

PICA

INVESTIGATIVE REPORTER



Professional Investigators of California Newsletter

June 2014



Training Tuesdays

The last Tuesday of the Month

Corey Friedman, PICA's 1st VP in charge of education, kicked off PICA's educational webinar series on Tuesday, April 29th, with Brad Batesole, from lynda.com, teaching "Affordable Business Strategies."

PICA's second educational webinar, held on Tuesday, May 27th, was taught by Katie DiMeo, the Customer Support and Training Specialist from LocatePLUS, training attendees on "How to Use Databases Wisely."

PICA's educational webinars are held the last Tuesday of the month from 4:00 p.m. to 5:30 p.m., and attendees must register to receive the pass code and login information.

Visit www.PICAnow.com, select **WEBINARS** and then **-Register-**

WEBINARS

WEBINAR SCHEDULE:

| | |
|--------------|---|
| April 29th | Affordable Business Strategies Brad Batesole, lynda.com |
| May 27th | How to use Databases Wisely Katie DiMeo, LocatePlus |
| June 24th | Turn Journalists into Allies Don Ray, Investigative Journalist |
| July 29th | Criminal Cases & DUI's James Devitt, Attorneys at Law |
| August 26th | Debugging for the Private Investigator Corey Friedman, Nick Harris Detectives |
| Sept. 30th | Skiptracing using Trap Lines |
| October 28th | Service of Process- "Is it worth the risk?" Gretchen Lichtenberger, You've Been Served |

Three Skiptrace Seminars Sold Out



Robert Scott - 99 Things Every Expert Skiptracer Knows (or Should Know)

“Robert Scott is a great presenter with loads of tips and tricks. It was a very impressive seminar.”

“I found Jose Newman’s presentation to be informative and very educational.”

“Venue was comfortable. Lunch was great.”

Private investigator and skiptracing data expert Robert Scott provided a fast-paced seminar, at three locations, that showed exactly how successful skiptraces are done. Mr. Scott taught attendees a systematic three step approach that expanded into a detailed look at 98 additional techniques, tricks and insights used by successful skiptracers.

The seminars also included a one hour presentation on skiptracing through Social Networking, by Jose Newman.

ABOUT ROBERT SCOTT:

Robert Scott is a Los Angeles-based licensed private investigator, author, and information entrepreneur. He is the creator and CEO of SkipSmasher.com, one of the top skiptracing data websites in the United States. Started in 2004, Skip Smasher is the only data service of the top 5 that is currently owned and operated by a licensed private investigator.

He also operates several open source websites for investigation including BlackBookOnline.info -- a top free public records search engine that maintains over 34,000 free lookups and is used by nearly 3 million people per year.

ABOUT JOSE NEWMAN:

Jose Newman is a California licensed private investigator and owner of Fulcrum Investigations in Chula Vista, California. He speaks Spanish fluently and specializing in investigating and managing complex civil and criminal cases.

Jose utilizes the latest case analysis technology and powerful databases to assist in completing his investigative assignments.

Prior to establishing Fulcrum Investigations Jose was the lead Investigator and Investigative Supervisor at Tactical Investigative Services.

Jose is also the 2014 President of Professional Investigators of California.



Jose Newman - Social Networking

Substitute Service—what are the requirements?

{Part 1 in a series}

The code section that governs this service is found in Code of Civil Procedure (CCP) section 415.20 et seq. Let's take a detail look at this section of the law. I will pick it apart and discuss the elements of the two subparts.

CCP §415.20. (a) *In lieu of personal delivery of a copy of the summons and complaint to the person to be served as specified in Section 416.10, 416.20, 416.30, 416.40, or 416.50, a summons may be served by leaving a copy of the summons and complaint during usual office hours in his or her office or, if no physical address is known, at his or her usual mailing address, other than a United States Postal Service post office box, with the person who is apparently in charge thereof, and by thereafter mailing a copy of the summons and complaint by first-class mail, postage prepaid to the person to be served at the place where a copy of the summons and complaint were left. When service is effected by leaving a copy of the summons and complaint at a mailing address, it shall be left with a person at least 18 years of age, who shall be informed of the contents thereof. Service of a summons in this manner is deemed complete on the 10th day after the mailing.*

(b) *If a copy of the summons and complaint cannot with reasonable diligence be personally delivered to the person to be served, as specified in Section 416.60, 416.70, 416.80, or 416.90, a summons may be served by leaving a copy of the summons and complaint at the person's dwelling house, usual place of abode, usual place of business, or usual mailing address other than a United States Postal Service post office box, in the presence of a competent member of the household or a person apparently in charge of his or her office, place of business, or usual mailing address other than a United States Postal Service post office box, at least 18 years of age, who shall be informed of the contents thereof, and by thereafter mailing a copy of the summons and of the complaint by first-class mail, postage prepaid to the person to be served at the place where a copy of the summons and complaint were left. Service of a summons in this manner is deemed complete on the 10th day after the mailing.*

Part (a) pertains to serving a Corporation (416.10), a Dissolved or Forfeited Corporation (416.20), a Joint-Stock Company (416.30), a Partnership or Unincorporated Association (416.40) or a Public Entity (416.50). Part (a) and Part (b) reference each section of the CCP code but you have to look up each code to see to whom it refers. If you are serving any of these types of companies, you may leave the documents on the FIRST ATTEMPT without making multiple attempts prior to leaving with someone other than the defendant (ie-sub-serving). Part (a) **DOES NOT** say "with reasonable diligence" like Part (b) does. Service is not legally complete and valid until the follow-up mailing is done. The person serving the documents to someone other than the Defendant **MUST** then send a complete set of the documents to the Defendant at the address where substitute service was effected. This adds ten days to the response time but important to note the ten days start running from the date of mailing, not the service date. So, if the person serving the documents delays in doing the follow-up mailing, it can delay the date the case is eligible for Default.

