



IAPI NEWSLETTER

IOWA ASSOCIATION OF PRIVATE INVESTIGATORS

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FOUNDED 1985

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President's Message By Karen Mills

As 2015 comes to a close, I would like to take this opportunity to thank our board of directors and members who are dedicated to help grow our association, develop strategies to make us more professional and go above and beyond to build our organization into one of the premier PI associations in the Midwest.

I am happy to announce that all of our Regional Director positions are now filled. Travis Stout of Stout Investigations in Prairie City has been appointed as the SE Regional Director. Dan Jones of Blackwatch Investigations, LLC in Manchester was appointed to Regional Director for the SW area. Thank you to both of them as well as Clare Reed (NW) and Darwin Rittgers (NE) who will continue on in their designated areas.

The board recommended expectations be implemented for Regional Directors in order to give them direction and purpose. These are the proposed expectations:

- Regional Directors are appointed by the IAPI President
- They will actively recruit new members to IAPI in their assigned region
- They will make personal one-on-one contact (email/phone/in person) with current IAPI members in their assigned region to be available to them, solicit any concerns or suggestions from them and maintain open communication
- They will attend board of directors meetings as set by the President
- They will arrange a networking meeting or social for IAPI members and potential new recruits in their assigned region at least twice a year
- They will organize a lunch and learn or training session in their assigned area at least annually and invite both members and new recruits in the region

Please anticipate more communication from your Regional Director in the upcoming year and assist them in achieving their responsibilities. I am confident that these new directives will offer our members more networking and training opportunities as well as provide a direct resource available for support and feedback.

If you always do what you've always done, you'll always get what you've always got – *Anonymous*

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The IAPI Newsletter is published quarterly by the Iowa Association of Private Investigators. Please make checks payable to IAPI and send all inquires, articles and related informational materials to: Jeff Marlin, Editor, IAPI Newsletter, PO Box 11183, Cedar Rapids, IA 52410 or email jmarlin@marlinsspecialinvestigations.com

The Utah Gumshoe: Private Investigator and Attorney Work Product

According to Cornell University's Legal Information Institute, Attorney Work Product is "...a rule that an opposing party generally may not discover or compel disclosure of written or oral materials prepared by or for an attorney in the course of legal representation, especially in preparation for litigation." This rule allows an attorney to investigate and prepare your case in a confidential manner without fear of having to reveal his legal strategy or other case information to the opposing party. Another very important legal concept that is part and parcel to this is the age-old Attorney Client Privilege. This legal privilege protects communications between an attorney and his client and is sacrosanct. This privilege is critical. It allows a client to consult an attorney and to do so openly and honestly so that the attorney can provide the best representation possible. Without it, clients would not be free to provide all the details of their particular situation. As you can imagine this is particularly germane to criminal matters. It should be noted that this privilege belongs to the client, not the attorney. Only the client can waive the privilege.

So what does all this have to do with a Private Investigator? Isn't everything I tell a private eye also confidential? Well, yes and no. Everything you discuss with a private investigator is considered confidential whether you hire him or not. However, unlike the attorney client privilege, there are no such legal protections between private investigators and their clients. A good private investigator will keep all case details strictly confidential. However, they may be subpoenaed and forced by the courts to testify as to the details of your case. But there's a way you can prevent that from happening.

It may not always be the case, but when you need a private investigator you may find that you need an attorney as well. A private eye can gather evidence and leverage your ability to prevail in your situation, which in turn can help a good attorney carry the day in court. This doesn't mean that if you need a private investigator you must also hire an attorney. But it may be a wise move, especially if you foresee your particular situation resulting in litigation.

So how do you work with a private investigator and still maintain the confidentiality of your case? It's rather simple. You hire an attorney and then have the attorney hire the investigator. Rather than working for you directly, the private investigator will work for the attorney. That way most of what the investigator discovers and submits to the attorney is covered under Attorney Work Product. It's privileged information. That doesn't necessarily mean that the opposing party can't learn the same information, there's more than one way to skin a cat. But it does mean that when it comes to your investigator the information he learns and the statements he takes are protected. The private investigator cannot be compelled to divulge what he has learned (Keep in mind I am not an attorney and this is not legal advice).

Until next time, This is Scott Fulmer, the Utah Gumshoe, reminding you that the game...is afoot!

