

TENNESSEE PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
MEETING MINUTES

Minnie Ann Lane, Chair

Paul David Brown, JR. Vice Chair

Larry T Flair, Sr.

William Rick Jones

By Telephone

Dr. Paul Ritch

Arthur G (Jerry) Richards

Absent

Alan G Rousseau

David W Horton

PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

EDUCATION COMMITTEE MEETING

January 27, 2017

Elite Reporting Services

JENNY CHECUGA, LCR, RPR
Associate Reporter

Chattanooga (423) 266-2332 · Jackson (731) 425-1222
Knoxville (865) 329-9919 · Nashville (615) 595-0073 · Memphis (901) 522-4477
www.elitereportingservices.com

PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
EDUCATION COMMITTEE MEETING
January 27, 2017
DAVY CROCKETT TOWER
500 JAMES ROBERTSON PARKWAY, ROOM 1A
NASHVILLE, TN 37243

TRANSCRIPT OF EDUCATION COMMITTEE MEETING
Commencing at 9:00 a.m.

Elite Reporting Services
www.elitereportingservices.com
Jenny Checuga, LCR, RPR
Post Office Box 292382
Nashville, Tennessee 37229
(615)595-0073

1 * * *

2 MS. VEST: I have asked Jenny if she
3 would take some minutes of this meeting. I looked
4 back on the last one, of course I wasn't in here, I
5 had a little problem following the Education
6 Committee. We are going to do it a little different
7 today, but it's not being recorded.

8 And Dr. Ritch, we are going to let it
9 keep ringing, hopefully he will come in.

10 I'd like to go ahead and get started, if
11 you are ready.

12 CHAIRPERSON LANE: We are.

13 MS. VEST: Okay. I think the first item
14 on the agenda there for the Education Committee might
15 be Dwayne Duhon, D-W-A-Y-N-E, D-U-H-O-N. You have
16 got his copy of his renewal there and some
17 correspondence. He took a course through the law
18 enforcement. He says we have approved this in the
19 past, must have been way in the past because I didn't
20 find it under our new computer system.

21 I knew there was some discussion about
22 being open to the public, not being open to the
23 public, and now open to the public has been removed,
24 but I just thought for our records this time, we go
25 ahead and get this course approved and I could ask

A P P E A R A N C E S

EDUCATION COMMITTEE MEMBERS

- Minnie Ann Lane, Chair
- Paul David Brown, Jr.
- Dr. Paul A. Ritch - by telephone
- Alan G. Rousseau

ALSO PRESENT

- Ashley Thomas, Staff Attorney
- Cody Vest, Executive Director
- Shauna Balaszi, Administrative Assistant

1 you about law enforcement. So if I get someone
2 else taking a law enforcement course, which is
3 his 40 hours inservice, do I automatically approve
4 it?

5 CHAIRPERSON LANE: I believe I'd bring it
6 before the Board on those, since that's sort of -- it
7 was left out of the law, had to be open to the
8 public, so we are on the -- if you don't mind
9 bringing it, if time will allow it.

10 MS. VEST: All right. I can do that. He
11 took this through Sumner County. So is this one here
12 going to be approved?

13 CHAIRPERSON LANE: I would think. I have
14 no objection to approving it. What about the others?

15 MR. ROUSSEAU: I don't have an objection.

16 MS. VEST: We'll take it before the Board
17 then for a vote.

18 The second one here has three components
19 to it, you have three courses from Leading Edge Legal
20 Education. Well, I believe they are on the course
21 list, but not these particular courses. So they had
22 sent an e-mail, I believe it was January the 10th,
23 asking me to bring it to the Committee. And I have
24 already sent all this out to you. What you have is
25 Truth or Dare Interviewing and Testifying. It's a

1 12-hour CE course.
 2 DR. RITCH: Paul Ritch calling in from
 3 Chattanooga.
 4 MS. BALASZI: Hold on, please.
 5 MS. VEST: Stealth Mode
 6 Survival/Undercover Ops. And the -- that's a
 7 12-hour continuing education course. And then
 8 you have Treasure Hunt Dumpster Dive Asset Search,
 9 12-hour continuing education course. Of course,
 10 we did send all this out to the Education
 11 Committee.
 12 Dr. Ritch, are you there?
 13 DR. RITCH: I am here.
 14 MS. VEST: Did you get the continuing
 15 education courses?
 16 DR. RITCH: I did.
 17 MS. VEST: We are running a little
 18 behind, but we already looked at the one for
 19 Dwayne Duhon. Did you have any questions about
 20 that?
 21 DR. RITCH: I did not.
 22 MS. VEST: Thank you. Now we are on the
 23 one that's from Leading Edge Education. So now you
 24 are up to date. Okay.
 25 Do we have any discussion on this?

1 we are finished.
 2 CHAIRPERSON LANE: All right.
 3 (WHEREUPON, the meeting was concluded at
 4 9:10 a.m.)
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 CHAIRPERSON LANE: These were online
 2 courses?
 3 MS. VEST: Yes.
 4 CHAIRPERSON LANE: They are extensive, I
 5 thought. What about the others?
 6 MR. BROWN: It goes into a lot of detail
 7 in this thing, they look pretty good.
 8 MR. ROUSSEAU: Even though the company's
 9 already on our approved list, even though the courses
 10 are, this is really an add-on to --
 11 MS. VEST: Yes, they want these
 12 particular courses added to the course list.
 13 MR. ROUSSEAU: I think that's okay. They
 14 have a good reputation.
 15 MS. VEST: Dr. Ritch, do you have any
 16 discussion?
 17 DR. RITCH: I have no questions or
 18 comments. It looks good.
 19 MS. VEST: Committee members, everything
 20 okay?
 21 CHAIRPERSON LANE: I believe so.
 22 MS. VEST: Need to discuss any more?
 23 I'll bring it up at the education and we'll take a
 24 vote with the full Commission. If there's nothing
 25 else to discuss on the Education Committee, I believe

1 REPORTER'S CERTIFICATE
 2
 3 STATE OF TENNESSEE
 4 COUNTY OF SUMNER
 5 I, JENNY CHECUGA, Licensed Court Reporter,
 6 with offices in Nashville, Tennessee, and Registered
 7 Professional Reporter, hereby certify that I reported
 8 the foregoing Education Committee Meeting by machine
 9 shorthand to the best of my skills and abilities, and
 10 thereafter the same was reduced to typewritten form
 11 by me.
 12 I further certify that I am not related to
 13 any of the parties named herein, nor their counsel,
 14 and have no interest, financial or otherwise, in the
 15 outcome of the proceedings.
 16 I further certify that in order for this
 17 document to be considered a true and correct copy, it
 18 must bear my original signature and that any
 19 unauthorized reproduction in whole or in part and/or
 20 transfer of this document is not authorized, will not
 21 be considered authentic, and will be in violation of
 22 Tennessee Code Annotated 39-14-104, Theft of
 23 Services.
 24
 25

JENNY CHECUGA, LCR, RPR
 Elite Reporting Services
 Licensed Court Reporter (TN)
 Notary Public State of Tennessee
 My Notary Commission Expires: 5/22/2019
 LCR #690 - Expires: 6/30/2018



<hr/> 1 <hr/>	Chattanooga 5:3 comments 6:18	<hr/> F <hr/>	<hr/> M <hr/>
10th 4:22 12-hour 5:1,7,9	Commission 6:24 Committee 3:6,14 4:23 5:11 6:19,25	find 3:20 finished 7:1 full 6:24	meeting 3:3 7:3 members 6:19 mind 4:8 minutes 3:3 Mode 5:5
<hr/> 4 <hr/>	company's 6:8 components 4:18	<hr/> G <hr/>	<hr/> O <hr/>
40 4:3	computer 3:20 concluded 7:3	good 6:7,14,18	objection 4:14,15
<hr/> 9 <hr/>	continuing 5:7,9,14 copy 3:16	<hr/> H <hr/>	online 6:1
9:10 7:4	correspondence 3:17 County 4:11	Hold 5:4	open 3:22,23 4:7
<hr/> A <hr/>	courses 4:19,21 5:15 6:2,9,12	hours 4:3	Ops 5:6
a.m. 7:4	<hr/> D <hr/>	Hunt 5:8	<hr/> P <hr/>
add-on 6:10	D-U-H-O-N 3:15	<hr/> I <hr/>	past 3:19
added 6:12	D-W-A-Y-N-E 3:15	inservice 4:3	Paul 5:2
agenda 3:14	Dare 4:25	Interviewing 4:25	pretty 6:7
ahead 3:10,25	date 5:24	Item 3:13	problem 3:5
approve 4:3	detail 6:6	<hr/> J <hr/>	public 3:22,23 4:8
approved 3:18,25 4:12 6:9	discuss 6:22,25	January 4:22	<hr/> Q <hr/>
approving 4:14	discussion 3:21 5:25 6:16	Jenny 3:2	questions 5:19 6:17
Asset 5:8	Dive 5:8	<hr/> K <hr/>	<hr/> R <hr/>
automatically 4:3	Duhon 3:15 5:19	knew 3:21	ready 3:11
<hr/> B <hr/>	Dumpster 5:8	<hr/> L <hr/>	recorded 3:7
back 3:4	Dwayne 3:15 5:19	LANE 3:12 4:5,13 6:1,4, 21 7:2	records 3:24
BALASZI 5:4	<hr/> E <hr/>	law 3:17 4:1,2,7	removed 3:23
Board 4:6,16	e-mail 4:22	Leading 4:19 5:23	renewal 3:16
bring 4:5,23 6:23	Edge 4:19 5:23	left 4:7	reputation 6:14
bringing 4:9	education 3:5,14 4:20 5:7,9,10,15,23 6:23,25	Legal 4:19	ringing 3:9
BROWN 6:6	enforcement 3:18 4:1,2	list 4:21 6:9,12	Ritch 3:8 5:2,12,13,16,21 6:15,17
<hr/> C <hr/>	extensive 6:4	looked 3:3 5:18	ROUSSEAU 4:15 6:8,13
calling 5:2		lot 6:6	running 5:17
CE 5:1			
CHAIRPERSON 3:12 4:5,13 6:1,4,21 7:2			

S

Search 5:8
send 5:10
sort 4:6
started 3:10
Stealth 5:5
Sumner 4:11
Survival/undercover
5:6
system 3:20

T

taking 4:2
Testifying 4:25
thing 6:7
thought 3:24 6:5
time 3:24 4:9
today 3:7
Treasure 5:8
Truth 4:25

V

VEST 3:2,13 4:10,16 5:5,
14,17,22 6:3,11,15,19,22
vote 4:17 6:24

PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

COMMISSION MEETING

January 27, 2017

Elite Reporting Services

JENNY CHECUGA, LCR, RPR
Associate Reporter

Chattanooga (423) 266-2332 · Jackson (731) 425-1222
Knoxville (865) 329-9919 · Nashville (615) 595-0073 · Memphis (901) 522-4477
www.elitereportingservices.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
COMMISSION MEETING
January 27, 2017
DAVY CROCKETT TOWER
500 JAMES ROBERTSON PARKWAY, ROOM 1A
NASHVILLE, TN 37243

TRANSCRIPT OF COMMISSION MEETING
Commencing at 9:30 a.m.

Elite Reporting Services
www.elitereportingservices.com
Jenny Checuga, LCR, RPR
Post Office Box 292382
Nashville, Tennessee 37229
(615)595-0073

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

COMMISSION MEMBERS

- 4 Minnie Ann Lane, Chair
- 5 Paul David Brown, Jr.
- 6 Larry T. Flair, Sr.
- 7 Jerry Richards
- 8 Dr. Paul A. Ritch - by telephone
- 9 Alan G. Rousseau

ALSO PRESENT

- 12 Ashley Thomas, Staff Attorney
- 13 Lindsey Shepard, Staff Attorney
- 14 Shilina Brown, Staff Attorney
- 15 Cody Vest, Executive Director
- 16 Shauna Balaszi, Administrative Assistant
- 17 Zack Nitzscheke, Paralegal

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- 3 Call to Order
Page 4
- 4 Legal Report
Page 14
- 6 Motion
Ms. Shilina Brown
Page 14
- 8 Appearances
Page 41
- 9 Administrative Matters
Page 51
- 10 Education Report
Page 51
- 12 Unfinished Business
Page 58
- 14 New Business
Page 59
- 15 Adjournment
Page 62

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * *

CHAIRPERSON LANE: Good morning, fellow
Commission members, staff members, attorneys, guests.
The date is Friday, January 27, 2017, at
approximately 9:30 a.m. I am Minnie Ann Lane, your
Commission Chairman, and I'll now call to order the
meeting of the Tennessee Private Investigation and
Polygraph Commission.

Since we have Commission members that are
attending by telephone conferencing, it's going to be
necessary to have a rollcall after each vote, and
I'll call upon our Executive Director Cody Vest to
handle this rollcall each time.

MS. VEST: Thank you.

CHAIRPERSON LANE: I'd like to ask
Executive Vest if she'd call the roll now to verify a
quorum, please.

MS. VEST: David Brown?

MR. BROWN: Here.

MS. VEST: Larry Flair?

MR. FLAIR: Here.

MS. VEST: David Horton?

Rick Jones?

MR. JONES: Here.

MS. VEST: Minnie Lane?

Page 5

1 CHAIRPERSON LANE: Here.
 2 MS. VEST: Jerry Richards?
 3 MR. RICHARDS: Here.
 4 MS. VEST: Dr. Ritch?
 5 DR. RITCH: Here.
 6 MS. VEST: Alan Rousseau?
 7 MR. ROUSSEAU: Here.
 8 MS. VEST: Let the record show that David
 9 Horton is not present, but Dr. Ritch is calling in
 10 telephonically.
 11 CHAIRPERSON LANE: Thank you, Executive
 12 Director Vest. I'll ask if each Commission member
 13 has received and had time to review a copy of the
 14 agenda, and if there's a motion to adopt this agenda.
 15 MR. BROWN: So moved.
 16 MR. ROUSSEAU: Second.
 17 CHAIRPERSON LANE: Motion by Commissioner
 18 Brown to adopt the agenda. Do we have a second?
 19 MR. ROUSSEAU: Second.
 20 CHAIRPERSON LANE: Commissioner Rousseau
 21 seconds this. Is there any discussion? All in
 22 favor?
 23 THE COMMISSION: Aye.
 24 CHAIRPERSON LANE: Opposed? Motion
 25 carries.