Continued page 4

Bay Area District Meeting



Gretchen demonstrating creative service of process

PICA's Bay Area District hosted its first meeting of 2014 in San Jose on March 18. Gretchen Lichtenberger spoke to a group of 10, including several non-members, about increasing revenue by adding "Registered Process Server" to a PI's resume. Gretchen provided a wealth of information, including how to become a registered process server and how to serve process legally, effectively, and creatively. The ethics of process servers and service of process were stressed and discussed as well as the significance of good documentation and best practices.

2014 Members

James Aguirre
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Bryon Brammer
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Ed Brown
Alyce Bullard
Betty Cavanaugh
Dana Champion
Justin Chappell
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Jesse Macias
Bruce McConnell
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Erik Mora
Nathan Moser
Bob Palmer
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Hugh Rae
Don Ray
Thomas P. Riley
David Scalise
Claudia Schwartz
Robert Sedillo, Jr.
Raffi Smilansky
Mark Sovern
Michele Stuart

Substitute Service—what are the requirements

Continued from Page 3

When the Defendant is listed with a capacity of “Business Form Unknown”, that party must be served under CCP §415.95. This type of business is not listed in Part (a) but the wording is similar to Part (a). Every service upon a “Business Form Unknown” type of entity will be classified as a substitute service under CCP §415.95. There is no such thing as a ‘personal service’ on a “Business Form Unknown”.

You will also note that both Part (a) and Part (b) say “*to the person to be served*”. Legal documents must be served on a PERSON and that person must be named in the Proof of Service as the person to whom the documents were served. If you are serving a company as the defendant, you still have to serve the documents ‘upon a person’. So serving any defendant by substitute service under Part (a), the ‘party served’ is still the name of the company listed on the Summons then the Proof of Service (POS-010) will still name the company as the “Party Served” in item 3a and you will put the name of the Agent for Service/Officer in item 3b of the POS-010 then in item 5b you will put the name of the person the documents were left with as the person to whom substitute service was effected. If you serve the Agent for Service or one of the officers of the company directly, then the service is considered a Personal service. The persons on whom Personal service qualifies are listed in CCP §416.10 (a) and (b). If you serve anyone other than those persons listed in CCP §416.10(a) or (b), then the service is considered “substitute service”.

Now, Part (b) is for serving people, not companies and it pertains to serving a minor (416.60), a Conservatee or Ward (416.70), a Candidate (416.80), or an Individual or Authorized Person (416.90). When serving legal documents that are eligible for substitute service, the documents can be left with anyone over the age of 18 at the Defendant’s home, place of employment, parent’s home, Private Mail Box store or any place that person receives mail but not at a U.S. Postal Service post office box. If you cannot locate the Defendant, but you can find a place he/she receives mail, then service is valid at that address as long as you follow Part (b)—*diligence and follow-up mailing*. One Practice Tip here, whenever I am serving a difficult defendant and I end up serving by substitute service, I do the follow-up mailing by Certificate of Mailing. This is NOT ‘Certified Mail’ and no one signs for it. It is simply a little form that costs \$1.15 and the Post Office verifies that a piece of mail was sent that day addressed as such. This is proof that the mailing actually took place and can be critical if the other side wants to challenge service. It is not the leaving of the documents with another person that is of prime importance, it is the mailing because the code says “*Service of a summons in this manner is deemed complete on the 10th day after the mailing*”.

Part 2 in the Series will be “Serving a Private Mail Boxes”

Gretchen Lichtenberger, RPS, Certified Paralegal, Judgment Recovery Expert is the owner of, You’ve Been Served and Justice Matters.



POLYGRAPH FOR SALE

I bought this polygraph and never ended up using it. It seems to have all the components except the laptop. This is a digital Lafayette 50th anniversary LX3000 and I believe can still be traded in for a big discount on a new one. Asking \$2500 obo. I also have an analog polygraph with thermal stylus's so you don't have to deal with messy ink.

Contact Corey with questions at Nationaldetectives@yahoo.com.

Los Angeles District



David Notowitz is the guest speaker at the Los Angeles District meeting to be held on June 11, 2014. The educational topic is *Utilizing Video and Audio Evidence in Criminal and Civil Litigation*.

Mr. Notowitz operates [NCAVE](#), the National Center for Audio and Video Forensics, a full-service audio and video forensics company based in Los Angeles and providing all levels of consulting and media preparation for evidence used in mediations, arbitration, hearings, and court — from 3D recreations of crime scenes to video production, and from forensic video enhancement to testifying in court as an expert witness.

