

South Carolina Association of Legal Investigators, Inc.

CONSTITUTION & BY-LAWS

Constitution and By-laws
Since 1985

SCALI CONSTITUTION



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South Carolina Association of Legal Investigators, Inc.

CONSTITUTION

PREAMBLE

We, the members of the South Carolina Association of Legal Investigators, Inc., in order to establish and promote a State Association, will organize, serve, and educate members, enforce professional ethics and canons, and establish a mutual feeling of trust, good will and friendship among agencies throughout the State of South Carolina.

ARTICLE I. NAME

Section 1. The name of this association shall be known as the "South Carolina Association of Legal Investigators".

Section 2. This association shall be incorporated in the State of South Carolina as a non-profit corporation.

Section 3. Its purpose shall be to endorse, promote and safeguard the highest professional ethics of the legal investigative profession and to explore, cultivate and to advance those arts and sciences which will serve to raise the standards and techniques of legal investigation.

ARTICLE II. LOCATION. SEAL AND EMBLEM

Section 1. The location of the principal office shall be with the current elected State Director in South Carolina (March 2001)

Section 2. The official emblem of this association shall be the following design: The outline of the State of South Carolina with a two-edged sword over the middle of it and the scales of justice across it.

Section 3. The official emblem of this association may be used only by members to identify them as members of the association on letterheads, cards, and advertising matters. Such an emblem shall not be used by a member for the purpose of identifying, promoting or advertising a school or a training course operated by a member for profit. Neither shall a member use the emblem to promote, publicize or advertise any publications offered for sale.



Section 4. It is a condition of membership, and each and every member of this association agrees, that the use of the emblem of this association shall be, and is limited to the time during which their membership herein shall be in good standing, and each member hereby agrees that upon termination of their membership, that they will discontinue the use of said emblem.

Section 5. Removed (May 2018)

Section 6. Removed (May 2018)

Section 7. Moved to Article IV (May 2018)

ARTICLE III. MEMBERSHIP

Section 1. There shall be five classes of membership in this association, namely, active, honorary, retired, lifetime. and associate members; there shall be no provisions of affiliated memberships and/or inactive special members except as provided for in Section 3 of this Article. (May 2004)

Section 2. Membership in this association, upon acceptance and approval of the application, shall be open to all licensed private investigators, attorney staff investigators, and or public defender investigators. Public defender and law firm investigators should provide eligibility and proof of continued employment. Standard members can be verified through SCALI. (March 2001)

Section 3. Any member in good standing no longer employed as an investigator due to age or health may submit to the State Director, in writing, a request for Retired Member Status. The applicant shall state the reason requiring full retirement, to be approved by the Executive Committee. Upon approval, said applicant shall be granted full retirement status, with associate member benefits, and continued payment of dues. (May 2018)

Section 4. Any investigator, who qualifies under Section 2 of this Article, may be nominated by any member in good standing of this association to become an Honorary Member of this association. The reason for such nomination need to be submitted in writing to the Executive Committee. Upon approval by the Executive Committee, said applicant/nominee shall be granted Honorary Member status without payment of dues. (June 1990)

Section 5. Any member who has maintained continuous membership in this association for a period of Twenty (20) years without interruption shall be designated a "Lifetime Member" and as such shall be without payment of membership dues. (May 2004)



Section 6. Associate Members shall be those members who are not licensed private or staff legal investigators, but are in parallel employment such as paralegals, insurance adjustors, law students, or other fields that parallel the private investigative profession. Associate Members will have no association voting privilege, but all other membership benefits are extended to such members. (May 2005)

Section 7. Removed (January 2012)

Section 8. The Executive Committee may expel any member when, after deliberation, they feel there is just cause. The State Director may expel any member for non-payment of dues.

Section 9. All applications for membership must be made in writing or through the SCALI website and must contain the following information, and such additional information as may be determined by the Executive Committee. (May 2018)

(a) An agreement to abide by the provisions of the Code of Ethics, Constitution and By-laws of this association.

(b) Each application must be accompanied by a non-refundable application fee in the amount set forth in the By-laws plus annual dues as required by Article X, Section 6.

