

Tennessee Professional Investigators Association
Newsletter July August September 2014



Letter from the Chairman

Dear TPIA Members,

I again want to thank each and every one of you for being a member of the TPIA. It's because of your membership and commitment that makes the TPIA such a great organization.

One vision I have for this organization is to grow membership. We officers and board members have initiated a membership drive by inviting Tennessee licensed investigators to join the organization. We are accomplishing this through the internet and a mass mail out.

As I explained in the last letter, training and education is extremely important in our industry. It is my goal to have regular trainings to keep our membership up to date on the latest information impacting our industry. By having a speaker at every membership meeting that can touch on what impacts our industry is one way we can give more to this organization.

I feel that our organization has a wealth of knowledge that we can all benefit from. An announcement was made at our last membership meeting that the board had voted on and approved classes by TPIA member volunteers to teach in their respected expertise. This is to benefit new investigators as well as any investigator who wishes to attend. We had several member volunteers. Board member Steven Williams will be contacting those volunteers and getting this set up and advertised on the web site.

I'm happy to announce another added benefit for our members. **PI Direct Link**, an Online Case Management System has offered an exclusive member benefit of a 30 Day Free Trial plus 1 Month Free Service Annually w/ Paid Subscription. I urge you to please check this out. They offer a world of help with organization of your business. Go to their web site www.pidirectlink.com and walk through the video of what they offer.

Our 2015 CPE will not be held at Calhoun's in Knoxville. We officers and board members are working diligently putting it together. Remember, this is your organization and any input, requests or suggestions you have for the CPE will be welcomed.

Recognition of investigators is still a very important part of this organization. We still have in place the **Investigator of the Year Award**. An accomplished investigator deserving of this prestigious award can be one of our members or any investigator out there that has recognition of outstanding performance in his or her field. I urge you members to please contact us if you know of such an investigator and would like to endorse him or her.

I'm looking forward to an exciting successful CPE in the spring of 2015. Please follow us on the web site for announcements, events, and news.

Robert "Eddie" McCarter
Chairman

TPIA 2014 Officers

Chairman: Robert McCarter - robertmccarter@aol.com
Vice Chairman: William Clifton - wlc@esipi.net
Secretary: Peggy T. Booth - catnod@aol.com
Treasurer: Adonia Phillips -
proactiveinvestigativesearches@gmail.com

TPIA 2014 Board Members

**John Sturgeon
Steven Williams
Leslea Williams
Alice McKenzie
Debbie Jennings**

TPIA Membership Meeting Schedule

**Calhouns On The River
400 Neyland Drive
Knoxville, TN 37902
6:00 PM
May 13, 2014
July 08, 2014 cancelled
September 09, 2014
November 11, 2014**

We encourage everyone to attend our bi-monthly meetings held on the second Tuesday of the month. This is a great opportunity to network, enjoy a wonderful dinner, learn, and be part of our 2014 new visions.

Each meeting will offer a speaker to touch on subjects that impact our industry

Be sure to follow us on facebook and Twitter

TPIA MEMBERS

If you wish to contact TPIA you may do so by:

Email: contact@tpia.com

Mail: TPIA

P.O. Box 225

Knoxville TN 37901

We also encourage you to review your information on the TPIA website directory (www.tpia.com). If you have any changes/corrections, you may use the website application form and email it to us. Additionally, you can use the last page of this newsletter (application page). The application page can also be used for new members and / or renewal applications. Just print it out, complete it, and mail it back to us. Be sure to include your member name and PI license number on your check

We hope all had a Happy fourth of July in remembrance of our freedom

July 4, 1776 is our country's birthday. That was the day our country's founders declared independence from Great Britain. This meant they would no longer follow the orders of Britain's king. To do this was extremely dangerous. At the time, Britain had one of the world's strongest armies, and to go against the king was a crime punishable by death. But the king's laws were unfair, so our founders decided it was worth the risk of war to win the freedom to govern themselves. In 1783, the new United States won that war, which we now call the Revolutionary War.



Our March 2014 CPE was a success with an array of informative speakers and good career networking

The following are some pictures of past 2013 and 2014 CPEs held at Calhoun's on the River in Knoxville TN



2014

TPIA's 2014 INVESTIGATOR OF THE YEAR AWARD was granted to **Dr. William M. (Bill) Bass III (The Bone Man)** presented by vice Chairman Dan Sherrod (right)



**Speaker Bobby Jones ACTAR Accident Reconstructionist
2014**



**2013...Dining at Calhoun's overlooking
the Tennessee River**



G. Scott Green, Esq.

2014



2013

The officers and board members are preparing for another successful CPE to take place in the spring of 2015.

Our location is going to change in 2015.

We will announce it on the website and invitations/registrations will be mailed out.

Please visit our web site for future news and events

Article

By: Kelly A Cherwin

Communications Editor, HigherEdJobs

Why Join a Professional Association?

If you are interested in furthering your career, joining a professional association is a good start. There are associations for nearly every profession or area of interest and many have national, state and regional chapters available to join. An association is a synergistic group, meaning that the effect of a collection of people is greater than just one person. So, how exactly can becoming part of this synergistic group help further your career goals? Here are some benefits of joining an association.

