

TALI Admin

Subject: FW: [TALIonline] Here Is The Houston Chron On The Situation From The AP

Houston PIs among 10 charged with illegal dirt-digging

By GENE JOHNSON
The Associated Press

SEATTLE — Ten private investigators from around the country, including three from Houston, have been indicted on charges that they either used illegal methods, including identity theft, to dig up dirt on people, or knowingly sold information that had been wrongfully obtained to law firms and others.

In a case that sheds light on the hush-hush world of private eyes, federal prosecutors say the hub of the illegal activity was BNT Investigations, a husband-and-wife team in Belfair, on Washington's Kitsap Peninsula. Emilio A. and Brandy N. Torrella, along with an employee, posed as the people they were investigating to trick the IRS, Social Security and other agencies into releasing sensitive information — from tax returns to medical histories, according to the indictment unsealed Thursday.

From January 2004 to May 2007, BNT Investigations tried to obtain information on at least 12,000 people nationwide, prosecutors said, but it's not clear how many times they succeeded. They're accused of selling that information to private investigators in Texas, New York, California and Oregon, who in turn sold it at a substantial mark-up to law firms and others who sought dirt on witnesses or participants in litigation.

If it turns out the law firms and others knew they were getting information that had been wrongfully obtained, they too could be prosecuted, Assistant U.S. Attorney Katheryn Frierson said.

The Torellas and their employee, Steven W. Berwick, 22, pleaded not guilty in U.S. District Court in Tacoma on Thursday and were released on their own recognizance. The remaining defendants are expected to make initial appearances by Dec. 14 in Tacoma.

The other defendants are Victoria Tade, 52, of San Diego, Calif.; Megan Ososke, 40, of Beaverton, Ore.; Esaun G. Pinto Sr., 33, and Patrick A. Bombino, 58, of Brooklyn, N.Y.; and Darci P. Templeton, 55, Robert Grieve, 67, and Zian N. Sakhleh, 26, all of Houston, Texas.

All are charged with conspiracy, wire fraud and aggravated identity theft. Some also face charges of falsely accessing Social Security information and solicitation of federal tax information. Each faces up to 22 years in prison if convicted.

Though licensed by states, "private investigators are not allowed to do this, to take such personal information by fraud," Frierson said. She called the practice "nationwide and extensive." Jeff Sullivan, the U.S. attorney, said he believed this was just the second such federal prosecution.

"There are people who conduct investigations, sometimes, not in accordance with the law," said Donald Bambenek II, board president of the Pacific Northwest Association of Investigators. "It's unfortunate those things happen because it gives all of us a black eye."

According to the indictment, the other private eyes would give BNT identifying information about the people they wanted investigated — names, birthdates, addresses, Social Security numbers, spouses' names and birthdates, etc. BNT would use that information to impersonate them in phone calls to government agencies, banks, hospitals and pharmacies — a practice called "pretexting."

The Torrellas or their employee Berwick spun a series of elaborate tales to persuade officials to release sensitive records, the indictment said. For example, BNT would call the IRS and ask for a copy of a tax return, claiming to need it to double-check filings made by a recently fired bookkeeper.

They also posed as patients awaiting surgery, saying hospital officials wanted proof of income before green-lighting any procedures, and as parents who had a child abducted, the indictment said.

The company charged the other private eyes \$30 to \$300 per record, it said.

Ronald Legan, special agent in charge of the Social Security Administration's Office of the Inspector General in Seattle, said the Torrellas and Berwick used voice-altering software to keep from being recognized for repeat calls.

A search warrant affidavit filed in the case said someone at the state Employment Security Department noticed calls from a single number seeking information on various people, and the department began contacting labor officials in other states, who also reported receiving calls from that number, which turned out to be registered to BNT. Investigators later interviewed a former BNT employee who described the firm's practices, including keeping only handwritten notes of phone calls, and shredding those notes weekly.

From October 2005 to November 2006, BNT made 50,000 calls to state and federal agencies, the affidavit said.

All the defendants have lawyers but the U.S. attorney's office did not have those names available Thursday. No phone numbers for the Torrellas and Berwick could immediately be located.

_____,_____,_____