Page 6

1 MS. VEST: We have to do rollcall.
 2 CHAIRPERSON LANE: Yes, that's next.
 3 Would you handle that, please?
 4 MS. VEST: Yes. We are going to vote on
 5 the approval of the agenda.
 6 David Brown?
 7 MR. BROWN: Aye.
 8 MS. VEST: Larry Flair?
 9 MR. FLAIR: Aye.
 10 MS. VEST: Rick Jones?
 11 MR. JONES: Aye.
 12 MS. VEST: Minnie Lane?
 13 CHAIRPERSON LANE: Aye.
 14 MS. VEST: Jerry Richards?
 15 MR. RICHARDS: Aye.
 16 MS. VEST: Dr. Ritch?
 17 DR. RITCH: Aye.
 18 MS. VEST: Alan Rousseau?
 19 MR. ROUSSEAU: Aye.
 20 MS. VEST: Ayes have it, Madam Chair.
 21 CHAIRPERSON LANE: Thank you. If each
 22 Commission member has reviewed the minutes of the
 23 September 16, 2016, Commission meeting, then I'll ask
 24 if there's a motion to approve those minutes as they
 25 were presented?

Page 7

1 MR. ROUSSEAU: So moved.
 2 CHAIRPERSON LANE: Motion by Commissioner
 3 Rousseau.
 4 MR. RICHARDS: Second.
 5 CHAIRPERSON LANE: Second by Commissioner
 6 Richards. Any discussion? All in favor?
 7 THE COMMISSION: Aye.
 8 CHAIRPERSON LANE: Opposed? Motion
 9 carries. Would you do the rollcall, please?
 10 MS. VEST: Dr. Ritch, you need to speak
 11 up so we can hear you when you vote.
 12 DR. RITCH: I will.
 13 MS. VEST: David Brown?
 14 MR. BROWN: Aye.
 15 MS. VEST: Larry Flair?
 16 MR. FLAIR: Aye.
 17 MS. VEST: Rick Jones?
 18 MR. JONES: Aye.
 19 MS. VEST: Minnie Lane?
 20 CHAIRPERSON LANE: Aye.
 21 MS. VEST: Jerry Richards?
 22 MR. RICHARDS: Aye.
 23 MS. VEST: Dr. Ritch?
 24 DR. RITCH: Aye.
 25 MS. VEST: Alan Rousseau?

Page 8

1 MR. ROUSSEAU: Aye.
 2 MS. VEST: Ayes have it, Madam Chair.
 3 CHAIRPERSON LANE: All right. Next on
 4 the agenda we have the election of officers, but due
 5 to all the new appointments that may be coming in,
 6 what is -- is the pleasure of the Commission to
 7 either delay that or go ahead and handle the
 8 election?
 9 MS. VEST: Yes, I had asked the Chair, I
 10 have been notified by two of the Commission members
 11 they haven't heard from the Governor's office and
 12 there are several more appointees that could be
 13 possible. Our next meeting will be in March, so I
 14 wanted to know if you want to keep your officers as
 15 they are right now until we have new appointees or do
 16 you want to go ahead and do elections today?
 17 MR. ROUSSEAU: May I recommend we just
 18 wait because we have to do it again anyhow in March.
 19 CHAIRPERSON LANE: Any other discussion?
 20 MR. RICHARDS: Well, we have gone several
 21 months now without a vice-chairman, and it seems like
 22 we ought to have a vice-chairman in the event that
 23 something happens to Minnie. So I make a motion that
 24 we elect a vice-chairman.
 25 MS. VEST: All right.

Page 9

1 MR. ROUSSEAU: I second.
 2 CHAIRPERSON LANE: Okay, motion to elect
 3 vice-chairman by Commissioner Richards, second by
 4 Commissioner Rousseau. All in favor?
 5 THE COMMISSION: Aye.
 6 CHAIRPERSON LANE: Opposed? Motion
 7 carries. Would you do rollcall, please?
 8 MS. VEST: Yes, ma'am. Hold on just a
 9 second, just threw me off my little schedule.
 10 David Brown?
 11 MR. BROWN: Aye.
 12 MS. VEST: Larry Flair?
 13 MR. FLAIR: Aye.
 14 MS. VEST: Rick Jones?
 15 MR. JONES: Aye.
 16 MS. VEST: Minnie Lane?
 17 CHAIRPERSON LANE: Aye.
 18 MS. VEST: Jerry Richards?
 19 MR. RICHARDS: Aye.
 20 MS. VEST: Dr. Ritch?
 21 DR. RITCH: Aye.
 22 MS. VEST: Alan Rousseau?
 23 MR. ROUSSEAU: Aye.
 24 MS. VEST: The ayes have it, Madam Chair.
 25 CHAIRPERSON LANE: Thank you. Would you

Page 10

1 like to handle this portion of the election for
 2 vice-chairman, please?
 3 MS. VEST: Hold on just a moment, I have
 4 a script. You threw me off -- here it is. I just
 5 don't know if this is legal or not, not to vote for
 6 the chair and the vice-chair, we can just pick one
 7 person -- is this --
 8 MS. THOMAS: You should be able to do
 9 this.
 10 MS. VEST: -- following Robert's Rules of
 11 Order?
 12 MS. THOMAS: There hasn't been a
 13 measurement to overrule. Go ahead with vice-chair.
 14 MS. VEST: Okay.
 15 CHAIRPERSON LANE: If there's any --
 16 MS. VEST: We'll call upon nominations
 17 for vice-chair for the Private Investigation and
 18 Polygraph Commission.
 19 MR. RICHARDS: I'd like to nominate Larry
 20 Flair.
 21 MS. VEST: Larry Flair has been
 22 nominated. Do we have any other nominations?
 23 CHAIRPERSON LANE: I'd like to nominate
 24 Commissioner Brown.
 25 MS. VEST: All right, we have David Brown

Page 11

1 and Larry Flair both for nominations.
 2 Are you ready to -- are we ready to take
 3 a vote? Dr. Ritch, can you hear us?
 4 CHAIRPERSON LANE: Motion to cease?
 5 MS. VEST: No, we have to make a -- we
 6 have two nominees, we are going to have to vote on
 7 one. So we are -- you want to do a secret ballot?
 8 Do you want for me to do a rollcall? How do you want
 9 me to handle this?
 10 CHAIRPERSON LANE: Rollcall.
 11 MR. FLAIR: It doesn't matter to me,
 12 whatever is easiest and quickest.
 13 MS. VEST: Okay. Commission members, all
 14 in favor of Larry Flair being the vice-chair, please
 15 vote. I'll call the roll vote again.
 16 David Brown, would you make your vote for
 17 either Larry Flair or David Brown? That is you. We
 18 are going to move on past you. That's why I really
 19 wanted it written down, so I didn't have to do this.
 20 CHAIRPERSON LANE: That would be easier,
 21 I believe.
 22 DR. RITCH: I'll abstain on the voting so
 23 you all have your secret ballot in Nashville.
 24 MS. VEST: Okay. You have a paper and
 25 pen? And I do apologize, I just never had two

Page 12

1 individuals at one time for that position. And
 2 Shauna will come and pick up your vote.
 3 Dr. Ritch abstains, since he's not here
 4 to write that down.
 5 (Ballots were collected.)
 6 MS. VEST: We have your new vice-chair
 7 for the PI, Private Investigation and Polygraph
 8 Commission. It will be David Brown by vote.
 9 MR. BROWN: Thank you all.
 10 MS. VEST: I think -- are we ready to
 11 move on now, Madam Chair?
 12 CHAIRPERSON LANE: I believe we are.
 13 MS. VEST: Next on --
 14 CHAIRPERSON LANE: Adoption.
 15 MS. VEST: Is the Robert's Rules of
 16 Order.
 17 CHAIRPERSON LANE: Exactly. I'll ask if
 18 there's a motion to adopt the Robert's Rules of
 19 Order?
 20 MR. ROUSSEAU: So moved.
 21 CHAIRPERSON LANE: Motion by Commissioner
 22 Rousseau. Is there a second?
 23 MR. JONES: I'll second it.
 24 CHAIRPERSON LANE: Second by Rick Jones,
 25 Commissioner. Any discussion? All in favor?

Page 13

1 THE COMMISSION: Aye.
 2 CHAIRPERSON LANE: Opposed? Motion
 3 carries.
 4 Executive Director, will you please call
 5 the roll?
 6 MS. VEST: David Brown?
 7 MR. BROWN: Aye.
 8 MS. VEST: Larry Flair?
 9 MR. FLAIR: Aye.
 10 MS. VEST: Rick Jones?
 11 MR. JONES: Aye.
 12 MS. VEST: Minnie Lane?
 13 CHAIRPERSON LANE: Aye.
 14 MS. VEST: Jerry Richards?
 15 MR. RICHARDS: Aye.
 16 MS. VEST: Dr. Ritch?
 17 DR. RITCH: Aye.
 18 MS. VEST: Alan Rousseau?
 19 MR. ROUSSEAU: Aye.
 20 MS. VEST: The ayes have it, Madam Chair.
 21 CHAIRPERSON LANE: Now I believe at this
 22 point in the meeting we have on the agenda the legal
 23 report.
 24 Assistant General Counsel, which one's
 25 going to handle it?

Page 14

1 MS. THOMAS: I'll handle it.
 2 CHAIRPERSON LANE: I appreciate it if you
 3 would.
 4 MS. THOMAS: Good morning, Commission
 5 members, I just want to start by introducing a
 6 restructure that we have had in the legal department.
 7 Typically I have handled the cases when
 8 they first came in, any complaints that we have had,
 9 and if they went to litigation hearing, we would
 10 transfer them over to a litigating attorney. We have
 11 decided to make a change in the legal department, and
 12 each program now has two disciplinary counsels. I
 13 will still serve as your program attorney, I will
 14 handle the rule changes, any day-to-day advice that
 15 the Commission may need, but for complaints from
 16 start to finish, they will be handled by the two
 17 attorneys we have here this morning, Ms. Lindsey
 18 Shepard and Ms. Shilina Brown. And Zach Nitzschke is
 19 our paralegal for the PI Commission Attorney Shilina
 20 Brown. So they will be handling complaints from here
 21 on out.
 22 This month in particular, we did not have
 23 any complaints to present to you all, but Ms. Brown
 24 does have a motion that she would like to present to
 25 the Commission.

Page 15

1 MS. VEST: Dr. Ritch, did you get the
 2 material that we sent you from -- for Shilina Brown?
 3 DR. RITCH: I did.
 4 MS. BROWN: Good morning --
 5 DR. RITCH: Wait, wait. I'm sorry, I did
 6 not.
 7 MS. VEST: You didn't get the petition?
 8 CHAIRPERSON LANE: The declaratory
 9 judgement?
 10 MS. VEST: For the declaratory judgement?
 11 DR. RITCH: Oh, the one that you sent?
 12 MS. VEST: Yes, sir.
 13 DR. RITCH: Oh, I did get that. Yes, I'm
 14 sorry. I thanked you for that. I remember that.
 15 MS. BROWN: Good morning, Commission
 16 members. I am presenting this matter to you for a
 17 decision on a procedural issue pursuant to Tennessee
 18 Code 45.225(b), which states that a Respondent must
 19 first petition the Department through the Commission
 20 for a declaratory order before proceeding for a
 21 declaratory judgement in chancery court.
 22 This is a pending contested case formal
 23 hearing that the administrative judge at the
 24 Secretary of State's Office has stayed indefinitely
 25 until the constitutional issues that have been raised

Page 16

1 by the Respondent are decided by a court of competent
 2 jurisdiction.
 3 On January 14, 2016, the Department filed
 4 a notice of hearing and charges alleging that there
 5 were various violations of the Tennessee Private
 6 Investigators Licensing and Regulatory Act against
 7 this Respondent.
 8 On February 4, 2016, the Respondent filed
 9 a petition for a declaratory order and a motion to
 10 dismiss the case in this docket. The Respondent
 11 alleges that the definition contained in
 12 62.26.202(26), investigations company, is facially
 13 unconstitutional under the first amendment
 14 overbreadth doctrine and void for vagueness under the
 15 due process clause of the 5th and 14th amendment.
 16 The Respondent is challenging that
 17 definition of the statute and claiming it is too
 18 broad and all encompassing because it will include
 19 every individual and every business entity in
 20 existence that engages in the business of furnishing
 21 diffuse or generic information about any other person
 22 or business.
 23 Also, the Respondent states that the word
 24 "person" in the definition section gives an unlimited
 25 definition designed to encompass every person and

Page 17

1 business entity conceivable under the Act.
 2 The administrative judge handling the
 3 case at the Administrative Procedures Division
 4 dismissed the petition for declaratory order and
 5 denied the motion to dismiss. The petition for
 6 declaratory order was improperly filed with the
 7 Administrative Procedures Division, it should have
 8 been filed with the Department through the
 9 Commission.
 10 Thereafter, the Respondent filed the
 11 petition for declaratory order with the Department on
 12 October 10, 2016, and requested a declaratory order
 13 from the Department.
 14 Now, we have a problem here, because the
 15 Respondents are improperly seeking a declaratory
 16 order from the Department of Commerce and Insurance
 17 as well. When there's a statute that allows for
 18 seeking a declaratory order, which we have in this
 19 case, and it concerns the validity and applicability
 20 of a statute, rule or order, that must be filed first
 21 with the Department procedurally, and thereafter it
 22 can be appealed to the chancery court of Davidson
 23 County.
 24 There's also a rule on declaratory
 25 orders, which states that the request must be filed

Page 18

1 with the agency and in a particular format, which the
 2 Respondents have done here. So they have met the
 3 procedural requirements for filing a declaratory
 4 order and then later obtaining a declaratory
 5 judgement from the chancery court.
 6 The problem is that the Department and
 7 the Commission cannot issue a declaratory order. The
 8 Tennessee Supreme Court has clearly stated that
 9 constitutional issues cannot be heard or determined
 10 by administrative agency or board because they are
 11 not authorized to rule on a facial constitutional
 12 challenge to a statute or a rule.
 13 The case is Richardson v. Tennessee Board
 14 of Dentistry. The Court said that it is the sole
 15 obligation of the judicial branch to interpret the
 16 law and determine the constitutionality of actions
 17 taken by the two other branches of government,
 18 meaning the executive and the legislative branch. An
 19 agency cannot consider or question the
 20 constitutionality of legislative acts, nor may they
 21 determine the unconstitutionality of the statutes it
 22 was created to administer or enforce.
 23 So the Department of Commerce and this
 24 Commission is housed under the executive branch of
 25 state government, and this board falls within the

Page 19

1 purview of the Department of Commerce and Insurance,
 2 therefore the Commission cannot issue the declaratory
 3 order.
 4 Here, the Respondents have challenged the
 5 facial constitutionality of the Commission's statute,
 6 and the next step will be for the Respondents to file
 7 the petition with the state court under the statute.
 8 Now, please keep in mind that the
 9 original contested case proceeding is still pending
 10 and open, it has just been stayed by the
 11 Administrative Procedures Division. After this
 12 matter is heard by a court of competent jurisdiction,
 13 it will be set for hearing, and we'll hopefully have
 14 a decision as well from chancery court of Davidson
 15 County once this Respondent files that lawsuit there.
 16 Thank you.
 17 MS. THOMAS: So going forward, as Shilina
 18 indicated, that once the matter of constitutionality
 19 has been decided, the case itself, the facts
 20 surrounding that case, will come back to you all.
 21 But before they get there, and, Shilina, feel free to
 22 correct me where I'm wrong, they are needing for the
 23 Commission to make a decision. And as she explained,
 24 that is outside your purview to make a ruling on the
 25 constitutionality.

