Tennessee Private Investigation and Polygraph Commission Meeting


Paul David Brown Jr, Vice Chair

Larry T Flair, Sr.

Dr. Paul Ritch

William Rick Jones

By Phone

Alan G Rousseau

Arthur G (Jerry) Richards

Stuart Bayne

Robin Brewer Johnston
TRANSCRIPT OF THE PROCEEDINGS

Commission Meeting (via teleconference)

July 21, 2017

Ad Litem Reporting
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Reported by: Tracy Wilkes, LCR
COMMISSION MEMBERS (via telephone):

Minnie Ann Lane, Chair
Larry T. Flair, Member
Jerry Richards, Member
Dr. Paul Ritch, Member
William Rick Jones, Member
Paul David Brown, Member
Alan G. Rousseau, Member
Walt Valentine, Member

STAFF MEMBERS:

Cody Vest, Executive Director
Ashley Thomas, Assistant General Counsel
Shauna Balaszi, Administrative Assistant
CHAIR LANE: Good morning, fellow commission members, staff members, attorney, and court reporter. I don't know if you have any guests there or not, but good morning to them.

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

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

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

(Pause)

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

DR. RITCH: I appreciate that.

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

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

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

Since we do -- as Executive Director Vest stated -- have the members attending by
teleconference, it will be necessary to have a roll call after each vote. And I'll call upon Executive Director Cody Vest to handle the roll call each time.

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

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

CHAIR LANE: Okay.

MS. VEST: -- for just a moment.

MS. THOMAS: Good morning, commission members.

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

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

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

Pursuant to Tennessee Code Annotated 8-44-108(b)(2), which states if a physical quorum is not present at the location of a meeting of a
governing body, then in order for a quorum of members to participate by electronic or other means of communication, the governing body must make a determination that a necessity exists. That determination must include a recitation of the facts and circumstances on which it is based.

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

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

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

MS. VEST: Thank you.

I'm going to do the roll call now.

David Brown?
COMMISSIONER BROWN: Present.

MS. VEST: Larry Flair?

COMMISSIONER FLAIR: Yes, ma'am. Here.

MS. VEST: David Horton?

(No response indicated.)

MS. VEST: Rick Jones?

COMMISSIONER JONES: Here.

MS. VEST: Minnie Lane?

CHAIR LANE: Here.

MS. VEST: Jerry Richards?

COMMISSIONER RICHARDS: Here.

MS. VEST: Dr. Ritch?

DR. RITCH: Here.

MS. VEST: Alan Rousseau?

COMMISSIONER ROUSSEAU: Here.

MS. VEST: Walt Valentine?

COMMISSIONER VALENTINE: Here.

MS. VEST: Let the record show that David Horton is not here -- is not present.

But you do have a quorum, Madam Chair.

CHAIR LANE: Thank you.

I'll ask if each commission member received and has had time to review a copy of the agenda, and if there's a motion to adopt the agenda.

COMMISSIONER ROUSSEAU: This is
Alan Rousseau. I move to adopt the agenda.

COMMISSIONER VALENTINE: I'll second it.

CHAIR LANE: Who was the second?

COMMISSIONER VALENTINE: Walt Valentine.

MS. VEST: Walt Valentine made the second?

COMMISSIONER VALENTINE: Yes.

MS. VEST: Thank you.

CHAIR LANE: Okay. Any discussion?

(Pause)

CHAIR LANE: All in favor?

COMMISSION MEMBERS: Aye.

CHAIR LANE: All opposed?

(No opposition indicated.)

CHAIR LANE: Motion carries.

But will you do a roll call?

MS. VEST: David Brown?

COMMISSIONER BROWN: Aye.

MS. VEST: Larry Flair?

COMMISSIONER FLAIR: Aye.

MS. VEST: Rick Jones?

COMMISSIONER JONES: Aye.

MS. VEST: Minnie Lane?

CHAIR LANE: Aye.

MS. VEST: Jerry Richards?
COMMISSIONER RICHARDS: Aye.

MS. VEST: Dr. Ritch?

DR. RITCH: Aye.

MS. VEST: Alan Rousseau?

COMMISSIONER ROUSSEAU: Aye.

MS. VEST: Walt Valentine?

COMMISSIONER VALENTINE: Aye.

MS. VEST: "Ayes" have it.

CHAIR LANE: Next, we have the minutes of the May 26th commission meeting, along with the education minutes. And I believe Executive Director Vest stated that there will be some changes on that. Would you like to address that?

MS. VEST: Yes. Thank you.

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

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

CHAIR LANE: Okay.

MS. VEST: And then with the regular minutes, on Page 2, Rick Jones was left off as a commission member in attendance. So we want to add Rick Jones back to the minutes.
COMMISSIONER JONES: Thank you.

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

CHAIR LANE: Okay. Thank you.

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

COMMISSIONER ROUSSEAU: Alan Rousseau.

I'll move we accept the minutes with the said corrections.

CHAIR LANE: Thank you.

Is there a second?

COMMISSIONER BROWN: Commissioner Brown.

Second.

CHAIR LANE: Thank you very much.

Discussion?

(Pause)

CHAIR LANE: All in favor?

COMMISSION MEMBERS: Aye.

CHAIR LANE: Opposed please say "no."

(No opposition indicated.)

CHAIR LANE: Sounds like motion carried.

Will you do a roll call, please, Executive Director Vest?

