

# CI TIMES



## Google with Care

Everybody does it, when you're introduced to someone new or you hear that your company is hiring someone new, you get curious and "Google" them. You just type their name in your search bar and see what shows up. This process is called cyber-vetting and is more common than you would think. This process also causes more issues and is a lot more difficult than one would think.

In defense of the Google method, it is a good way to learn things about people before you get to know them. However, from a human resource standpoint it's a nightmare.

Take for example a situation at the University of Kentucky when in 2007, a C. Martin Gaskell applied for a position as an astronomy professor at the university. Then of course someone at the university had to go and do an internet search on Dr. Gaskell. What they found was nothing out of the ordinary it was nothing offensive. They just discovered that Dr. Gaskell had written a paper discussing how the theory of creationism fits into modern day sciences, and how he is an Evangelical Christian.

Under normal circumstances, this information would not affect the work place, but in an interoffice email, one employee stated, "Clearly this man is complex and likely fascinating to talk with, but potentially evangelical. If we hire him, we should expect similar content to be posted on or directly linked from the department Web site." Which in and of itself is not a great thing to say, but what was really inappropriate is that during Dr. Gaskell's interview, the person interviewing the doctor, stated that they had personally researched his religious beliefs and that expressing them would be a matter of concern.

According to federal law, it is illegal to persecute someone based on religion. It is also illegal to ask about someone's religious beliefs during an interview. When the university finished interviewing potential candidates, they made the decision to not to hire Dr. Gaskell and instead chose to hire someone who would fit in better at the University of Kentucky. Dr. Gaskell then promptly sued the University for academic persecution based on his religious faith.

The University saved itself further humiliation by settling out of court, but they still have tarnished their reputation. In the future when people apply there, they will always be wondering, are my personal beliefs going to prevent me from getting this job? This one situation will forever change the University's hiring process.

The interesting thing about this case is the people involved did not see how this would be offensive or wrong. They made a case where, in their own minds questioning this man's religion was important for the job he had applied for they just did not want to mix science and religion. But as previously mentioned, freedom of religion is a protected class under federal law.

Some other things that are protected under federal law are age, race, sex, ethnicity, and disability. When your are cyber vetting potential employees, you need to know what is protected and you need to make sure that those protected characteristics do not influence your decision making.

But how does one prove that one of the mentioned protected classes, had no influence on hiring or not hiring a potential candidate? That's where it gets tricky, its near impossible to say that something you discovered online, has no effect on how you feel about a potential employee. And because of that, it makes it very easy for someone who is not hired to take action against the company who did not hire them.

Which, in and of itself, is a terrible thought. How does a company prevent itself from being sued? That is where we come in! We at Commercial Investigations LLC, only pass on the information that you can use during the hiring process. Thus, removing all of the liability from you. By adding a Cyber Investigation to your background investigations process, you are saving yourself both time and getting rid of the risk of legal action.

Another issue with cyber-vetting, is knowing what online sources you can and cannot trust. In reality anyone can post anything online, which is what makes the Internet great, but it also makes it is very difficult to trust anything you find online.

For example, when a finalist for a Chief of Police position, living in Northern California was the subject of cyber-vetting, the person who was researching him discovered the candidate's very inappropriate Facebook page. Upon further investigation, it was discovered that the Facebook page did not belong to the candidate, but rather to the candidate's rival for the same position.

So how do you trust the things you find online? The answer to that is simple; you come to us, where we will not stop until we verify every last bit of information that we uncover. In addition, because we take such pride in our work, we will try our hardest and will not give up until we verify the information that you as our client is looking for.