Page 20

1 So as far as that petition, she needs you
 2 to vote on that so they can move forward to chancery
 3 court. So it has to leave this jurisdiction so it
 4 then can go to chancery court. So that motion, I
 5 would advise you all to deny that.
 6 CHAIRPERSON LANE: Okay. Do we just need
 7 a rollcall on that or a motion first of all?
 8 MS. THOMAS: Yes.
 9 CHAIRPERSON LANE: Is there a motion?
 10 MR. BROWN: I make a motion we accept
 11 counsel's recommendation.
 12 CHAIRPERSON LANE: Motion by David Brown
 13 to accept counsel's recommendation. Do we have a
 14 second?
 15 DR. RITCH: Second.
 16 CHAIRPERSON LANE: Second by Commissioner
 17 Ritch. Any discussion on this now?
 18 MR. FLAIR: Madam Chairman, can you find
 19 out from counsel about what the turnaround might be?
 20 Do we have any idea, is it six months?
 21 MS. BROWN: I can't even say. It could
 22 be longer than that. I would guess it might be
 23 longer.
 24 MR. FLAIR: Okay.
 25 MS. BROWN: It just depends on the docket

1 in chancery, how quickly they hear it and issue a
 2 decision. That also takes a bit of time to issue a
 3 written decision.
 4 MR. FLAIR: Thank you.
 5 CHAIRPERSON LANE: Any further
 6 discussion?
 7 MS. THOMAS: Just for clarity of the
 8 record, if I can ask the Commission, the motion is to
 9 deny the petition for declaratory order?
 10 CHAIRPERSON LANE: Yes. Would you like
 11 to do rollcall?
 12 MS. VEST: All right. Let's take a
 13 rollcall.
 14 David Brown?
 15 MR. BROWN: I deny.
 16 MS. VEST: Larry Flair?
 17 MR. FLAIR: That would be deny.
 18 MS. VEST: Rick Jones?
 19 MR. JONES: Deny.
 20 MS. VEST: Minnie Lane?
 21 CHAIRPERSON LANE: Deny.
 22 MS. VEST: Jerry Richards?
 23 MR. RICHARDS: Deny.
 24 MS. VEST: Dr. Ritch?
 25 DR. RITCH: Deny.

1 MS. VEST: Alan Rousseau?
 2 MR. ROUSSEAU: Deny.
 3 MS. VEST: Thank you. Motion has been
 4 denied, Madam Chair.
 5 CHAIRPERSON LANE: Thank you. If we are
 6 following the agenda, do we have any appearances?
 7 MS. VEST: Yes, ma'am. Yes, we do.
 8 CHAIRPERSON LANE: Are they ready?
 9 MS. VEST: Do we have Earl Smith with us
 10 this morning? April Silva, S-I-L-V-A?
 11 Okay. Well, we'll just go ahead. If you
 12 will look, this should be your exhibit -- let's go to
 13 Exhibit A on your pads.
 14 Earl E. Smith was requested to appear
 15 before the Board. I did approve the apprenticeship
 16 due to the length it took to get back to the Board
 17 for a board meeting. What you are looking at is a
 18 2001 theft under \$500 for a misdemeanor, a 1988
 19 public order crime, which is embezzlement, which was
 20 reduced down to a misdemeanor as well. He is making
 21 application to be a private investigator.
 22 Dr. Ritch, do you have your material?
 23 DR. RITCH: I have it in front of me.
 24 MS. VEST: Thank you.
 25 CHAIRPERSON LANE: So he was issued an

1 apprenticeship?
 2 MS. VEST: Yes, ma'am.
 3 DR. RITCH: This offense was reduced to a
 4 misdemeanor?
 5 MS. VEST: Both of these are
 6 misdemeanors, yes, sir.
 7 DR. RITCH: Thank you.
 8 MR. ROUSSEAU: He did properly state them
 9 on his application?
 10 MS. VEST: Yes, he did.
 11 DR. RITCH: For clarification, we are
 12 considering April Silva?
 13 MS. VEST: No, sir.
 14 DR. RITCH: Okay. Sorry about that.
 15 MS. VEST: We are doing Exhibit A.
 16 DR. RITCH: Okay. Earl Smith. I
 17 misunderstood. Sorry about that.
 18 MS. VEST: That's all right.
 19 Okay. These are some old charges here,
 20 especially the '88 charge, and they were reduced down
 21 to misdemeanors. I did issue the apprentice license
 22 based on the fact that the gentleman would appear
 23 before the Commission. I have not heard from him. I
 24 have not had an opportunity to call up my computer to
 25 see if he might have sent an e-mail or not, but I

1 just want to let you know why I did approve the
 2 apprenticeship.
 3 CHAIRPERSON LANE: How long -- I know
 4 it's six months, but when did you approve the
 5 apprenticeship?
 6 MS. VEST: It was in November.
 7 CHAIRPERSON LANE: So if we waited, he
 8 would still be under the apprenticeship until --
 9 MS. VEST: At the March meeting, yes,
 10 ma'am.
 11 CHAIRPERSON LANE: Okay. We have a
 12 couple that are still reading.
 13 MS. VEST: If you look at it, I sent it
 14 to him on November the 26th, and I sent it to his
 15 company Hireright asking for the appearance today. I
 16 did not hear --
 17 CHAIRPERSON LANE: Maybe he's not here.
 18 MS. VEST: I took it he was coming.
 19 CHAIRPERSON LANE: Do you all have a
 20 motion?
 21 MR. RICHARDS: I make a motion it be
 22 denied.
 23 MR. JONES: I'll second.
 24 CHAIRPERSON LANE: Motion by Commissioner
 25 Richards --

Page 25

1 MS. VEST: Could we have that motion
 2 again in the microphone? I'm sorry, we didn't hear
 3 it.
 4 MR. RICHARDS: Make a motion that it be
 5 denied.
 6 MR. JONES: Commissioner Jones seconds.
 7 CHAIRPERSON LANE: We have a motion and a
 8 second to deny. Is there any further discussion on
 9 this? All in favor?
 10 THE COMMISSION: Aye.
 11 CHAIRPERSON LANE: Opposed? Would you do
 12 a rollcall, please?
 13 MS. VEST: David Brown?
 14 MR. BROWN: Denied.
 15 MS. VEST: Larry Flair?
 16 MR. FLAIR: Denied.
 17 MS. VEST: Rick Jones?
 18 MR. JONES: Denied.
 19 MS. VEST: Minnie Lane?
 20 CHAIRPERSON LANE: Deny?
 21 MS. VEST: Jerry Richards?
 22 MR. RICHARDS: Deny.
 23 MS. VEST: Dr. Ritch?
 24 DR. RITCH: Deny.
 25 MS. VEST: Alan Rousseau?

Page 26

1 MR. ROUSSEAU: Deny.
 2 MS. VEST: This application has been
 3 denied, Madam Chair.
 4 CHAIRPERSON LANE: Thank you.
 5 MS. VEST: Now if you would, we'll move
 6 to Exhibit B.
 7 This is April Silva. She -- you'll also
 8 see in the packet that she -- we sent her a letter
 9 for appearance as well. We have a 9 -- we have more,
 10 but this is -- if you look through her record here,
 11 on 9/2014 a DUI, November '14 a DUI, 12/14 a DUI,
 12 among other things, and July the -- July of 2016 a
 13 DUI.
 14 CHAIRPERSON LANE: I'd like to point out
 15 that it says 10:30. What time is it right now? We
 16 might be ahead.
 17 MS. VEST: Well, that's true.
 18 CHAIRPERSON LANE: Should we wait on
 19 that, maybe do something else?
 20 MS. VEST: We can do that. We can wait
 21 until 10:30 and move down on the agenda. And if the
 22 gentleman does come in, he'll have his opportunity,
 23 we'll come back and look at his.
 24 CHAIRPERSON LANE: Did his also say
 25 10:30?

Page 27

1 MR. ROUSSEAU: Yes, it did.
 2 MS. VEST: His appearance was 10:30. I
 3 do apologize for that. I got everything in order,
 4 moving right along.
 5 MR. ROUSSEAU: Do we need --
 6 CHAIRPERSON LANE: We can wait. If he
 7 doesn't appear, it can stand.
 8 MS. VEST: It'll stand. All right.
 9 Madam chair, you can move onto the next one, if you'd
 10 like, which might be the proposed changes.
 11 CHAIRPERSON LANE: Okay. That will be
 12 fine.
 13 MS. VEST: To Polygraph Laws and Rules.
 14 I am actually going to turn this segment over to
 15 Commissioner Richards to start this, if you'd like,
 16 sir.
 17 MR. RICHARDS: Before we talk about the
 18 proposed changes, I'd like to recognize four
 19 outstanding members of the polygraph commission or
 20 polygraph community in Tennessee. I asked these men
 21 to come here today because of their extensive
 22 knowledge of polygraphy and because I think they
 23 represent a cross section of the polygraph examiners
 24 here in Tennessee.
 25 Every one of them will tell you that

Page 28

1 these proposed changes are necessary. They'll
 2 benefit the polygraph examiners in Tennessee, and
 3 they will do no harm to the people being examined.
 4 First of all, Skip Elrod. Skip, raise
 5 your hand. I have known Skip for a long time. Skip
 6 is a retired United States Army CID Officer,
 7 polygraph examiner. He graduated from the Department
 8 of Defense Polygraph Institute. Following his
 9 retirement he went to work for the TBI as an agent
 10 and an examiner, worked his way up in the
 11 organization, became the SAC of the Chattanooga
 12 office and is now in charge of the TBI polygraph
 13 program.
 14 Then we have Steve Duncan. I don't know
 15 where to start with Steve because he's been so active
 16 in polygraph. Steve is a graduate of the Department
 17 of Defense Polygraph Institute. He has a private
 18 practice and conducts polygraph examinations in
 19 Georgia, Tennessee, Mississippi and Ohio and Florida.
 20 He provides quality control reviews and expert
 21 witness testimony in state and federal court. He's
 22 retired from the Georgia Department of Public Safety
 23 where he was an investigator and supervisor of the
 24 polygraph unit. He was the deputy director of
 25 Argenbright International Institute of Polygraph,

1 where he was responsible for development of polygraph
2 curriculum, training, administration of polygraph
3 examinations, quality control reviews, and expert
4 witness testimony. He has served as an adjunct
5 instructor at the Department of Defense Polygraph
6 Institute and has lectured on polygraph matters at
7 numerous national state and local training sessions
8 across the United States and overseas. He's a
9 current member of the board of directors and past
10 last president for law enforcement for the American
11 Polygraph Association.

12 Then we have Jeff White. Jeff is the
13 president of the Tennessee Polygraph Association. He
14 has a private polygraph business that does contract
15 polygraph examinations and training for the TBI.
16 He's retired full-time from law enforcement with
17 38 years service with the Springfield Police
18 Department and the Ridgetop Police Department. His
19 duties with those departments included patrol
20 officer, canine officer, detective, lieutenant, and
21 chief of police. He's been a polygraph examiner in
22 Tennessee since 1999.

23 Then we have Scott Jones. Scott is the
24 vice-president of the Tennessee Polygraph
25 Association. He's a detective lieutenant and

1 polygraph examiner for the Robertson County Sheriffs
2 Office.

3 Now, we were hoping to put the Tennessee
4 Polygraph Laws and Rules up on the screen, but that
5 didn't work out today, so what we are going to have
6 to do is, for the Commission members, if you'll go to
7 your I-Pads and pull them up. The first proposed
8 change, and I'll give you time to find the -- we are
9 going to start with the law, and this will be Title
10 62, Chapter 27-107(a)(8).

11 MS. THOMAS: If I could address the
12 Commission, I believe what you are looking at on the
13 I-Pads are proposed rule changes. I don't believe
14 the legislation was there because we had no
15 indication this was a sponsored bill that would come
16 down. The Commission cannot make legislation --
17 changes to the legislation without the legislature's
18 approval, of course.

19 MR. RICHARDS: So are we going to just
20 go -- omit the laws; is that what you are saying?

21 MS. THOMAS: Yes, that would be my
22 advice. We can't make changes to the statutes, we
23 can look at the rules and recommendations you made
24 about the statutory changes. There may be ways to
25 implement that within the rules, but we cannot change

1 the statute without legislative support or a proposed
2 bill being done.

3 MR. RICHARDS: So would it help you at
4 all if we talked about them?

5 MS. THOMAS: That is fine for discussion,
6 but, again, as far as changing the actual language of
7 the statute, that's not something that we can do,
8 that has to come from the legislature down to us.
9 But like I said, as far as the rule changes, because
10 I believe you also submitted proposed changes to the
11 polygraph rules, those can be discussed. If those
12 changes that have been suggested are within the
13 current language of the statute, we can make those
14 changes.

15 MR. RICHARDS: Well, disregard what I
16 just said then. Let's go to rules. And the first
17 proposed change is Chapter 1160-1-.05(3)(b)&(c), and
18 that's under course of study for internship. Does
19 everybody got that?

20 THE COMMISSION: Yes.

21 MR. RICHARDS: Our recommendation is that
22 we replace all reference to pre-employment, periodic
23 and specific polygraph examinations with the term
24 "conduct polygraph examinations." Because not all
25 examiners will have an opportunity to conduct testing

1 in all these areas, therefore, conducting polygraph
2 examinations will better fit the needs of the
3 interns. Should I go through the rest of them or do
4 we do anything?

5 MS. THOMAS: That's probably up to the
6 Commission. If they want to look at each rule
7 separately, if they want to discuss it once you
8 completed your presentation, I think that's a
9 decision for the Commission.

10 MR. RICHARDS: Okay. The next one is
11 Chapter 1160-1-.06(2)(a) 7 and 7(i), and the
12 recommendation -- everybody have that?

