TENNESSEE PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION MEETING MINUTES

Date:Friday, July 22, 2016 9:30 A.M. (CDT)

Place:Davy Crockett Tower
Conference Room 1-A
500 James Robertson Parkway
Nashville, TN 37243

Present:Commission Members:
Minnie Ann Lane, Chair
Paul David Brown
Larry T. Flair
Jerry Richards
Dr. Paul Ritch (Teleconference)
Alan G. Rousseau

Absent:
David W. Horton
William Rick Jones

Present:Staff Members:
Cody Vest, Executive Director
Beth Smith Bell, Administrative Assistant
Ashley Thomas, Assistant General Counsel
Regina Oldham, Paralegal
Shauna Balaszi, Administrative Assistant

Others:
Jenny Checuga, Court Reporter
William Keck
Gary Litton
Michael Riggs
Donavon Davis
Steve Jarratt
Richard Tinsley
Eric Erger

On September 16, 2016, the Tennessee Private Investigation and Polygraph Commission adopted the transcript of the meeting as the minutes of the July 22, 2016 Commission meeting. The meeting agenda is also a part of the minutes.

Minnie Ann Lane, Chair

Paul David Brown, Jr.

absent
William Rick Jones

absent
Arthur G. (Jerry) Richards

absent
David W. Horton
Notice of July 22, 2016 meeting of the Tennessee Private Investigation and Polygraph Commission posted to the Commission website on July 15, 2016

Department of Commerce & Insurance

State of Tennessee
Department of Commerce and Insurance
Private Investigation and Polygraph Commission
500 James Robertson Parkway
Davy Crockett Tower
Nashville, Tennessee 37243-1167
Telephone: 615.741.4827 Fax: 615.532.2965
Website: http://www.tn.gov/commerce/section/private-investigation-polygraph

AGENDA

Private Investigation and Polygraph Commission
NOTICE OF COMMISSION MEETING
Davy Crockett Tower – Conference Room 1-A
500 James Robertson Parkway
Nashville, TN 37243

Friday, July 22, 2016

9:00 A.M. CDT Education Committee Meeting
9:30 A.M. CDT Call To Order – Commission Meeting
Minnie Ann Lane, Commission Chair
Roll Call - Cody Vest, Executive Director
Agenda (Review/Adopt)
Minutes 03/18/2016 Commission Meeting (Review/Approve)
Election of Vice Chair
Legal Report – Ashley Thomas, Assistant General Counsel
[Ex A] Complaint Review

Appearances – Appeal Application Denial
[Ex B] Davis, Donavon A. F#8036
[Ex C] Riggs, Michael Edward F#8078

Administrative Matters – Cody Vest, Executive Director
[Ex D] Regulatory Boards Disciplinary Action Reports
[Ex E] Regulatory Boards Monthly Reports
[Ex F] Budget Review
[Ex G] Legislative Update – Public Chapter 1053

Education Report - Beth Smith Bell, Administrative Assistant
[Ex I] Education Review

Unfinished Business
New Business
Continuing Education Participant Forum
Review questions submitted by participants during Commission Meeting
Adjournment

The listed order of items and times on the agenda are subject to change, as the Commission reserves the right to move to the next agenda items due to cancellations or deferrals.

Commission meetings will be conducted by permitting participation of the Commission members by electronic or other means of communication if necessary. Any member participation by electronic means shall be audible to the public at the location specified above. The Department of Commerce and Insurance is committed to principles of equal access. If you need assistance with attending this meeting due to a disability please contact the Department’s ADA Coordinator at 615.741.0481.
PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

COMMISSION MEETING

July 22, 2016

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CHAIRPERSON LANE: Good morning, fellow commission members, staff members, attorneys and guests. The date is Friday, July the 22nd, 2016, at approximately 9:30 a.m. I'm Minnie Ann Lane, your Commission Chairman, and I'll now call to order the meeting of the Tennessee Private Investigation and Polygraph Commission.

I'd like to request the Executive Director Cody Vest call the roll and verify a quorum, please.

MS. VEST: Thank you, Madam Chair.

David Brown?

MR. BROWN: Here.

MS. VEST: Larry Flair.

MR. FLAIR: Here, ma'am.

MS. VEST: David Horton?

Rick Jones?

Minnie Ann Lane?

CHAIRPERSON LANE: Here.

MS. VEST: Jerry Richards?

MR. RICHARDS: Here.

MS. VEST: Dr. Ritch?

DR. RITCH: Present in Chattanooga.

MS. VEST: Allen Rousseau?
1 MR. ROUSSEAU: Here.
2 MS. VEST: Let the record show that David
3 Horton and Rick Jones are not present, but you do
4 have a quorum, Madam Chair, and Dr. Ritch is calling
5 in telephonically.
6 CHAIRPERSON LANE: Thank you, Executive
7 Director Vest.
8 I'll ask that each commission member if
9 you've received and had time to review the copy of
10 the agenda and if there's a motion to adopt the
11 agenda?
12 MR. ROUSSEAU: So moved.
13 MR. FLAIRE: Second.
14 CHAIRPERSON LANE: Motion by Commissioner
15 Rousseau, second by Commissioner Brown. Any
16 discussion? All in favor say "aye."
17 MS. VEST: Since we do have a commission
18 member doing it telephonically, we will have to have
19 a verbal roll-call.
20 CHAIRPERSON LANE: I'll request that you do that, please.
21 MS. VEST: All right, thank you.
22 Dr. Ritch?
23 DR. RITCH: Aye.
24 MS. VEST: Jerry Richards?
25 MR. ROUSSEAU: Aye.

