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\$3.95 JUNE
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PHOTO BY ROB KAUFMAN

L to R: Andy Patrick and Larry McElynn

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GLOBAL

By Frank Dunne, Jr

“The nine most terrifying words in the English language are: ‘I’m from the government and I’m here to help,’” said President Ronald Reagan in one of his many famous quips. So what is a Beaufort County business owner to think when a former United States Secret Service agent calls to say that he’s coming to audit your business for the county?

Technically, Andy Patrick and Larry McElynn are not with the government. They used to be. Patrick served as a special agent in the Secret Service and McElynn is a former special agent with the United States Drug Enforcement Administration (DEA) and Drug Investigation Division Chief at Interpol. Now they run Hilton

Head Island-based Advance Point Global (APG), a security risk management firm. Beaufort County hired APG to conduct Lawful Employment Ordinance audits of county businesses.

Lawful employment ordinance.

“Wow, that’s pretty heavy,” is what you’re probably thinking. Terms like “ordinance” and “special agent” sound pretty ominous and there is a perception out there that the county initiative is some sort of dragnet to round up illegal aliens. You can relax,

though, because it’s not that, at all.

“It’s a compliance audit,” said Patrick. “The county’s approach is to level the playing field for all businesses. If you’re a company doing business in unincorporated Beaufort County and you’re doing everything by the numbers, and there’s somebody coming in from outside the county who is not, that’s harmful to your business.”

The “by the numbers” components of the ordinance are twofold. “There’s the revenue component, to make sure the revenue reported to the county is the revenue that businesses are also reporting to the Federal Government,” said Patrick. “And then there’s the I-9 component.”

Annual business license fees are based on a com-

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pany's gross revenue from business done in unincorporated areas of the county. So the audits may have significant impact on county revenues. The I-9 form is a federal document that confirms an employee's identity and eligibility to work in the U.S. According to the Immigration Reform and Control Act of 1986 (IRCA), all businesses are required to keep an I-9 form on file for employees hired after 1986. The objective of the audits is to verify businesses are making a good faith effort to comply with IRCA. "It's more about making sure people are doing things the right way. Whether that's hiring those lawful to work in the United States or that businesses are properly reporting revenue to the County," said Patrick.

Here's the deal. If a company earns revenue in unincorporated parts of the county, it is required to obtain a county business license in addition to a license issued by its home municipality, e.g., Hilton Head Island or Bluffton. All U.S. businesses are required to comply with IRCA. The ordinance is the county's response to complaints from the business community that there are companies not complying with one or both elements, giving them an unfair competitive advantage over those in compliance.

The unfair advantage gained is that unlicensed businesses avoid paying license fees to the county. Also, some who fail to adhere to lawful hiring practices are believed to employ "undocumented" workers who it is widely believed will work for lower wages than legal employees.

"Certain members of the business community were identifying people who were operating within the county without business licenses," said Patrick. "There were a lot of complaints made to the county, that people were unable to compete and were actually being driven out of business because of the unfair practices of people who weren't registering to get a business license," added McElynn.

So why was a firm like APG enlisted to conduct the audits as opposed to an accounting firm? "The answer is pretty simple," said McElynn. "Not only do we have the investigative background to conduct interviews, but a lot of the work that we did in drug law enforcement was following the money. I think the combination of skills that we bring to the table were very apparent to Mr. Kubic," he said referring to Beaufort County Administrator Gary Kubic."

APG's services "run the gamut of security planning and design, vulnerability assessments and due diligence, intelligence gathering, background investigations and security," said Patrick. "Some of it is compliance related audit work. Some if it is gathering corporate intelligence and due diligence information that they need to make decisions on which direction they're going to go in with their business. "We do a number of different things for a wide range of clientele, but this county initiative is the most public thing that we're doing."

"Some people are anxious about the program at first because it's got this negative audit connotation," said Patrick. "But most have a positive opinion of the experience once the process is completed. By the time we leave there, I think that most of them would agree that it was not as intrusive and overburdening as they may have thought. We point out things and we ask questions that they hadn't thought of before. I would say that most people are making a good faith effort to do the right thing."

For more information, please contact Advance Point Global at (843) 290-6606 or info@advancepointglobal.com. **M**