Scott is a 20 year veteran Utah private investigator, surveillance expert and President/CEO of intellUTAH, a private investigation firm based in Salt Lake City.

The Utah Gumshoe: Cohabitation Investigation Tips for Attorneys

What legally constitutes cohabitation can differ from state to state. The process of proving cohabitation involves more than merely gathering video of the subjects living together. You must obtain evidence that demonstrates to the court that the subjects are living in a relationship that bears the hallmarks of marriage. Consider these 3 tips:

1. Video Surveillance

In terms of surveillance, you will obviously want to get video of the subjects living together. That means random, surveillance spot checks over the course of a month or two demonstrating that the subject is residing at the residence late in the evening and departing for work the following morning. But your video should emphasize more than just a couple of people coming and going. Some highlights should include video evidence of the subject using his key to enter the residence or using the garage door code or a garage door opener. This confirms that the subject is free to come and go at will. Make sure you videotape the subject's tools, vehicles, or other belongings at the residence. Video evidence of the subjects on date night, shopping together, attending family functions, performing maintenance on the yard or home, sharing chores or meals, and of course showing affection to each other in public can substantiate the relationship. All of this taken together will confirm that the subjects are cohabitating.

2. Trash Run!

American artist Andy Warhol once said "Just because people throw it out and don't have any use for it, doesn't mean it's garbage." That is never truer than in the private investigation industry. When you are attempting to prove cohabitation may I suggest that you begin by liberating the subject's trash? It's a stinky disgusting job but you may find a goldmine of information. You can find love letters, notes, joint bills, receipts, cards, photographs, condoms, condom wrappers, prescriptions, pregnancy tests, feminine hygiene products, etc. Some of these items can be taken to a lab to further document evidence of a sexual relationship. However before you slap on the old latex gloves, make sure you familiarize yourself with the 1988 Supreme Court ruling *California v. Greenwood*. If you still have questions consult with an attorney prior to your dumpster diving diversion. And finally...

3. Social Media Search

Speaking of Andy Warhol, he's also credited with saying "In the future everyone will be famous for fifteen minutes." I can tell you that future is now. When searching for evidence of cohabitation you may find social media a treasure trove of tantalizing tidbits, including photographs. Facebook, MySpace, Instagram, Flickr, Pinterest, Google+, YouTube, etc. The list goes on and on. Will the social media evidence be admissible in court? Federal Rules of Evidence #401 states that evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence. Again, consult with an attorney regarding the admissibility of evidence gathered across social media platforms.

Of course there are many other methods that can be utilized for proving cohabitation. Not all attorneys will agree with the tips I've just laid out. But there's more than one way to skin a cat. If this is a concern to you I suggest you consult a private investigator. An experienced private eye will be able to gather proof of cohabitation and allow you to leverage your case.

Until next time, This is Scott Fulmer, the Utah Gumshoe, reminding you that the game...is afoot!

DOJ Release: U.S. Attorney's Office - Northern District of California

SAN JOSE, CA – Nathan Moser, Peter Siragusa, AKA Bobby Russo, Carlo Pacileo, Trent Williams, and Sumit Gupta, AKA Sumit Vishnoi, were charged with crimes related to a conspiracy to access the e-mail accounts, Skype accounts, and computers of people opposing Moser's and Siragusa's clients' in civil lawsuits, announced United States Attorney Melinda Haag and Federal Bureau of Investigation Special Agent in Charge David J. Johnson. A federal grand jury indicted Moser, 41, of Menlo Park, Calif.; Siragusa, 59, of Novato, Calif.; Pacileo, 44, of El Segundo, Calif.; Williams, 24, of Martinez, Calif.; and Gupta, 26, of Jabalapur, India, on January 15, 2015, charging them with one count of Conspiracy, in violation of 18 U.S.C. § 1030(b), six counts of Accessing a Protected Computer and Obtaining Information, in violation of 18 U.S.C. § 1030(a)(2)(C), and two counts of Interception of Electronic Communications, in violation of 18 U.S.C. § 2511(1)(a). The indictment was unsealed in court in San Jose, Calif., yesterday.

According to the Indictment, Moser was a private investigator and owner of Moser and Associates in Menlo Park. Siragusa was also a private investigator and owner of Siragusa Investigations in Novato. Although Moser and Siragusa operated separate businesses, they often assisted in each other's investigations. The Indictment further alleges that Williams and Gupta were computer hackers hired by Moser and Siragusa to access the e-mail accounts, Skype accounts, and protected computers of individuals without authorization. Pacileo was the director of security for ViSalus, a network marketing company based in Los Angeles and one of Moser's clients.