1 MR. RICHARDS: Aye.
2 MS. VEST: Larry Flair?
3 MR. FLAIRE: Aye.
4 MS. VEST: Minnie Lane?
5 CHAIRPERSON LANE: Aye.
6 MS. VEST: Allen Rousseau?
7 MR. ROUSSEAU: Aye.
8 MS. VEST: David Brown?
9 MR. BROWN: Aye.
10 MS. VEST: Ayes have it, Madam Chair.
11 CHAIRPERSON LANE: Thank you. If each of
12 the commission members has reviewed the minutes of
13 the March 18, 2016, commission meeting, then I will
14 ask that there's a motion to approve these minutes as
15 they are presented.
16 MR. ROUSSEAU: So moved.
17 CHAIRPERSON LANE: Motion by Commissioner
18 Rousseau.
19 MR. RICHARDS: Second.
20 CHAIRPERSON LANE: Second by Commissioner
21 Richards.
22 Any discussion? I'll ask for a
23 roll-call.
24 MS. VEST: Dr. Ritch?
25 DR. RITCH: Aye.

1 MS. VEST: Larry Richards?
2 DR. RITCH: Aye.
3 MS. VEST: Larry Flair?
4 MR. FLAIRE: Aye.
5 MS. VEST: Minnie Lane.
6 CHAIRPERSON LANE: Aye.
7 MS. VEST: Allen Rousseau?
8 MR. ROUSSEAU: Aye.
9 MS. VEST: David Brown?
10 MR. BROWN: Aye.
11 MS. VEST: Ayes have it.
12 CHAIRPERSON LANE: Now we go to the legal
13 report under Exhibit A, and I am going to
14 respectfully request that our Assistant General
15 Counsel Ashley Thomas handle this legal report, which
16 will be Exhibits B and C, and then I think we have
17 some -- those are appearances?
18 MS. VEST: Yes. Yes, ma'am.
19 MS. THOMAS: Okay, I'll start with the
20 legal report.
21 The first case is 2016015891 and
22 2016015892. This is a consumer complaint alleging
23 that Respondent failed to provide a written report
24 and/or statement of charges related to the
25 investigation.
Complainant alleges that Respondent was hired as an investigator and paid $2,500 through an escrow on November 19, 2014. Complainant states that Respondent failed to provide updates on the status of the investigation timely or provide a written report when requested. Complainant states that approximately one year after contracting, Respondent provided an audio recording, but still did not provide a written report. Complainant requests the complete file or a return of the money paid.

Respondent states that an investigation was conducted through October 2015 reviewing case notes and documents, conducted investigative research, interviewing witnesses and attempting to obtain additional documentation from the local police department. Respondent states that with the client was maintained via telephone, text messages and e-mail. Respondent states that around August 2015 he suffered two major medical events causing a delay in his work, as he is a small company. Respondent states that he last contacted the Respondent on October 30, 2015, and he cannot find evidence of a written report being provided. Respondent states that this was an erroneous oversight and it has never happened in the more than 20 years he's been in the private investigation business. Respondent provided a copy of the invoice as part of this investigatory file. My recommendation is to authorize a formal and send a consent order with a civil penalty in the amount of $500 for violation of Tennessee Comprehensive Rules and Regulations 1175-04-.06(4) and Tennessee Comprehensive Rules and Regulations 1175-04-.08.

Chairperson LANE: Is there a motion? Mr. Rousseau: Madam Chair, I move that we accept the recommendation of Counsel.
Chairperson LANE: Motion by Commissioner Rousseau to accept recommendation of Counsel.
Dr. Ritch: I second.
Mr. Richards: Second.
Chairperson LANE: Second by Commissioner Richards. Any discussion?

Roll-call, please.
Ms. Vest: Dr. Ritch?
Dr. Ritch: Aye.
Ms. Vest: Jerry Richards?
Mr. Richards: Aye.
Ms. Vest: Larry Flair?

Chairperson LANE: Aye.

MR. FLAIR: Aye.
MS. VEST: Minnie Lane?
Chairperson LANE: Aye.
MS. VEST: Allen Rousseau?
Mr. Rousseau: Aye.
Ms. Vest: David Brown?
Mr. Brown: Aye.
Ms. Vest: Ayes have it, Madam Chair.
Ms. Thomas: Complaint number two is 2016025481. This is an anonymous complaint alleging unlicensed activity by Respondent. The complaint alleges that Respondent is providing investigatory work for a licensed Tennessee attorney without being properly licensed. Respondent states that no investigative work has been done for an attorney or individual at any time. Respondent states that he has served civil process for the attorney named in the complaint, as well as other attorneys in the area. Respondent states that he has previously declined a request for investigative work due to his employment position. Additionally, the attorney named in the complaint denies contracting with the Respondent for investigative work. The attorney states that Respondent has only done service of process for her as an attorney.

My recommendation is to close this complaint as the allegations are not substantiated.
Chairperson LANE: Do we have a motion?
Mr. Flair: I'll make a motion we accept Counsel's recommendation. Larry Flair.
Chairperson LANE: Motion to accept the attorney's recommendation by Commissioner Flair. Is there a second?