Enhance your network:

For most people, creating professional relationships is important, and joining a group allows you to have a sense of security and trust. From this, you are able to support and help one another in reaching your professional goals. Associations sponsor numerous events throughout the year that allow you to connect with your peers. You can share ideas, ask for advice, volunteer to be a speaker or become a member of a committee. Since most associations have national or local conferences, you can participate and have the

*Tennessee Professional Investigators Association
Newsletter July August September 2014*

opportunity to learn about breaking news in your career, learn "best practices" or new ideas, hear about key achievers in your field and also meet and brainstorm with others who are also looking to share and learn new information. Another benefit of enhancing your network is that you may find a mentor to help you with your professional needs or you may be in a position to become a mentor to someone else. Giving back

can be the greatest reward and benefit. Participating in forums, chat groups or discussion boards sponsored by the association is also a great way to grow your network. This allows you to use your peers as sounding boards and often make some great friends with the same interests as you.

Take charge of your career:

Another important reason to consider membership to a professional organization is to take advantage of their career resources. Associations often have job listings online or in print available only to their members. This is a great way to find targeted job postings for your area of interest. Additionally, many associations have career resources available such as tips on effective resumes or cover letters, job searching strategies and negotiating techniques. Some associations even have panels of experts that you can contact for specific questions on career issues. Other benefits include information about seminars, training or certification classes that may be suitable for you. Often these classes can be done through web- or podcasts so you don't even have to leave your home. And don't forget, listing your association membership on your resume is impressive to current or future employers as it shows that you are dedicated to staying connected in your profession.

Broaden your knowledge:

Most associations provide an enormous amount of access to resource information such as: case studies, articles, white papers and books written by experts in your field or area of interest. Also, major journal, magazine and newsletter access is provided as a part of your membership privileges. Another reason to join an association is to learn more or stay informed about issues in diversity. For example, Academic360.com includes a list of associations and articles that provide valuable information such as: resource guides for diversity, affirmative action and advocacy, as well as information on new and proposed regulations related to diversity.¹ Additionally, associations provide a source for scholarship information, links to publications, and awards for persons achieving excellence in their field. No matter what your field is, staying on top of all of these issues is important.

So, whether you are looking to learn about job postings in your field, network in your professional community, gain access to current events in your career area, or just have some fun while meeting new people, joining a professional association is a step in the right direction!

Article written by: *Kelly A. Cherwin*

Kelly A. Cherwin has worked for HigherEdJobs since 2008 and is currently the Communications Editor. After receiving her Master of Business Administration degree (MBA) from Loyola University Chicago in 2002 with a dual concentration in Marketing and Management and certification in Ethics

Permission granted

Members, please check this out!

Exclusive Member Benefits



Online Case Management System
30 Day Free Trial + 1 Month Free Service Annually w/ Paid
Subscription

web: www.pidirectlink.com | email: info@pidirectlink.com | phone: 678-620-8555



“People are often unreasonable and self-centered. Forgive them anyway.
If you are kind, people may accuse you of ulterior motives. Be kind anyway.
If you are honest, people may cheat you. Be honest anyway.
If you find happiness, people may be jealous. Be happy anyway.
The good you do today may be forgotten tomorrow. Do good anyway.
Give the world the best you have and it may never be enough. Give your best anyway.
For you see, in the end, it is between you and God. It was never between you and them anyway.”
— Mother Teresa

Quotable Quotes

Those who deny freedom to others deserve it Not for themselves Abraham Lincoln

Don't take life too seriously, you will never get Out of it alive Elbert Hubbard

Your most unhappy customers are your Greatest source of learning Bill Gates

Legal Jargon

Statute

An act of a legislature that declares, proscribes or commands something; a specific law, expressed in writing.

A statute is a written law passed by a Legislature on the state or federal level. Statutes set forth general propositions of law that courts apply to specific situations. A statute may forbid a certain act, direct a certain act, make a declaration, or set forth governmental mechanisms to aid society.

A statute begins as a bill proposed or sponsored by a legislator. If the bill survives the legislative committee process and is approved by both houses of the legislature, the bill becomes law when it is signed by the executive officer (the president on the federal level or the governor on the state level) When a bill becomes law, the various provisions in the bill are called statutes. The term *statute* signifies the elevation of a bill from legislative proposal to law. State and federal statutes are compiled in statutory codes that group the statutes by subject. These codes are published in book form and are available at law libraries.

Tennessee Governor Bill Haslam (R) signed a bill into law that is the first law in the country to authorize the arrest and incarceration of women who use drugs while pregnant.

Bill Title: As enacted, provides that a woman may be prosecuted for assault for the illegal use of a narcotic drug while pregnant, if her child is born addicted to or harmed by the narcotic drug; law expires July 1, 2016. - Amends TCA Title 39.

Status: (Passed) 2014-05-16 - Pub. Ch. 820 [SB1391 Detail]

Article

By Tracy W. Cary, Esq.

The Impact of Video Surveillance on Workers' Compensation Cases

Video surveillance can have a devastating impact on a workers' compensation case. How frequently it occurs is speculative but it is safe to assume that it occurs in nearly every case.

