

Tennessee Private Investigation and Polygraph Commission Meeting

MINUTES of the Teleconference Tennessee Private Investigation and Polygraph Commission Meeting, held **July 21, 2017**, in Nashville Tennessee.



Paul David Brown Jr, Vice Chair



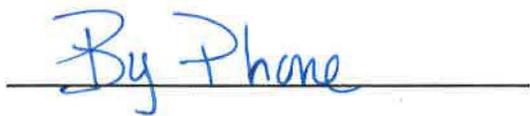
Larry T Flair, Sr.



Dr. Paul Ritch



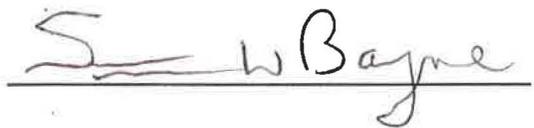
William Rick Jones



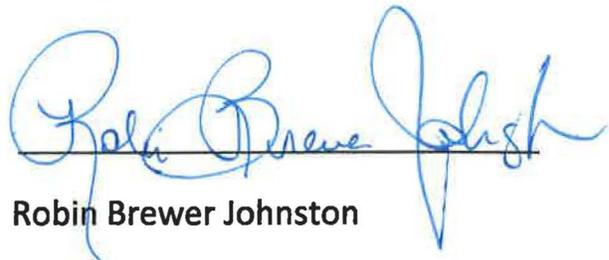
Alan G Rousseau



Arthur G (Jerry) Richards



Stuart Bayne



Robin Brewer Johnston

1 TENNESSEE PRIVATE INVESTIGATION & POLYGRAPH COMMISSION

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TRANSCRIPT OF THE PROCEEDINGS

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Commission Meeting (via teleconference)

12

July 21, 2017

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Ad Litem Reporting

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117 Arrowhead Drive

Hendersonville, Tennessee 37075

(615) 415-5556

24

dl_stacy@bellsouth.net

25

Reported by: Tracy Wilkes, LCR

1 COMMISSION MEMBERS(via telephone):

- 2 Minnie Ann Lane, Chair
- 3 Larry T. Flair, Member
- 4 Jerry Richards, Member
- 5 Dr. Paul Ritch, Member
- 6 William Rick Jones, Member
- 7 Paul David Brown, Member
- 8 Alan G. Rousseau, Member
- 9 Walt Valentine, Member

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7 STAFF MEMBERS:

- 8 Cody Vest, Executive Director
- 9 Ashley Thomas, Assistant General Counsel
- 10 Shauna Balaszi, Administrative Assistant

1 CHAIR LANE: Good morning, fellow
2 commission members, staff members, attorney, and court
3 reporter. I don't know if you have any guests there or
4 not, but good morning to them.

5 Before we begin our meeting I would just
6 like to request that we take a moment of silence in
7 honor of Commission Member Paul Ritch, as his wife Joyce
8 has passed. And I hope all commission members remember
9 Dr. Ritch as he travels through this journey.

10 I believe he tried to keep each
11 commission member updated of her condition recently.

12 And if you would, let's have a moment of
13 silence.

14 (Pause)

15 CHAIR LANE: We're with you, Dr. Ritch.

16 DR. RITCH: I appreciate that.

17 CHAIR LANE: I'd like to thank each
18 commissioner for assisting in this teleconference today.

19 The date is Friday, July 21st, 2017, at
20 approximately 9:30 a.m.

21 I'm Minnie Ann Lane, Commission
22 Chairman. I'll now call to order the Private
23 Investigation & Polygraph Commission.

24 Since we do -- as Executive Director
25 Vest stated -- have the members attending by

1 teleconference, it will be necessary to have a roll call
2 after each vote. And I'll call upon Executive Director
3 Cody Vest to handle the roll call each time.

4 I'll now request that our Executive
5 Director, Cody Vest, call the roll and verify quorum,
6 please.

7 MS. VEST: Madam Chair, I'm going to
8 turn this over to our staff attorney first --

9 CHAIR LANE: Okay.

10 MS. VEST: -- for just a moment.

11 MS. THOMAS: Good morning, commission
12 members.

13 This is the regularly scheduled meeting
14 of the Tennessee Private Investigation & Polygraph
15 Commission, which is taking place in Conference Room 1-A
16 of the Davy Crockett Tower in Nashville, Tennessee.

17 Notice of this meeting was posted to the
18 Commission Web site on July 3, 2017.

19 If there's not a physical quorum
20 present, a statement of necessity will be read into the
21 record and filed with the Tennessee Secretary of State
22 as required by statute.

