corporation, assist the client in opening bank accounts and then the client sends the funds to these accounts. Once again, nothing illegal occurred in this type of transaction on the Panama side of it. In certain cases (however this in not verified), the money is believed to come from an inheritance, savings, earnings or other legitimate means. Some are avoiding taxes and others are evading taxes – there is a clear difference. Some clients may have outright stolen the money from their government coffers or are laundering money from narcotics or other forms of trafficking. Where it’s possible that the client is conducting illegal acts, it doesn’t mean that the lawyers are as well – albeit granted that they have in some respect assisted the process.... But, what shocks me the most is how naïve the world is claiming to be about this incident. This type of business transaction is not new. It may be new to those who are not accustomed to having money or stable finances where they can invest abroad or move funds to a foundation to safeguard for their heirs. But, this corporate structured system of creating holding companies to safeguard money is older than Lloyds of London – agreed.

On a very personal note, I’ve been in Panama for 26 years now; I was in the US Army from 1990 to 1994. I left the service and lived in Panama as a civilian since February, 1994. I purchased my first new car here in 1996 and my first new house in 1998. I had everything in my own name because “I had nothing to hide”. I filed my taxes and claimed everything that my CPA instructed me to claim. In 2003, I watched a friend lose the family home, car, land and corporations to unscrupulous people who had judges in their pockets that were willing to allow these people to sequester and attach all of their properties. They owed nothing to nobody. The owner of the properties (my friend) was also a judge and was extremely ethical and could not be bribed. The group attempted to bribe her to get her to favor them in a criminal case they were involved in. She refused to do so. The following week, this group paid a judge to attach their properties in a fake civil case and this family was forced to leave their homes. After 3 months of living with relatives, they recovered their properties with the help of the government, but the damage was already done.

Since that date, my home is in the name of a corporation, my cars are owned by other family members, I’m on absolutely no director’s board for any of my companies and I sign on no bank accounts. I don’t do it to avoid taxes, evade taxes or to hide some dubious income. I do it simply to safeguard that which I’ve worked so hard for and law firms like “Mossack and Fonseca” cater to these types of scenarios just the same.

### CURRENT STATUS

The information was leaked and the law firm of Mossack and Fonseca are suing everyone involved in leaking the information. This isn't a "whistleblower" concept. Someone STOLE internal information from the law firm and should be tried criminally for this act.

### WILL THE LEAK LIMIT YOUR INVESTIGATION WORK AS INFORMATION WILL BE OPEN SOURCE



Corporate information has always been open source material. Attorney – Client privilege has always been a factor as well. This is only one law firm. There are larger, more powerful law firms like Morgan and Morgan who even own their own bank. The fact that the information stolen from Mossack and Fonseca has been made public has not affected us at all. Also, there are no changes in how we conduct our investigations to find information in one of the registries as we have in the past. If anything, our investigations company and the work that we do has actually increased more than anything due to clients wanting to conduct more DDIs to avoid being involved with "shady law firms" or "mysterious corporations" that are not a part of Panama Papers.

### WILL PANAMA SUFFER IF OFFSHORE MONEY IS MOVED FOLLOWING THE LEAK

The money from these accounts didn't really benefit Panama in anyway. In many cases, the money was never in Panama to begin with but instead in another bank in the Cayman Islands or even in Belize. Where Panama made their money was the yearly corporate tax that is paid for each corporation. The law firms would also charge a "maintenance fee" to handle the corporations and to pay all of the taxes due. I believe the yearly amount is US\$350.00 (Three Hundred and Fifty Dollars US) per corporation. Panama has millions of corporations registered in the Panamanian Public Registry. The Panama Papers leaked over 214,000 corporate files. That's US\$74,900,000 annually just from the Panama Papers corporations alone. If people stop creating Panamanian Corporations, then the country could hurt from this. Or perhaps the corporation holders could suffer if Panama decides to raise the yearly tax due to the difference of corporations opened in the year. I doubt this will be affected however.

### HOW DO YOU FEEL THIS WILL PAN OUT?

It will blow over. This isn't the first time that the offshore companies topic has hit the international news. I think that even after the nearly two months that this took place, the world is already starting to look for new news and forget about it. In Panama we have bigger things to worry about like the Abdul and Nidal Waked money laundering scandal that went down shortly after the Panama Papers news did.

If the Panamanian president were really smart, he would market this to the countries favor. Do what Apple did and deny the FBI from gaining access to their encrypted cell phone hacks. Panama should come right out and say that they will continue to create off shore companies, but will scrutinize how lawyers handle their clients. A true effort needs to be made by them to ensure that their clients are not known criminals or government heads of state (like in the case of Iceland). They could make the whole process look even safer than before, but ensure the lawyers conduct KYC screenings before doing business.

### SUMMARY AFTER COMMENTS FROM LAWYER AND PANAMA

A clear and honest account from Brett Mikkleson based locally in Panama paints a real picture on the leak. Will the 'hacker' be found and criminally bought to justice and will this leak be forgotten about.... This remains to be seen.

The way I see this as an international investigator conducting asset searches and investigations globally, is that what started out to be a valuable source of information could well have certain implications for us as investigators in using open source information in court. With international cases its always advisable in operating under a lawyers guide and advice prior to submitting any reports containing 'Open Source Material' as where's there's substantial sums involved then there's always a client with deep pockets or a lawyer willing to think out of the box to get the result needed.