Mr. Brown: Second.
Chairperson LANE: Second by Commissioner Brown. Any discussion?
Roll-call, please.
Ms. Vest: Dr. Ritch?
Dr. Ritch: Aye.
Ms. Vest: Jerry Richards?
Mr. Richards: Aye.
Ms. Vest: Larry Flair?
Mr. Flair: Aye.
Ms. Vest: Minnie Lane?
Chairperson LANE: Aye.
Ms. Vest: Allen Rousseau?
Mr. Rousseau: Aye.
Ms. Vest: David Brown?
Mr. Brown: Aye.
unless it had something to do with the
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10 MS. VEST: Would you come up please, sir, 11 and have a seat? You can stand at the podium, if you 12 speak into the microphone.

13 MR. RIGGS: Okay.

14 MS. VEST: You might have to push the 15 speak button. Is it working? There you go.

16 This is Exhibit C. This is Michael

17 Edward Riggs. He's here because we have denied his 18 previous application for private investigator due to 19 a material misstatement. If you'll look at your

20 Exhibit C, he said no to the arrest questions on his 21 application. He has a 1986 bad check and a 1992 DUI. 22 He does have the written explanation, and we do have

23 court documents.

24 CHAIRPERSON LANE: Mr. Riggs, if you'll 25 give us just a second to look at these documents,

1 then I'll come to you and see what you want to tell 2 us.

3 MR. RIGGS: Okay.

4 (Commission viewing documents.)

5 CHAIRPERSON LANE: Mr. Riggs, would you 6 like to talk to us in the form of an explanation? I 7 know you have written something here, but if you 8 would tell the commission members.

9 MR. RIGGS: Well, on the bad check 10 charge, I had -- I was completely unaware of that 11 until I applied for the PI. And, of course, I went 12 and pulled, they ran copies of the summons, and it 13 showed it was dismissed. And the DUI, I had just -- 14 I had forgotten about it. Clearly I would have 15 marked yes if I thought about it.

16 CHAIRPERSON LANE: It shows you were on

17 probation for a (inaudible) 29, so that would have 18 been '94 to '95?