23 Pursuant to Tennessee Code
24 Annotated 8-44-108(b)(2), which states if a physical
25 quorum is not present at the location of a meeting of a

1 governing body, then in order for a quorum of members to
2 participate by electronic or other means of
3 communication, the governing body must make a
4 determination that a necessity exists. That
5 determination must include a recitation of the facts and
6 circumstances on which it is based.

7 Further, Tennessee Code
8 Annotated 8-44-108(a)(3) defines "necessity" as matters
9 to be considered by the governing body at that meeting
10 require timely action by the body, that physical
11 presence by a quorum of the members is not practical
12 within the period of time requiring action, and that
13 participation by a quorum of the members by electronic
14 or other means of communication is necessary.

15 Again, this is the regularly
16 scheduled meeting of the Tennessee Private
17 Investigation & Polygraph Commission. The purpose of
18 this meeting with members attending by teleconference is
19 to discuss the agenda as posted to the Commission
20 Web site.

21 At this time I'll turn it back over to
22 Director Vest.

23 MS. VEST: Thank you.

24 I'm going to do the roll call now.

25 David Brown?

1 COMMISSIONER BROWN: Present.
2 MS. VEST: Larry Flair?
3 COMMISSIONER FLAIR: Yes, ma'am. Here.
4 MS. VEST: David Horton?
5 (No response indicated.)
6 MS. VEST: Rick Jones?
7 COMMISSIONER JONES: Here.
8 MS. VEST: Minnie Lane?
9 CHAIR LANE: Here.
10 MS. VEST: Jerry Richards?
11 COMMISSIONER RICHARDS: Here.
12 MS. VEST: Dr. Ritch?
13 DR. RITCH: Here.
14 MS. VEST: Alan Rousseau?
15 COMMISSIONER ROUSSEAU: Here.
16 MS. VEST: Walt Valentine?
17 COMMISSIONER VALENTINE: Here.
18 MS. VEST: Let the record show that
19 David Horton is not here -- is not present.
20 But you do have a quorum, Madam Chair.
21 CHAIR LANE: Thank you.
22 I'll ask if each commission member
23 received and has had time to review a copy of the
24 agenda, and if there's a motion to adopt the agenda.
25 COMMISSIONER ROUSSEAU: This is

1 Alan Rousseau. I move to adopt the agenda.
2 COMMISSIONER VALENTINE: I'll second it.
3 CHAIR LANE: Who was the second?
4 COMMISSIONER VALENTINE: Walt Valentine.
5 MS. VEST: Walt Valentine made the
6 second?
7 COMMISSIONER VALENTINE: Yes.
8 MS. VEST: Thank you.
9 CHAIR LANE: Okay. Any discussion?
10 (Pause)
11 CHAIR LANE: All in favor?
12 COMMISSION MEMBERS: Aye.
13 CHAIR LANE: All opposed?
14 (No opposition indicated.)
15 CHAIR LANE: Motion carries.
16 But will you do a roll call?
17 MS. VEST: David Brown?
18 COMMISSIONER BROWN: Aye.
19 MS. VEST: Larry Flair?
20 COMMISSIONER FLAIR: Aye.
21 MS. VEST: Rick Jones?
22 COMMISSIONER JONES: Aye.
23 MS. VEST: Minnie Lane?
24 CHAIR LANE: Aye.
25 MS. VEST: Jerry Richards?

1 COMMISSIONER RICHARDS: Aye.

2 MS. VEST: Dr. Ritch?

3 DR. RITCH: Aye.

4 MS. VEST: Alan Rousseau?

5 COMMISSIONER ROUSSEAU: Aye.

6 MS. VEST: Walt Valentine?

7 COMMISSIONER VALENTINE: Aye.

8 MS. VEST: "Ayes" have it.

9 CHAIR LANE: Next, we have the minutes
10 of the May 26th commission meeting, along with the
11 education minutes. And I believe Executive Director
12 Vest stated that there will be some changes on that.

13 Would you like to address that?

14 MS. VEST: Yes. Thank you.

15 One correction that we need to make is
16 the minutes that you received, that had 12 pages, says
17 "Commission Meeting" on the top of it. But it should be
18 the "Education Meeting."

19 So we are changing the word from
20 "Commission" to "Education."

21 CHAIR LANE: Okay.

22 MS. VEST: And then with the regular
23 minutes, on Page 2, Rick Jones was left off as a
24 commission member in attendance. So we want to add Rick
25 Jones back to the minutes.