13 THE COMMISSION: Yes.

14 MR. RICHARDS: The recommendation is
15 eliminate number 7 completely. The words "actions
16 and activities" cover a variety of areas, such as
17 misdemeanor violations and prior employment that may
18 be pertinent to an examination. Further, this is not
19 a requirement of the Employment Polygraph Protection
20 Act or the American Polygraph Association Model
21 Policy for Law Enforcement/Public Service,
22 Pre-employment Polygraph Screening Examinations.

23 MS. THOMAS: The only thing I would say
24 to that particular change as far as 7(i) or 7 little
25 I, that could be changed. You can even eliminate

1 part 7 from the rule, but that is still in existence
2 in the statute, so it will still be there. I think
3 if the Commission wanted to explore maybe defining
4 actions or activities, that's something they could
5 do. But even if that's eliminated from our rules,
6 it's still in the statute.

7 MR. RICHARDS: It's still in the statute.
8 So we'd still have to comply with that; is that
9 correct?

10 MS. THOMAS: Right. So the Commission
11 can define what actions and activities are, that's
12 something that you can do, but eliminating that does
13 not take away the requirement.

14 MR. FLAIR: Madam Chairman, may I address
15 counsel?

16 CHAIRPERSON LANE: Yes.

17 MR. FLAIR: Ma'am, in essence, when
18 somebody on the Hill has to change the legislative
19 law in order for us to get what we feel possibly, in
20 my opinion, as inappropriate rules for this part of
21 this Commission, even though we change these rules,
22 it's still going to be in law, so it's going to have
23 to come from the Hill before anything will actually
24 be able to go into effect and the polygraph examiners
25 are still going to have to go by it; is that correct?

1 MS. THOMAS: That's correct. I did see
2 that some of the rule changes are easy changes, as
3 far as the first one that Mr. Richards proposed,
4 removing the pre-employment, the types of
5 examinations, that can be easily changed because that
6 complies with the statute currently. But if what you
7 are proposing changes the statute, that will have to
8 come from the Hill.

9 MR. ROUSSEAU: So this is actually the
10 first step, and our recommendation is to go to the
11 Hill.

12 MS. THOMAS: Right. If the association
13 decides to go to the Hill to try to get some support,
14 this is what they can propose, but the statutory
15 changes have to come from the Hill before we can
16 implement them there. So if there are proposed
17 changes that work within that statute, that's fine,
18 but until the statute changes, we can only work
19 around what's already enacted.

20 DR. RITCH: Question for counsel. Paul
21 Ritch here. In my understanding, we can't approve
22 this one that was earlier stated. And if we can't do
23 that, it will be my position this Commission go ahead
24 and accommodate our polygraph partners with what we
25 can change and then have them proceed with what they

1 have to do for statutory changes.

2 MS. THOMAS: That's correct, Dr. Ritch.
3 The proposed rule change to 1160-1-.05, that is --
4 that's a change that can be done without having to
5 change the statute. I believe you were discussing
6 Mr. Richards 1160-1-.06. As I said, part 7 could be
7 changed, but it still exists in the statute. The
8 small (i) and the list of questions under it is not
9 statutory. So if the Commission decides to delete
10 that, that's something that can be done. But part 7
11 still exists in the statute.

12 MR. RICHARDS: Right. Well, our
13 recommendation for 7(i) is to eliminate that
14 completely. And the reason being is because neither
15 the Employment Polygraph Protection Act nor the APA
16 requires the examinee to be provided with a list of
17 questions prior to the examination.

18 All polygraph examiners review the
19 questions with the examinee orally prior to the test,
20 but it's not necessary to provide them with a written
21 list of questions because that would require the
22 examiner to carry a printer with him. And oftentimes
23 during the question review, the polygraph questions
24 have to be changed. So it's just cumbersome and
25 unnecessary.

1 MR. ROUSSEAU: Is that a motion?

2 DR. RITCH: Counsel, would a motion be in
3 order?

4 MS. THOMAS: If the Commission decides to
5 adopt the changes -- to propose these changes be
6 done, we can do it one at a time, we can do it as a
7 whole, and at our next Commission meeting, I will
8 bring to you the official thing and we can vote on
9 that proposed change.

10 DR. RITCH: Thank you.

11 MR. RICHARDS: The next one is Chapter
12 1160-1-06(8)(a), and the recommendation there is that
13 we change it from two separate charts to three
14 separate charts. All polygraph students that I am
15 now aware teach three charts before making a
16 decision.

17 Next, 1160-1-.06(9), the recommendation
18 is requiring an examinee to sign the last chart is
19 obsolete and unnecessary. Most examiners now use
20 computerized polygraph equipment. Software
21 developers have built into their programs a safeguard
22 to prevent altering collected data. Requiring the
23 examinee to sign the last chart requires the examiner
24 to print the last chart, which is unnecessary.

25 Then the last one is

1 1160-02-.03(3)(a)&(b). Under qualifying programs,
2 the recommendation is that -- to both (a) and (b), to
3 add American Association of Police Polygraphists,
4 because this organization provides very valuable
5 instruction to polygraph examiners.

6 And that's all of them.

7 MS. THOMAS: So like I said, with the
8 exception of 1160-1-.06 7, all of the proposed rule
9 changes are something that can be done through a
10 proposed rulemaking change.

11 Like I said, as far as 7, that's still in
12 the statute, so eliminating it here, would not
13 eliminate the requirement. But if the Commission is
14 in agreement with the association, what I can do is
15 go forward and begin preparing the documents that are
16 needed to make those rule changes.

17 CHAIRPERSON LANE: You need a motion from
18 us to do that?

19 MS. VEST: Well, let me ask, is the
20 association going to look at going to the Hill and
21 changing legislation?

22 MR. RICHARDS: Would you tell us all how
23 that's done? Would you explain it?

24 MS. VEST: Here you go, Ashley.

25 MR. FLAIR: You get a sponsor and a

1 lobbyist.

2 MS. THOMAS: That's exactly what I was
3 about to say. The association would be probably best
4 to go on the Hill and find a sponsor in the House or
5 Senate and begin the process that way.

6 MS. VEST: Because after you have a law
7 change, that's when we do a rulemaking hearing and
8 incorporate everything that needs to be changed.
9 Instead of having a rulemaking now for one or two
10 things, if you look at -- if you are looking to go
11 onto the Hill to make those changes, that will
12 require a rule change. It looks like you got a
13 couple things here that you do want to have changed
14 by legislation. I am just throwing that out as a
15 suggestion.

16 MS. THOMAS: So there are a couple of
17 ways. We can make the changes that work within the
18 current statute, we can propose those changes now and
19 make those rule changes. Or if the association is
20 planning to pursue legislation change, we can hold
21 off on this, see where the legislation changes go,
22 and then do one big rulemaking change.

23 MR. RICHARDS: We'd like to go ahead and
24 have the things that you can change, change that now.

25 MS. THOMAS: Okay.

1 MR. RICHARDS: Then we'll work on the
2 other. Does the Commission, you, assist us in taking
3 to the Hill.

4 MS. THOMAS: We do not, no. It comes
5 down to us. It's more of a directive, and then we
6 make the rules to comply to what the statutory change
7 is.

8 CHAIRPERSON LANE: This is actually
9 cleanup. As far as you are concerned, it's not -- if
10 it was left like it is now, would it have any effect
11 at all on --

12 MR. RICHARDS: Well, a lot of these are
13 just cumbersome, but -- again, we would like to have
14 what we can change, to have that changed now.

15 MR. ROUSSEAU: Madam Chairman, I'd like
16 to make a motion. I'd like to make a motion that we
17 instruct counsel to prepare the documents to make the
18 changes that we are authorized to, and any way that
19 we can show up or assist the PI Association, that we
20 can do what we can. I would like to thank them for
21 the work they have done on this.

22 MS. VEST: You have a motion there, Madam
23 Chair. I was going to say -- I'm sorry, I'm
24 interrupting.

25 CHAIRPERSON LANE: Is there a second?

1 MR. FLAIR: I'll second it.

2 CHAIRPERSON LANE: Motion by Commissioner
3 Rousseau, second by Commissioner Flair. Any
4 discussion? Or all in favor, first?

5 THE COMMISSION: Aye.

6 CHAIRPERSON LANE: Opposed? The ayes
7 have it. Is there any discussion? Did you have
8 something?

9 MS. VEST: I'm ready to do rollcall, if
10 you are.

11 CHAIRPERSON LANE: Okay.

12 MS. VEST: David Brown?

13 MR. BROWN: Aye.

14 MS. VEST: Larry Flair?

15 MR. FLAIR: Aye.

16 MS. VEST: Rick Jones?

17 MR. JONES: Aye.

18 MS. VEST: Minnie Lane?

19 CHAIRPERSON LANE: Abstain.

20 MS. VEST: Jerry Richards?

21 MR. RICHARDS: Aye.

22 MS. VEST: Dr. Ritch?

23 DR. RITCH: Aye.

24 MS. VEST: Alan Rousseau?

25 MR. ROUSSEAU: Aye.

Page 41

1 MS. VEST: Ayes have it, Madam Chair.
 2 CHAIRPERSON LANE: Thank you.
 3 MS. THOMAS: I should have those proposed
 4 rules ready for you all to adopt at the next
 5 Commission meeting in March.
 6 CHAIRPERSON LANE: Okay.
 7 MS. VEST: What I was going to say --
 8 excuse me. Now we are off that, you had that vote, I
 9 think actually what the association probably would
 10 want as well is when they do find a sponsor on the
 11 Hill, that they can say that the Private
 12 Investigation and Polygraph Commission is in favor of
 13 making the necessary changes. That is actually what
 14 you were voting for. That's all I was going to say.
 15 CHAIRPERSON LANE: Let's take a break,
 16 about a ten-minute break.
 17 (Short break.)
 18 CHAIRPERSON LANE: Okay. I'll call the
 19 meeting of the Tennessee Private Investigation
 20 Polygraph Commission back to order.
 21 Do we have our appearances here at this
 22 time.
 23 MS. VEST: Do we have Mr. Earl Smith? Do
 24 we have Ms. April Silva?
 25 Yes, ma'am, we have both appearances.

Page 42

1 CHAIRPERSON LANE: Okay. You want to go
 2 forward with that?
 3 MS. VEST: Please. Let's call Mr. Smith
 4 first.
 5 MS. THOMAS: The Commission will need to
 6 make a motion to set aside the previous decision to
 7 consider his application now.
 8 MR. ROUSSEAU: I so move.
 9 CHAIRPERSON LANE: Commissioner Rousseau
 10 made the motion. Who seconds that?
 11 MR. BROWN: Second.
 12 CHAIRPERSON LANE: Second by Commissioner
 13 Brown. All in favor?
 14 THE COMMISSION: Aye.
 15 CHAIRPERSON LANE: Opposed? Motion
 16 carries. Was there any discussion? You need a
 17 rollcall.
 18 MS. VEST: All right.
 19 David Brown?
 20 MR. BROWN: Aye.
 21 MS. VEST: Larry Flair?
 22 MR. FLAIR: Aye.
 23 MS. VEST: Rick Jones?
 24 MR. JONES: Aye.
 25 MS. VEST: Minnie Lane?

Page 43

1 CHAIRPERSON LANE: Aye.
 2 MS. VEST: Jerry Richards?
 3 MR. RICHARDS: Aye.
 4 MS. VEST: Paul Ritch?
 5 DR. RITCH: Aye.
 6 MS. VEST: Alan Rousseau?
 7 MR. ROUSSEAU: Aye.
 8 MS. VEST: The ayes have it, Madam Chair.
 9 CHAIRPERSON LANE: Thank you.
 10 MS. VEST: Mr. Smith, would you please
 11 come up? You need to sign in.
 12 If you would -- I believe that was
 13 Exhibit A. If you'd look at Exhibit A again on your
 14 I-Pads.
 15 CHAIRPERSON LANE: Mr. Smith, it will
 16 take us just a few minutes to review this because we
 17 don't see it ahead of time, we are just now looking
 18 at it.
 19 MR. SMITH: Okay.
 20 (Commission viewing I-Pads.)
 21 CHAIRPERSON LANE: Mr. Smith, do you have
 22 a statement that you'd like to make to the
 23 commission?
 24 MR. SMITH: No. I mean, I am just really
 25 not sure what to expect, so I don't have anything

Page 44

1 prepared.
 2 CHAIRPERSON LANE: You are waiting for
 3 questions from the Commission then? Okay.
 4 MR. SMITH: Yes.
 5 MS. VEST: You are looking at his
 6 application this morning. He did disclose a 1988
 7 public order crime that was reduced to a misdemeanor,
 8 it was listed as embezzlement, and we do have a 2001
 9 theft under \$500, that's a misdemeanor as well. Like
 10 I said, he did disclose it on his application, and
 11 that's why he's here today. We did ask him to come
 12 before the Commission.
 13 I think what they are asking you,
 14 Mr. Smith, is to make statements about these charges.
 15 Can you explain them?
 16 MR. SMITH: Stupidity was the main thing.
 17 I mean, you want details of the actions? The first
 18 one I was working at a retail location and I made the
 19 mistake of doing some returns of some items that were
 20 not returned and pocketing the money.
 21 And then on the second offense, after
 22 talking to someone, one of my former bosses, he
 23 thinks that I probably did it more out of a spite
 24 thing. They passed over a lot of people for a
 25 promotion in the company, they did not give people an

1 opportunity to apply for that job, and as a result, I
2 took some gift certificates. Didn't use them, just
3 took them. And that was, again, stupidity on my
4 part.

5 CHAIRPERSON LANE: Do I have a motion?

6 MR. RICHARDS: Make a motion that the
7 application be denied.

8 CHAIRPERSON LANE: Motion by Commissioner
9 Richards to deny the application. Is there a second?

10 MR. ROUSSEAU: I second.

11 CHAIRPERSON LANE: Second by Commissioner
12 Rousseau. Discussion? All in favor?

13 THE COMMISSION: Aye.

14 CHAIRPERSON LANE: Opposed? I am going
15 to abstain. Would you do a rollcall, please?

16 MS. VEST: David Brown?

17 MR. BROWN: Deny.

18 MS. VEST: Larry Flair?

19 MR. FLAIR: Deny, ma'am.

20 MS. VEST: Rick Jones?

21 MR. JONES: Deny.

22 MS. VEST: Minnie Lane?

23 CHAIRPERSON LANE: Abstain.

24 MS. VEST: Jerry Richards?

25 MR. RICHARDS: Deny.

1 MS. VEST: Dr. Ritch?

2 DR. RITCH: Deny.

3 MS. VEST: Alan Rousseau?

4 MR. ROUSSEAU: Deny.

5 MS. VEST: Denies have it. But that
6 apprenticeship is still good, so I won't have to deny
7 that as well and pull it back in.