19 MR. RIGGS: I'm not aware of that unless 20 it was -- unless it had something to do with the DUI.

21 CHAIRPERSON LANE: It was the DUI.

22 MR. RIGGS: Okay.

23 CHAIRPERSON LANE: Commission members, do 24 you all have any questions?

25 MS. VEST: Madam Chair, the reason that
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<tr>
<td>1 Mr. Riggs is here, I’ll try to refresh your memory, he was denied due to a material misstatement on his application, which means he has to wait six months to reapply, unless he appeals before the Commission.</td>
<td>1 MR. FLAIR: Would that be six months from today’s date or would that be six months --</td>
<td>1 MS. VEST: Minnie Lane?</td>
<td>1 CHAIRPERSON LANE: Abstain.</td>
</tr>
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<td>2 I know it might not be -- his record</td>
<td>2 today’s date or would that be six months --</td>
<td>2 MS. VEST: Allen Rousseau?</td>
<td>2 MS. VEST: Allen Rousseau?</td>
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<td>3 I might not be extensive, but that is a requirement</td>
<td>3 MS. VEST: Yeah, six months from when we notified him. It’s July the 7th.</td>
<td>3 MR. ROUSSEAU: Aye.</td>
<td>3 MS. VEST: Aye.</td>
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<td>4 that he does appeal, that’s why he is before you today.</td>
<td>4 MS. VEST: Deny the appeal?</td>
<td>4 MR. BROWN: Aye.</td>
<td>4 MR. BROWN: Aye.</td>
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<td>5 CHAIRPERSON LANE: Exactly.</td>
<td>5 MS. VEST: Larry Flair?</td>
<td>5 MS. VEST: The ayes have it, Madam Chair.</td>
<td>5 CHAIRPERSON LANE: Thank-you. Your application is denied. And, of course, as Executive Director Cody pointed out, you can apply again in six months from -- July the 7th, you said?</td>
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<td>6 MR. FLAIR: Mr. Riggs, I remember you coming in here before, and your letter states, &quot;to be honest, I had forgotten about the DUI,&quot; and I am just at a loss to understand how a man can forget that he’s been arrested for a DUI. I don’t care how long ago it was.</td>
<td>6 MS. VEST: I believe it’s July the 7th.</td>
<td>6 CHAIRPERSON LANE: Aye to deny.</td>
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<td>7 MR. RIGGS: Well, that’s true. And if I had thought of it and clearly marked &quot;no,&quot; that would tell me I was asking for trouble. So I mean, yeah, I just forgot about it.</td>
<td>7 MS. VEST: Okay, thank you.</td>
<td>7 MR. RIGGS: Okay, thank you.</td>
<td>7 CHAIRPERSON LANE: Good luck to you.</td>
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<td>8 MR. BROWN: Did you not get anything from the sheriff or the Court stating you completed your probation period, a year later?</td>
<td>8 MS. VEST: I'm going to ask again if the 7th.</td>
<td>8 Moving onto the next one, I am going to ask again if Mr. Davis is here.</td>
<td>8 CHAIRPERSON LANE: He’s probably talking about the case. We don’t have names when they first come before us.</td>
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<td>9 MR. RIGGS: I may have. It’s been so long ago, I don’t remember.</td>
<td>9 CHAIRPERSON LANE: Second.</td>
<td>9 MR. RIGGS: I just remembered, he asked me -- he remembered me being here before, but I have never been here.</td>
<td>9 MR. RIGGS: I thought he meant I appeared before.</td>
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<td>10 CHAIRPERSON LANE: Any comments or questions for Mr. Riggs?</td>
<td>10 Any discussion?</td>
<td>10 CHAIRPERSON LANE: Second by Commissioner Rousseau. Any discussion?</td>
<td>10 MR. RICHARDS: No, I remember this case.</td>
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<td>11 DR. RITCH: Madam Chair, Paul Ritch in Chattanooga. I do find it unbelievable that you wouldn’t remember having received a DUI. Even if it’s been decades, seems like you would remember that. It’s just an observation. It causes me a (inaudible) --</td>
<td>11 Roll-call please.</td>
<td>11 MR. RICHARDS: Aye to deny.</td>
<td>11 MR. RICHARDS: Aye to deny.</td>
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<td>12 DR. RITCH: I just said I have a problem believing a person would not remember having been arrested for a DUI, no matter how long a period of time was.</td>
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before.
2 MS. VEST: Yes, your application is what
3 he's speaking of, not of you personally being here.
4 MR. RIGGS: Okay. I'm sorry. I'm sorry.
5 MS. VEST: That's okay. We will be
6 sending you some correspondence with the explanation
7 as well.
8 MR. RIGGS: Okay.
9 MS. VEST: Thank you.
10 CHAIRPERSON LANE: Did the other
11 appearance appear?
12 MS. VEST: It appears like he is not
13 here. If he does show up --
14 CHAIRPERSON LANE: We can put it in
15 there.
16 MS. VEST: We'll just put him in there,
17 if you'd like.
18 CHAIRPERSON LANE: I show next on the
19 agenda with the administrative matters. I'd like to
20 turn that over to you, Executive Director Vest.
21 MS. VEST: All right. If you would, we
22 are going to start with Exhibit D.
23 DR. RITCH: Yes, ma'am, thank you.
24 DR. RITCH: Yes, ma'am, thank you.
25
26 MS. VEST: It is a disciplinary report.
27 This is something that I show to you every month, but
28 it is in a different format, that's why it's going to
29 look a little different to you.
30 In the month of March, you had one
31 revocation on the activity we had in March. We
32 didn't have any activity in April, May or June. Is
33 everybody following? Okay.
34 So you can just take a look. This has
35 all our programs, of course, on there, but we are
36 only concerned with yours. We did have the one
37 consent order that we signed for the revocation,
38 wasn't any other activity on your program. If
39 there's no questions on that, we'll just move forward
40 to the next one. That would be Exhibit E, which is
41 the monthly reports.
42 DR. RITCH: This is Exhibit E.
43 DR. RITCH: I'm looking at it, thank you,
44 ma'am.
45 MS. VEST: I have March, April, May and
46 June in this packet. I'll go ahead and do March, but
47 all of them are the same. You have commission member
48 vacancy, one commissioner member vacancy, which is a
49 public member, Allen Rousseau, term expired on
50 September the 30th, 2014. Mr. Rousseau is not
51 eligible to be reappointed, but continues to serve
52 until appointment is made by the governor's office.
53 I will also tell you, if you look at your
4 expiration dates, I believe five members are going to
5 expire this September. We do, of course, wish for
6 them to continue serving until the governor appoints
7 a new position -- somebody else in that position,
8 excuse me.
9 If you will turn over to the monthly
10 report for April, it's a little different there. It
11 says two commission member vacancies. Of course, we
12 do have Allen Rousseau's vacancy from September 30,
13 2014, but we also had Commissioner Walt Valentine
14 resign, and his position has not been filled on the
15 Commission. If there's not any more -- excuse me, if
16 there's not any questions about this one, we will
17 just continue on. It's a repeat of what we have done
18 from month to month when we turn this in.
19 In the June monthly report on our monthly
20 research, I have been invited, along with
21 Administrative Assistant Beth Bell, to attend the
22 Tennessee Electric Security -- Electronic Security
23 Association's annual trade show. They'd like for us
24 to have a booth be available to answer any questions
25 to their members, and we do have like a two-hour slot
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1 now this is depending my math is correct -- leaves
2 you a total of $30,917.86. Out of that must come
3 that $10 fee that we paid for license. So you have
4 right now 536 private investigators, you have 258
5 companies, for a total of 794 actual licenses for
6 your program.
7 We are seeing just as many new come in as
8 those that are falling off or not renewing. You are
9 not really gaining anything here. Mostly what I am
10 seeing with your programs is all computer based. We
11 still have the normal divorce cases, whatever you
call it, domestics that you do, whatever, but a lot
12 of your profession now is strictly going to computer
13 based. We are getting more and more questions on
14 that. And the companies that are coming in are also
15 the computer based companies.
16 I am supposed to be getting the June
17 totals any time, but we don't meet again until
18 September the 16th, and at that time I will give you
19 your ending total. I will go ahead and send out to
20 each commission member the totals for June, whenever
21 I get the completed budget. I'll get like three or
22 four different runs on it, so I am going to wait
23 until I get the actual yearend totals. But from what
24 I can see right here with your balance, we are not in