1 COMMISSIONER JONES: Thank you.

2 MS. VEST: Those were the only two
3 corrections I had, Madam Chair.

4 CHAIR LANE: Okay. Thank you.

5 Do I have a motion to approve these
6 minutes of the commission meeting and the education
7 minutes?

8 COMMISSIONER ROUSSEAU: Alan Rousseau.
9 I'll move we accept the minutes with the said
10 corrections.

11 CHAIR LANE: Thank you.

12 Is there a second?

13 COMMISSIONER BROWN: Commissioner Brown.
14 Second.

15 CHAIR LANE: Thank you very much.

16 Discussion?

17 (Pause)

18 CHAIR LANE: All in favor?

19 COMMISSION MEMBERS: Aye.

20 CHAIR LANE: Opposed please say "no."

21 (No opposition indicated.)

22 CHAIR LANE: Sounds like motion carried.
23 Will you do a roll call, please,
24 Executive Director Vest?

25 MS. VEST: David Brown?

1 COMMISSIONER BROWN: Aye.

2 MS. VEST: Larry Flair?

3 COMMISSIONER FLAIR: Aye.

4 MS. VEST: Rick Jones?

5 COMMISSIONER JONES: Aye.

6 MS. VEST: Minnie Lane?

7 CHAIR LANE: Aye.

8 MS. VEST: Jerry Richards?

9 COMMISSIONER RICHARDS: Aye.

10 MS. VEST: Dr. Ritch?

11 DR. RITCH: Aye.

12 MS. VEST: Alan Rousseau?

13 COMMISSIONER ROUSSEAU: Aye.

14 MS. VEST: Walt Valentine?

15 COMMISSIONER VALENTINE: Aye.

16 MS. VEST: "Ayes" have it.

17 CHAIR LANE: Thank you.

18 At this point in the meeting we have on
19 the agenda the legal report.

20 As I understand, we had on the agenda
21 Lindsey Shepard, Assistant General Counsel, to handle
22 this. But since she's ill I understand Assistant
23 General Counsel Ashley Thomas will handle that.

24 Would you please do so, Assistant
25 General Counsel Thomas?

1 MS. THOMAS: Yes, ma'am.

2 The one case on the legal report is Case
3 number 2017016961. Complainant alleges that Respondent
4 called him and made inquiries into the characteristic
5 traits and habits of a person known to Complainant.
6 Respondent is unlicensed.

7 Upon investigation it was discovered
8 that Respondent is a landlord. One of the Respondent's
9 tenants listed Complainant as a reference. Respondent
10 was conducting a personal reference check. Respondent's
11 action does not fit within the definition of a private
12 investigator because he is not engaged in the business
13 of or accepting employment to obtain an individual's
14 characteristics and conduct.

15 The recommendation is to close.

16 CHAIR LANE: Okay. Do we a motion?

17 DR. RITCH: I move we accept counsel's
18 recommendation. Ritch.

19 CHAIR LANE: Dr. Ritch.

20 Okay. Is there a second?

21 COMMISSIONER JONES: Rick Jones will
22 second.

23 CHAIR LANE: Any discussion?

24 (Pause)

25 CHAIR LANE: All in favor please say

1 "aye."
2 COMMISSION MEMBERS: Aye.
3 CHAIR LANE: Opposed please say "no."
4 (No opposition indicated.)
5 CHAIR LANE: Sounds like the "ayes" have
6 it.
7 Would you do a roll call?
8 MS. VEST: David Brown?
9 COMMISSIONER BROWN: Aye.
10 MS. VEST: Larry Flair?
11 COMMISSIONER FLAIR: Aye.
12 MS. VEST: Rick Jones?
13 COMMISSIONER JONES: Aye.
14 MS. VEST: Minnie Lane?
15 CHAIR LANE: Aye.
16 MS. VEST: Jerry Richards?
17 COMMISSIONER RICHARDS: Aye.
18 MS. VEST: Dr. Ritch?
19 DR. RITCH: Aye.
20 MS. VEST: Alan Rousseau?
21 COMMISSIONER ROUSSEAU: Aye.
22 MS. VEST: Walt Valentine?
23 COMMISSIONER VALENTINE: Aye.
24 MS. VEST: "Ayes" have it.
25 CHAIR LANE: Thank you.

1 Well, there being no further business I
2 can now call for a motion to adjourn.

3 MS. VEST: No. I have some new
4 business.

5 CHAIR LANE: Okay. Go ahead.

6 MS. VEST: One thing is our next
7 commission -- pardon me. Our commission meeting on
8 November the 3rd, it's on a Friday. I have been
9 informed that we are going to have a formal hearing on
10 November 2nd that involves this commission. I feel like
11 the Commission needs to hear this complaint, so I'm
12 asking that we move November the 3rd's meeting to
13 November the 2nd. Because we already have the judge.