The Indictment alleges that the object of the defendants' conspiracy was to obtain information that would assist Moser's and Siragusa's clients, including Pacileo, in the clients' lawsuits. According to the indictment, once retained by a client, Moser and Siragusa would hire Williams and Gupta, among others, to hack into the victims' e-mail accounts, Skype accounts, and protected computers. In addition to that conduct, the defendants allegedly installed and used a keylogger—a tool that intercepts and logs the particular keys struck on a keyboard in a covert manner so that the person using the keyboard is unaware that his or her actions are being monitored—to obtain information that would assist Moser's and Siragusa's clients.

According to the Indictment, Ocean Avenue, a network marketing company based in South Jordan, Utah, was a competitor of ViSalus that had hired several former ViSalus employees. As a result, ViSalus initiated a civil lawsuit against Ocean Avenue employees. Pacileo hired Moser to investigate Ocean Avenue. Moser allegedly enlisted Siragusa to assist with the investigation, and together they hired hackers to illegally obtain information to assist in the lawsuit.

Moser, Siragusa, and Williams made their initial appearances in San Jose yesterday before the Honorable Paul S. Grewal, U.S. Magistrate Judge. Moser was released on a \$100,000 bond, with his wife signing as surety and custodian. Moser's next hearing is scheduled for identification of counsel today before Judge Grewal. Siragusa was released pending the filing of a \$100,000 secured bond on or before February 20, 2015. His next hearing is scheduled for February 23, 2015, at 1:30 p.m. before the Honorable Edward J. Davila, U.S. District Judge, in San Jose. Williams, who remains in custody, has a detention hearing scheduled for February 13, 2015, at 1:30 p.m., before Judge Grewal.

Pacileo made his initial appearance in Los Angeles before the Honorable Ralph Zarefsky, U.S. Magistrate Judge, and was released pending the filing of a \$25,000 secured bond on or before February 13, 2015. His next hearing is scheduled for February 23, 2015 before Judge Davila.

An arrest warrant has been issued by the court for Gupta, who is believed to be in India. FBI Agents in San Jose are working with the FBI office in New Delhi, India, to secure Gupta's prosecution.

The maximum statutory penalty for a violation of 18 U.S.C. § 1030(b) is 5 years custody, 3 years supervised release, and a fine of \$250,000. The maximum statutory penalty for each violation of 18 U.S.C. § 1030(a)(2)(C) is 10 years custody, 3 years supervised release, and a fine of \$250,000. The maximum statutory penalty for each violation of 18 U.S.C. § 2511(1)(a) is 5 years custody, 3 years supervised release, and a fine of \$250,000. However, any sentence will be imposed by the court only after consideration of the U.S. Sentencing Guidelines and the federal statute governing the imposition of a sentence, 18 U.S.C. § 3553.

Matt Parrella and Michelle Kane are the Assistant U.S. Attorneys who are prosecuting the case with the assistance of Elise Etter. The prosecution is the result of an investigation by the FBI.

End of the Year Tax Tips for Investigators

Editors note: We are not tax advisors. The tips below are offered for informational purposes. Please consult with your tax advisor or attorney regarding your business.

With 2016 just around the corner, it's time to start putting together your end of the year strategy when it comes to your taxes. Now is a great time to figure out how your business expenses can be categorized for maximum savings. Here are some end of the year tax tips and deductions that can help your investigations firm save.

1. Maintain Your Records!

The IRS recommends keeping accurate records, whether it's regarding sales, payroll, purchases, and other expenses, as well as supporting documents.

What Are Supporting Documents?

Supporting documents range from invoices, paid bills, and sales slips to receipts, deposit slips, and even canceled or void checks. These documents will support your records, book entries, and ultimately what you put on your tax return. Keeping these documents organized and safe is crucial, and the IRS recommends organizing them by year and type of expense. This will make the process go much more smoothly should you ever be audited.

Types of Records The IRS Recommends You Keep

The IRS has a lot of great information on what types of records you should keep on your business. Below are some of the most important according to the irs.gov website.