(c) Subsequent applicants of any firm having one or more of its members in this association are relieved of paying the full no-refundable application fee but shall submit the reduced non-refundable application fee as set forth in the By-laws plus dues for one (1) year.

Section 10. All applications shall be reviewed by the membership chairperson. The membership committee will investigate the applicant's qualifications and history. The membership committee will then determine if the applicant is qualified for membership into this association. The majority of the Committee rules the determination and the State Director will act as a tie breaker in case of a tie. The Membership Committee is appointed by the State Director to carry out this section.

Section 11. The resignation of any member in good standing shall be accepted when made in writing to the State Director. The State Director, immediately upon receipt of such resignation, shall notify the resigning member that such resignation has been received and accepted.

Section 12. Removed (January 2012)



ARTICLE IV. ORGANIZATIONAL STRUCTURE

Section 1. This association shall be governed by the Executive Committee.

Section 2. Whenever the Term "Executive Committee" is used in this constitution it shall mean and include the State Director, Six (6) Regional Director, and the previous State Director in good standing (to wit: Current on all dues, fees and licenses as set forth in Article III, Section 2, and attended at least Two (2) conferences or seminars, and Two (2) Executive Committee conferences or electronic meetings per year in office.) Also, Bob Joseph, a founding member of SCALI, shall serve in a Chairman Emeritus position as an advisor. The previous State Director and Chairman Emeritus shall serve without voting privileges. (May 2018)

Section 3. This association shall consist of Six (6) Regions. Each Region shall be represented by a Regional Director. The regions shall be known as follows and shall consist of the following South Carolina counties:

- (a) Piedmont Region - Abbeville, Anderson, Cherokee, Greenville, Greenwood, Laurens, Oconee, Pickens, Spartanburg, Union and York
- (b) Midland North Region - Calhoun, Chester, Fairfield, Kershaw, Lancaster, Lee, Newberry, Richland and Sumter
- (c) Midland South Region - Aiken, Allendale, Bamberg, Barnwell, Edgefield, Lexington, McCormick, Orangeburg and Saluda
- (d) Coastal North Region - Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro, and Williamsburg
- (e) Coastal South Region - Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton and Jasper
- (f) At-large Region - All States other than South Carolina (May 2010)

Section 4. The Executive Committee shall meet for the purpose of conducting business affairs of the association, fulfilling the duties and obligation of office, at least tri-annually.



ARTICLE V. DUTIES OF OFFICERS

Section 1. State Director

(a) The State Director may appoint committees and committee chair persons to handle any matter or recommendations as they may come up. All candidates for committee appointments shall disclose to the State Director:

- i. All criminal convictions within the last ten (10) years for which the court-imposed sentence could have been thirty (30) days or more; and (May 2009)
- ii. All fines or sanctions imposed upon them by SLED. (May 2009)
- iii. All arrests must be reported to SCALI regardless of findings of guilt or convictions.

(b) Removed (May 2018)

(c) The State Director can appoint committee chairpersons who have 2 or more consecutive years of membership. Appointment of members who are current with all dues and fees and are in good member standing. As per article III, section 2 of the Constitution. Each committee must be properly identified, and members accepted by the appointed committee chairperson.

(d) The State Director may initiate emergency or special Executive Committee meetings for the purpose of voting to consider removal from office any elected officer who:

- i. Has assumed to the contrary to the best interest of or interests in conflict with this association or investigators
- ii. Does not comply with Article III, Section 2 of this Constitution; (3) does not responsibly fulfill the duties of the office elected to.

(e) The State Director will be responsible to initiate and distribute, to each member in good standing, a quarterly communication including: status and progress of all committees and such news and items that may be of interest or concern to the membership of this association.

(f) The State Director will be a voting member of the Executive committee and an Ex-officio member of all committees.