Why is it used so often?

Surveillance can undermine the credibility of the injured worker and his or her claim in the eyes of the treating physicians and more importantly in the view of the judge. Despite warnings, there are some people who will nevertheless continue to engage in activities inconsistent with the physical restrictions imposed by the physicians or make social media posts that only serve as fodder for weakening their credibility or claim.

There are numerous examples but [Sullivan v. City of Satsuma](#), 20 So. 3d 822, 823-824 (Ala. Civ. App. 2009) illustrates the point. It appears from a reading of the trial court's judgment in *Sullivan* that video surveillance alone caused the injured worker to lose his case.

The Court finds that the video surveillance is compelling and demonstrates that Shester Sullivan has not suffered the loss of the ability to earn wages as a result of any injury sustained within the course of his employment with the City of Satsuma. The Court finds that the injury to Shester Sullivan's left knee does not contribute to any disability which impairs his ability to earn wages. Further, the Court finds that Shester Sullivan has testified in his wrongful-termination action that he was capable of gainful employment with the City of Satsuma. The evidence as observed by this Court during the trial of the case and the viewing of the surveillance video demonstrates in the best judgment of this Court that Shester Sullivan has not suffered an impairment of his ability to earn wages and hence he is not entitled to workers' compensation benefits for a permanent impairment or disability.

The Court finds that Shester Sullivan is not entitled to recover compensation benefits as a result of any injury sustained within the line and scope of his employment with the City of Satsuma as the court determines that he is capable of performing physical activities with no limitation of his

Tennessee Professional Investigators Association
Newsletter July August September 2014

left knee as demonstrated by the video surveillance offered by the defendant. The Court further finds that Shester Sullivan has failed to carry his burden of proof with regard to any injury to his back and the Court finds that any such condition is unrelated to his employment with the City of Satsuma. *Id.*

The Defendant Can Withhold Video Surveillance Until after the Plaintiff Is Deposed

From the plaintiff's perspective it would be nice to be able to review video surveillance before the plaintiff submitted to a deposition. That has been tried before, in [*Ex parte Doster Constr. Co.*](#), 772 So. 2d 447 (Ala. 2000).

In *Ex parte Doster*, the injured worker's attorney refused to allow him to sit for deposition claiming he was entitled to know if a surveillance videotape existed and, if it did, that he was entitled to review it before sitting for the deposition. The trial court agreed and the employer petitioned for mandamus review. The issue was whether the trial court abused its discretion in ruling that the worker did not have to appear for deposition until the employer both disclosed whether a videotape of existed and, if it did, to permit the worker to view the videotape.

The court wrote that if the plaintiff were to view the surveillance videotape prior to being deposed as to his physical injuries and limitations during the time period pictured in the videotape, he would be more likely, either inadvertently or deliberately, to tailor his testimony to correspond with the actions pictured in the videotape.

The Court wrote: The quest for the truth should be furthered through protecting a surveillance videotape before the employee is deposed. Of course, the employee also has a right to question the truthfulness of the images on the videotape. Therefore, once a party decides to use the videotape as evidence, it is no longer protected by the work-product privilege. At that point, the employee is entitled to test the truth and validity of the images on the videotape. Because videotapes are particularly vulnerable to manipulation through various editing techniques, the videotape, if requested, should be produced by the employer within a reasonable time before trial so as to afford the employee the opportunity to test its validity and authenticity. *Id.*, 772 So. 2d at 451.

Permission granted
Article written by: Tracy W. Cary, Esq

Tracy W. Cary, a partner and co-founder of [Morris, Cary, Andrews, Talmadge & Driggers, LLC in Dothan](#), practices in workers' compensation on behalf of injured victims and their families. He has represented hundreds of workers' compensation claims all over the state of Alabama, and is also licensed to practice in Florida, Georgia, Tennessee, and the District of Columbia. Mr. Cary is the author of [The Injured Worker's Survival Guide](#), and maintains a blog exclusively devoted to job-related accidents at [bamacompcom.blogspot.com](#). He is also a frequent speaker for continuing legal education seminars, including tomorrow's [workers' compensation seminar in Montgomery, AL](#)

Tennessee Professional Investigators Association Application

New Member Member Information Update Member Renewal

Type of membership: \$50.00 Active/ Licensed PI \$25.00 Associate/Non-Lic. Individual

Name: _____

City: _____ State: _____ Zip Code: _____

Office Phone # _____ Cell _____ Fax _____ 800 _____

E-mail Address: _____

Web Address: _____

TENNESSEE LICENSURE INFORMATION

PRIVATE INVESTIGATOR LICENSE NUMBER: _____ EXPIRATION DATE _____

COMPANY NAME: _____ OFFICE HELD: _____

COMPANY LICENSE NUMBER: _____ EXPIRATION DATE: _____

POST INFORMATION ON WEB SITE? YES NO

All information submitted by me is true and correct to the best of my knowledge.

Signature of
Applicant: _____ Date: _____

Signature of Sponsor: _____ Date: _____

Please check the appropriate box, fill out and mail to us at:

**TPIA
P.O. Box 225
Knoxville, TN 37901**