8 Mr. Smith, your application for private
9 investigator has been denied. You will be getting
10 correspondence from the office. Thank you.

11 Ms. Silva?

12 MS. SILVA: Here.

13 MS. VEST: Would you please come up and
14 sign in, please?

15 CHAIRPERSON LANE: Ms. Silva, since you
16 were present for the other, you know it takes a few
17 minutes for us to look over this. Thank you.

18 (Commission viewing I-Pads.)

19 CHAIRPERSON LANE: Ms. Silva, do you have
20 a statement you'd like to make or explanation to the
21 Commission?

22 MS. SILVA: Kind of nervous after that,
23 but it's my understanding I am here because the
24 firearm charge that's on my record. My attorney is
25 in the process of getting that expunged. He told me

1 it could take up to a year or more for the whole
2 process to take place and for it be removed from my
3 record, but it is an expungable (sic) offense. If I
4 had had it done before this meeting, I was under the
5 impression I wouldn't even have to come, but it
6 didn't take place before that.

7 MS. VEST: Let me explain to Ms. Silva
8 what I had when I looked at this. You had a DUI on
9 September of '14, November of '14, September of '14,
10 and July of 2016.

11 MS. THOMAS: Four DUIs in the year of
12 2014.

13 MS. SILVA: Four what?

14 MS. VEST: DUIs.

15 MS. SILVA: Four? No, there's not four.
16 There should be just one DUI charge, that was
17 September of 2014. The 12/14 charges were dropped,
18 reduced to a reckless driving. The DUI by consent
19 was also dropped. And, of course, the possession of
20 the weapon is in the process of being expunged. So
21 there is technically only one DUI, which would have
22 been September 21st of 2014.

23 MR. ROUSSEAU: How many DUI --

24 MS. SILVA: One DUI.

25 MR. ROUSSEAU: I don't mean dropped, but

1 how many DUI offenses were you actually charged with?

2 MS. SILVA: I was charged with two. One
3 was dropped to a reckless driving. The DUI by
4 consent, I allowed somebody to drive my car and they
5 got pulled over and charged with a DUI, but that
6 charge was also dropped once he finished his plea and
7 everything. So, I mean, I wasn't even driving a car
8 on that one.

9 MR. RICHARDS: What about the check
10 charges?

11 MS. SILVA: Huh? I'm sorry.

12 MS. VEST: Violation of the checks. The
13 first one, I believe, I showed you. Sometimes these
14 are a little hard to read if you are not familiar
15 with them.

16 MS. SILVA: Could have been a bad check,
17 you know. It's been taken care of. I know I took
18 care of one in Wilson County way back in 2002. It
19 sounds about right. Yeah, that was paid. I was
20 never made aware of it. The sheriffs office called
21 me and told me, so I went up there and took care of
22 it that same day.

23 MR. FLAIR: Madam Chairman, may I ask?

24 CHAIRPERSON LANE: Yes.

25 MR. FLAIR: Ma'am, on the check, you are

1 saying you think it was an insufficient funds?
 2 MS. SILVA: Yes, that's exactly what it
 3 was.
 4 MR. FLAIR: It wasn't a bad check or
 5 forgery --
 6 MS. SILVA: Right. Right. It was a
 7 check that bounced, and the store never told me about
 8 it for about three years, I guess, and it was just
 9 something floating around out there.
 10 MR. FLAIR: That's a total of two checks?
 11 MS. SILVA: It was just one check. Or it
 12 may have been the same store. I'm not actually sure.
 13 I know it was all taken care of on one day, one trip
 14 to the sheriffs office and paid.
 15 CHAIRPERSON LANE: Is there a motion?
 16 MR. JONES: I have a question.
 17 MS. SILVA: Sure.
 18 MR. JONES: You were charged with implied
 19 consent; is that correct?
 20 MS. SILVA: Yes.
 21 MR. JONES: So you didn't -- you weren't
 22 administered a breathalyzer?
 23 MS. SILVA: Right.
 24 MR. JONES: It says on this report you
 25 had a BAC of .211.

1 MS. SILVA: That was for the actual DUI
 2 that I was charged with, the one in September.
 3 MR. JONES: This was the one that was
 4 reduced to reckless driving?
 5 MS. SILVA: No, that's not the one for
 6 reckless driving. The one with reckless driving is
 7 the one that I actually pled guilty to. The implied
 8 consent they did not do a blood alcohol or anything.
 9 The one I was actually charged with the DUI I ended
 10 up submitting and giving blood, and that was the
 11 result.
 12 MR. RICHARDS: I make a motion that the
 13 application be denied.
 14 CHAIRPERSON LANE: We have a motion by
 15 Commissioner Richards to deny the application. Is
 16 there a second?
 17 MR. FLAIR: I'll second it, Madam Chair.
 18 CHAIRPERSON LANE: Second by Commissioner
 19 Flair. Any discussion? All in favor?
 20 THE COMMISSION: Aye.
 21 CHAIRPERSON LANE: Opposed? I'll
 22 abstain. Would you do a rollcall, Ms. Vest?
 23 MS. VEST: David Brown?
 24 MR. BROWN: Deny.
 25 MS. VEST: Larry Flair?

1 MR. FLAIR: Deny.
 2 MS. VEST: Rick Jones?
 3 MR. JONES: Deny.
 4 MS. VEST: Minnie Lane?
 5 CHAIRPERSON LANE: Abstain.
 6 MS. VEST: Jerry Richards?
 7 MR. RICHARDS: Deny.
 8 MS. VEST: Dr. Ritch?
 9 DR. RITCH: Deny.
 10 MS. VEST: Alan Rousseau?
 11 MR. ROUSSEAU: Deny.
 12 MS. VEST: Denies have it, Madam Chair,
 13 the application has been denied for private
 14 investigator. If she received her apprentice card,
 15 we'll ask for that back as well.
 16 CHAIRPERSON LANE: Yes.
 17 MS. VEST: If we can take a quick break,
 18 I need to speak to Ms. Silva.
 19 CHAIRPERSON LANE: All right, we'll take
 20 a quick break.
 21 (Short break.)
 22 CHAIRPERSON LANE: I call us back to
 23 order. Following our agenda, looks like the next
 24 items are administrative matters, and I'll turn this
 25 over to our Executive Director Cody Vest.

1 MS. VEST: Thank you, Madam Chair. Under
 2 the administrative matters you do have the
 3 disciplinary action report. We do have four months
 4 on there for you. If you go look through the
 5 disciplinary action report for September, we did have
 6 some activity of \$250. October of 2016 we had a
 7 total of \$650. November of 2016 and December of 2016
 8 there was no activity.
 9 I'll move right along, unless the
 10 Commission has questions. If you do, just let me
 11 know, but you see this every meeting that we have.
 12 And you do -- I believe they have all been sent out
 13 to you in advance.
 14 Dr. Ritch?
 15 DR. RITCH: Yes, ma'am.
 16 MS. VEST: You did receive yours, did you
 17 not?
 18 DR. RITCH: I did.
 19 MS. VEST: All right, thank you. The
 20 next item we are going to look at is the monthly
 21 report, it's going to be for four months as well,
 22 September, October, November, December of 2016. So I
 23 am just going to pull over to the December, the last
 24 one. What we are -- get to the previous -- this is
 25 all the professions that we have, the report that I

1 have to turn in, and first was Alarms -- I am trying
 2 to get to my section here for PIs.
 3 What it says is there are seven
 4 Commission member vacancies. Alan Rousseau, and he
 5 expired in 2014. Mr. Rousseau, I'd like to
 6 compliment you on staying on the Commission without
 7 being reappointed. You serve as a commissioner -- at
 8 the Governor's discretion, and I want to thank you
 9 for doing that since 2014.
 10 MR. ROUSSEAU: You are very welcome.
 11 Thank you for putting up with me.
 12 MS. VEST: Eligible for re-appointment,
 13 Wait Valentine. He did resign, so his position is
 14 vacant. Paul Brown was vacant and so was Larry
 15 Flair's position. David Horton also. Not eligible
 16 for re-appointment is Minnie Lane and Dr. Ritch.
 17 So we are -- that's why I mentioned this
 18 morning on waiting to vote on your new Commission
 19 members until we see who the Governor is going to
 20 reappointment or appoint. We'll move right on.
 21 The next thing we have on the agenda is
 22 our budget review. You should have already had this
 23 as well. I gave you two sections. This first one is
 24 the actual budget printout. You'll see there fiscal
 25 year goes to '13, '14, '15, and '16, so we are

1 expenses are with the Edison expenses, that's what we
 2 use for our payroll, administrative cost backs, legal
 3 cost backs, investigations, field enforcement,
 4 customer service center.
 5 This is information that was never
 6 provided to us on a monthly basis so we can see any
 7 type of trend. I really like looking at this form,
 8 it tells me more of what is going on with your
 9 Commission. From reading this, I don't think we have
 10 a problem with the PI Polygraph Commission, as far as
 11 a budget's concerned.
 12 But if any Commission members hear of any
 13 type of legislation or any flux we can expect with
 14 the Commission, please let me know so I can be on the
 15 crux of knowing what's going on.
 16 If you have no questions there, we'll
 17 move onto the legislative update. We don't have any,
 18 right this minute. Next time we meet may be a
 19 different story, but as of today, we don't have any.
 20 If you don't have any other questions,
 21 we'll move right on down to the education report,
 22 which falls under me. The committee met this
 23 morning, I am going to turn that over to our chair,
 24 please.
 25 CHAIRPERSON LANE: All right, I don't

1 interested in '16. If you come down to your fiscal
 2 year balance, it says \$19,416. You know July 1st we
 3 start back over with a zero balance and we go to June
 4 to the following year. So we were in a positive, we
 5 have been in a positive.
 6 If you would look at the next thing on
 7 your I-Pad, it's a new way they are giving me our
 8 budget. Administration wants us to be able to look
 9 at our budget on a monthly basis, so if we are
 10 starting to have any type of problems, we can catch
 11 it then. I have monthly meetings with administration
 12 and one of them is on the budget. Anything that I
 13 see that could affect your budget, any type of
 14 legislation that might be coming down, a decrease in
 15 applications or renewals or whatever, we try to
 16 anticipate as best we can.
 17 If you will look at November of '16, you
 18 will see you have a balance of \$11,969 for that
 19 month. It's broken out by months, but don't be
 20 alarmed if you might see a negative one time. What
 21 we really want to focus on is our year-end total, and
 22 right now it's \$67,951 so far. And this is really
 23 helpful because it tells you your license revenue,
 24 the case revenue is complaints, and the regulatory
 25 fee that we must pay. Then it breaks down what your

1 have a list of them. Do you have the list?
 2 MS. VEST: Yes, ma'am, I do. The first
 3 one was -- okay. I could have brought that to you.
 4 CHAIRPERSON LANE: That's okay.
 5 MR. ROUSSEAU: I know I shouldn't say
 6 this while we are on record, this really feels
 7 strange that I am here for this part.
 8 CHAIRPERSON LANE: As Executive Director
 9 Cody Vest stated, we met this morning, it's open to
 10 the public, to review this education.
 11 The first one we had was a Dwayne Duhon,
 12 D-U-H-O-N, and the recommendation was to approve his
 13 40 hours of inservice. Evidently he's an officer and
 14 does this, and since we have to take it, whether it's
 15 open to the public or not, recommendation was to
 16 approve.
 17 Now I can go ahead and read each one of
 18 these and we can do one vote, if you want to, if
 19 that's okay with everybody.
 20 MR. BROWN: Yes, ma'am.
 21 CHAIRPERSON LANE: The next one is
 22 Leading Edge Legal Ed. It's an online continuing
 23 course. These people -- this company provides -- and
 24 they're on our approved list, but they are wanting to
 25 add two courses. This is a 12-hour continuing

1 education course entitled Treasure Hunt Dumpster Dive
2 Asset Search, and the recommendation was to approve
3 that and add it to the list of approved courses.

4 The second -- the third one is also a
5 Leading Edge Legal Ed online continuing education
6 course, and it was for 12 hours. It's Stealth Mode
7 Surveillance/Undercover Ops. The recommendation was
8 to approve that and add it to the list.

9 The last one we have here is also an
10 online continuing course by the Leading Edge Legal
11 Ed. It's for 12 hours. The course is Truth or Dare,
12 Interviewing and Testifying, and the recommendation
13 was to approve this and add it to the list of
14 approves.

15 I'll ask if there's a motion on this?

16 MR. BROWN: Madam Chair, I move that we
17 approve these.

18 CHAIRPERSON LANE: Motion by Commissioner
19 Brown.

20 MR. FLAIR: I'll second.

21 CHAIRPERSON LANE: Second by Commissioner
22 Flair. All in favor?

23 THE COMMISSION: Aye.

24 CHAIRPERSON LANE: Opposed? Motion
25 carries. Would you do a rollcall, please?

1 MS. VEST: David Brown?

2 MR. BROWN: Aye.

3 MS. VEST: Larry Flair?

4 MR. FLAIR: Aye.

5 MS. VEST: Rick Jones?

6 MR. JONES: Aye.

7 MS. VEST: Minnie Lane?

8 CHAIRPERSON LANE: Aye.

9 MS. VEST: Jerry Richards?

10 MR. RICHARDS: Aye.

11 MS. VEST: Dr. Ritch?

12 DR. RITCH: Aye.

13 MS. VEST: Alan Rousseau?

14 MR. ROUSSEAU: Aye.

15 MS. VEST: Ayes have it, Madam Chair,
16 they all passed.

17 CHAIRPERSON LANE: Okay. Looks like
18 following right along on the agenda we come to
19 unfinished business. I'll ask if anybody has any
20 unfinished business?

21 MS. VEST: I do not have any unfinished
22 business, Madam Chair.

23 CHAIRPERSON LANE: What about new
24 business? That's the next item. Does anyone --

25 MR. FLAIR: I have a quick question of

1 Director. On the expense report for commissioners,
2 what is the allotted -- off the top of your head, do
3 you know, Ms. Cody, what the allotted amount for
4 the --

5 MS. VEST: You get a \$50 per diem and
6 then you pay -- we pay for your expenses.

7 MR. FLAIR: The room, is it cut off like
8 X --

9 MS. VEST: The State rate right now is
10 \$161, is the State rate for the hotel.

11 MR. FLAIR: Thank you, that's all I need.

12 CHAIRPERSON LANE: Okay.

13 MS. VEST: Yes, we do have some new
14 business.

15 CHAIRPERSON LANE: All right.

16 MS. THOMAS: Just quickly, I have had a
17 conflict come up on the March 17th Commission date,
18 and I was hoping that the Commission would be open to
19 maybe moving that to a different date in March. I
20 know March 10th is not feasible just due to March
21 Madness, and I think Bridgestone will have basketball
22 games. I am free any other Friday in March, that
23 would be March 3rd, March 24th or March 31st. So I
24 was hoping that we could discuss that.