(g) The State Director shall not be required to pay any seminar or meeting registration fees. (May 1996)

(h) The State Director shall be reimbursed by the association for any lodging and incidental expenses he or she incurs while attending any association seminar or conference. (May 1996)



Section 2. REGIONAL DIRECTORS

- (a) The Regional Directors, together with the State Director, and the previous State Director shall compromise the Executive Committee. (May 2018)
- (b) The principal duty of the Regional Director is to administer and coordinate the activities of the general membership within their assigned regions.
- (c) As a member of the Executive committee each Regional Director shall have one vote only when in attendance at the Executive Committee meeting.
- (d) The Regional Director shall be responsible to attend the annual meeting and all Executive Committee meetings. He or she shall not be required to pay any meeting or seminar registration fees. (May 1996)
- (e) The Regional Director shall be responsible to promptly reply and attend to all inquiries, applications, and correspondence pertaining to Association business.
- (f) The Regional Director shall be responsible to communicate in writing to each member of that Regional Director's region for the purpose of promoting the association programs, meetings, membership participation and recruitment of new members. The Regional Director shall be responsible for holding at least quarterly informal meetings within their region. (May 2018)

ARTICLE VI. CONFERENCE

Section 1. A regular conference of the South Carolina Association of Legal Investigators shall be held annually, to be preceded by a meeting of the Executive Committee.

Section 2. Proposals for the annual conference site, two-years hence, shall be accepted from members in good standing in attendance at the annual conference. (May 2018)

Section 3. The sponsor of the proposed site shall be afforded the opportunity to promote the location through the association website. (May 2018)

Section 4. Removed (January 30, 2012)

Section 5. In the event a place selected for an annual conference by the membership becomes unavailable by reason of unforeseen circumstances, a majority of the Executive Committee shall select another site either by a regular or special meeting thereof, or by a poll of Executive Committee.

Section 6. Moved to Section IV (May 2018)

Section 7. Removed (January 30, 2012)



Section 8. Removed (May 2018)

ARTICLE VII. ELECTION OF OFFICERS

Section 1. The State Director shall be elected by secret, written ballot at the annual conference. A plurality vote of those members in good standing, voting in person, or by absentee ballot, shall be required for election or ratification. The terms of officers so elected shall be from installation through the annual conference the second following year. (May 1996)

Section 2. No person shall be eligible to hold the office of Regional Director unless he or she has been a member in good standing (to wit: Current on all dues, fees, and licenses as set forth in Article III, Section 2, and attended at least One (1) conference per year) for three (3) years immediately prior to the annual conference. The Regional Director must be a resident of their respective region. (May 2018)

(a) No person shall be eligible to hold the office of State Director unless he or she has been a member in good standing (to wit: Current on all dues, fees, and licenses as set forth in Article III, Section 2, and attended at least one (1) conference per year) for five (5) years immediately prior to the annual conference. The State Director must be a resident of South Carolina and a licensed investigator in South Carolina. (May 2018)

Section 3. Each member in good standing, when present in person at the annual conference shall have the right to nominate and vote for a declared candidate for office as set forth in Section 6 of this Article. In the event there are no declared candidates, nominations will be accepted from the floor.

Section 4. No vote, either by representation or by proxy, shall be allowed.

Section 5. Any member not in attendance at the annual conference may cast their vote by absentee ballot in the following manner:

(a) Said absentee ballot shall be received by the State Director by mail at least ten (10) days prior to the first day of the annual conference, or in the absence of a conference, on the date specified by the State Director. (May 2011)

(b) All absentee ballots submitted thereafter shall become null and void and shall not be counted.

(c) The members must use the approved absentee ballot form of the association.

(d) The absentee ballot must include all candidates, and all matters the member wishes to vote by absentee ballot.



(e) All absentee ballots will be counted by the State Director's designee. (May 2018)

(f) Absentee ballot directions must be adhered to exactly as indicated on the absentee ballot, otherwise, the ballot becomes null and void. (May 2018)

Section 6. Any member desiring to become a candidate for an elected office within the association, must adhere to the following, to wit:

a) Any State Director candidate must announce his or her candidacy to members of the association sixty (60) days prior to the annual conference. The notification shall be by letter or electronic written communication. (January 2012)

b) Any Regional Director Candidate shall notify the members in their regions of their declared candidacy sixty (60) days prior to the annual conference. The notification shall be by letter or electronic written communication. (May 2018)

c) All declared candidates for office must disclose all criminal convictions within the last ten years for which the court-imposed sentence could have been thirty (30) days or more. (May 2009)

(d) Any declared candidate for office who is found in the affirmative of Section 6 (c) shall be deemed unsuitable for office. (May 2009)

Section 7. A vacancy created in an elected office shall, except where otherwise provided for in this Constitution, be filled for the unexpired term of office by a majority vote of the Executive committee except those vacancies created at a regular annual conference which shall be filled by a vote of the majority of the members present. The vote may be taken by a poll of the members of the Executive Committee through correspondence by the State Director.