*Mike LaCorte*  
WAD 2nd Vice President

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# JURISDICTION, COGNIZANCE AND PROFESSIONAL INVESTIGATION



The word “Jural” means “Legal” or pertaining to rights and obligations. “Jurisdiction” is a derivative which primarily means the authority to embark upon an inquiry. It also could denote compliance with the provisions of Law . The expression “jurisdiction” or the power to determine is a verbal coat of many colours. It is also construed as a “legal shelter”- a power to blind despite a possible error in the decision. In the context of Police Investigation, the word signifies the initial authority to take cognizance of a case. For all practical purposes, “jurisdiction” is central to the science of law called the “legal jurisprudence”. There could be issues like subject matter jurisdiction; territorial jurisdiction; pecuniary jurisdiction; original jurisdiction, concurrent jurisdiction and appellate jurisdiction.

The point of “jurisdiction” arises in criminal investigations wherein law-enforcement agencies have two types of jurisdictions. The first is “original jurisdiction” which actually means the geographical limits notified for offences committed within the area as also the specified offences. The second is “concurrent jurisdiction” which means that certain types of offences, even if committed within original jurisdiction of local police, can also be investigated by another law- enforcement agency which would enjoy concurrent jurisdiction. Professional Private Investigators must know about these issues so as not to encroach upon jurisdiction of law-enforcement agencies in the matter of right, power or authority of Police to originally inquire into subjects wherein the Law of the Land prescribes, directs or authorizes only the Police to take cognizance of the matter.

In the Indian Context “Cognizable Offence” is an offence for which, and “cognizable case” means a case in which a police officer may arrest without warrant. In the same context “non-cognizable offence” means an offence for which, and “non-cognizable case” means a case in which, a Police Officer has no authority to arrest without warrant. Thus the word “cognizable” only qualifies the power to arrest or the absence thereof. For the “Professional Investigator” the meaning of the word “cognizance” is “the exercise of jurisdiction” or “power to try and determine causes” by Police or judiciary. In common parlance it means “taking notice of”. In other words “cognizable”

for Police should mean “non-cognizable” by Professional Private Investigators, because it actually means perceptible, recognizable, clearly identifiable offence as basically actionable by Police and Judiciary. Thus the Professional Investigator should have knowledge and understanding that the Police (or any other law enforcement agency) have the first right to take official note of, look into, inquire or investigate the matter which is an offence under any penal law in force.

## STATUS, RIGHT AND ROLE OF PROFESSIONAL INVESTIGATOR

The role of Professional Investigator starts only when his services are “hired” by someone (victim, suspect or their representative) to ascertain real facts of the matter. The role would, therefore, be non-interfering with Police Investigation. There is nothing like “suo-motto” (automatic) jurisdiction of Professional Investigator. On his own, he cannot take cognizance of an offence. In real sense he has no “locus standi” to investigate a criminal case.

But Professional investigator, as an ordinary person also enjoys status, right and credibility in the eyes of law. For earning that status, right or credibility he must qualify the parameters prescribed in the Law. Lack of knowledge of these issues is the main reason for most of us to fail in discharging our duties as service provider to the society. Having understood the concepts of jurisdiction and cognizance, we must concentrate on provisions of the Evidence Act which covers every aspect required for acceptance of evidence, rejection thereof and reliance thereon to arrive at the judgement.

It is in view of the provisions of this Act that a Professional Investigator can create a status, earn a right and carve his role as service provider to the society. Professional Investigator must understand that he is a potential witness and he can give evidence of facts in issue and relevant facts. The definition of “fact” means and includes, anything, state of things, or relation of things capable of being perceived by senses and any medical condition of which any person is conscious. A witness can perceive a fact by his senses i.e. if he has seen a thing from his

own eyes, has heard a thing and has otherwise perceived any fact. But the fact has to be relevant to the issues in question as provided in the Evidence Act. A fact is said to be relevant to another when it is connected with another fact. And “facts in issue” mean and include any fact from which, either by itself or in connection with other facts, the existence /non-existence/ nature or extent of any right, liability or disability, asserted or denied in any suit or proceeding is established. A Professional Investigator can thus tender evidence which means and includes, statement which the court permits or requires to be made before it by witness, in relation to matters of fact under inquiry. Such statements are called oral evidence. Likewise documentary evidence can be tendered in support of oral evidence. Document means any matter expressed or described upon any substance (paper, stone etc.) by means of letters, figures or marks, intended to be used, or which may be used, for the purpose of recording that matter. Writing is a document. Map, plan or photograph is a document. An inscription on a metal plate (name plate/ address) or on stone is a document. Evidence can also be tendered by a witness (investigator) of facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction irrespective, whether they occurred at the same time and place or at different times and places.

Professional Investigator can be a “natural witness” or a “chance witness” if he happens to be present when any event is taking place. Care has to be taken that he is not treated as “interested witness” because his services were hired or paid for (to win him over) and he became a witness to the happening on the say so of his client. He must, therefore, assume the role of independent witness who chanced upon to be present on the spot. Oral evidence must be direct meaning that the person who saw, heard or perceived is deposing himself and it is not hearsay of others.