Expense Records

- Canceled checks
- Account statements
- Credit card receipts and statements
- Invoices
- Petty cash slips
- Any documents that identify expense, recipient, amount, and proof of payment

Gross Receipts

- Deposit information
- Receipt books
- Invoices
- Forms 1099-MISC

Purchase Records

- Canceled checks
- Credit card receipts and statements
- Invoices
- Purchase receipts
- Any documents that identify recipient, amount, and proof of payment

Travel, Transportation, Entertainment, and Gift Expense Records

Any time you deduct travel, entertainment, gift, or transportation expenses you will need to have the records to back up claims of those expenses. For private investigators who can spend a significant amount on travel, particularly in their vehicles, this is especially important.

Asset Records

Any physical property, whether it's an office or equipment, that you use in your business needs to have a record associated with it. The IRS recommends having documents that indicate:

- When and how the asset was acquired
- The purchase price
- Improvement costs
- Deductions taken (for depreciation, casualty loss, Section 179)
- How you use(d) the asset
- When and how you disposed of the asset (if applicable)
- Selling price
- Expenses of sale

The documents that would include this information could be purchase and sale invoices, closing statements, or canceled checks.

Employment Tax Records

Professional investigators can range from small business and big firm owners to 1099 contract employees and sole proprietors. If you have employees or work with independent contractors, it's important that you keep accurate records of how your employees are classified (including their paperwork) and accurate payroll records.

2. Maintain Digital and Print Copies of Your Records

With the IRS urges you to maintain accurate records for your business, in a world that's half paperless half still-married-to-the-filing-cabinet, it's always a good idea to have a digital backup of your physical records or vice versa. Implementing this type of tracking just before the end of the year can mean the year 2016 will go by without a hitch.

Apps like Freshbooks, TurboTax, TaxCaster, and TaxAct can help you during tax season, and scanner apps like Genius Scan help you create PDFs of your receipts and documents. QuickBooks, TurboTax, and ServeManager offer a variety of services for invoicing, tracking jobs, and payments.

3. Track Your Business Miles Driven for Deductions

The Internal Revenue Service (IRS) states that, "An ordinary expense is one that is common and accepted in your trade or business." For private investigators, that means traveling, stakeouts, and other job-related travel could be eligible for a tax deduction. Those who use their cars regularly for business purposes are eligible for transportation tax deductions at a standard mileage rate or actual expense method. 2015's Standard Mileage Rate is 57.5 Cents Per Mile

4. Check for Startup, Improvement, and Unsuccessful Business Deductions

Startup Costs

Private investigators who are new to the field may be able to deduct certain startup costs. This means you may be able to deduct \$5,000 for business startup and \$5,000 for organizational costs, which can include the cost of setting up a corporation. There is a lot of information and detail regarding startup costs, so it's important to consult with a professional on this one.

Improvement Costs

Major expenses like new wiring for an office or updates can be deducted provided you are able to capitalize as a business directly from those improvements. Repairs can also be deducted if they keep your office in normal operating condition.

Failed Attempts to Go Into Business

The IRS has two categories for cost associated with individual attempts to go into business: the costs encountered before deciding to go into business (general search, preliminary investigation of an investment), and costs in attempting to acquire or begin a specific business. Individuals can only deduct expenses that fall into the latter half the of categories, but corporations may be eligible to deduct all investigatory costs as a loss.

4. Expense Your Business-Related Travel

Whether it's a trip for a stakeout, a flight to meet a new client, or a stay in another city for an association event or conference, these business-related expenses are tax deductible. Keep track of your plane tickets, taxi, Uber, and Lyft fares, parking costs, hotels and meals (and make sure you save itemized receipts) to get these deducted later.

5. Remember That Association Membership Dues Are Tax Deductible

As a member of a local, state, or national private investigator association not only means you're staying up-to-date on your profession, but a fringe benefit is that membership fees and annual dues are tax deductible.

6. Subscribe to Industry Publications

Hang onto receipts from your industry-related magazine subscriptions, as well as other resources purchased to keep up with your industry, whether from associations, private publications, or other sources. These subscriptions are tax deductible, and sometimes the smaller write-offs can add up considerably.

7. Look Into Home Office Deductions

If you have a dedicated home office (one with a door that closes in a space used only for business purposes), you may be eligible to claim a home office deduction. Depending on the percentage of your home dedicated to business purposes you may even be eligible for further deductions on monthly utilities like Internet and electricity, as long as the use is work-related. The specifics can be tricky on this one, so make sure you check with your accountant for details.

