

# Frank Wake

Private Investigative Services

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February 7, 2015

Representative Shelley Hughes  
Alaska State Legislature  
House of Representatives  
Vice Chairman  
Labor and Commerce Committee  
State Capitol Room 13  
Juneau, Alaska 99801-1182

Dear Representative Hughes:

It is my understanding that presently you are co-sponsoring HB 9 with Representative Gruenberg in Juneau which is a bill to license private investigators in Alaska. In reading the bill it appears to be a re-introduction from last year's HB 253. It has come up again and I want to take this opportunity to voice my concerns for the passage of this bill.

I am a private investigator in Alaska. I have been in private practice since 2010. Before that I was one of two investigators employed by the Alaska Federal Public Defender. I held that position for 7 years. Prior to that I was Chief Investigator for the Alaska Public Defender Agency for 17 years. I was hired in 1987 by now Chief Justice Dana Fabe when she was director of that state agency.

From 1979 to 1987 I was a licensed private investigator in Columbus Ohio. I ran my business originally as Inquiry Incorporated which then morphed into Frank Wake and Associates. I was licensed by the state (59-79-0663) and abided by their laws and regulations regarding licensing, bonding and insurance, record keeping and other tasks mandated by the state of Ohio. Before entering private practice there I started off as an investigator with the Franklin County Public Defender Agency. I have worked as an investigator for 38 years.

I have never been a member of any law enforcement agency. I have a bachelor's degree from Ohio State University and a Master of Science degree in Criminal Justice from Xavier University in Cincinnati Ohio. My lack of law enforcement experience in no way disqualifies me as an investigator. While in business in Columbus I worked on a number of prosecutorial type investigations including internal employee theft, workers compensation fraud, and missing persons as a result of criminal activity as well as defending individuals faced with the death penalty in Ohio.

I would like to think I developed a good reputation as a fair and unbiased investigator in Ohio as well as bringing that philosophy to Alaska 28 years ago.

I believe HB 9, as it's currently written, favors those with a law enforcement background. I also believe it is being promoted by some of my colleagues with law enforcement histories. To my knowledge the history and origination of this bill was never circulated among those of us in private practice here. Rather it was drafted for some unknown reason and not offered up for discussion. Now that it's back I expect to have a say in an effort to reject this idea of licensing.

The first observation is it will be costly to the state. It is impractical to expect the applicants to shoulder the entire cost of monitoring our activities. The actual number of licensees will largely be determined by the expected cost to the state which will then be passed on to the individual or investigative company in private practice. From my perspective the actual number of private investigators now is rather small. Those of us in Alaska pretty much know our competitors. In fact, we welcome the competition. It is out of respect for those in the business that drive some of us to do a better job. Alaska is a small state when considering private investigators. From what I gather none of us living here are on the way to becoming a large private investigative conglomerate. I think we can accurately be described as a mom and pop group of professionals trying to make a difference in whatever specialty we have in the field.

I am sure there are a decent number of companies with business licenses who tout themselves as doing business in Alaska but their number will dwindle significantly when the cost of having a license exceeds the value of claiming to be licensed in Alaska. Some might argue that is a good thing. However, what remains are restrictions on the small practitioner here who is trying to make a living along with providing a service to our communities.

And not to belabor an obvious point, but with the financial condition Alaska is currently experiencing with anticipated employee layoffs, major construction projects canceled, and potential billion dollar deficits in the next few years, is this the right time to grow our government? Recently the state sent emails to all of its employees warning there will be layoffs in the work force. A February 6, 2015 ADN headline read: Walker's budget plan trims \$240M, 250 employees. It will take manpower and staff to implement a PI licensing law. It will take hearing officers, investigators available to sort out infrequent complaints, support staff to man an office waiting for the public to raise an issue with our profession.

Secondly, simply put, it is not necessary. If we didn't need licensing in the past, there really isn't a logical reason to have it now.

In my 28 years here there might have been 2 or 3 individuals who committed transgressions against the public. That's at most three in almost 30 years. That is a pretty small number. And if those people had been licensed the licensing issue itself would not have sorted them out before hand. One or two claimed to be local investigators who committed criminal offenses. I doubt licensing would have stopped them. Another claimed to be an investigator from out of state and brought with him a criminal record. If he had been actually licensed in another state, would our proposed licensing bill prevent him from coming here, getting licensed and go on to do bad things? For example, licensing does not stop lawyers from being reprimanded, sanctioned or disbarred. Plumbers and electricians are licensed and sometimes they provide bad service. Hairdressers are licensed but one can still get a bad haircut on occasion. And just what happens when that bad haircut occurs? Licensing didn't prevent it. Licensing didn't correct it. If anything, the marketplace

got the word out that if one wants a good haircut go somewhere else. In the choice of selecting a hairdresser I doubt one checks out the licensing issue before making a selection. I would suspect most consumer choices are based on one's reputation passed on by word of mouth. Social media provides opinions on all sorts of issues. A little research can go a long way.

In short, the marketplace best regulates businesses in our community. The courts deal with disputes by presiding over civil suits brought against businesses that do not perform appropriately. Lawyers and business contracts do a better job than state agencies in sorting out disputes about performance.

I believe with all that is available to the public it's pretty easy to check out the reputation of a private investigator to which the client wants to engage. By calling local private attorneys, law firms, researching court records, contacting government agencies or police departments, it's easy to sort out whom not to hire. One should ask for references. Those people can be contacted. Logical decisions can be made based on more important factors than if an individual is licensed by the state.

The city of Anchorage and Fairbanks have licensing requirements for our profession under Private Detective Agencies. Most of my colleagues live or work in those locations. Licensing is already required. There is no need to add duplicity by the state.

I trust you will consider my position as well as other professionals in the PI business before moving this bill forward.

Should you or your staff have any questions please feel free to call me at any time.

Thank you.

Sincerely,

Frank Wake

cc:

Governor Bill Walker  
Representative Max Gruenberg  
Representative Kurt Olson  
Representative Jim Clover  
Representative Gabrielle LeDoux  
Representative Cathy Tilton  
Representative Andy Josephson  
Representative Sam Kito III  
Representative Les Gara  
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*"Professional Investigation Service Specialists"*