14 So I'm asking the Board to approve that.

15 CHAIR LANE: Is there a motion?

16 COMMISSIONER FLAIR: Larry Flair.

17 I'll make a motion that we accept that
18 recommendation and move the meeting -- regular meeting
19 of November 3rd to November 2nd.

20 And I'm assuming at 0930 hours,
21 Ms. Cody?

22 MS. VEST: Yes. We will start that at
23 9:30.

24 COMMISSIONER JONES: And Rick Jones will
25 second that.

1 CHAIR LANE: Thank you.
2 All in favor?
3 DR. RITCH: Paul Ritch has a question.
4 MS. VEST: Yes, sir.
5 DR. RITCH: Will that be a two-day
6 meeting, Thursday and Friday, or Thursday only?
7 MS. VEST: It'll be Thursday only.
8 DR. RITCH: Thank you, Madam Chair -- I
9 mean, Director.
10 CHAIR LANE: Any further discussion?
11 (Pause)
12 CHAIR LANE: All in favor please
13 indicate by saying "aye."
14 COMMISSION MEMBERS: Aye.
15 CHAIR LANE: Opposed please indicate by
16 saying "no."
17 (No opposition indicated.)
18 CHAIR LANE: Sounds like the motion
19 carried.
20 Will you do a roll call?
21 MS. VEST: David Brown?
22 COMMISSIONER BROWN: Aye.
23 MS. VEST: Larry Flair?
24 COMMISSIONER FLAIR: Aye.
25 MS. VEST: Rick Jones?

1 COMMISSIONER JONES: Aye.

2 MS. VEST: Minnie Lane?

3 CHAIR LANE: Aye.

4 MS. VEST: Jerry Richards?

5 COMMISSIONER RICHARDS: Aye.

6 MS. VEST: Dr. Ritch?

7 DR. RITCH: Aye.

8 MS. VEST: Alan Rousseau?

9 COMMISSIONER ROUSSEAU: Aye.

10 MS. VEST: Walt Valentine?

11 COMMISSIONER VALENTINE: Aye.

12 MS. VEST: "Ayes" have it, Madam Chair.

13 CHAIR LANE: Thank you.

14 Do we have any old business? Or any

15 other business?

16 MS. VEST: No, ma'am.

17 CHAIR LANE: Okay. There being no

18 further business, I'll call for a motion for adjournment

19 of the July 21, 2017, meeting of the Tennessee Private

20 Investigation & Polygraph Commission.

21 COMMISSIONER FLAIR: Larry Flair makes

22 that motion.

23 COMMISSIONER JONES: Rick Jones will

24 second.

25 CHAIR LANE: Motion by Larry Flair;

1 second by Rick Jones.

2 Any discussion?

3 (Pause)

4 CHAIR LANE: All in favor?

5 COMMISSION MEMBERS: Aye.

6 CHAIR LANE: Opposed?

7 (No opposition indicated.)

8 CHAIR LANE: Would you do a roll call,
9 Executive Director, please?

10 MS. VEST: David Brown?

11 COMMISSIONER BROWN: Aye.

12 MS. VEST: Larry Flair?

13 COMMISSIONER FLAIR: Aye.

14 MS. VEST: Rick Jones?

15 COMMISSIONER JONES: Aye.

16 MS. VEST: Minnie Lane?

17 CHAIR LANE: Aye.

18 MS. VEST: Jerry Richards?

19 COMMISSIONER RICHARDS: Aye.

20 MS. VEST: Dr. Ritch?

21 DR. RITCH: Aye.

22 MS. VEST: Alan Rousseau?

23 COMMISSIONER ROUSSEAU: Aye.

24 MS. VEST: Walt Valentine?

25 COMMISSIONER VALENTINE: Aye.

1 MS. VEST: "Ayes" have it, Madam Chair.

2 CHAIR LANE: Thank you.

3 I don't have a gavel, but the meeting is
4 adjourned.

5 MS. VEST: Thank you.

6 (End of the proceedings.)

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

I, Tracy Wilkes, court reporter and
notary public in and for the state of Tennessee,

DO HEREBY CERTIFY that the foregoing
transcript of the proceedings were taken on the date and
place set forth in the caption thereof; that the
proceedings were stenographically reported by me in
machine shorthand; and the foregoing proceedings
constitute a true and correct transcript of said
proceedings to the best of my ability.

I FURTHER CERTIFY that I am not related to
any of the parties named herein, nor their counsel, and
have no interest, financial or otherwise, in the outcome
of events of this action.

IN WITNESS WHEREOF, I have hereunto affixed
my official signature and seal of office, this the 11th
day of August, 2017.

Tracy Wilkes, LCR #366
Licensed Court Reporter
Notary Public, State of Tennessee

My License Expires: June 30, 2018.
My Commission Expires: July 23, 2019.