Only primary evidence is admissible in evidence. Secondary evidences are certified copies, copies made from the original by mechanical processes, copies made from and compared with the original etc. It can be made admissible when primary evidence is not available. Primary evidence has more weightage than secondary evidence for reliability. Yet another important provision is about opinions of Experts. When the court has to form an opinion upon a point of foreign law, or of science and art, or as to identity of handwriting or finger impressions, the opinion upon that point of persons “specially skilled” in such foreign law, science or art, or on questions as to identity of handwriting or finger impression become relevant fact. Such persons are called experts. Thus there are persons who are especially skilled in forensic sciences and are therefore treated as experts in their respective fields of handwriting, finger impressions, fire arms, medicine and toxicology etc. Their evidence to corroborate oral

evidence of eye witness becomes relevant and is admissible. For that matter examinations by Chartered Accountants, Bankers etc. and their certification becomes trust worthy and relevant to prove facts in issue. Private Investigators are not treated as experts in India. Reason is that they are neither empowered nor regulated as professionals. They are also not “specially skilled”. As on today, Private Investigator definitely enjoys the status of a trustworthy witness if he abides by all legalities in collecting evidence and presenting them in correct perspective as eye witness. Eye witness’s testimony is given more weightage vis-à-vis the opinion of an Expert.

### PITCH FOR PROFESSIONAL INVESTIGATORS VS. LAW ENFORCEMENT AGENCIES

Professional Investigation is like the game of cricket. Investigator is the batsman at the crease facing the onslaught. He should consider the opposite team as represented by Police Officers and law-enforcement agents of the Government. The Bowler could “bounce” a “fast” one on you or “spin” a web of tricks. You have to play within the popping crease and steal runs too. If you step out, you could be “stumped” or declared “run out” (of clients). Stumps are your clients. If they are touched (by Law enforcement agencies) you are out (of the profession). If you are caught, you are out (of contention). The law enforcement agents have “long legs”, “short legs” in addition to “long arms”. They are also “silly” in point of view. They are there if you “slip” a catch to them. You may “cover” your “drive” but they are there to stop you. If nothing definite happens all the eleven players (of law enforcement agencies) would shout “how is that”- questioning every move of yours. And you should know that the two Umpires are the Judges. They tend to agree with the appealing Policemen. They would easily “oust” you from the field (of investigation). You can appeal to the “third umpire” (High Court) but it takes time to arrive at the decision. And most likely you would not be “called back” to bat again (practice the profession). That does not mean that you should be so “defensive” that you hit (your own) wicket and get out. Play within the crease (four corners of law) and hit boundaries or sixes to score over the heads of your opponents. Use straight bat, hit square and you can “steal” runs if you run fast. You can always outscore (outwit) the opponents and win. But do it as per rules of the game.

Best of luck!!

*V M Pandit*

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W.A.D MID-TERM MEETING - DUBLIN, IRELAND





Dia dhuit Members,

For those who were lucky enough to attend WAD Mid-Term Meeting in Dublin in March you may have heard the Gaelic word "Dia dhuit" which is a way of saying "hello" in Irish.

We had a great time in Dublin. The hotel was fantastic, the people were friendly and our members and guests had a very fun and memorable evening at the famous Johnnie Fox's Pub. Where we experience traditional Irish Music, dance and food. Some of us also had a few pints of Guinness as well!

As I close out the last few months as Chairman of our great association, I would like to thank all of you for your support and encouragement over the years as I climbed my way through the chairs. It has been a real honor and privilege to be of service. I am excited to see all the great candidates running for 3rd vice president this September. There is no doubt that WAD will continue to grow and thrive as we approach our centennial anniversary in a few short years.

I look forward to seeing all my old friends and to make new ones this September in Bucharest Romania. It is going to be another great meeting in a fabulous city.

See you in September!

Erin go Bragh!

*Chuck McLaughlin*  
Chairman  
World Association of Detectives

I want to give a special thanks to Sandra Mara from Dublin who was a great resource for us and introduced WAD to Failte Ireland, the National Tourism Authority who help us promote our event.



### KUNWAR VIKRAM SINGH

#### 1st Vice-President's Report

After the Toronto Conference, we have done quite well as far as new membership enrollment is concerned. It gives good feelings that more than 76 Investigation and Security professionals shown their faith in the WAD and applied for its membership. Your association has granted membership to all of them as they were found professional of good standing in their respective countries. You all will be pleased to know that these new members represent 27 countries.

The USA recruited the most new members with 21, followed by India 8, Canada 5, Germany, Poland and Ireland 4 each and Netherlands and England 3 each. Mr Rockne Cooke, is in the process of vetting applications of 17 more professionals which will take our membership increase to 93 in the year 2015. As our membership steadily approaches 1000, WAD is now represented in over 80 countries, expanding our network and rapidly reaching every corner of the globe providing trusted business to business intelligence and service in an global economy.

I am pleased to announce that now we have membership presence in two more countries that's Barbados and Luxembourg. The remaining new approved 2015 additions include:

- Spain
- Austria
- Japan
- Australia
- Czechoslovakia
- Cyprus
- Ukraine
- Romania
- South Africa
- Brazil
- France
- China
- Norway
- Russia
- Venezuela
- Finland
- Switzerland

I personally have reasons to believe that if Regional/ Area and Country Directors put some efforts by holding joint meetings with national associations, we can certainly achieve our objective to cross 1000 plus members and presence in almost in every country. We shall be launching an intensive WAD Awareness campaign by taking help of professionals in the field of Social Media. Mr Ajit Singh 3rd Vice President discussed his proposal with me and other Officers. This approach will surely help WAD to grow and gain credibility among professionals as well as End Users of our services. I am also in touch with UNODC to become their partner in UN Crime Prevention campaigns. This initiative will surely exhibit social resolve of our organization to governments and international communities. It will help us to create new brand for WAD.