1 any fear of not having any income. One time we did
2 talk about we were so close we were talking about
3 raising fees, I don't see there's a need to raise
4 fees here. If there's any questions, I'll be glad to
5 answer them.
6 Dr. Ritch, did you have any questions?
7 DR. RITCH: I have none, madam.
8 MS. VEST: All right. Thank you. Let's
9 go ahead and do G. Exhibit G.
10 DR. RITCH: Well, I got Exhibit G?
11 DR. RITCH: Yes, ma'am. Legislative
12 update.
13 MS. VEST: Yes.
14 DR. RITCH: Yes, I have that.
15 MS. VEST: Hold on just a moment,
16 Dr. Ritch. I am going to ask the Attorney Thomas to
17 talk about this one.
18 MS. THOMAS: The legislative update,
19 there was a notifier that went out July 1st to notify
20 licensees of the Right to Earn a Living Act. That
21 rule required each state licensing authority to
22 review its laws and rules to make sure in essence
23 that it's not too restrictive.
24 As of now, legal is still looking at it
25 to determine exactly how we are going to handle that.

1 As soon as I have more information, I will be able to
2 give that to the Commission.
3 CHAIRPERSON LANE: Thank you.
4 MS. VEST: This Right to Work Act is for
5 all the programs. So Attorney Thomas and I will be
6 sitting down and going over probably line by line
7 laws and your rules line by line. If we see that we
8 are going to have to request any corrections or
9 adjustments or any laws or rules we have to explain
10 on the Hill, we may ask the Chair to come or either
11 the Commission to appear, if we have to appear on the
12 Hill. Letting you know ahead of time.
13 CHAIRPERSON LANE: Thank you.
14 MS. VEST: All right. Let's go to the
15 next one, and that is going to be Exhibit H. Now
16 this is just for your information.
17 Dr. Ritch, you have Exhibit H?
18 DR. RITCH: I do.
19 MS. VEST: All right. Thank you. Okay,
20 we have copies for the commission members to take
21 home, this is just for your information. The
22 Polygraph Laws and Rules suggested changes that the
23 association may make for the polygraphs.
24 62-27-107(a)(8), make it acceptable to
25 allow federally certified polygraph examiners

25 automatically eligible for Tennessee Polygraph
2 License. All federally certified examiners have, by
3 their certification, exceeded all of the requirements
4 of the rules and laws of Tennessee polygraph to
5 become an examiner.
6 We do not have an opinion on this at all,
7 this is just information.
8 62-27-111(a)(1), make a provision for the
9 Tennessee PI and Polygraph administrative personnel
10 to be given the authority to approve Intern Polygraph
11 Permit based on the applicant meeting all the
12 requirements of the laws and the rules. No need to
13 wait for the Commission to meet, this can make the
14 intern stagnant if there is no meeting scheduled.
15 That's just giving our staff the
16 authority to go ahead and approve the interns.
17 62-27-123(d)(G), polygraph examinations
18 for preemployment. Do we want to -- do we not want
19 to know if a person being considered for employment
20 with any city, county or state police agency has been
21 involved in a crime that is over five years old? It
22 was suggested we eliminate this section totally. We
23 may need to add a section related to pre-employment
24 testing to eliminate the confusion. Providing the
25 examinee with a copy of the questions should be

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eliminated. With digital polygraph equipment this is unnecessary printing.
2 62-27-125(1), providing a copy to the
3 examinee seems another waste of printing. We have
4 the ability for them to sign digitally and eliminate
5 the use of paper.
6 Like I said, we do have -- and there's
7 others, I just read that one page for you there.
8 There are others. That's why we said we have given
9 it to you.
10 And Dr. Ritch, we'll make sure you get a
11 full copy, unless you already have a copy.
12 DR. RITCH: Well, please, ma'am, e-mail
13 it to me because I committed to Beth that after this
14 meeting I'll destroy all these things in my
15 possession.
16 MS. VEST: Yes, sir, we'll make sure you
17 get a copy.
18 DR. RITCH: I appreciate that because I
19 intend to destroy all these as soon as the meeting is
20 completed.
21 MS. VEST: That will be fine, thank you.
22 Madam Chair,
23 before -- I think our next exhibit -- next appearance
24 is here, but I'd like to call for a five-minute
25 break.

1 break.
2 CHAIRPERSON LANE: That will be fine.
3 Five-minute break.
4 (Short break.)
5 CHAIRPERSON LANE: I'll call the meeting
6 back to order, and since we have the other
7 appearance, we'll go ahead and handle that, if that's
8 all right.
9 MS. VEST: Yes, ma'am. But let me
10 interject just a moment, I'm sorry, I forgot,
11 especially Dr. Ritch, to explain that we do have a
12 court reporter and we will be having a court reporter
13 for all our meetings and she will be doing our
14 minutes as well for us. I will be bringing them back
15 in September for you to vote for them to be the
16 official minutes so we will not have to do a separate
17 set of minutes.
18 You will notice the camera in the back of
19 the room because we are streaming live. This is
20 something new that has started. We have been trying
21 to do this for a long time so the general public will
22 be able to enjoy our commission meetings as much as
23 we do on a live basis. You will be getting
24 correspondence along with the public as to how you
25 can view those through the -- I don't know whether