25 MR. JONES: I'm agreeable to the 24th and

1 31st.

2 MS. VEST: Now you can bear in mind we
3 can have these Commission meetings any day, it
4 doesn't have to be on a Friday.

5 MS. THOMAS: So that week would not work
6 for me, but any other day in March I'm available.

7 MR. JONES: What does everyone think of
8 maybe having a meeting on a non-Friday?

9 CHAIRPERSON LANE: I prefer Fridays, but
10 I can make it work.

11 MR. BROWN: I'm sorry, Ms. Vest, but I do
12 too.

13 MR. JONES: Enough said.

14 MS. VEST: We can accommodate Fridays,
15 that's not a problem. We can handle that.

16 MR. JONES: 31st is good for us.

17 CHAIRPERSON LANE: 31st?

18 MS. VEST: Commissioner Richards, do you
19 have any conflict there?

20 MR. RICHARDS: No, ma'am.

21 MS. VEST: So Mr. Jones, it's okay with
22 you?

23 MR. JONES: Fine with me.

24 MS. VEST: Mr. Brown?

25 MR. BROWN: I'm fine.

Page 61

1 CHAIRPERSON LANE: Do we need a motion to
 2 move that?
 3 MS. VEST: Just making sure we don't have
 4 any conflicts.
 5 Alan Rousseau?
 6 MR. ROUSSEAU: I don't have any.
 7 MS. VEST: Larry Flair?
 8 MR. FLAIR: None whatsoever.
 9 MS. VEST: Now we need a motion to change
 10 the Board meeting to the 31st --
 11 MR. FLAIR: Madam Chair, I make a motion
 12 we change the Board meeting in March to reflect it
 13 will be March the 31st at 9:30 a.m.
 14 CHAIRPERSON LANE: I have a motion by
 15 Commissioner Flair. Is there a second?
 16 MR. JONES: Second.
 17 CHAIRPERSON LANE: Second by Commissioner
 18 Jones. All in favor?
 19 THE COMMISSION: Aye.
 20 CHAIRPERSON LANE: Opposed? Motion
 21 carries. Would you do a rollcall, please?
 22 MS. VEST: David Brown?
 23 MR. BROWN: Aye.
 24 MS. VEST: Larry Flair?
 25 MR. FLAIR: Aye.

Page 62

1 MS. VEST: Rick Jones?
 2 MR. JONES: Aye.
 3 MS. VEST: Minnie Lane?
 4 CHAIRPERSON LANE: Aye.
 5 MS. VEST: Jerry Richards?
 6 MR. RICHARDS: Aye.
 7 MS. VEST: Dr. Ritch?
 8 DR. RITCH: Aye.
 9 MS. VEST: Alan Rousseau?
 10 MR. ROUSSEAU: Aye.
 11 MS. VEST: Ayes have it, Madam Chair.
 12 CHAIRPERSON LANE: Thank you.
 13 MS. THOMAS: Thank you so much,
 14 Commission.
 15 MS. VEST: Do we have anybody in the
 16 audience that signed up to speak? We have no
 17 audience participation.
 18 CHAIRPERSON LANE: No audience
 19 participation. Well, if there's no further business,
 20 I will call for a motion to adjourn the January 27th
 21 meeting --
 22 MR. FLAIR: I'll make that motion as
 23 well. Larry Flair.
 24 CHAIRPERSON LANE: Motion by Commissioner
 25 Flair.

Page 63

1 MR. JONES: Second.
 2 CHAIRPERSON LANE: Second by Commissioner
 3 Jones. All in favor?
 4 THE COMMISSION: Aye.
 5 CHAIRPERSON LANE: Opposed? Motion
 6 carries. We need a rollcall.
 7 MS. VEST: David Brown?
 8 MR. BROWN: Aye.
 9 MS. VEST: Larry Flair?
 10 MR. FLAIR: Aye.
 11 MS. VEST: Rick Jones?
 12 MR. JONES: Aye.
 13 MS. VEST: Minnie Lane?
 14 CHAIRPERSON LANE: Aye.
 15 MS. VEST: Jerry Richards?
 16 MR. RICHARDS: Aye.
 17 MS. VEST: Dr. Ritch?
 18 DR. RITCH: Aye.
 19 MS. VEST: Alan Rousseau?
 20 MR. ROUSSEAU: Aye.
 21 MS. VEST: Ayes have it, Madam Chair, we
 22 are adjourned.
 23 (WHEREUPON, the meeting was adjourned at
 24 11:17 a.m.)
 25

Page 64

1 REPORTER'S CERTIFICATE
 2
 3 STATE OF TENNESSEE
 4 COUNTY OF SUMNER
 5 I, JENNY CHECUGA, licensed Court Reporter,
 6 with offices in Nashville, Tennessee, and Registered
 7 Professional Reporter, hereby certify that I reported
 8 the foregoing Commission Meeting by machine shorthand
 9 to the best of my skills and abilities, and
 10 thereafter the same was reduced to typewritten form
 11 by me.
 12 I further certify that I am not related to
 13 any of the parties named herein, nor their counsel,
 14 and have no interest, financial or otherwise, in the
 15 outcome of the proceedings.
 16 I further certify that in order for this
 17 document to be considered a true and correct copy, it
 18 must bear my original signature and that any
 19 unauthorized reproduction in whole or in part and/or
 20 transfer of this document is not authorized, will not
 21 be considered authentic, and will be in violation of
 22 Tennessee Code Annotated 39-14-104, Theft of
 23 Services.
 24
 25


 JENNY CHECUGA, LCR, RPR
 Elite Reporting Services
 Licensed Court Reporter (TN)
 Notary Public State of Tennessee
 My Notary Commission Expires: 5/22/2019
 LCR #690 - Expires: 6/30/2018



<hr/> <p style="text-align: center;">\$</p> <hr/> <p>\$11,969 54:18</p> <p>\$161 59:10</p> <p>\$19,416 54:2</p> <p>\$250 52:6</p> <p>\$50 59:5</p> <p>\$500 22:18 44:9</p> <p>\$650 52:7</p> <p>\$67,951 54:22</p> <hr/> <p style="text-align: center;">(</p> <hr/> <p>(a) 37:2</p> <p>(b) 37:2</p> <p>(l) 35:8</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>10 17:12</p> <p>10:30 26:15,21,25 27:2</p> <p>10th 59:20</p> <p>1160-02-03(3)(a)&(b) 37:1</p> <p>1160-1-.05 35:3</p> <p>1160-1-.05(3)(b)&(c) 31:17</p> <p>1160-1-.06 35:6 37:8</p> <p>1160-1-.06(2)(a) 32:11</p> <p>1160-1-.06(9) 36:17</p> <p>1160-1-06(8)(a) 36:12</p> <p>12 57:6,11</p> <p>12-hour 56:25</p> <p>12/14 26:11 47:17</p> <p>13 53:25</p> <p>14 16:3 26:11 47:9 53:25</p> <p>14th 16:15</p> <p>15 53:25</p> <p>16 6:23 53:25 54:1,17</p> <p>17th 59:17</p>	<p>1988 22:18 44:6</p> <p>1999 29:22</p> <p>1st 54:2</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2001 22:18 44:8</p> <p>2002 48:18</p> <p>2014 47:12,17,22 53:5,9</p> <p>2016 6:23 16:3,8 17:12 26:12 47:10 52:6,7,22</p> <p>2017 4:4</p> <p>211 49:25</p> <p>21st 47:22</p> <p>24th 59:23,25</p> <p>26th 24:14</p> <p>27 4:4</p> <p>27-107(a)(8) 30:10</p> <p>27th 62:20</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>31st 59:23 60:1,16,17 61:10,13</p> <p>38 29:17</p> <p>3rd 59:23</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 16:8</p> <p>40 56:13</p> <p>45.225(b) 15:18</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5th 16:15</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>62 30:10</p> <p>62.26.202(26) 16:12</p>	<hr/> <p style="text-align: center;">7</p> <hr/> <p>7 32:11,15,24 33:1 35:6, 10 37:8,11</p> <p>7(l) 32:11,24 35:13</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>88 23:20</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 26:9</p> <p>9/2014 26:11</p> <p>9:30 4:5 61:13</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m. 4:5 61:13</p> <p>abstain 11:22 40:19 45:15,23 50:22 51:5</p> <p>abstains 12:3</p> <p>accept 20:10,13</p> <p>accommodate 34:24 60:14</p> <p>Act 16:6 17:1 32:20 35:15</p> <p>action 52:3,5</p> <p>actions 18:16 32:15 33:4,11 44:17</p> <p>active 28:15</p> <p>activities 32:16 33:4,11</p> <p>activity 52:6,8</p> <p>acts 18:20</p> <p>actual 31:6 50:1 53:24</p> <p>add 37:3 56:25 57:3,8,13</p> <p>address 30:11 33:14</p> <p>adjourn 62:20</p> <p>adjunct 29:4</p> <p>administer 18:22</p> <p>administered 49:22</p> <p>administration 29:2</p>	<p>54:8,11</p> <p>administrative 15:23 17:2,3,7 18:10 19:11 51:24 52:2 55:2</p> <p>admit 30:20</p> <p>adopt 5:14,18 12:18 36:5 41:4</p> <p>Adoption 12:14</p> <p>advance 52:13</p> <p>advice 14:14 30:22</p> <p>advise 20:5</p> <p>affect 54:13</p> <p>agency 18:1,10,19</p> <p>agenda 5:14,18 6:5 8:4 13:22 22:6 26:21 51:23 53:21 58:18</p> <p>agent 28:9</p> <p>agreeable 59:25</p> <p>agreement 37:14</p> <p>ahead 8:7,16 10:13 22:11 26:16 34:23 38:23 43:17 56:17</p> <p>Alan 5:6 6:18 7:25 9:22 13:18 22:1 25:25 40:24 43:6 46:3 51:10 53:4 58:13 61:5 62:9</p> <p>alarmed 54:20</p> <p>Alarms 53:1</p> <p>alcohol 50:8</p> <p>alleges 16:11</p> <p>alleging 16:4</p> <p>allotted 59:2,3</p> <p>allowed 48:4</p> <p>altering 36:22</p> <p>amendment 16:13,15</p> <p>American 29:10 32:20 37:3</p> <p>amount 59:3</p> <p>Ann 4:5</p> <p>anticipate 54:16</p> <p>APA 35:15</p>
--	--	--	--

<p>apologize 11:25 27:3</p> <p>appealed 17:22</p> <p>appearance 24:15 26:9 27:2</p> <p>appearances 22:6 41:21,25</p> <p>applicability 17:19</p> <p>application 22:21 23:9 26:2 42:7 44:6,10 45:7,9 46:8 50:13,15 51:13</p> <p>applications 54:15</p> <p>apply 45:1</p> <p>appoint 53:20</p> <p>appointees 8:12,15</p> <p>appointments 8:5</p> <p>apprentice 23:21 51:14</p> <p>apprenticeship 22:15 23:1 24:2,5,8 46:6</p> <p>approval 6:5 30:18</p> <p>approve 6:24 22:15 24:1,4 34:21 56:12,16 57:2,8,13,17</p> <p>approved 56:24 57:3</p> <p>approves 57:14</p> <p>approximately 4:5</p> <p>April 22:10 23:12 26:7 41:24</p> <p>areas 32:1,16</p> <p>Argenbright 28:25</p> <p>Army 28:6</p> <p>Ashley 37:24</p> <p>Asset 57:2</p> <p>assist 39:2,19</p> <p>Assistant 13:24</p> <p>association 29:11,13,25 32:20 34:12 37:3,14,20 38:3,19 39:19 41:9</p> <p>attending 4:10</p> <p>attorney 14:10,13,19 46:24</p> <p>attorneys 4:3 14:17</p>	<p>audience 62:16,17,18</p> <p>authorized 18:11 39:18</p> <p>aware 36:15 48:20</p> <p>Aye 5:23 6:7,9,11,13,15, 17,19 7:7,14,16,18,20, 22,24 8:1 9:5,11,13,15, 17,19,21,23 13:1,7,9,11, 13,15,17,19 25:10 40:5, 13,15,17,21,23,25 42:14, 20,22,24 43:1,3,5,7 45:13 50:20 57:23 58:2, 4,6,8,10,12,14 61:19,23, 25 62:2,4,6,8,10</p> <p>eyes 6:20 8:2 9:24 13:20 40:6 41:1 43:8 58:15 62:11</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>BAC 49:25</p> <p>back 19:20 22:16 26:23 41:20 46:7 48:18 51:15, 22 54:3</p> <p>backs 55:2,3</p> <p>bad 48:16 49:4</p> <p>balance 54:2,3,18</p> <p>ballot 11:7,23</p> <p>ballots 12:5</p> <p>based 23:22</p> <p>basis 54:9 55:6</p> <p>basketball 59:21</p> <p>bear 60:2</p> <p>begin 37:15 38:5</p> <p>benefit 28:2</p> <p>big 38:22</p> <p>bill 30:15 31:2</p> <p>bit 21:2</p> <p>blood 50:8,10</p> <p>board 18:10,13,25 22:15, 16,17 29:9 61:10,12</p> <p>bosses 44:22</p> <p>bounced 49:7</p> <p>branch 18:15,18,24</p>	<p>branches 18:17</p> <p>break 41:15,16,17 51:17, 20,21</p> <p>breaks 54:25</p> <p>breathalyzer 49:22</p> <p>Bridgestone 59:21</p> <p>bring 36:8</p> <p>broad 16:18</p> <p>broken 54:19</p> <p>brought 56:3</p> <p>Brown 4:18,19 5:15,18 6:6,7 7:13,14 9:10,11 10:24,25 11:16,17 12:8,9 13:6,7 14:18,20,23 15:2, 4,15 20:10,12,21,25 21:14,15 25:13,14 40:12, 13 42:11,13,19,20 45:16, 17 50:23,24 53:14 56:20 57:16,19 58:1,2 60:11, 24,25 61:22,23</p> <p>budget 53:22,24 54:8,9, 12,13</p> <p>budget's 55:11</p> <p>built 36:21</p> <p>business 16:19,20,22 17:1 29:14 58:19,20,22, 24 59:14 62:19</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>call 4:6,12,16 10:16 11:15 13:4 23:24 41:18 42:3 51:22 62:20</p> <p>called 48:20</p> <p>calling 5:9</p> <p>canine 29:20</p> <p>car 48:4,7</p> <p>card 51:14</p> <p>care 48:17,18,21 49:13</p> <p>carries 5:25 7:9 9:7 13:3 42:16 57:25 61:21</p> <p>carry 35:22</p> <p>case 15:22 16:10 17:3,19 18:13 19:9,19,20 54:24</p>	<p>cases 14:7</p> <p>catch 54:10</p> <p>cease 11:4</p> <p>center 55:4</p> <p>certificates 45:2</p> <p>chair 6:20 8:2,9 9:24 10:6 12:11 13:20 22:4 26:3 27:9 39:23 41:1 43:8 50:17 51:12 52:1 55:23 57:16 58:15,22 61:11 62:11</p> <p>Chairman 4:6 20:18 33:14 39:15 48:23</p> <p>CHAIRPERSON 4:2,15 5:1,11,17,20,24 6:2,13, 21 7:2,5,8,20 8:3,19 9:2, 6,17,25 10:15,23 11:4, 10,20 12:12,14,17,21,24 13:2,13,21 14:2 15:8 20:6,9,12,16 21:5,10,21 22:5,8,25 24:3,7,11,17, 19,24 25:7,11,20 26:4, 14,18,24 27:6,11 33:16 37:17 39:8,25 40:2,6,11, 19 41:2,6,15,18 42:1,9, 12,15 43:1,9,15,21 44:2 45:5,8,11,14,23 46:15,19 48:24 49:15 50:14,18,21 51:5,16,19,22 55:25 56:4,8,21 57:18,21,24 58:8,17,23 59:12,15 60:9,17 61:1,14,17,20 62:4,12,18,24</p> <p>challenge 18:12</p> <p>challenged 19:4</p> <p>challenging 16:16</p> <p>chancery 15:21 17:22 18:5 19:14 20:2,4 21:1</p> <p>change 14:11 30:8,25 31:17 32:24 33:18,21 34:25 35:3,4,5 36:9,13 37:10 38:7,12,20,22,24 39:6,14 61:9,12</p> <p>changed 32:25 34:5 35:7,24 38:8,13 39:14</p> <p>changing 31:6 37:21</p> <p>Chapter 30:10 31:17 32:11 36:11</p>
---	--	---	--