On personal front, I would like to share with our Board and the entire membership that I was bestowed with prestigious award "PRIDE OF INDIA" at a glittering ceremony held at Hotel Oberoi, New Delhi. Besides my leadership role in Security Skills Development in India, my leadership position in WAD, the "Investigator of The Year Award" which was bestowed upon me at the WAD Tokyo Conference was cited as one of my achievement.

## WAD AREA GOVERNOR'S REPORTS AT THE DUBLIN MID-TERM BOARD MEETING

### DEAN A. BEERS, CLI, CCDI, USA Area Governor, Americas

I remain honored to have continued serving as the Governor of the Americas for a fourth term. Perhaps in the near future considerations can be made to participate on the board. Presently, serving on the board of the National Council of Investigation & Security Services (NCISS), and hopefully as president by the time you meet in Dublin, takes the extra time I have. My experience in state and NCISS leadership, and as Governor of the Americas, can only help for any possible future possibilities.

In September the Board for accepting the recommendation of my wife, Karen Beers, as your new Administrative Manager. Carol made the transition as smooth as possible and now it seems things are moving along quite well and was fairly transparent for the general membership.

In 2015 neither Karen nor myself attended any conferences or functions for investigators - it was a first and was due to settling in our new home and all that entails. In 2016 I have already been to the Professional Association of Wisconsin Licensed Investigators (PAWLI) as a speaker and was able to share the benefits of WAD membership. In June I will be speaking at CALL, and in August I will be speaking at the

World Investigators Conference / TALI and will donate my speaker's table to both NCISS and WAD. Our agency continues to share the benefits of membership and networking of WAD with other investigators, as well as the various client bases of investigators throughout the US, and our agency newsletter and social networks. Karen's appointment as Administrative Manager has enhanced our influence of WAD within the investigative communities.

Throughout my term I have continued to maintain regular contact with my Ambassadors. In seeing the membership approvals being processed, the US continues to grow, followed by Europe. As social networking has outpaced nearly every other methods of exposure, WAD can benefit by increasing its presence. Recruiting in the Latin and South Americas continues to be a challenge, but is steady this year. My Ambassadors continue to promote WAD and report improved networking opportunities, their own conferences and professional interactions. There seems to have been an increased need for investigators in Latin America and the Caribbean areas.

### TARALIKA LAHIRI, INDIA Area Governor, Asia

It continues to be my honor & privilege to present my Report as a Governor of Asia for the second time. After the wonderful conference at Canada, I got in touch with almost all the Ambassadors, spoke to some of them specially Panno Kalastree & David from Thailand also met Mr. Mahesh Sharma personally who is based in Delhi to discuss the important issues and also to explain him how to fill up Ambassadors Report Form.

Asia has nine Ambassadors, out of which five (including myself) are from India and I am proud to mention this in my report. Out of five Ambassadors Mr Ajit Singh has recruited three new members and Sujeet Menezes has recruited two members after the last meeting at Canada which is a good achievement. Mr. Miharu from Japan has recruited one. Mr. Ted has not mentioned any number but he has mentioned 'quite a few' so only Mr. Rockne or Secretariat can provide the exact number. Infact I had called up twice but he appeared to be busy.

During my conversation with Mr Panno Kalastree he was sounding little upset and feel WAD has totally ignored Singapore after 1986 when when Panno Kalastree had hosted

**MIKE LECORTE**  
2nd Vice President's Report

Dear fellow Officers and board members,

It has been a quick busy 6 months since our annual conference in Toronto.

As I work my way through the chairs, I now fully understand the level of commitment and the workload required to satisfactorily fulfill each position.

Over the past 6 months, a lot of my time was taken up contributing to the re-write and design of a WAD membership Guide of which I hope we will have the final example available today.

This was a time consuming task that required input from several of our officers in order to prepare the final professional version. This Membership Guide will not only benefit new members joining WAD but will also serve as a valuable guide to our current membership.

I am still exploring my idea of potentially inviting a handful of corporates who regularly instruct investigators and security professional worldwide to the annual conference in Bucharest this year. The thought process behind this would be to create additional networking opportunities for our members, raise WAD awareness outside of the membership and to subsequently increase attendance during our conferences.

- I have compiled a list of potential 'clients' with regular international requirements to invite to Bucharest. This list is being checked with by our in country hosts to make sure these are suitable.
- I have also prepared an accompanying invitation letter.

**Membership Development**

Throughout the last 6 months, I have been proactive in promoting the WAD where possible and I was asked to speak at a London financial conference whose attendees were some of the largest global banks and financial institutions. This was in March with topic of New Generation Operational Risk. Within my presentation, I specifically referred to the WAD and its valuable benefit in sourcing trusted professionals within our field.