1 it's on Facebook or they are going to have a link
2 right on our page that you can just pull a lot
3 quicker, click on it and be watching the commission
4 meeting. Of course, I wish to thank all of you for
5 speaking into the microphones, trying to speak slowly
6 so that -- for myself, as well for the court
7 reporter.
8 And I was remiss by not explaining to you
9 who is sitting to my left. I forgot. I'm sorry,
10 Shauna has been with us a while now. You probably
11 had Phyllis last time, but Shauna will be assisting
12 Beth from now on for both the PI and the Alarm
13 meetings.
14 And Shauna, I'll let you introduce
15 yourself.
16 MS. BALASZI: I'm Shauna Balaszi, and I
17 have been working with PPS for almost about four
18 months now.
19 CHAIRPERSON LANE: Welcome.
20 MS. VEST: We feel like Beth needs to
21 have some assistance, some help. She's done a great
22 job in everything that she does and will continue to
23 do. This is not a replacement, this is just
24 assistance to help make sure everything runs as
25 smooth as it always has.

We can move on now, thank you for that.
2 We can move onto our appearance.
3 MR. RICHARDS: May I ask her one question
4 first?
5 MS. VEST: Yes.
6 MR. RICHARDS: With regard to the
7 proposed polygraph changes, what happens to this now?
8 MS. VEST: That's up to the association.
9 All I did was bring it to the Commission -- since we
10 are a polygraph and you are the polygraph individual,
11 I am just bringing it to you to let you know this is
12 what the association is talking about doing as far as
13 legislation is concerned.
14 MR. RICHARDS: So they bring it before
15 the Board?
16 MS. VEST: No, they are not bringing it
17 before the Board. This is their proposed legislation
18 for the Hill, the rule changes. And once it does
19 that, that will come back. If it does get passed, it
20 does come back to us and, of course, it will come
21 back to you, we will have a rulemaking hearing if
22 need be. But this is just information.
23 MR. RICHARDS: Okay.
24 MS. VEST: If you have any questions, you
25 should contact the association.
All right, do we have Mr. Davis?

MR. DAVIS: Yes.

MS. VEST: Would you please come up, sir?

If you haven't signed in, would you sign in?

If you go back into your package, you will see that this is going to be Exhibit B.

Dr. Ritch, do you have Exhibit B?

DR. RITCH: I do.

MS. VEST: Mr. Davis is here because -- to appeal his denial. He, of course, just like the other gentleman, must wait six months, unless he asks to appear before the Commission. He said "no" on his application to arrest questions and in 2001 was driving on revoked license, manufacturing, sale, possession of a dangerous weapon in 2009.

You do have his written explanation, and of course he is here today to answer any questions that you might have.

CHAIRPERSON LANE: Give us just a minute to review this and then I will come to you.

MR. DAVIS: Certainly.

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CHAIRPERSON LANE: As I understand it, you have provided us a letter here from a hearing officer saying that there was no criminal complaint filed on the incident at the airport?

MR. DAVIS: Yes, ma'am.

CHAIRPERSON LANE: All right. You want to explain to the commissioners anything you have to say about this?

MR. DAVIS: I believe what you reviewed was my appeal letter, correct?

CHAIRPERSON LANE: Yes, we have that and we have reviewed it. That's what took us so long.

MR. DAVIS: Yeah. I mean I was pretty poigniant in the appeal letter. I mean that pretty much explains the circumstances. I'll be happy to answer any questions.

CHAIRPERSON LANE: The driving under the revoked in Nashville, is what you are referring to?

MR. DAVIS: For either one. There were two points that came up. One was the arrest in California in 2009, and the other one was for the driving on suspended, 2001, I believe.

CHAIRPERSON LANE: Okay. Any of the Commission members have questions?

MR. BROWN: Why was your license revoked?

MR. DAVIS: Sorry?

MR. BROWN: What was the reason your license was revoked?

MR. DAVIS: I believe at the time it was a Kentucky license. I was living in Nashville. It was administrative, I believe. I don't remember the details. It wasn't -- you know -- honestly, it was 15 years ago, I really do not recall what the reasons were, but I mean it wasn't for anything as far as like a DUI or something like that. I believe it was insurance related. I didn't have insurance or something. That's a guess. I know at that time that was something I was dealing with as well, but --

MR. FLAIR: Why didn't you mark "yes" on your application and then provide an explanation?

MR. DAVIS: I'm sorry, say it again?

MR. FLAIR: Why did you not mark "yes" on the application and then provide an explanation?