Section 8. Each Region is to elect a Regional Director at the annual conference.

Section 9. The Association shall publish the names and brief statements submitted by the candidates, provided such announcement is received by the State Director at least (60) days prior to the election.

Section 10. In the event of a tie for a Regional Director's position, a re-count will be taken. If still a tie, the State Director will have the five non-affected Regional Directors take a vote to break the tie. In the event it is the State Director the same will be held. (January 2012)



ARTICLE VIII. DISCIPLINE

Section 1. Any member or officer of this association may be suspended or expelled by the Executive Committee, from this association or office held therein, for unethical or unlawful behavior, or when his or her conduct is likely to endanger or injure the interest, welfare and character of the association or violates this Constitution or By-laws set out there after, or the Code of Ethics adopted by this association.

Section 2. Any member in good standing may prefer charges against another member or officer by filing with the State Director a written complaint signed by the member, demanding a hearing in reference to the offending member, stating the nature of the offense.

ARTICLE IX. REINSTATEMENT

Any member suspended or expelled can only be reinstated or reaccepted as a member of this association by a two-thirds (2/3) vote of the Executive Committee.

ARTICLE X. DUES

Section 1. The annual dues of this association shall be determined by a vote of the membership at the annual conference. The fiscal year covering the payment of dues shall be January 1 to December 31 of the year. The Due Date for membership renewal fees shall be December 31 of the year immediately prior to the renewal year. (May 2004)

Section 2. Any member whose dues for the current year have not been paid by the "Due Date" shall be classified as delinquent. A delinquent late fee of \$25 will be assessed after January 31. Any member that has not renewed his/her membership by the end of February 28 shall be terminated.

Section 3. Upon payment of all dues and fees, current and past, any member will be restored to membership upon the recommendation of the Membership Committee.

Section 4. Any member may be exempted from the provisions of section 2 of this Article, concerning delinquency of dues, provided they submit in writing reasons for the same, and such reasons are approved by the State Director and/or the Membership Committee.

Section 5. The State Director may be exempted from the provisions of Section 1 and 2 of this Article as his or her dues are waived for the year for which he or she holds office. Lifetime members are exempted from payment of membership dues. (May 2004)



Section 6. REMOVED (January 30, 2012)

Section 7. New members submitting applications for membership during the first half of the fiscal year, January 1 through June 30, will be required to pay full years' dues. After that new applicants applying for membership after the first half of the year will be permitted to pay 1/2 of the annual dues.

ARTICLE XI. (Removed May 2018)

ARTICLE XII. AMENDMENTS TO THE CONSTITUTION

Section 1. The constitution can be amended by affirmative vote of two-thirds (2/3) of the general membership voting when present at the annual meeting of the association or when deemed necessary to have a special vote by the State Director with majority consent of the Executive Committee. (May 2018)

Section 2. Any proposed amendments to the SCALI constitution will be submitted to the general membership for voting by the Executive Committee after discussion and approval of the Executive Committee. (May 2010)



South Carolina Association of Legal Investigators, Inc.

By-laws and/or Executive Orders

I.

The dues for regular and associate membership of this association are One Hundred (\$100.00) Dollars per annum. (February 2018).

II.

No member shall act as an official spokesperson for the Association without the approval of the State Director of the Association.

III.

Members, their business partners and/or employees must confine their investigative work to conform to any existing laws of the State of South Carolina and/or localities where they operate.

IV.

All meetings and assemblies of the association will be governed by procedures as outlined in the "Robert's Rules of Order" except where there may be a conflict with the Constitution or By-laws adopted by the Association.

V.

All written requests for information from non-members will be answered with expediency, completeness, and without bias by an officer of this Association.

VI.