MS. VEST: David Brown?
COMMISSIONER BROWN: Aye.

MS. VEST: Larry Flair?

COMMISSIONER FLAIR: Aye.

MS. VEST: Rick Jones?

COMMISSIONER JONES: Aye.

MS. VEST: Minnie Lane?

CHAIR LANE: Aye.

MS. VEST: Jerry Richards?

COMMISSIONER RICHARDS: Aye.

MS. VEST: Dr. Ritch?

DR. RITCH: Aye.

MS. VEST: Alan Rousseau?

COMMISSIONER ROUSSEAU: Aye.

MS. VEST: Walt Valentine?

COMMISSIONER VALENTINE: Aye.

MS. VEST: "Ayes" have it.

CHAIR LANE: Thank you.

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

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

Would you please do so, Assistant General Counsel Thomas?
MS. THOMAS: Yes, ma'am.

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

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

The recommendation is to close.

CHAIR LANE: Okay. Do we a motion?

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

CHAIR LANE: Dr. Ritch.

Okay. Is there a second?

COMMISSIONER JONES: Rick Jones will second.

CHAIR LANE: Any discussion?

(Pause)

CHAIR LANE: All in favor please say
"aye."

COMMISSION MEMBERS: Aye.

CHAIR LANE: Opposed please say "no."

(No opposition indicated.)

CHAIR LANE: Sounds like the "ayes" have it.

Would you do a roll call?

MS. VEST: David Brown?
COMMISSIONER BROWN: Aye.

MS. VEST: Larry Flair?
COMMISSIONER FLAIR: Aye.

MS. VEST: Rick Jones?
COMMISSIONER JONES: Aye.

MS. VEST: Minnie Lane?
CHAIR LANE: Aye.

MS. VEST: Jerry Richards?
COMMISSIONER RICHARDS: Aye.

MS. VEST: Dr. Ritch?
DR. RITCH: Aye.

MS. VEST: Alan Rousseau?
COMMISSIONER ROUSSEAU: Aye.

MS. VEST: Walt Valentine?
COMMISSIONER VALENTINE: Aye.

MS. VEST: "Ayes" have it.
CHAIR LANE: Thank you.
Well, there being no further business I can now call for a motion to adjourn.

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

CHAIR LANE: Okay. Go ahead.

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

So I'm asking the Board to approve that.

CHAIR LANE: Is there a motion?

COMMISSIONER FLAIR: Larry Flair.

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

And I'm assuming at 0930 hours,

Ms. Cody?

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

COMMISSIONER JONES: And Rick Jones will second that.
CHAIR LANE: Thank you.

All in favor?

DR. RITCH: Paul Ritch has a question.

MS. VEST: Yes, sir.

DR. RITCH: Will that be a two-day meeting, Thursday and Friday, or Thursday only?

MS. VEST: It'll be Thursday only.

DR. RITCH: Thank you, Madam Chair -- I mean, Director.

CHAIR LANE: Any further discussion?

(Pause)

CHAIR LANE: All in favor please indicate by saying "aye."

COMMISSION MEMBERS: Aye.

CHAIR LANE: Opposed please indicate by saying "no."

(No opposition indicated.)

CHAIR LANE: Sounds like the motion carried.

Will you do a roll call?

MS. VEST: David Brown?

COMMISSIONER BROWN: Aye.

MS. VEST: Larry Flair?

COMMISSIONER FLAIR: Aye.

MS. VEST: Rick Jones?
COMMISSIONER JONES: Aye.
MS. VEST: Minnie Lane?
CHAIR LANE: Aye.
MS. VEST: Jerry Richards?
COMMISSIONER RICHARDS: Aye.
MS. VEST: Dr. Ritch?
DR. RITCH: Aye.
MS. VEST: Alan Rousseau?
COMMISSIONER ROUSSEAU: Aye.
MS. VEST: Walt Valentine?
COMMISSIONER VALENTINE: Aye.
MS. VEST: "Ayes" have it, Madam Chair.
CHAIR LANE: Thank you.
Do we have any old business? Or any other business?
MS. VEST: No, ma'am.
COMMISSIONER FLAIR: Larry Flair makes that motion.
COMMISSIONER JONES: Rick Jones will second.
CHAIR LANE: Motion by Larry Flair;
second by Rick Jones.

Any discussion?
(Pause)
CHAIR LANE: All in favor?
COMMISSION MEMBERS: Aye.
CHAIR LANE: Opposed?
(No opposition indicated.)
CHAIR LANE: Would you do a roll call, Executive Director, please?

MS. VEST: David Brown?
COMMISSIONER BROWN: Aye.
MS. VEST: Larry Flair?
COMMISSIONER FLAIR: Aye.
MS. VEST: Rick Jones?
COMMISSIONER JONES: Aye.
MS. VEST: Minnie Lane?
CHAIR LANE: Aye.
MS. VEST: Jerry Richards?
COMMISSIONER RICHARDS: Aye.
MS. VEST: Dr. Ritch?
DR. RITCH: Aye.
MS. VEST: Alan Rousseau?
COMMISSIONER ROUSSEAU: Aye.
MS. VEST: Walt Valentine?
COMMISSIONER VALENTINE: Aye.
MS. VEST: "Ayes" have it, Madam Chair.

CHAIR LANE: Thank you.

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

MS. VEST: Thank you.

(End of the proceedings.)
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.