



Tennessee Professional Investigators Association
Newsletter
April May June 2014

Letter from the Chairman

Dear TPIA Members,

I 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.

During my term as Chairman, it is my plan to increase membership thru added value. The added value will come from training /education, recognition and member benefits. All of which will come as part of your standard membership dues.

Training and education is extremely important in our industry. As we all know, rules, laws and technology are constantly changing. It is my goal to have regular trainings to keep our membership up to date on the latest information impacting our industry. I also feel that our organization has a wealth of knowledge that we can all benefit from. With your help, I would love to see the TPIA members share best practices with each other. I would also like to invite veteran members to participate in designing training curriculum which will assist in developing new and upcoming investigators. Knowledgeable investigators give the entire industry a better image, which will benefit us all in the long term.

Recognition is important for many reasons. Often times we overlook things that need to be recognized. I feel that we should celebrate each others accomplishments through various forms of recognition. I will work diligently with the membership and Board of Directors to develop a recognition program to celebrate the members of the TPIA.

Our membership benefits need an overhaul. There are many vendors who would love to provide us with discounts on much needed products and services. I plan to work with these vendors to provide us: rental car discounts, cell phone discounts, retail discounts, insurance discounts just to name a few. Member discounts will help us become a more appealing organization to the more than 1,000 non-member investigators in Tennessee.

Again I want to thank you for all that you do.

Robert "Eddie" McCarter
Chairman

TPIA 2014 Officers

Chairman: Robert McCarter - robertemccarter@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

September 09, 2014

November 11, 2014

We encourage everyone to attend our bi-monthly meetings held on the second Tuesday of the month.

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

This is a great opportunity to network, enjoy a wonderful dinner, learn, and be part of our 2014 new visions.

Be sure to follow us on facebook and Twitter

TN Private Investigation and Polygraph Commission

Mailing Address:

500 James Robertson Pkwy

Nashville, TN 37243-1167

Phone: 615-741-4827

Toll Free: 1-888-251-3997

Fax: 615-532-2965

Calendar of 2014 meetings

02/14/2014 9:30 AM Davy Crockett Tower...Conference Room 1-A Commission Meeting

05/16/2014 9:30 AM Davy Crockett Tower...Conference Room 1-A Commission Meeting

08/15/2014 9:30 AM Davy Crockett Tower...Conference Room 1-A Commission Meeting

11/14/2014 9:30 AM Davy Crockett Tower...Conference Room 1-A Commission Meeting

Before planning to attend a meeting, please be certain the meeting is being held as originally scheduled

TPIA Members who attend any of the Commission meetings through their entirety will be credited three hours of the required continuing education.

Commission Members

Minnie Ann Lane: Chair

Larry T. Flair, Sr.

William Rick Jones

David W. Horton

Audrey J. Moore

Jerry Richards, Jr.

Dr. Paul A Ritch

Alan G. Roussea

Walt Valentine

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 also use the last page of the 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

Presenting one of many Articles Written by

*Memphis divorce lawyer **Miles Mason, Sr.**, JD, CPA practices family law exclusively and is founder of the Miles Mason Family Law Memphis divorce and family lawyer, Miles Mason, Sr. is the founder of Miles Mason Family Law Group, PLC and practices family law exclusively. Rated 10.0 out of 10.0 by Avvo, Miles is past Chair of the Tennessee Bar Association Family Law Section and is a Certified Public Accountant. Miles is a prolific author and speaker on divorce presenting seminars to attorneys, forensic accountants, and business valuation experts. For more information, see his professional biography (by clicking Learn which lists his books authored, extensive public speaking, and articles appearing in legal publications.*

[wwwmemphisdivorce.com](http://www.memphisdivorce.com)

GPS Devises For Spying In Tennessee Divorces

According to Tennessee law, it's probably illegal for someone to put a Global Positioning System (GPS) tracking device on a car without the consent of all owners (emphasis on all) for the purposes of tracking others. It's legal for a manufacturer to install it on a car, and it's legal for the police or the courts to put a tracking device on a car if they're carrying out a criminal investigation.