I also have a linkedin group called Private Investigators UK that has grown to 225 members. This group was created several years ago and I do not have time to manage it properly. I posted the Quest letter I drafted last year introducing the WAD and the benefits in joining. I do not have any membership conversion data.

the WAD conference and he recalls at that time Siti Naidu was working with him and she had helped him in organizing the conference. He also feels there is a lot of potential for recruiting new members which can be achieved if we hold at least a Mid Term meeting if not Annual Conference & I fully endorse his opinion and feel we all should think over it seriously. He infact has attached a separate mail with his Ambassador's Report, which I would like to read it out after my report is over.

Similarly I spoke to Mr. David from Bangkok, Thailand who has a strong objections against those PI who are working without having work permit and requested if WAD can do something about it. He was also of the opinion that if WAD can hold a meeting they can raise this issue and then decide how to take the matter forward.

I would further like to request the Executive Board that WAD should try and make Ambassador's position little more attractive so that they take more interest in the Association

**LAILA SALEH, EGYPT**  
Area Governor for Middle East & Africa

The area has 3 Ambassadors, Jacob Ofir for Israel, Andrey Grudko for South Africa and Johnson Okebukola for Nigeria.

**Egypt:**

- WAD activities are not common in Egypt.
- No PI Association and no special laws are in place. TCM Egypt considered almost the only entity authorized to perform such activities except for surveillance.
- TCM Egypt can cover needed services in most of ME, North Africa, and some of African countries through local partners.
- Recruiting new members from Egypt is difficult for the above reasons.

**Nigeria**

- It is important to state that Africa as it is has peculiar laws that inhibits our roles as envisaged by the President. I have made this fact known to WAD Executives for over a decade. We are generally viewed bystate officials in Africa, as 'spies'.
- Local laws in Nigeria for instance prohibits anyone (except Lawyers and forensic Audit accountants) from conducting general investigations or posing as detectives. Consequently licensed private security guard companies are specifically ordered by

same law not to conduct business as private detectives or operate in the semblance of the Police.

- Our association's name has a prominent word 'Detective'. This in effect creates a wrong impression whenever one introduces membership to eligible persons while some may want to join out of curiosity - not interest, they at the end turn down the effort for fear of being targeted by state elements. I have gone through these experiences in the early years of membership but by virtue of my law enforcement status and profession as a Lawyer, I had no issues with state elements especially as I have no dealings that negates state interests. However, one cannot vouch for activities that may be undertaken by a recruited member which will ultimately smear the status of the person who brings in such member. In Nigeria I can only vouch for myself as conducts of persons are very unpredictable.
- Efforts of National Assembly law makers encouraged by interested pressure groups for a change in the private guards Act to infuse private detective work led to the presentation of a Bill in the past Assembly but was never promulgated and became moribund. Consequently, what exists in the country is a motley of self-styled itinerant and mostly crooked 'private investigators' operating on the net and hoodwinking the unwary. They never operate openly on the streets or have

### MATTHIAS G. WILLENBRINK

#### President's Report

Since our last successful meeting in Toronto many things had happened. In respect of WAD I can say most of them were very positive. We do have a quite positive development in membership and WAD is spreading out into all corners of the World. I personally received a lot of positive feedbacks from new members confirming that WAD helps them to extent their network and to push their business.

However, WAD has even suffered a severe loss in the passing of our former President J.D. Vinson junior. J.D. was a great man, totally committed to WAD, not just with his own life but the live of his entire family. It is a huge honor for me to have had the privilege to work together with him and to be one the followers of him in the office as President, where J.D. and other late presidents have left huge footprints difficult to fill.

We are all missing them, especially J.D., who always brought a special spirit into our board meetings. May God bless him and give us the power and vision to further promote the World Association of Detectives in the best way of their spirit. I'm sure he will now have some funny board meetings in heaven, together with Werner, Adil and lot of others, who formed the history of WAD and made it a prestigious organization we are all proud off.

If it comes to myself, I can say, that it was quite a busy time since our last conference. My business commitment into an international company makes it more complicate to organize my time and my family earns some of the small remaining's of it. But I always did my very best to do what I can, to bring WAD forward and to support my colleagues.

We have developed the WAD handbook, which is since then given to every new member and as well published to all of you. This is a great success, giving our members guidance how they can make the most of WAD.

After the Toronto AGM I developed position descriptions for the positions of Area Governors and Ambassadors, together with contact sheets of all relevant other officers and send them out to all of this officers, to help them to fill their positions to the expectations of our members.

In addition, I contributed Presidents articles in our membership magazine *Beyond Global* and cared about the daily business of WAD, answering member emails for support, conducting calls and phone conferences with other WAD officers and of course recruiting new members.

The biggest task was definitely the conduct of our membership survey in October 2015 which I analyzed in December. A detailed analysis had been compiled and spread out to the membership.

More than 20% of our members contributed their opinion. It came a little as a surprise to me, that networking and know-how exchange is rated as more important than getting assignments through WAD. Our list server and the new website are well accepted. Eighty percent are satisfied with the experiences made, when attending a WAD meeting. Half of our members are working regularly together with other members. The annual business, a WAD member is

a signboard in view of the crack down by the Nigeria Security and Civil Defense Corp.