At Commercial Investigations LLC, we have two different levels of Cyber Investigation - level one and level two. The level one is our basic Cyber Investigation, where we do an online search for the subject using their name, phone number, and email. We use this search to look for the subject's social media and to see if there is anything that would negatively affect your company, for example any criminal activity. The level two cyber investigation, gets more in-depth. We will still run the basic Cyber Investigation inquiry, but we will also run searches that allow us to discover, places where the subject has lived or worked that they did not previous disclose to us. This allows us to reach out to former employers and verify all of the information that we find. We also have a fully customizable Cyber Investigation option. This involves an intense discussion setting specific parameters that our client wants in their customized Cyber Investigation.

We can do all of this for you, and it will reduce your risk of legal action from potential employees, and we will do everything we can to make sure that the information you receive is 100% accurate and 100% legal. As a fun surprise, we are actually running a special on our cyber investigations this month, so if you wanted to give cyber investigations a try, now is the time!

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## CI is a Certified Woman Business Enterprise

Did you know that Commercial Investigations is a certified Woman Business Enterprise? Michelle Pyan, our President at Commercial Investigations LLC, founded the company in 2004 and has since been at the helm of running it. This means that your company can receive our attentive and client oriented services while also fulfilling the governmental requirement. In fact, New York State governmental agencies are required to use at least 30% of MWBE companies. This requirement doesn't mean you have to sacrifice quality. Our clients are our first priority, and we go out of our way to ensure that their needs are taken care of to the best of our ability. So if your company is looking to fulfill supplier diversity requirements, or prefers MWBE companies for their more personal touch, give us a call! Aside from being a certified WBE, Commercial Investigations LLC is also on Global Foundries approved vendor.

## Due Diligence: Contracts at a Cost

In our last edition of CI Times, Due Diligence and Patty Larceny hired two new employees to help remove excess snow, Rob Berry and Justin Justice. Both Rob and Justin seemed to be catching on quite quickly. Due and Patty also had dinner with one of their neighbors, Rick Mitigation, who is a “big shot” over at the Corporation of Philanthropic Services (COPS). Which led to Due scoring Rick’s business card, cha-ching! With the spring season approaching, Due and Patty realize they’ll need to find some lawns to cut and hedges to clip if they want to transfer Justin and Rob’s services over to Clean Cut Clippings. Due decided to call up his new business contact for help finding some work. Rick revealed to Due that his current lawn care company is not enough bang for his buck – a perfect opportunity for Due.

Can Due convince Rick that Clean Cut Clippings has what it takes to make the cut?

Rick Mitigation consults with his boss about contract possibilities between COPS and Clean Cut Clippings. Rick’s boss seems reluctant to switch companies, but Rick explains the cost efficiency benefits that Clean Cut Clippings will provide. Rick also mentions that he knows the owner, Due Diligence personally. The boss agrees to grant a lawn care contract to Clean Cut Clippings on one condition, all employees who work on the property will be subject to a criminal background investigation. Rick immediately calls Due to give him the good news. Due is ecstatic to land the contract and thanks Rick for all his help. After the call, Due realizes that he will not be able to work on COPS property, as a result of his lengthy criminal record. Lucky for Due that he just hired Justin and Rob, who should be able to take care of all the work without Due ever stepping foot on site. Due, however, never ran any background checks of his own on Rob or Justin. He decides to call a staff meeting the next day at work so that he can speak with his new employees and make sure there isn’t anything he has to be concerned about.

Due begins the meeting by telling Patty, Rob, and Justin that Clean Cut Clippings has been offered a contract with COPS. Patty seems overly enthusiastic to hear the news. Due tells Rob and Justin that he is entrusting the two of them to take care of this contract personally, because, he’s confident they will do a great job. Due then explains that both Rob and Justin must pass a criminal background screening. He asks if there is anything that might come up that he’ll have to be worried about. Justin quickly states that he has a clean record and Due has absolutely nothing to worry about. Due turns to Rob, who looks nervous. Due isn’t entirely convinced when Rob quietly says that there isn’t anything on his record either. Due gives out the consent forms and asks that they complete them and bring them in the next day, so that they can begin working at COPS as soon as possible.