MR. DAVIS: As it was explained to me by my attorney in California, it was explained to me that the arrest was expunged. Because that was a specific -- I went through quite a bit, as far as retaining counsel for this. It was relatively minor, but it was something that I didn't want to come up in future background checks, what have you. So I wanted to make sure that I did everything I could to satisfy that. He told me that it was something that was expunged, would be expunged from my record...
it was 11 the citation
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84x693 DAVID: Yes, ma'am.
84x705 DR. RITCH: Yes, ma'am. I did not believe that that constituted criminal. I thought that was like a speeding ticket. It wasn't -- it was not my intent to mislead, certainly. DR. RITCH: Madam Chair, may I ask a question? Dr. Ritch here.
84x717 CHAIRPERSON LANE: Go ahead, Dr. Ritch.
84x550 DR. RITCH: Applicant, when you were caught in Nashville driving on a suspended license,
did I understand you were at that time licensed in Kentucky.
84x527 MR. DAVIS: I believe so.
84x515 DR. RITCH: Okay. In what state were you a resident at that time.
84x562 MR. DAVIS: At that time -- around that time I had just moved to Nashville.
84x598 DR. RITCH: Were you not aware that you are supposed to transfer your driver's license from one state to another pretty rapidly.
84x610 MR. DAVIS: Yes, sir. I moved to Lexington prior to that and had just relocated to Nashville right in that time period. I don't know if it was in a 30-day span, whatever. I do know that I had a Tennessee driver's license around that time period. I just don't know if it was at the time of this incident or not.
84x622 DR. RITCH: One more quick question.
84x622 When this happened at LAX, what state were you legal resident at that time.
84x634 MR. DAVIS: 2009? Louisville.
84x646 DR. RITCH: You were a resident of Louisville, Kentucky when this happened at LAX.
84x658 MR. DAVIS: Yes, sir. I was working an extended contract in California at the time as a ten-month contract. I was back and forth frequently.

DR. RITCH: Okay. That's all, Madam Chair.
3 Chair.
4 CHAIRPERSON LANE: Thank you.
5 MR. FLAIR: One quick question, Madam Chairman.
6 CHAIRPERSON LANE: Mr. Flair?
7 MR. FLAIR: I'm Larry Flair. Sir, in Tennessee on the DL violation, did they cuff you and put you in the car and carry you down? Did they require you to come down in the booking and require the citation fulfillment, as they call it, a citation, or did they hand you paperwork there and let you go about your business? Do you remember, sir?
8 MR. DAVIS: I do believe I had to go through --
9 MR. FLAIR: To the commissioner?
10 MR. DAVIS: I'm sorry?
11 MR. FLAIR: The night commissioner, they call it, or the day commissioner, in front of him or her, and they said if you were on a revoked license and then you had to post some sort of a little bond and then come back? Is that the procedure that you recall?
12 MR. DAVIS: I do not recall. But I do believe -- there was a -- I don't remember what happened as far as -- I did go through a booking process, I believe, as you referred to it, but I don't remember specifically, you know --I'm sorry, I'm not clear. It was quite a while ago.
13 MR. FLAIR: Thank you.
14 CHAIRPERSON LANE: Any other questions?
15 Do we have a motion?
16 MR. RICHARDS: I make a motion this application be denied.
17 MR. FLAIR: I'll second that, Madam Chairman.
18 CHAIRPERSON LANE: Motion by Commissioner Richards to deny this application or appeal of the previous denial. Second by Commissioner Flair. Any further discussion?
19 Roll-call, please.
20 MR. DAVIS: May I ask for what reason?
21 CHAIRPERSON LANE: Yes, sir.
22 MS. VEST: He wants to know why he's being denied.
23 CHAIRPERSON LANE: It was upheld. It was denied previously and he made the motion to uphold the previous denial.
24 MR. DAVIS: I'm sorry --
1 CHAIRPERSON LANE: Am I correct?
2 MR. DAVIS: -- I am just trying to get
3 some clarity. For what reason?
4 CHAIRPERSON LANE: Misstatements.
5 MS. VEST: We need to finish our vote, I
6 believe, first. We have a motion on the floor.
7 Dr. Ritch?
8 DR. RITCH: Aye to deny.
9 MS. VEST: Jerry Richards?
10 MR. RICHARDS: Aye to deny.
11 MS. VEST: Larry Flair?
12 MR. FLAIR: Aye to deny.
13 MS. VEST: Minnie Lane?
14 CHAIRPERSON LANE: Abstain.
15 MS. VEST: Allen Rousseau?
16 MS. ROUSSEAU: Aye.
17 MS. VEST: David Brown?
18 MR. BROWN: Aye.
19 MS. VEST: Ayes have it, Madam Chair.
20 The gentleman is asking the Commission to
21 why he is being denied. If I am not mistaken, he's
22 being denied because he made a material misstatement
23 on his application.
24 CHAIRPERSON LANE: That's exactly why.
25 That was sent in the letter to you why it was denied,

1 you are appealing it now, and the Commission is
2 upholding the previous --
3 MR. DAVIS: So my explanation does not
4 meet criteria for the appeal?
5 CHAIRPERSON LANE: We are not here to
6 determine guilt or not as far as the incident, we are
7 here to determine if you made a misstatement on the
8 application. That was why you were denied to begin
9 with. Had you answered yes and put an explanation,
10 as Commissioner Richards said, you wouldn't be here
11 today.
12 MS. VEST: I believe Dr. Ritch wants to
13 make a statement.
14 DR. RITCH: Madam Chair, does the
15 applicant understand he can reapply in six months.
16 MR. DAVIS: Yes, I do.
17 DR. RITCH: And I -- you know, I'd get
18 all my documentations straightened if you reapply or
19 you'll be facing the same consequence. It's pretty
20 simple to me.
21 MR. DAVIS: I understand.
22 DR. RITCH: It's not a criticism, I mean
23 I would suggest when you reapply, you give complete
24 documentation, or you'll only have another hearing.
25 MR. DAVIS: Certainly, and I do understand