- The same event replicates in some if not most countries in Africa, thereby making it difficult for one to present a reliable potential member. We can only wait for the period when this stance will change

#### LAURA GIULIANI, ITALY

Area Governor, Europe

I'm very glad to work with the Ambassadors in Europe, because they are always active and collaborative. I have very good and frequent contacts with most of them, but when it is necessary all of them always and quickly answer. Lothar Kimm from Dortmund resigned at the end of 2015. There are some countries (I.E. Poland) in which a new Ambassador would be necessary to develop our membership, but some members, who are active and willing, can't be appointed according to our Bylaws, which defines the position in Article VII, Section:

Ambassadors shall be appointed annually by the President within thirty (30) days of the

completion of the Annual Conference. To be appointed, they must have been a member in good standing for a minimum of three (3) years, and shall have attended at least one (1) Annual Conference within the past five (5) years.

#### Membership status in Europe

The new procedure to welcome new members is the right way to create a nice personal friendship with them and also with the Ambassadors. In 2015 and 2016 21 welcome letters were sent to new European members.

#### Communication with Ambassadors

There is usually regular communication with the Ambassadors in Europe. Although communication is not always possible by phone, it is constant and quick by e-mail. The same happens with board members and directors.

#### Seminars

The Ambassador for Italy Marco Gallo, organized a free training course in that country on Saturday 24th of October. More than 30 detectives took part and two from Europe.

As the President Matthias Willenbrink suggested, Marco wrote a sort of manual with operating instructions and effects which is at disposal for other initiatives.

Lothar Mueller, the new Ambassador for Germany was the promoter of the "International PI Summer School, 2015" which was held in Sinala (Romania) 1st - 5th July 2015. The Summer School was organized by the Founder President and WAD member Maria Bumbaru and we'll have a reportage on our next journal WAD BEYOND GLOBAL.

I'll be present at the 91st Annual Conference which will take place at the Athenee Palace Hilton (Bucharest, Romania) next September. It is a pleasure for me to announce now my candidacy for the position of Third Vice President. I had to give up running for this office last year due to serious and sudden problems which occurred a few days before the Conference in Toronto. Let me express my gratitude to all members, who supported me in that occasion with dozens of deeper messages. I realized that our Association is a great family in which everybody can find genuine friendliness. I remain at your disposal for further information.

# W.A.D PRESIDENT EMERITUS

At the recent April meeting in Dublin, Ireland the World Association of Detectives proudly announced the selection of New Orleans native Raymond A. Pendleton as President Emeritus of the worldwide organization, originally founded in 1921 as the International Secret Service Association. .



WAD remains the foremost international association of professional investigators and security service organizations, and is represented in over 80 countries with business intelligence services operating throughout the global economy. One of its founders, Forrest Pendleton, was a former regional director of the U.S. Justice Department's Bureau of Investigation (later to be the FBI), who opened its New Orleans office in 1913 and started the first private detective and security service firms in the South in 1920. Raymond Pendleton, his son, assumed leadership of the family businesses in 1970, and led their growth with offices in five Southern states, along with regional drug and contraband searches, maritime support and investigations that spanned the international arena. He is a West Point graduate, retired Army Colonel, Special Forces (Green Berets) combat veteran and former Inspector General, and remains actively involved in research for cases that deal primarily with forensic liability issues in both the domestic and foreign fields.

Following in the footsteps of his father, who served as General John Pershing's liaison to Poncho Villa during the 1916 punitive expedition into Mexico, Raymond and a fellow WAD colleague were tasked and supported by the US Defense Department in 1981 to conduct a private, covert study of East European military personnel and activities during the "Cold War". Doing business in today's complex world can be very challenging – and costly - unless one has effective sources to guide and assist. The value of WAD's global network of investigative and security agents, skilled in a variety of fields, has repeatedly proven its worth to both private and public sector clients, and Pendleton has strived with WAD over the years to refine and maintain the leading edge that allows this industry to benefit its clients and the communities they serve.

In our 95 year history 5 Past Presidents have so far been honored with this prestigious status, awarded for a lifetime of dedication and service to the investigative and security professions. Stanley Smith was President Emeritus for a long, long time and he was honoured again in 1992 in San Antonio. Before Stanley passed, the distinction was presented to Vance Morris and thereafter to Werner Saches.

In 2012 at the Cannes Meeting we honoured Richard Jacques-Turner with the President Emeritus and following which this year we have included Raymond A. Pendleton to the distinction scroll of WAD President Emeritus.

making with another WAD member, is between 5.000 to 9000 USD per year in average. The WAD Management has an overall acceptance rate of 96%.

In total, nearly 80% of the respondents are satisfied with their WAD membership. The clear overall message to the WAD management is, our members love networking, they love education and seminars and we are doing not as bad. However, there is always something we can do better and the survey shows us, where to put the focus on.

For those of you who like to dig more into detail I will attach a copy of the survey analysis to this report.

For the second half of my Presidents-time there is a lot on schedule. We have to do the final preparation of our WAD meeting in Bucharest and I continue to attend other meeting to recruit new members. I will attend the Romanian Summer School of Private Investigators, taking place in July 2016, to promote our Bucharest AGM and of course I will do my very best to fulfill all tasks which are in the responsibility of a WAD president.

I like to thank all my Vice Presidents, the Executive team, our board members, Governors, Ambassadors and all those of you, who supported me in my work. A special thanks goes to our chairman of the board, Chuck McLaughlin, who backed me up and really took care about everything I missed or could not do.

I hope to have met your expectations and promise to continue my way as President of this outstanding organization to my best possibilities.