Once the meeting has ended, Patty quickly hurries back to her and Due’s apartment. With all this extra money Clean Cut Clippings will be earning from their contract with COPS, Patty figures this is the perfect time to open up a company credit card – or five. She makes sure to put Due’s name down under the billing information, so as not to cause any suspicion. Patty racks up a large bill at Scarlett’s Secret. She buys a novelty t-shirt online that says “Girls just want to have funds.” Patty also decides to purchase a pony from Pick Pocket Playpen, because she’s always wanted one. By the time she’s done, Patty has maxed out Clean Cut Clippings’ credit. Patty decides she won’t mention the purchases to Due until they receive their first bill, because she knows he loves surprises!

Meanwhile, Rick Mitigation receives a call from Paul Pinchpenny, the head of Raking It In Lawn Care. He is not too pleased to hear that COPS might not be renewing their contract, in fact, he is pissed. Paul tells Rick that he will be making a big mistake if he chooses some second-rate service over Raking It In Lawn Care – and that there’s no telling what kind of calamity could ensue. Rick responds by telling Paul that he does not take kindly to threats, and after the amount of money that Paul has been getting paid, he should be grateful to have kept the job for as long as he did. This makes Paul even angrier, and he tells Rick that if his reputable business is not appreciated, then he quits! Rick slams down the receiver after Paul hangs up on him, and after cooling off, realizes that he’s going to have a big problem if the deal with Clean Cut Clippings falls through.

The next day, Due gathers all the required paperwork and heads over to COPS. Due pulls up to the main grounds and begins losing confidence when he surveys all the work Justin and Rob will need to do. Due knows he would never pass a background check and suspects Rob may be hiding something based on his conspicuous behavior the day before. But Due reassures himself that Rob would have no reason to lie, he quickly composes himself and goes into Rick’s office. Rick is surprised and impressed to see that Due has gotten all his paperwork together so quickly. Rick tells Due that he will initiate the background checks with Commercial Investigations LLC right away. Rick states he will be in touch once the reports are complete. As Due leaves, he thinks about how the business from this contract will really help to keep the company afloat.

Will Rob Berry and Justin Justice be able to pass Commercial Investigations rigorous background check? Or will CI find something that might sink the dreams of Due Diligence?

Stay tuned . . .



### Meet Due Diligence Last Scene from Due

In the latest edition, Due decides that in order to keep up with the extremely high volume of snow the Northeast region has gotten this winter he will need to hire some employees. Due decides to hire two new employees Rob Berry and Justin Justice to help Due out with his Snow Removal Business.

After heading home one day, Due meets Rick Migration for the first time, who is a neighbor of Due and Patty. Due comes to find out that Rick works in Human Resources for a company called Corporation of Philanthropic Services (COPS).

Over dinner Patty had planned, Rick and Due get into the discussion about Due’s Snow Removal Business. Rick leaves the apartment having giving Due his business card.

The following week, Patty and Due discuss their company’s future and how they will need more work this coming Spring for their company Clean Cut Clippings as they both have been pleased with Rob Berry and Justin Justice’s work performance to this point. Due makes a phone call to Rick inquiring if his company would be interested in Due’s lawn care services for this upcoming Spring.

To see Due’s past reports, view his page online at:  
[www.commercialinvestigationllc.com/duespage](http://www.commercialinvestigationllc.com/duespage).

Read previous issues of CI Times to see the full details of Due’s life at:  
[www.commercialinvestigationllc.com/newsolder](http://www.commercialinvestigationllc.com/newsolder).



## Can Petty Theft Really Be a Federal Crime?

It seems hard to imagine such a small crime being prosecuted at the highest level, but it can happen, and if it does, it will not show up on a state or county search. Understanding what crimes are found on a federal level and why they're deemed federal can help determine whether federal inquiries are a smart search for your background investigations needs. Not every potential employee is necessarily a good candidate to have federal searches ran on. However, employers are increasingly becoming more apt to be as complete as possible with their background investigations to avoid being sued for negligent hiring.