He has worked as a forensic video expert witness on cases that have been investigated by police officers, detectives, private investigators, insurance investigators, public defenders, and corporate attorneys with cases across Northern and Southern California, including the counties of San Bernardino, Los Angeles, Ventura, and the cities of Palm Springs, Whittier, Reno, San Francisco, Sacramento, Emeryville, Irvine, and Pomona. In addition, he works for private civil and criminal attorneys and large corporations across the country — from Texas to Chicago and from NY to California. His clients have included Target, Stater Bros, Home Depot, and McDonalds, and the criminal cases often involve serious injury or death.

Central Coast District

The Central Coast District of Professional Investigators of California, will hold an educational dinner meeting on Thursday, June 26, 2014, at Mimi's Café in Thousand Oaks, California.

The topic of Pre-Employment Background Investigations will be presented by **Todd Taylor**, California PI and the owner of Allstate Investigations, Inc.

Investigator Taylor has been licensed since 1998 with offices in the San Fernando Valley and Simi Valley. His investigative company specialize in pre-employment background investigations, complying with all FCRA guidelines, and has received numerous commendations and recognitions from Federal, State and local authorities.

Basic background investigation may include:

- Social Security number verification
- Judgments
- Liens
- Bankruptcy
- Federal Criminal
- Sex Offender Registry
- E-Verify
- Driver's License History
- Civil Records
- Credit Report
- Education verification
- Worker's Comp Claims
- Employment verification



The meeting is free. Attendees pay for their own meals.

San Diego District Meeting



The San Diego District of Professional Investigators of California, will hold an educational dinner meeting on Tuesday, June 10, 2014, from 6:00 p.m. to 9:00 p.m. at Filippi's Pizza Grotto in San Diego.

The topic of Surveillance Techniques will be presented by PICA member, Brandon Becker and Colin Evans of Becker and Becker Investigations. The presentation will include, mobile surveillance, stationary surveillance, surveillance equipment and tools of the trade.

PICA President, Jose Newman will also give an educational presentation on open-source software for audio/video and how to download HD video with timestamp

from your video camera.

PICA guests, employees and industry professionals are welcome to attend. There is no cost to attend, attendees just pay for their own meals.

PICA District Meetings are free to attend and guests are welcome

Attendees pay for their own meals and must register to attend at www.PICAnow.com, "Upcoming Events"

Website Development for PICA Members



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2014 Members

Ian Tausig
Todd Taylor
Rod Vahoviak
Markis Velez
Robert Weekes
Ken Welty
Michael White
Martin Whited
Barbara Wolford
Katie Wright
Aaron Wyman
Monica Zaragoza

Private Investigators in Family Law

In the world of civil and criminal court, the judge is the referee and the jury is the finder of fact. If there is not enough evidence to provide fact, nothing happens. Case closed. In family law, something always happens- with or without evidence.

In family law, the judge is the referee, finder of fact, and the sentencer. They alone must determine fairness and conformity within the law. If no evidence is brought to light, they must still make a decision. These decisions will affect the lives of many people forever. In cases with children, custody and support must be decided. For a childless divorce, assets must still be divided and support (such as alimony) decided. Sometimes guardianship must be appointed to a child with an unfit parent. Making such heavy decisions with no evidence beyond he-said she-said weighs heavily upon the court's shoulders.

Bringing evidence provided by a private investigator to a court of family law can be used to prove or disprove allegations. When you bring professionally documented and presented evidence into a world where often all that is provided is opinions and baseless allegations you will not only likely win your case, but will leave with the gratitude of the court as well.

When hired to work a family law case, your job is usually one of two goals: 1) Provide evidence to disprove allegations against your client or 2) Provide evidence to prove allegations against the opposing party. You will find yourself working closely with your client's attorney- this is important because as it is your job to provide the evidence, it is the attorney's job to determine how it should be used. An attorney can also help guide you beforehand by telling you what might or might not be useful, so you do not waste your client's money or your time. If your client wants you to document their soon-to-be ex-spouse's infidelity, the attorney may advise against it. This is because California is a no-fault divorce state and in most cases the court will not care who a soon-to-be ex is spending time with. On the other hand, if there are children involved in the case and your soon-to-be ex-spouse is consorting with someone new, it could be very important to ascertain this person's character. Do they have a criminal background? Do they use drugs or have an explosive temper? These can be key facts in a child custody case.

While high profile divorces and custody battles have often employed PI's, the niche market is with the everyday citizen. With nearly half of American marriages ending in divorce, the client base is endless. Teaming up with your local area attorneys can be a great starting point, as they can direct clients to you if they need evidence or other investigative services. Some attorneys may wish to hire you themselves to find out if the client who has hired them is being honest.

I encourage you all to look past basic surveillance and background checks within the realm of family law. In reality there are many more services you can provide these clients. Your job as an investigator is to find evidence, and this niche is where evidence is needed most.

Ian A. Tausig owns Tausig & Associates and can be reached at itausig@tausigpi.com or <http://tausigpi.com>.