Reports of each annual conference shall be distributed to the membership promptly. Each member shall also be furnished with at least one report annually of the financial conditions of the Association, which will include all expenditures, assets and liabilities of the Association at the time of the report. This required report shall be furnished to the membership via the Association website. (February 2018)

VII.

Any member of this Association who is convicted of a felony offense during the time of his or her membership, shall, upon such conviction, automatically cease to be a member.



VIII.

The non-refundable fee for a new application will be Fifty (\$50.00) Dollars, except in cases where the applicant is from a firm or agency already having a member in good standing, in which case the application fee will be Fifteen (\$15.00) Dollars. All application fees shall not be refundable. (Oct 2002)

IX.

The address of the principal office of the Association shall be as designated by the State Director. (May 2004)

X.

Members of this Association may, at their option, possess a South Carolina Constable Commission, as long as such a commission will not interfere with, or cause a conflict of interest, in any case investigation in which a member possessing such a commission is participating in activities contrary to the best interest of this Association. (May 1994)

XI.

Discipline and grievance procedures are adopted into these By-laws by reference and are attached hereto. (January 2003)

XII.

An Association Secretary may be hired at the State Director's discretion as approved by the Association Membership (January 2012). The duties of the Association Secretary shall be the typing of letters, brochures, registration forms, and such other forms as needed by the State Director in the operation of this Association. The Association Secretary is to be hired at the State Director's discretion and is to be compensated at an hourly fee not to exceed \$15.00 p/hour. A court reporter may be hired at the discretion of the State Director. (February 2018)

XIII.

A Life Member may, at his/her option, waive registration fees for association sponsored events, such as seminars and conferences if such a life member has served a minimum of Ten (10) years as an officer of this Association (May 2004)

XIV.

Listserv rules and guidelines are adopted into these By-Laws by reference and are attached hereto. (May 2005)



XV.

The Association Webmaster must be a SCALI member in good standing. The Association Webmaster shall be appointed by the State Director subject to approval of the Executive Committee. The Association Webmaster shall maintain the Association's web site and the member's list-serve in a timely manner. This includes answering all web generated requests for Association information in a timely and professional manner. The Association Webmaster shall be paid a quarterly stipend in an amount as set forth by the Association's Executive Committee. This amount shall be one hundred fifty dollars (\$150.00). (February 2018)

XVI.

The State Director shall be paid a quarterly stipend in an amount as set forth by the Association's Executive Committee. This amount shall be five hundred dollars (\$500.00). (February 2018)

XVII.

Removed. (February 2018)

XVIII.

The conference host and co-host will have their conference registration fees waived. (Mar 2011)

XIX.

Training conferences, seminars, or sessions may be held throughout the year at the discretion of the Executive Committee. (February 2018)

XX.

All Executive Committee minutes shall be recorded and kept on the Executive Committee section of the website. (February 2018)

XXI

All General Membership meeting minutes shall be recorded and kept on the member section of the website. (February 2018)



ATTACHMENT 1
(Article XI of By-laws and/or Executive Orders)

SOUTH CAROLINA ASSOCIATION OF LEGAL INVESTIGATORS

ETHICS PROCEDURES

1. Ethics Committee:

The South Carolina Association of Legal Investigators (SCALI) Ethics Committee is charged with investigating and resolving all properly submitted complaints regarding violations of the SCALI Code of Ethics by SCALI Members.

a. The Ethics Committee (hereinafter referred to as “the Committee”) shall consist of at least four (4) SCALI members, each in good standing, each having been a SCALI member in good standing for no less than three (3) years. Each member of the Committee shall be appointed by the State Director and shall serve at the pleasure of the State Director.

b. Members of the Committee cannot serve on the Executive Committee at the same time.

c. The Committee Chairman shall be appointed by the State Director.