8. If You Are Self-Employed, Look Into Health Insurance Deductions

While it is common for investigators to be self-employed, those who own their own businesses or are sole proprietors are eligible for health insurance deductions. The specifics will depend on your business and how it is structured, so seek the advice of a professional to learn what you are eligible for.

9. Donate to IRS-Recognized Charities

Whether it's money, goods, toys, food, school supplies, or any other item, donations to IRS-recognized charities are tax deductible. Some of the eligible organizations include Salvation Army, Red Cross, Boy Scouts, Wounded Warriors, nonprofit schools and hospitals, religious organizations, and government organizations that exist for public purposes (i.e. public libraries).

10. Check For Other Business Expenses

Rent expenses, retirement plans, employee pay, interest, taxes, and insurance can all be tax deductible depending on the specific terms. Retirement plans, for example, offer tax advantages for setting aside money for you or your employees' retirement, and the pay given to employees in exchange for their services can be deducted as well.

Understanding tax deductions, employee classification, and how to maintain records effectively can be a challenge for any individual. Hopefully this article has given you a better idea of which tax deductions your business might be eligible for.



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To let you in on the essence that is me, Amanda Clement, Private Investigator, I will have to be honest with you... I am awful at math. After many years of asking myself what I wanted to do with my life - led me to the criminal justice field because it did not require my meager brain to be over-worked by algebra I thought I would never have to do again. How I got A's in College Algebra still serves as a mystery to me. Another addition before reading on, I am blunt, use humor at the strangest opportunities, and I am somewhat sarcastic.

A little backstory if I shall... promise it has a purpose.

I grew up in Waterloo but left in 1998 after my dad passed away, my grandfather retired in Arkansas – my mother and I left Waterloo to go take care of him.

I started working for Wal-Mart's Home Office in Bentonville, Arkansas at a very young age (18) and soon found myself as an executive assistant and was five steps under the CEO running a division of special stores in their Facility Management department. Made a serious dent while I worked there because I got curious one day which led to an investigation that led to the company busting social security fraud by a company we had contracted, and overhauling a whole division's operating procedure that saved the company 300 million dollars.

After leaving Wal-Mart (and learning some valuable young adult lessons), I landed at my dream job – working for the Benton County Public Defender's office. Fast forward a few years, a house, a husband, some dogs, property taxes, home improvements, a cheating spouse, a rather nasty divorce, and selling said house, taking the dogs and moving back to Iowa. You are pretty much caught up. Somewhere in the smarter part of my decisions, moved back up to Iowa and I went back to school. In 2012, I received my Bachelors of Science in Criminal Justice with an emphasis in Computer Crime, Forensic Psychology and Homeland Security – Summa Cum Laude. While applying for jobs all over the state and the nation, I thought to myself, I have always been curious, and I am rather good at research, I should start my own business. So with a little help from some friends, my organizational skills, charm, and tenacity, moved forward, and here I am. Next year I will graduate with my Masters of Science in Criminal Justice Degree and it will be my third year as a private investigator. Every day brings new experiences and knowledge, which I enjoy very much.

When I am not private investigating or working, I am a storm spotter & Tornado chaser, a paranormal investigator, reader of all different kind of books, knowledge sponge, and music lover. Thanks for reading... and if you ever need help up in North Central Iowa, do not hesitate to give me a call.

Websites of Interest

Open Records and Meeting Laws for all States

<http://www.rcfp.org/open-government-guide>

101 Investigative Links for Digging up Information on People

<http://www.diligentiagroup.com/due-diligence/101-investigative-links-for-digging-up-information-on-people/>

Surveillance Equipment Needs

<http://www.privateinvestigatoradvicehq.com/surveillance-equipment-private-investigator-advice-podcast-46/>

Audio Surveillance Laws by State

http://www.serve-now.com/resources/audio-surveillance-laws-by-state?utm_source=The+Serve+Report&utm_campaign=7e923ad9e7-The_Serve_Report&utm_medium=email&utm_term=0_6c2df0a677-7e923ad9e7-37524396

Private Investigator Associations by State

http://www.pinow.com/resources/private-investigator-associations?utm_source=The+PI+News+Round-up&utm_campaign=19fd0e4f12-PI_News_Roundup&utm_medium=email&utm_term=0_eb2f931a8f-19fd0e4f12-37507517