It's okay for parents to put a tracking device on a car for the purposes of monitoring their children's driving behavior without the children knowing it. It's also legal for someone to install a tracking device on a car for the purposes of locating it if it's ever stolen. Notice that in these cases, however, the law is concerned with intentions—of tracking young drivers, of recovering a car, and so on.

It comes down to this: the owner of a car can install an after-market tracking device, but in the case where two people own a car jointly, it's illegal for one to install a tracking device without the consent of the other for the purposes of tracking anyone using the car. You can see that "intent" enters into the equation here as well, and that can be a tough nut to crack in a divorce case. The court might assume that if GPS data figures in the divorce case, the device was probably installed for tracking purposes and would want others to convince it otherwise.

So, in Tennessee and a few other states, if it's not your car, you can't install a tracking device. Installing such a device might require the services of a technician, and the technician might demand proof of ownership.

In other states, however, it's legal to put what is called a "slap and go" GPS tracking device on someone else's car if it's done in a public place, such as a street rather than

someone's garage, if the installation is not permanent, if it does not require electricity from the car, and some other caveats.

Basically, two types of GPS systems can be attached to an automobile. "Loggers" store data that can be retrieved at a later time, while "real-time" trackers broadcast this information just as a cell phone does. Some rely on batteries, so those have to be replaced, while others are hard-wired to the car's battery, so will keep on going.

Q: What if a tracking system such as OnStar or LoJack is already installed in the car?

A: That would fall under the "manufacturer" exclusion in the law above. They can legally sell a car with OnStar and such, and the courts would probably hold that the all the owners knew or should have known about this.

Q: What about activating GPS on a cell phone without a spouse's knowledge or permission?

A: If it's the spouse's phone, or even one you bought for a spouse, it's illegal. The courts would look upon this as an invasion of privacy, particularly if the phone was protected with a PIN or a password, which would be good evidence that the spouse expected privacy. It's a tug-of-war between divorce law and privacy law here, but even if you are not guilty of violating wiretapping laws, you could be found guilty of invading another's privacy, and the evidence you've uncovered might be ruled inadmissible.

Remember these three important reasons never to try electronic eavesdropping—breaking into someone's email account, installing spyware, or any other type of electronic snooping:

First and most important, you could find yourself charged with a felony.

Second, even if a judge rules that you did not break the law, any evidence you obtained through electronic snooping could be inadmissible because of the way you got it.

Third, a judge could look upon your snooping as worse behavior than the behavior you were trying to expose in the first place. This could lead the judge to doubt your credibility on other matters in the case and could "tip" matters to the benefit of the other side.

If a computer contains information that's critical to your case, there are legal ways of obtaining it, and there are illegal ways that could end you up in jail.

Contacting an attorney before doing any such snooping could be the smartest thing you could do before you do something you end up regretting for a long time. An experienced family law attorney can advise you of your rights and responsibilities and the "electronic snooping" pitfalls you can avoid—ahead of time.

Such an attorney can advise you on hiring an ethical, knowledgeable, and experienced private investigator, computer expert, GPS installer, and so on. You should never hire one yourself without your lawyer's advice, because anyone who breaks any "snooping"

laws on your behalf could get you into just as much trouble as if you had done the snooping yourself. On the other hand, if an investigator or computer forensics expert is working under your lawyer's supervision and direction, this could give you some protection against being charged with breaking the law.

Tennessee Code Annotated Section 39-13-606—Electronic tracking of motor vehicles (as of 2012) reads, as follows:

(a) (1) Except as provided in subsection (b), it is an offense for a person to knowingly install, conceal or otherwise place an electronic tracking device in or on a motor vehicle without the consent of all owners of such vehicle for the purpose of monitoring or following an occupant or occupants of such vehicle.