2. Complaint Procedures:

All complaints must be in writing and sent to the State Director, and must:

a. State the name of the individual making the complaint (hereinafter referred to as the “Complainant”) and signed by same;

b. State the name of the SCALI member about which the complaint is being made (hereinafter referred to as the “Respondent”); and state the alleged violation of the SCALI Ethics Code.

c. The Respondent will be notified by Certified Mail by the State Director within Thirty (30) days of the receipt of the complaint. Such notification shall be in writing and include the violation alleged and shall include the name of the Complainant and a copy of the complaint. The Respondent shall have Thirty (30) days to respond in his/her defense.

d. During the pendency of the investigation of a complaint neither the content nor the fact that a complaint has been made will be divulged to anyone unless necessary to investigate the complaint.



e. All complaints will be investigated, in a timely manner, by the Committee who shall forward its final decision, in writing, to the SCALI State Director and the Executive Committee for final approval. The Complainant and the Respondent will, upon final approval, receive a copy of the final decision.

f. Upon determination that a complaint is unfounded the Committee will notify the State Director and the Executive Committee and the Complainant and the Respondent. At that point the complaint and the investigative results will become sealed and not disclosed to anyone.

3) Findings:

Upon finding that a SCALI member has violated the Code of Ethics, and the findings have been approved by the Executive Committee, one or more forms of punishment shall be available to the Executive Committee:

a. Private Reprimand. The Respondent shall receive a reprimand, in writing, outlining the violation committed by the Respondent. A private reprimand shall not be disclosed to anyone without unanimous approval of the Committee members who determined the complaint to be founded, and the final approval by the Executive Committee.

b. Public Reprimand. The respondent shall receive a public reprimand in writing. The public reprimand shall outline the violation committed by the Respondent. A public reprimand and the violation committed by the Respondent shall be made public and to all SCALI members via the official SCALI publication and by the SCALI email, e-group and any other source as determined by the Executive Committee.

c. Termination of Membership. The Respondent shall have his/her SCALI membership terminated immediately and he/she will not be eligible for membership in SCALI for Five (5) years from the date of the membership termination. The Respondent will be notified, in writing, of such membership termination. Membership termination and the violation(s) committed by the Respondent shall be made public and to all SCALI members via the official SCALI publication and by the SCALI email, e-group and any other source as determined by the Executive Committee.



4. Appeals Procedure:

The procedure for appealing a decision by the Committee, and the final decision by the Executive Committee shall be as follows:

- a. Respondents have Thirty (30) days, from the date of mailing of the Committee's decision, to appeal. Appeals must be made in writing to the SCALI State Director.
- b. The SCALI Executive Committee may overturn the Committee's decision by majority vote. If overturned the decision will be resubmitted to the Committee for further consideration.
- c. If no appeal is filed within Thirty (30) days of mailing to the Respondent, the decision of the Executive Committee becomes final. Approved and Adopted by the Executive & Grievance Committees on January 17, 2003.



ATTACHMENT 2
(Article XIV of By-laws and/or Executive Orders)

SOUTH CAROLINA ASSOCIATION OF LEGAL INVESTIGATORS

LISTSERV RULES

1. This Listserv is owned by SCALI and is a privilege to its members. Posts are not moderated and do not necessarily reflect the opinion or endorsement of SCALI. Please follow these rules:
2. No reposting of other member's messages without their approval.
3. No flaming, jokes, profanity, obscenity, blatant advertising or libelous comments will be tolerated. In addition, no personal attacks of any kind are allowed. Only positive political endorsements are allowed in reference to SCALI campaigns. No negative campaign posts or attacks against candidates are allowed.
4. An identifying signature is required on all posts not to exceed 6 lines in length.
5. Posts to the list are to concern areas of interest to SCALI and/or the field of investigation. This list is professional and business oriented.
6. Advertisement for any service in direct competition of SCALI, from a for profit company or individual, is prohibited without payment to SCALI .
7. No attachments to the list are allowed. This includes photos, word processing documents, executable files and V-cards. All posts should be submitted in text format.
8. Violations of these rules could result in a suspension or removal from the List- serve. Disciplinary Action for offenders will be acted upon by the moderator and at the discretion of the moderator under the authority of the SCALI State Director.
 - FIRST VIOLATION – Warning
 - SECOND VIOLATION - Immediate suspension from the List-serve for two weeks.
 - THIRD VIOLATION - Indefinite termination and loss of Listserv privileges. Thank you for your support of SCALI

Approved by the SCALI Executive Committee and Membership - May 2018