1 that. I was actually just hoping that I had
2 satisfied that at this point without having to go
3 through the whole process again.
4 Again, this was a misstatement, not
5 something to mislead or construe. I believe I have
6 satisfied the requirements of the original
7 application with the documentation that I have
8 provided now. Why do I need to go through this
9 process again, if that's the case? That's what I
10 don't understand, I'm sorry.
11 CHAIRPERSON LANE: Well, the Commission
12 here has upheld the previous ruling and that's the
13 reason you have to go back through it.
14 MS. VEST: Yes, sir, you'll be getting
15 correspondence from us, but you will need to wait six
16 months to reapply.
17 MR. DAVIS: Good enough, thank you.
18 MS. VEST: Let me go back to our other
19 appearance, if I may for just a moment, Madam Chair.
20 I believe that would be Mr. Davis. I want to make it
21 clear, you have not seen -- you did not see the
22 application, there's not been -- I'm sorry, excuse
23 me, Michael Riggs. We went out of order.
24 You had not seen his application, nor
25 have you seen the gentleman before. The office

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Dr. Ritch: Let the record show, madam Chairman, I read all the materials associated with these applications.

Ms. Bell: Did you have any questions, Dr. Ritch, about any of the courses that were submitted?

Dr. Ritch: I did not.

Ms. Bell: So the courses that were submitted and the recommendation this morning was to approve these courses. I am going to read them into the record.

Randall K. Henshaw has submitted an eight-hour course he took in Alabama to meet his education that is submitted. The committee members that were present this morning are Allen Rousseau and Dr. Ritch. Recommendation was to approve acceptance of that.

Frank Lax has submitted a 16-hour certificate of instruction that he received from the Tennessee Constable Association. Recommendation was to approve that.

Dr. Ritch: Aye.

Ms. Vest: Jerry Richards?

Mr. Richards: Aye.

Ms. Vest: Larry Flair?

Mr. Flair: Aye.

Ms. Vest: Minnie Lane?

Ms. Nissen: Aye.

Ms. Vest: Allen Rousseau?

Mr. Rousseau: Aye.

Ms. Vest: David Brown?

Mr. Brown: Aye.

Ms. Vest: Ayes have it, Madam Chair.

Chairperson Lane: Thank you.

Ms. Bell: These's one other education item. Previous member Walt Valentine was a member of the committee, and when he resigned from the Commission, has left us with only a four member committee. Chairman Lane asked for volunteers this morning, and David Brown volunteered to join the education committee. We just wanted to note that on the record.

Chairperson Lane: You accept, I believe.

Mr. Brown: Yes, ma'am, thank you.

Chairperson Lane: Thank you.

Ms. Vest: Thank you for your service as
well. We appreciate you for agreeing to be on that committee, as we do all of the committee members.

CHAIRPERSON LANE: We appreciate that. Next we have unfinished business, and I'll ask if there's anybody that has any unfinished business? Okay. If not, we have new business. Is there any new business?

MS. VEST: Yes. I would like to tell the Commission that the Nevada Private Investigators Licensing Board will host a 2016 conference of the International Association of Security and Investigative Regulators October the 28th through 30th in Las Vegas.

There is a board meeting on October the 28th which occurs, but we, myself and the attorney, are not on any committees at this time. We have submitted myself along with Attorney Thomas to attend the conference. This conference covers all of our security, the Alarm Board, the Lock Smith Board -- program, excuse me, of course your program and Private Protective Services. And the State of Tennessee is one of the founding states for this association.

Any member is eligible to go. I gave this out to you, there are certain restrictions to it, regulations that you have to adhere to. So if any of you are interested, just get with me or Beth and we'll be glad to submit your names or tell you how to go about signing up for the conference. But I believe that's all I have, Madame Chair.

CHAIRPERSON LANE: Okay. Is there anyone signed up on a continuing education forum?

MS. BELL: I haven't seen any.

CHAIRPERSON LANE: Okay, that's a no.

There being no further business, I'll ask for a motion to adjourn the July 22nd meeting of the Tennessee Private Investigation & Polygraph. DR. RITCH: Madam Chair, may I speak please?

MS. VEST: Dr. Ritch has asked to speak.

CHAIRPERSON LANE: Go ahead, Commissioner Ritch.

DR. RITCH: I want to express my deep appreciation to Beth and the commissioners for allowing me to participate in this forum by telephone and it's been a joy to participate in this manner and I want to thank you.

CHAIRPERSON LANE: We thank you. Okay.

Do I have a motion?

MR. FLAIR: Madam Chairman, Larry Flair makes a motion to terminate the meeting.

MR. BROWN: Second.

CHAIRPERSON LANE: Motion by Commissioner Flair, second by Commissioner Rousseau (sic). Any discussion?

Roll-call.

MS. VEST: Dr. Ritch?

DR. RITCH: Aye.

9

MS. VEST: Jerry Richards?

10

MR. RICHARDS: No. I mean aye.

11

MS. VEST: Larry Flair?

12

MR. FLAIR: Aye.

13

MS. VEST: Minnie Lane?

14

CHAIRPERSON LANE: Aye.

15

MS. VEST: Allen Rousseau?

16

MR. ROUSSEAU: Aye.

17

MS. VEST: David Brown?

18

MR. BROWN: Aye.

19

MS. VEST: Ayes have it.

20

CHAIRPERSON LANE: The meeting of the Tennessee Private Investigation & Polygraph Commission held on July 22, 2016, is adjourned at approximately 11:50.

WHEREUPON, the meeting was adjourned at 11:50 a.m.)

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