

## MYTH BUSTER Brian McGuinness is on the case, lobbying for his industry, battling stereotypes and giving private investigators a good name



**On The Ball:** Surveillance work demands sharp senses and a lot of patience

PHOTO BY ALEJO MENENDEZ

**WHEN MOST PEOPLE** think of private investigators, they pluck their mental images from the Hollywood file: unsmiling men in trench coats lurking in shadows, willing to do whatever it takes to crack the case and seduce the leggy blonde client with the questionable past. This, of course, bears no resemblance to the truth.

In the brightly lit Coral Gables office of PI Brian McGuinness there's nary a femme fatale in sight; and sporting a cheery blue shirt, he is positively anti-noir.

For more than 20 years, the head of McGuinness and Associates has worked on a dizzying array of criminal and civil cases. His reality involves large amounts of computer research, and field time is spent winning over witnesses with his friendly demeanor rather than force.

"Often [our cinematic counterparts] are doing things that are illegal and it gives us a bad rep," he says. "We don't bust in doors; we don't trespass. I'm very cognizant of the laws because I've visited too many prisons over the years and I always feel good when I'm going out the door."

As the past president and current board chair of the National Council of Investigation and Security Services (NCISS), McGuinness has actively lobbied on the state and federal level to curb misconceptions about his profession and amend legislation that negatively impacts investigators.

Just like the general public, McGuinness says, the perception held by many congressmen and state legislators is colored by television and movies. "We're constantly going to

Congress and saying: 'We understand your zeal to pass privacy legislation ... but you have to give up a little privacy for the common good.'" He cites the example of his efforts to locate the witness to a car accident that ended the major-league dreams of an aspiring baseball player. He got the witness' social security number and then found him through a legal database search.

"Had that been your brother or son, wouldn't you want somebody like me out there trying to find that witness? That witness was key to assigning liability in the accident, and ultimately this baseball player received a pretty nice financial settlement."

His advocacy has not gone unnoticed. In October 2005, McGuinness received the Investigator of the Year Award from the Florida Board of Certified Investigators. Four months later, NCISS presented him with its prestigious "Duffy," an award named after the group's first president, which recognizes an individual or entity whose leadership has brought credit to the profession.

Eddy McClain, a past Duffy winner, calls McGuinness "a class act." Asked about his colleague's credibility, McClain once said: "If McGuinness tells you the sun won't come up tomorrow, you better buy some candles."

But don't think for a minute that high standards equal a dull career. McGuinness has more than his share of war stories to tell. He was one of two lead investigators for the defense in the U.S. vs. Eric Rudolph case, locating witnesses and reviewing evidence surrounding the bombings of abortion clinics in Birmingham, Ala., and at the Atlanta Olympics. In Operation Courtbroom, the nation's largest judicial corruption case, he was the defense investigator for a sitting circuit court judge; and he handled the Florida investigation for the defense in Kobe Bryant's sexual assault case. McGuinness recently worked with Miami attorney Edward Carhart on the defense of Washington Redskins safety Sean Taylor on aggravated assault charges.

"One day I might get hired to find an

heir and the next day I might get hired to defend somebody on a marijuana trafficking case and end up going to Belize to find a government witness,” he says. “That’s what I like about the profession. I feel sorry for the investigators that just do one thing.”

His resume also includes personal injury investigations, product liability cases and securities fraud. Then there was the case of an importer who relied on a “Who’s Who In Poultry” guide to find a chicken dealer for a client who forked over more than \$150,000 and never received a single frozen bird. McGuinness quickly unearthed the company’s shady record. This, he points out, is why companies should use an investigator for background checks in advance of large financial transactions. “A good barometer of somebody you don’t want to do business with is somebody who’s been a defendant in a lot of fraud contract cases,” he says with a grin.

This year, the Miami PI expanded his

reach even further when he became one of a few investigators in the country licensed through the U.S. Treasury Department to conduct investigations in Cuba. When a genealogical firm contacted him about finding a Cuban national who was heir to a Maryland estate, he earned the accreditation, traveled to the island and found his man.

This self-proclaimed people-person loves his time in the field. Unlike many investigators who are former police officers, McGuinness earned a psychology degree from the University of Connecticut. He made Miami his home when his car broke down here on a visit, and started his professional career as a rehabilitation counselor for the state. He spent seven years as a criminal defense investigator for the Miami-Dade County Public Defenders Office before heading out on his own.

The counseling background has served him well. “I always say finding the witness is the easy part; it’s getting them to become involved to the point that they’ll

be a witness for your part of the case that’s hard,” he says. “That’s where good people skills come in.”

Creativity also comes in handy. Like the time that McGuinness went to the Bahamian home of a witness he needed in a smuggling case, but couldn’t get anyone to answer at the front gate. Undaunted, he rented a windsurfer, cruised over to the house via sea and told the witness’ mother that he was “a friend of a friend.”

“I was probably within five years of the age of her son so she didn’t think it was anything out of the ordinary – some guy windsurfing by, ‘Hey, where’s Jeremy?’ I wasn’t able to interview the witness but I got a reasonable assurance he was out of the country.”

Perhaps Hollywood should knock on McGuinness’ door. From AWOL poultry to undercover windsurfing, his adventures contain more entertainment value than most of their fictional detective tales – and all of his stories are true.