charge 23:20 28:12
46:24 47:16 48:6

charged 48:1,2,5 49:18
50:2,9

charges 16:4 23:19
44:14 47:17 48:10

chart 36:18,23,24

charts 36:13,14,15

Chattanooga 28:11

check 48:9,16,25 49:4,7,
11

checks 48:12 49:10

chief 29:21

CID 28:6

claiming 16:17

clarification 23:11

clarity 21:7

clause 16:15

cleanup 39:9

Code 15:18

Cody 4:12 51:25 56:9
59:3

collected 12:5 36:22

Commerce 17:16 18:23
19:1

commission 4:3,6,8,9
5:12,23 6:22,23 7:7 8:6,
10 9:5 10:18 11:13 12:8
13:1 14:4,15,19,25
15:15,19 17:9 18:7,24
19:2,23 21:8 23:23 25:10
27:19 30:6,12,16 31:20
32:6,9,13 33:3,10,21
34:23 35:9 36:4,7 37:13
39:2 40:5 41:5,12,20
42:5,14 43:20,23 44:3,12
45:13 46:18,21 50:20
52:10 53:4,6,18 55:9,10,
12,14 57:23 59:17,18
60:3 61:19 62:14

Commission's 19:5

commissioner 5:17,20
7:2,5 9:3,4 10:24 12:21,
25 20:16 24:24 25:6
27:15 40:2,3 42:9,12
45:8,11 50:15,18 53:7

57:18,21 60:18 61:15,17
62:24

commissioners 59:1

committee 55:22

community 27:20

company 16:12 24:15
44:25 56:23

competent 16:1 19:12

complaints 14:8,15,20,
23 54:24

completed 32:8

completely 32:15 35:14

complies 34:6

compliment 53:6

comply 33:8 39:6

computer 23:24

computerized 36:20

conceivable 17:1

concerned 39:9 55:11

concerns 17:19

conduct 31:24,25

conducting 32:1

conducts 28:18

conferencing 4:10

conflict 59:17 60:19

conflicts 61:4

consent 47:18 48:4
49:19 50:8

constitutional 15:25
18:9,11

constitutionality 18:16,
20 19:5,18,25

contained 16:11

contested 15:22 19:9

continuing 56:22,25
57:5,10

contract 29:14

control 28:20 29:3

copy 5:13

correct 19:22 33:9,25

34:1 35:2 49:19

correspondence 46:10

cost 55:2,3

counsel 13:24 20:19
33:15 34:20 36:2 39:17

counsel's 20:11,13

counsels 14:12

County 17:23 19:15 30:1
48:18

couple 24:12 38:13,16

courses 56:25 57:3

court 15:21 16:1 17:22
18:5,8,14 19:7,12,14
20:3,4 28:21

cover 32:16

created 18:22

crime 22:19 44:7

cross 27:23

crux 55:15

cumbersome 35:24
39:13

current 29:9 31:13 38:18

curriculum 29:2

customer 55:4

cut 59:7

D

D-U-H-O-N 56:12

Dare 57:11

data 36:22

date 4:4 59:17,19

David 4:18,22 5:8 6:6
7:13 9:10 10:25 11:16,17
12:8 13:6 20:12 21:14
25:13 40:12 42:19 45:16
50:23 53:15 58:1 61:22

Davidson 17:22 19:14

day 48:22 49:13 60:3,6

day-to-day 14:14

December 52:7,22,23

decided 14:11 16:1
19:19

decides 34:13 35:9 36:4

decision 15:17 19:14,23
21:2,3 32:9 36:16 42:6

declaratory 15:8,10,20,
21 16:9 17:4,6,11,12,15,
18,24 18:3,4,7 19:2 21:9

decrease 54:14

Defense 28:8,17 29:5

define 33:11

defining 33:3

definition 16:11,17,24,
25

delay 8:7

delete 35:9

denied 17:5 22:4 24:22
25:5,14,16,18 26:3 45:7
46:9 50:13 51:13

Denies 46:5 51:12

Dentistry 18:14

deny 20:5 21:9,15,17,19,
21,23,25 22:2 25:8,20,
22,24 26:1 45:9,17,19,
21,25 46:2,4,6 50:15,24
51:1,3,7,9,11

department 14:6,11
15:19 16:3 17:8,11,13,
16,21 18:6,23 19:1 28:7,
16,22 29:5,18

departments 29:19

depends 20:25

deputy 28:24

designed 16:25

details 44:17

detective 29:20,25

determine 18:16,21

determined 18:9

developers 36:21

development 29:1

dilem 59:5

diffuse 16:21

<p>directive 39:5</p> <p>director 5:12 13:4 28:24 51:25 56:8 59:1</p> <p>directors 29:9</p> <p>disciplinary 14:12 52:3, 5</p> <p>disclose 44:6,10</p> <p>discretion 53:8</p> <p>discuss 32:7 59:24</p> <p>discussed 31:11</p> <p>discussing 35:5</p> <p>discussion 5:21 7:6 8:19 12:25 20:17 21:6 25:8 31:5 40:4,7 42:16 45:12 50:19</p> <p>dismiss 16:10 17:5</p> <p>dismissed 17:4</p> <p>disregard 31:15</p> <p>Dive 57:1</p> <p>Division 17:3,7 19:11</p> <p>docket 16:10 20:25</p> <p>doctrine 16:14</p> <p>documents 37:15 39:17</p> <p>drive 48:4</p> <p>driving 47:18 48:3,7 50:4,6</p> <p>dropped 47:17,19,25 48:3,6</p> <p>due 8:4 16:15 22:16 59:20</p> <p>Duhon 56:11</p> <p>DUI 26:11,13 47:8,16,18, 21,23,24 48:1,3,5 50:1,9</p> <p>DUIS 47:11,14</p> <p>Dumpster 57:1</p> <p>Duncan 28:14</p> <p>duties 29:19</p> <p>Dwayne 56:11</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e-mail 23:25</p>	<p>Earl 22:9,14 23:16 41:23</p> <p>earlier 34:22</p> <p>easier 11:20</p> <p>easiest 11:12</p> <p>easily 34:5</p> <p>easy 34:2</p> <p>Ed 56:22 57:5,11</p> <p>Edge 56:22 57:5,10</p> <p>Edison 55:1</p> <p>education 55:21 56:10 57:1,5</p> <p>effect 33:24 39:10</p> <p>elect 8:24 9:2</p> <p>election 8:4,8 10:1</p> <p>elections 8:16</p> <p>eligible 53:12,15</p> <p>eliminate 32:15,25 35:13 37:13</p> <p>eliminated 33:5</p> <p>eliminating 33:12 37:12</p> <p>Elrod 28:4</p> <p>embezzlement 22:19 44:8</p> <p>employment 32:17,19 35:15</p> <p>enacted 34:19</p> <p>encompass 16:25</p> <p>encompassing 16:18</p> <p>ended 50:9</p> <p>enforce 18:22</p> <p>enforcement 29:10,16 55:3</p> <p>Enforcement/public 32:21</p> <p>engages 16:20</p> <p>entitled 57:1</p> <p>entity 16:19 17:1</p> <p>equipment 36:20</p> <p>essence 33:17</p>	<p>event 8:22</p> <p>Evidently 56:13</p> <p>examination 32:18 35:17</p> <p>examinations 28:18 29:3,15 31:23,24 32:2,22 34:5</p> <p>examined 28:3</p> <p>examinee 35:16,19 36:18,23</p> <p>examiner 28:7,10 29:21 30:1 35:22 36:23</p> <p>examiners 27:23 28:2 31:25 33:24 35:18 36:19 37:5</p> <p>exception 37:8</p> <p>excuse 41:8</p> <p>executive 4:12,16 5:11 13:4 18:18,24 51:25 56:8</p> <p>exhibit 22:12,13 23:15 26:6 43:13</p> <p>existence 16:20 33:1</p> <p>exists 35:7,11</p> <p>expect 43:25 55:13</p> <p>expense 59:1</p> <p>expenses 55:1 59:6</p> <p>expert 28:20 29:3</p> <p>expired 53:5</p> <p>explain 37:23 44:15 47:7</p> <p>explained 19:23</p> <p>explanation 46:20</p> <p>explore 33:3</p> <p>expungable 47:3</p> <p>expunged 46:25 47:20</p> <p>extensive 27:21</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>facial 18:11 19:5</p> <p>facially 16:12</p> <p>fact 23:22</p>	<p>facts 19:19</p> <p>falls 18:25 55:22</p> <p>familiar 48:14</p> <p>favor 5:22 7:6 9:4 11:14 12:25 25:9 40:4 41:12 42:13 45:12 50:19 57:22 61:18</p> <p>feasible 59:20</p> <p>February 16:8</p> <p>federal 28:21</p> <p>fee 54:25</p> <p>feel 19:21 33:19</p> <p>feels 56:6</p> <p>fellow 4:2</p> <p>field 55:3</p> <p>file 19:6</p> <p>filed 16:3,8 17:6,8,10,20, 25</p> <p>files 19:15</p> <p>filling 18:3</p> <p>find 20:18 30:8 38:4 41:10</p> <p>fine 27:12 31:5 34:17 60:23,25</p> <p>finish 14:16</p> <p>finished 48:6</p> <p>firearm 46:24</p> <p>fiscal 53:24 54:1</p> <p>fit 32:2</p> <p>Flair 4:20,21 6:8,9 7:15, 16 9:12,13 10:20,21 11:1,11,14,17 13:8,9 20:18,24 21:4,16,17 25:15,16 33:14,17 37:25 40:1,3,14,15 42:21,22 45:18,19 48:23,25 49:4, 10 50:17,19,25 51:1 57:20,22 58:3,4,25 59:7, 11 61:7,8,11,15,24,25 62:22,23,25</p> <p>Flair's 53:15</p> <p>floating 49:9</p> <p>Florida 28:19</p>
--	--	--	---

flux 55:13

focus 54:21

forgery 49:5

form 55:7

formal 15:22

format 18:1

forward 19:17 20:2
37:15 42:2

free 19:21 59:22

Friday 4:4 59:22 60:4

Fridays 60:9,14

front 22:23

full-time 29:16

funds 49:1

furnishing 16:20

G

games 59:22

gave 53:23

General 13:24

generic 16:21

gentleman 23:22 26:22

Georgia 28:19,22

gift 45:2

give 30:8 44:25

giving 50:10 54:7

good 4:2 14:4 15:4,15
46:6 60:16

government 18:17,25

Governor 53:19

Governor's 8:11 53:8

graduate 28:16

graduated 28:7

guess 20:22 49:8

guests 4:3

guilty 50:7

H

hand 28:5

handle 4:12 6:3 8:7 10:1
11:9 13:25 14:1,14 60:15

handled 14:7,16

handling 14:20 17:2

hard 48:14

harm 28:3

he'll 26:22

head 59:2

hear 7:11 11:3 21:1
24:16 25:2 55:12

heard 8:11 18:9 19:12
23:23

hearing 14:9 15:23 16:4
19:13 38:7

helpful 54:23

Hill 33:18,23 34:8,11,13,
15 37:20 38:4,11 39:3
41:11

Hireright 24:15

hold 9:8 10:3 38:20

hoping 30:3 59:18,24

Horton 4:22 5:9 53:15

hotel 59:10

hours 56:13 57:6,11

House 38:4

housed 18:24

Hunt 57:1

I

I-PAD 54:7

I-PADS 30:7,13 43:14,20
46:18

idea 20:20

implement 30:25 34:16

implied 49:18 50:7

impression 47:5

improperly 17:6,15

Inappropriate 33:20

Include 16:18

Included 29:19

incorporate 38:8

Indefinitely 15:24

indication 30:15

individual 16:19

individuals 12:1

information 16:21 55:5

inservice 56:13

Institute 28:8,17,25 29:6

instruct 39:17

instruction 37:5

instructor 29:5

Insufficient 49:1

Insurance 17:16 19:1

Interested 54:1

International 28:25

Interns 32:3

internship 31:18

Interpret 18:15

interrupting 39:24

Interviewing 57:12

Introducing 14:5

Investigation 4:7 10:17
12:7 41:12,19

investigations 16:12
55:3

investigator 22:21
28:23 46:9 51:14

Investigators 16:6

issue 15:17 18:7 19:2
21:1,2 23:21

issued 22:25

Issues 15:25 18:9

item 52:20 58:24

Items 44:19 51:24

J

January 4:4 16:3 62:20

Jeff 29:12

Jerry 5:2 6:14 7:21 9:18
13:14 21:22 25:21 40:20
43:2 45:24 51:6 58:9
62:5

Job 45:1

Jones 4:23,24 6:10,11
7:17,18 9:14,15 12:23,24
13:10,11 21:18,19 24:23
25:6,17,18 29:23 40:16,
17 42:23,24 45:20,21
49:16,18,21,24 50:3
51:2,3 58:5,6 59:25 60:7,
13,16,21,23 61:16,18
62:1,2