## W.A.D. DUBLIN MID-TERM BOARD MEETING

### SPONSORS

*Our sincere thanks and appreciation to the following for their kind and generous sponsorship*

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# When can I disclose information to a Private Investigator?

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*The Data Protection Act 1998 (the Act) is based around eight principles of 'good information handling'. These give people specific rights in relation to their personal information and place certain obligations on those organisations that are responsible for processing it. An overview of the main provisions of the Act can be found in The Guide to Data Protection. This is part of a series of guidance, which goes into more detail than the Guide, to help organisations to fully understand their obligations, as well as to promote good practice.*

## Overview

*This guidance is to help public and private sector organisations decide whether or not to disclose information about their employees or customers when it is requested by private investigators.*

## The situation

Private investigators undertake a wide variety of work that includes helping insurers to investigate fraud and lenders to trace debtors. In addition they act on behalf of individuals involved in matrimonial and family disputes. They also trace missing friends and relatives who are the beneficiaries of wills. To do this it may be necessary for investigators to contact private and public sector organisations to obtain personal information. The Data Protection Act 1998 regulates the processing of personal information and requires organisations to keep it secure. It generally restricts disclosure of personal information to third parties unless an exemption applies. Customers and employees will usually have an expectation that their information will not be disclosed to third parties without good cause.

The Act does not require an organisation to provide information to a private investigator or the parties they are acting on behalf of. Even where an exemption from the Act applies, an organisation might decide to withhold the information requested unless or until a court orders them to disclose it. Some individuals attempt to obtain information from organisations illegally by deception. This practice is known as "blagging" and is part of an illegal trade in personal information as highlighted in the Information Commissioner's 2006 report "What Price Privacy?". A private investigator with a legitimate request will be open about their activity and will not need to resort to blagging.

## Is it possible to disclose some personal information to a private investigator if an exemption from the act does not apply?

In some limited cases it may be possible to disclose personal information to a private investigator where an exemption does not apply. This will be where a disclosure to the investigator is in compliance with the good information handling principles contained in the Act and in particular it is fair and lawful and not incompatible with the purposes that the information were originally collected for.

Individuals should be informed of possible disclosures of their personal information at the point that it is collected by public or private sector organisations which will help to shape their expectations about how their information will be handled. Disclosures to private investigators in the types of scenarios set out above are unlikely to be included in the information given to individuals and therefore these disclosures are unlikely to be in their reasonable expectations and may be unfair. However, the disclosure can still take place provided that there is no overriding duty of confidence in the particular circumstances, the purpose that the information will be used for is in the legitimate interests of the individual and will not prejudice them in any way and the organisation subsequently informs them of the unexpected disclosure.

*Example A former employee is left money in the will of a relative and their previous employer is approached by an investigator for their last known address. It would not be unfair or incompatible with the reasons that the information is held by the employer for them to disclose the last known address so that the individual can be traced in order to benefit from the terms of the will.*

An organisation considering a request for information will need to be satisfied of the legitimacy of the request and the identity of the requestor to guard against blagging.

## Which exemption may apply to disclosing personal information to a private investigator?

### Prospective or existing legal proceedings and obtaining legal advice

In many cases investigators will be acting on behalf of litigants involved in, or who are contemplating, legal proceedings. If the particular information being requested is necessary for actual or prospective legal proceedings, or for obtaining legal advice, its disclosure may be exempt under section 35(2) of the Act and so it could be provided to the investigator if the organisation chooses to do so.

The organisation being asked for the information must consider each request, on a case by case basis, and be satisfied that it is genuine and within the scope of the exemption. In particular they will need to be satisfied that the prospect of proceedings is genuine, proceedings are already underway or legal advice is genuinely being sought. They will also need to be satisfied that the specific information being requested is actually necessary for the purpose stated by the investigator.

*Example Obtaining the identity of someone responsible for damage to an individual's property may be necessary for the individual to take legal action to recover damages. Local authorities, estate agents, landlords and solicitors may have forwarding addresses for absconded debtors that the lender needs for the purpose of recovering their debts through the courts. However, attempts to discover the financial value of assets of that individual, or their income, cannot be said to be necessary for instigating proceedings or taking legal advice although it may be a relevant factor in those proceedings. This information should not be disclosed.*

The organisation should subsequently inform the individual that their information has been disclosed to a private investigator for these purposes.

### The prevention or detection of crime

In some exceptional cases, for example tracing a missing person, the information being requested by an investigator may be necessary for the prevention or detection of crime and so its disclosure may be exempt under section 29 of the Act. This will not apply to civil matters such as the enforcement of debts. The investigator will need to satisfy the organisation that the specific information requested is necessary for the prevention or detection of crime and that not receiving it will significantly harm their investigation.

Please see the existing guidance on [www.ico.gov.uk](http://www.ico.gov.uk) about releasing information to help prevent or detect crime that explains what can be disclosed and when.