(2) As used in this section, "person" does not include the manufacturer of the motor vehicle.

(b) (1) It shall not be a violation if the installing, concealing or placing of an electronic tracking device in or on a motor vehicle is by, or at the direction of, a law enforcement officer in furtherance of a criminal investigation and is carried out in accordance with applicable state and federal law.

(2) If the installing, concealing or placing of an electronic tracking device in or on a motor vehicle is by, or at the direction of, a parent or legal guardian who owns or leases such vehicle, and if such device is used solely for the purpose of monitoring the minor child of such parent or legal guardian when such child is an occupant of such vehicle, then the installation, concealment or placement of such device in or on such vehicle without the consent of any or all occupants in such vehicle shall not be a violation.

3) It shall also not be a violation of this section if the installing, concealing or placing of an electronic tracking device in or on a motor vehicle is for the purpose of tracking the location of stolen goods being transported in such vehicle or for the purpose of tracking the location of such vehicle if it is stolen.

(c) The provisions of this section shall not apply to a tracking system installed by the manufacturer of a motor vehicle.

For more information, go to:

- [*Electronic Spying in Tennessee Divorce Laws*](#)
- [*Recording Telephone Calls and Wiretapping In Tennessee Divorce Law*](#)
- [*Surreptitious Digital Audio & Video Recording—Electronic Eavesdropping*](#)
- [*Divorce Spyware in Tennessee*](#)
- [*Hacking Computers, E-mail Accounts and Phones — A Big TN Divorce No-No*](#)
- [*Tennessee's Federal Divorce Spyware Case – Jail Time & Heavy Fines*](#)
- [*Tape Recording Conversations Law & Reading E-mail in Divorce*](#)

2014 IRS Standard Mileage Rates

IR-2013-95, Dec. 6, 2013

WASHINGTON — The Internal Revenue Service today issued the 2014 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on Jan. 1, 2014, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 56 cents per mile for business miles driven
- 23.5 cents per mile driven for medical or moving purposes
- 14 cents per mile driven in service of charitable organizations

The business, medical, and moving expense rates decrease one-half cent from the 2013 rates. The charitable rate is based on statute.

The standard mileage rate for business is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs.

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

A taxpayer may not use the business standard mileage rate for a vehicle after using any depreciation method under the Modified Accelerated Cost Recovery System (MACRS) or after claiming a Section 179 deduction for that vehicle. In addition, the business standard mileage rate cannot be used for more than four vehicles used simultaneously.

These and other requirements for a taxpayer to use a standard mileage rate to calculate the amount of a deductible business, moving, medical, or charitable expense are in Rev. Proc. 2010-51. [Notice 2013-80](#) contains the standard mileage rates, the amount a taxpayer must use in calculating reductions to basis for depreciation taken under the business standard mileage rate, and the maximum standard automobile cost that a taxpayer may use in computing the allowance under a fixed and variable rate plan.

Legal Jargon

Law.com dictionary

trespass

n. entering another person's property without permission of the owner or his/her agent and without lawful authority (like that given to a health inspector) and causing any damage, no matter how slight. Any interference with the owner's (or a legal tenant's) use of the property is a sufficient showing of damage and is a civil wrong (tort) sufficient to form the basis for a lawsuit against the trespasser by the owner or a tenant using the property. Trespass includes erecting a fence on another's property or a roof which overhangs a neighbor's property, swinging the boom of a crane with loads of building materials over another's property, or dumping debris on another's real estate. In addition to damages, a court may grant an injunction prohibiting any further continuing, repeated or permanent trespass. Trespass for an illegal purpose is a crime.

Tennessee Trespassing Laws are explained in full in [Tennessee Code 39-14-105](#). The law states that a person commits trespassing by entering or remaining on property without the proper consent. This offense is a Class C misdemeanor. **Signage requirements are that the property owner must have signs that are visible at all major points of access or entry to the property and that they are reasonably likely to be seen by any person entering the property.**

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