Iowa Innocence Project

<http://www.iowainnocence.org/about-innocence-project-iowa>

Family Tree

<http://www.familytreenow.com/search>

State of Iowa Employee Salaries

<http://db.desmoinesregister.com/state-salaries-for-iowa>

PeekYou

<http://www.peakyou.com/>

Pursuit Magazine

<http://pursuitmag.com/>

Office of State Public Defender – Investigator’s Claim

<https://spd.iowa.gov/other-claimants/investigator-claims>

IAPI Member Profile - Travis Stout

Stout Investigations is owned and operated by Travis Stout, who has fifteen years of experience in military, law enforcement, and private investigations. Travis is a licensed private investigator who is insured and bonded. Travis currently serves as the regional director of Southeast Iowa for the Iowa Association of Private Investigators.

Travis began his career in the Army as an Infantry Paratrooper for the 82 Airborne Division. During his elite military experience, stealth and independent thinking were a valued commodity, just as it is in the PI industry. After the military, Travis continued his investigative work through his career in law enforcement. He served over eight years as a police officer and then later as a deputy sheriff.

Travis wanted to continue to assist individuals by helping them obtain the information they needed when they couldn't do it themselves. He understands the need for clients to know the truth for their peace of mind. He finds that being a private investigator allows him to be a non-emotional and an unbiased observer of the facts while gathering evidence needed legally.

Stout Investigations' areas of specialty include insurance investigations, worker's compensation, surveillance, child custody/abuse, personal injuries, process service, and witness interviews. While work has extended across Iowa, Stout Investigations' immediate coverage area is Central Iowa. Travis' goal is to produce professional and confidential work for his clients, which include attorneys, businesses, and individuals.

To learn more about Stout Investigations please email stoutinvestigations@gmail.com or feel free to call Travis at 515-720-3980.

The IAPI Board decided at its December 2014 meeting to initiate a Membership Campaign to recruit new members. Any current member who refers an eligible private investigator for membership will receive a \$25 credit toward the registration fee of the next annual continuing education conference. The investigator being referred must complete the membership application process and be approved by the Board. The new member will also receive a \$25 credit towards registration at the next conference. The credits have no cash value, cannot be transferred, and may be used only for the next conference registration. Only one member will receive credit for each new member. All members are encouraged to recruit multiple members to save conference registration fees. The new member must be a true new member, not a returning one, even if there was an absence of more than one year. The referring member should let the Membership Committee Chairperson know that he/she made the referral. The applicant should indicate in the Comments section of the application form who referred him/her. In the event of more than one member referring the same investigator, the decision of the Membership Committee Chairperson shall determine who gets the credit.

IAPI would like to welcome these new members

John Babyar

Aaron Private Investigations Group
102 West Orchard Ave Indianola, IA 50125
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www.polytest.net

Bruce Rhoads

Backwater Enterprises, LLC
Tama County, Iowa Deputy
1100 Station St., Chelsea, IA 52215
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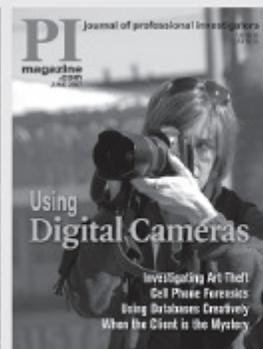
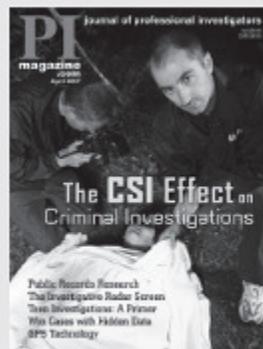
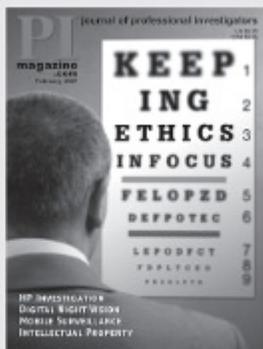
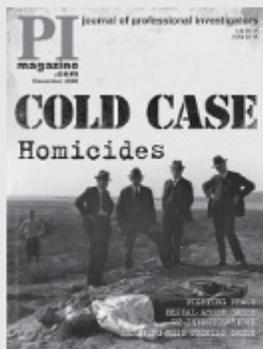
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