According to HR Magazine, "Employers are increasingly being sued for negligence and injuries resulting from workplace violence and could pay \$ 5-6 million for settlements and verdicts. Investing a small amount of money in quality criminal background checks could possibly save an organization millions of dollars, help prevent lawsuits and workplace violence, and significantly lower employee turnover costs." Comprehensive background checks would include inspecting a perspective employee from all angles and at all levels, including the federal level.

Federal criminal searches often reveal serious violations of federal law that state or county searches do not pick up on. Embezzlement, child Pornography, and kidnapping are examples of higher level federal crimes that we are more familiar with due to popular television series and news stories, and are considered federal no matter where you live or commit the crime. Also, any crimes committed on military property or federal buildings are considered federal cases automatically.

Many crimes such as cybercrimes, tax evasion, identity theft, and credit card fraud that are increasing in relevance are also included under the federal umbrella. Surprisingly, crimes that begin as a state or county felony can turn into federal prosecutions; for example, there could be an instance of petty theft that could end up as a federal

crime as soon as the offender crosses state lines with stolen merchandise. These crimes are very relevant to employers, but could be overlooked because of not running comprehensive criminal checks.

"Federal searches are important because if we were to simply run counties and statewide searches, we don't get back any federal results that the subject may have. Also, when we run an Origin or Cursory Indicator NY, we don't always get a hit in regards to a federal case. It all depends on the circumstances of the case and if they had been booked in a federal facility or a state/county facility. There are many 'what ifs' and variables on whether a case becomes Federal." – Kyle, Investigator at Commercial Investigations LLC. Federal criminal inquiries are helpful in rounding out a criminal background package and are especially useful for upper level positions, and positions with genuine levels of trust. Positions with children, government jobs, or jobs that require the employee to cross state lines often justify running federal criminal inquiries.

Due to compliance standards, federal criminal searches are typically run for the past 7-10 years at the client's discretion. Commercial Investigation's federal criminal search is unique in that it employs additional verification elements via the subject's date of birth and social security number to eliminate false hits. False hits frequently occur when a subject has a common name. Our investigative approach at Commercial Investigations is to look at data from many angles and through many inquiries, which is why we believe including federal criminal inquiries is a smart addition to background investigations.

Michelle Pyan, President at Commercial Investigations, recently explained on a Webinar the importance of Federal Criminal inquiries and when it would be in a company's best interest to have them run on prospective employees. To see the recording of the webinar, visit: <http://commercialinvestigationsllc.com/CIWebinarSeries.html>.

## Spotlight

### Anticipated Graduations for New Hires

As we know, when Spring time rolls around, high school and college students anxiously anticipate graduating in May and June. Students also fill out applications for employment and start to work for a prospective employer after they graduate. The question for employers is how do they deal with waiting upon a verification of the subject's education.

Some colleges will use the National Student Clearinghouse for degree verifications. For applicants expecting to graduate in the months of May or June records on the Student Clearinghouse typically do not become updated until June to mid July.

CI can contact the school and get confirmation that an individual is expecting to graduate, noting a designated graduation date along with the type of degree they would be receiving. Clients must keep in mind the anticipated date does not always mean it will be the same day when records are readily available.

CI recommends that when a prospective employer has an applicant who has not officially graduated from the school to either goes through the process as mentioned above, of CI obtaining an anticipated graduation date, or the employer can request an education verification only report around the time the applicant expects to graduate.

Please contact Commercial Investigations for what your best practice would be in regards to newly, recent, or expecting graduates.

# Commercial Investigations LLC

## A Licensed Private Investigative Agency

Providing the proactive truth with high quality background investigations through human intervention with an investigative approach.

### Background Investigations

CI provides accurate, timely, cost-effective and fully compliant reports delivered with exceptional client service.

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