### What questions do i need to ask before i disclose the information?

Organisations will need to ask themselves the following questions each time they get a request for information from an investigator:

- *Is the person requesting the information who they say they are?*
- *Has the request been made in writing?*
- *Has the investigator provided me with enough information to make a decision about whether or not an exemption applies in the particular circumstances or that disclosure is otherwise in compliance with the Act?*
- *Is the person asking for this information for the purpose of or in connection with, current or prospective legal proceedings or obtaining legal advice?*
- *Is the information being requested actually necessary for legal proceedings or obtaining legal advice or could they go ahead without the information?*
- *Is the person asking for this information doing so to prevent or detect a crime or catch and prosecute an offender?*

*If I do not release the personal information will this significantly harm any attempt by the person to prevent or detect crime? (The risk must be that the investigation may very well be impeded).*

- *If an exemption does not apply is it still possible to disclose some or all of the information in compliance with the Act.*
- *If I do decide to release personal information what is the minimum I can release for them to be able to do their job?*

### Recommended good practice

- *Select a person or group of people at a senior level within your organisation to decide whether or not to release personal information.*
- *Always ask for the request to be made in writing and verify the identity of the requester.*
- *Do not request more information than you will need to make the decision.*
- *Inform the individual that their information has been disclosed to a private investigator unless it would be likely to prejudice the prevention or detection of crime or it is otherwise prohibited by law.*
- *Record each decision you make and the reasons why you came to that particular decision.*
- *Treat the personal information you receive as part of the request confidentially and securely and ensure that it is only shared to the extent necessary for considering the request.*

### A note for private investigators

Private investigators should use caution when requesting information about individuals from an organisation. In making your request you will also be disclosing personal information about the individual, for example that they are involved in legal proceedings or are a beneficiary. Do not disclose any more information than is necessary for your request to be properly considered by the organisation. Do not deceive or mislead organisations as obtaining the information in this way is likely to be a criminal offence under the Act.

### More information

This guidance will be reviewed and considered from time to time in line with new decisions of the Information Commissioner, Tribunals and courts. It is a guide to our general recommended approach, although individual cases will always be decided on the basis of their particular circumstances.

If you need any more information about this or any other aspect of data protection, please Contact us: see our website [www.ico.org.uk](http://www.ico.org.uk).

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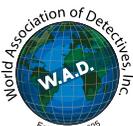
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(Please fax this form direct to the hotel on  
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**DELEGATE NAME**

Family Name: ..... First Name: .....

COMPANY NAME: .....

CITY, COUNTRY:..... E-MAIL ADDRESS: .....

TEL NUMBER:..... FAX NUMBER:.....

**ACCOMPANYING PERSON(S)** (Please give age of any children coming with you):

1. Family Name: ..... First Name: ..... Age of Child(ren): .....

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**ATHÉNÉE PALACE HILTON HOTEL ROOM REQUIREMENTS**

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		Single occupancy	Double occupancy			
		110 Euro	117 Euro			

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- Taxes are currently 10% but are subject to change according to Romanian law.

The rates are also inclusive of:

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I would like:

A Smoking Room	<input type="checkbox"/>	A Connecting Room	<input type="checkbox"/>
Twin beds	<input type="checkbox"/>	A Baby Cot	<input type="checkbox"/>
King bed	<input type="checkbox"/>	Tea/Coffee-Making Items	<input type="checkbox"/>

**PAYMENT ARRANGEMENTS**

Each guest, upon departure, will settle payment individually for their accommodation and any extras. Payment can be made with **Cash** (Euro, USD, RON, English Pounds), **Credit Card** VISA (Euro), MasterCard (Euro, USD, RON), AMEX (RON), Diners (USD). The hotel invoice will be issued in RON with a conversion into Euro or USD made at the hotel exchange rate.

**Please note that non-guaranteed bookings are not accepted.**

We guarantee this booking by: **A. Credit Card:**

Card Name: VISA/EC/MC/AMEX; Number \_\_\_\_\_ Expiry day \_\_\_\_\_

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**OR**

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By this we agree that, in case that the guest does not arrive or the booking cancellation is requested after....., first night stay will be charged to the credit card at the contracted rate. Please note that in case of no-show, the remaining nights of the original booking will be automatically cancelled.

Please note that the accommodation rates and the type of the room requested will be confirmed based on availability of the hotel.

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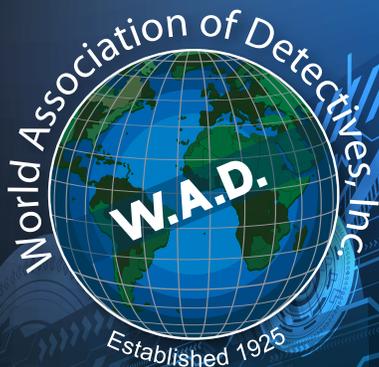
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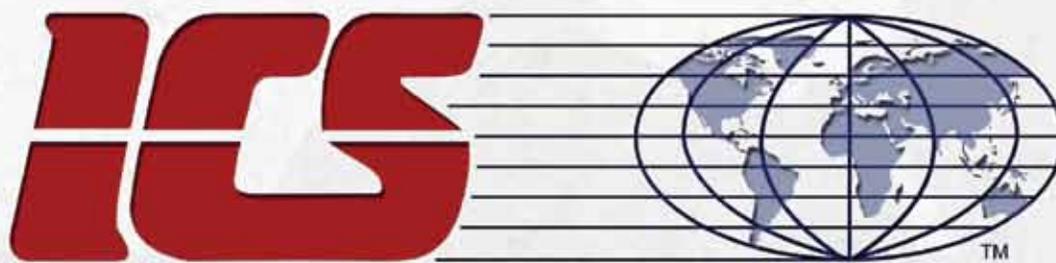


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