Judge 15:23 17:2

Judgement 15:9,10,21
18:5

Judicial 18:15

July 26:12 47:10 54:2

June 54:3

Jurisdiction 16:2 19:12
20:3

K

Kind 46:22

knowing 55:15

knowledge 27:22

L

Lane 4:2,5,15,25 5:1,11,
17,20,24 6:2,12,13,21
7:2,5,8,19,20 8:3,19 9:2,
6,16,17,25 10:15,23
11:4,10,20 12:12,14,17,
21,24 13:2,12,13,21 14:2
15:8 20:6,9,12,16 21:5,
10,20,21 22:5,8,25 24:3,
7,11,17,19,24 25:7,11,
19,20 26:4,14,18,24
27:6,11 33:16 37:17
39:8,25 40:2,6,11,18,19
41:2,6,15,18 42:1,9,12,

15,25 43:1,9,15,21 44:2
45:5,8,11,14,22,23
46:15,19 48:24 49:15
50:14,18,21 51:4,5,16,
19,22 53:16 55:25 56:4,
8,21 57:18,21,24 58:7,8,
17,23 59:12,15 60:9,17
61:1,14,17,20 62:3,4,12,
18,24

language 31:6,13

Larry 4:20 6:8 7:15 9:12
10:19,21 11:1,14,17 13:8
21:16 25:15 40:14 42:21
45:18 50:25 53:14 58:3
61:7,24 62:23

law 18:16 29:10,16 30:9
32:21 33:19,22 38:6

laws 27:13 30:4,20

lawsuit 19:15

Leading 56:22 57:5,10

leave 20:3

lectured 29:6

left 39:10

legal 10:5 13:22 14:6,11
55:2 56:22 57:5,10

legislation 30:14,16,17
37:21 38:14,20,21 54:14
55:13

legislative 18:18,20
31:1 33:18 55:17

legislature 31:8

legislature's 30:17

length 22:16

letter 26:8

license 23:21 54:23

Licensing 16:6

lieutenant 29:20,25

Lindsey 14:17

list 35:8,16,21 56:1,24
57:3,8,13

listed 44:8

litigating 14:10

litigation 14:9

lobbyist 38:1

local 29:7

location 44:18

long 24:3 28:5

longer 20:22,23

looked 47:8

lot 39:12 44:24

M

Madam 6:20 8:2 9:24
12:11 13:20 20:18 22:4
26:3 27:9 33:14 39:15,22
41:1 43:8 48:23 50:17
51:12 52:1 57:16 58:15,
22 61:11 62:11

made 30:23 42:10 44:18
48:20

Madness 59:21

main 44:16

make 8:23 11:5,16 14:11
19:23,24 20:10 24:21
25:4 30:16,22 31:13
37:16 38:11,17,19 39:6,
16,17 42:6 43:22 44:14
45:6 46:20 50:12 60:10
61:11 62:22

making 22:20 36:15
41:13 61:3

March 8:13,18 24:9 41:5
59:17,19,20,22,23 60:6
61:12,13

material 15:2 22:22

matter 11:11 15:16
19:12,18

matters 29:6 51:24 52:2

meaning 18:18

measurement 10:13

meet 55:18

meeting 4:7 6:23 8:13
13:22 22:17 24:9 36:7
41:5,19 47:4 52:11 60:8
61:10,12 62:21

meetings 54:11 60:3

member 5:12 6:22 29:9
53:4

members 4:3,9 8:10
11:13 14:5 15:16 27:19
30:6 53:19 55:12

men 27:20

mentioned 53:17

met 18:2 55:22 56:9

microphone 25:2

mind 19:8 60:2

Minnie 4:5,25 6:12 7:19
8:23 9:16 13:12 21:20
25:19 40:18 42:25 45:22
51:4 53:16 58:7 62:3

minute 55:18

minutes 6:22,24 43:16
46:17

misdemeanor 22:18,20
23:4 32:17 44:7,9

misdemeanors 23:6,21

Mississippi 28:19

mistake 44:19

misunderstood 23:17

Mode 57:6

Model 32:20

moment 10:3

money 44:20

month 14:22 54:19

monthly 52:20 54:9,11
55:6

months 8:21 20:20 24:4
52:3,21 54:19

morning 4:2 14:4,17
15:4,15 22:10 44:6 53:18
55:23 56:9

motion 5:14,17,24 6:24
7:2,8 8:23 9:2,6 11:4
12:18,21 13:2 14:24 16:9
17:5 20:4,7,9,10,12 21:8
22:3 24:20,21,24 25:1,4,
7 36:1,2 37:17 39:16,22
40:2 42:6,10,15 45:5,6,8
49:15 50:12,14 57:15,18,
24 61:1,9,11,14,20
62:20,22,24

move 11:18 12:11 20:2
26:5,21 27:9 42:8 52:9

53:20 55:17,21 57:16
61:2

moved 5:15 7:1 12:20

moving 27:4 59:19

N

Nashville 11:23

national 29:7

needed 37:16

needing 19:22

negative 54:20

nervous 46:22

Nitzschke 14:18

nominate 10:19,23

nominated 10:22

nominations 10:16,22
11:1

nominees 11:6

non-friday 60:8

notice 16:4

notified 8:10

November 24:6,14
26:11 47:9 52:7,22 54:17

number 32:15

numerous 29:7

O

obligation 18:15

obsolete 36:19

obtaining 18:4

October 17:12 52:6,22

offense 23:3 44:21 47:3

offenses 48:1

office 8:11 15:24 28:12
30:2 46:10 48:20 49:14

officer 28:6 29:20 56:13

officers 8:4,14

official 36:8

oftentimes 35:22

Ohio 28:19
one's 13:24
online 56:22 57:5,10
open 19:10 56:9,15
 59:18
opinion 33:20
opportunity 23:24
 26:22 31:25 45:1
Opposed 5:24 7:8 9:6
 13:2 25:11 40:6 42:15
 45:14 50:21 57:24 61:20
Ops 57:7
orally 35:19
order 4:6 10:11 12:16,19
 15:20 16:9 17:4,6,11,12,
 16,18,20 18:4,7 19:3
 21:9 22:19 27:3 33:19
 36:3 41:20 44:7 51:23
orders 17:25
organization 28:11 37:4
original 19:9
outstanding 27:19
overbreadth 16:14
override 10:13
overseas 29:8

P

packet 26:8
pads 22:13
paid 48:19 49:14
paper 11:24
paralegal 14:19
part 33:1,20 35:6,10 45:4
 56:7
participation 62:17,19
partners 34:24
passed 44:24 58:16
past 11:18 29:9
patrol 29:19
Paul 34:20 43:4 53:14

pay 54:25 59:6
payroll 55:2
pen 11:25
pending 15:22 19:9
people 28:3 44:24,25
 56:23
periodic 31:22
person 10:7 16:21,24,25
pertinent 32:18
petition 15:7,19 16:9
 17:4,5,11 19:7 20:1 21:9
PI 12:7 14:19 39:19 55:10
pick 10:6 12:2
PIS 53:2
place 47:2,6
planning 38:20
plea 48:6
pleasure 8:6
pled 50:7
pocketing 44:20
point 13:22 26:14
police 29:17,18,21 37:3
Policy 32:21
polygraph 4:8 10:18
 12:7 27:13,19,20,23
 28:2,7,8,12,16,17,18,24,
 25 29:1,2,5,6,11,13,14,
 15,21,24 30:1,4 31:11,
 23,24 32:1,19,20,22
 33:24 34:24 35:15,18,23
 36:14,20 37:5 41:12,20
 55:10
Polygraphists 37:3
polygraphy 27:22
portion 10:1
position 12:1 34:23
 53:13,15
positive 54:4,5
possession 47:19
possibly 33:19
practice 28:18

pre-employment 31:22
 32:22 34:4
prefer 60:9
prepare 39:17
prepared 44:1
preparing 37:15
present 5:9 14:23,24
 46:16
presentation 32:8
presented 6:25
presenting 15:16
president 29:10,13
prevent 36:22
previous 42:6 52:24
print 36:24
printer 35:22
printout 53:24
prior 32:17 35:17,19
private 4:7 10:17 12:7
 16:5 22:21 28:17 29:14
 41:11,19 46:8 51:13
problem 17:14 18:6
 55:10 60:15
problems 54:10
procedural 15:17 18:3
procedurally 17:21
Procedures 17:3,7
 19:11
proceed 34:25
proceeding 15:20 19:9
process 16:15 38:5
 46:25 47:2,20
professions 52:25
program 14:12,13 28:13
programs 36:21 37:1
promotion 44:25
properly 23:8
propose 34:14 36:5
 38:18
proposed 27:10,18 28:1
 30:7,13 31:1,10,17 34:3,

16 35:3 36:9 37:8,10
 41:3
proposing 34:7
Protection 32:19 35:15
provide 35:20
provided 35:16 55:6
public 22:19 28:22 44:7
 56:10,15
pull 30:7 46:7 52:23
pulled 48:5
pursuant 15:17
pursue 38:20
purview 19:1,24
put 30:3
putting 53:11

Q

qualifying 37:1
quality 28:20 29:3
question 18:19 34:20
 35:23 49:16 58:25
questions 35:8,17,19,
 21,23 44:3 52:10 55:16,
 20
quick 51:17,20 58:25
quickest 11:12
quickly 21:1 59:16
quorum 4:17

R

raise 28:4
raised 15:25
rate 59:9,10
re-appointment 53:12,
 16
read 48:14 56:17
reading 24:12 55:9
ready 11:2 12:10 22:8
 40:9 41:4
reappointed 53:7

reappointment 53:20
reason 35:14
receive 52:16
received 5:13 51:14
reckless 47:18 48:3
 50:4,6
recognize 27:18
recommend 8:17
recommendation
 20:11,13 31:21 32:12,14
 34:10 35:13 36:12,17
 37:2 56:12,15 57:2,7,12
recommendations
 30:23
record 5:8 21:8 26:10
 46:24 47:3 56:6
reduced 22:20 23:3,20
 44:7 47:18 50:4
reference 31:22
reflect 61:12
regulatory 16:6 54:24
remember 15:14
removed 47:2
removing 34:4
renewals 54:15
replace 31:22
report 13:23 49:24 52:3,
 5,21,25 55:21 59:1
represent 27:23
request 17:25
requested 17:12 22:14
require 35:21 38:12
requirement 32:19
 33:13 37:13
requirements 18:3
requires 35:16 36:23
requiring 36:18,22
resign 53:13
Respondent 15:18 16:1,
 7,8,10,16,23 17:10 19:15
Respondents 17:15

18:2 19:4,6
responsible 29:1
rest 32:3
restructure 14:6
result 45:1 50:11
retail 44:18
retired 28:6,22 29:16
retirement 28:9
returned 44:20
returns 44:19
revenue 54:23,24
review 5:13 35:18,23
 43:16 53:22 56:10
reviewed 6:22
reviews 28:20 29:3
Richards 5:2,3 6:14,15
 7:4,6,21,22 8:20 9:3,18,
 19 10:19 13:14,15 21:22,
 23 24:21,25 25:4,21,22
 27:15,17 30:19 31:3,15,
 21 32:10,14 33:7 34:3
 35:6,12 36:11 37:22
 38:23 39:1,12 40:20,21
 43:2,3 45:6,9,24,25 48:9
 50:12,15 51:6,7 58:9,10
 60:18,20 62:5,6
Richardson 18:13
Rick 4:23 6:10 7:17 9:14
 12:24 13:10 21:18 25:17
 40:16 42:23 45:20 51:2
 58:5 62:1
Ridgetop 29:18
Ritich 5:4,5,9 6:16,17
 7:10,12,23,24 9:20,21
 11:3,22 12:3 13:16,17
 15:1,3,5,11,13 20:15,17
 21:24,25 22:22,23 23:3,
 7,11,14,16 25:23,24
 34:20,21 35:2 36:2,10
 40:22,23 43:4,5 46:1,2
 51:8,9 52:14,15,18 53:16
 58:11,12 62:7,8
Robert's 10:10 12:15,18
Robertson 30:1
roll 4:16 11:15 13:5

rolcall 4:11,13 6:1 7:9
 9:7 11:8,10 20:7 21:11,
 13 25:12 40:9 42:17
 45:15 50:22 57:25 61:21
room 59:7
Rousseau 5:6,7,16,19,
 20 6:18,19 7:1,3,25 8:1,
 17 9:1,4,22,23 12:20,22
 13:18,19 22:1,2 23:8
 25:25 26:1 27:1,5 34:9
 36:1 39:15 40:3,24,25
 42:8,9 43:6,7 45:10,12
 46:3,4 47:23,25 51:10,11
 53:4,5,10 56:5 58:13,14
 61:5,6 62:9,10
rule 14:14 17:20,24
 18:11,12 30:13 31:9 32:6
 33:1 34:2 35:3 37:8,16
 38:12,19
rulemaking 37:10 38:7,
 9,22
rules 10:10 12:15,18
 27:13 30:4,23,25 31:11,
 16 33:5,20,21 39:6 41:4
ruling 19:24

S

S-I-L-V-A 22:10
SAC 28:11
safeguard 36:21
Safety 28:22
schedule 9:9
Scott 29:23
screen 30:4
Screening 32:22
script 10:4
Search 57:2
seconds 5:21 25:6
 42:10
secret 11:7,23
Secretary 15:24
section 16:24 27:23 53:2
sections 53:23
seeking 17:15,18
segment 27:14
Senate 38:5
separate 36:13,14
separately 32:7
September 6:23 47:9,
 17,22 50:2 52:5,22
serve 14:13 53:7
served 29:4
service 29:17 32:21 55:4
sessions 29:7
set 19:13 42:6
Shauna 12:2
she'd 4:16
Shepard 14:18
sheriffs 30:1 48:20
 49:14
Shilina 14:18,19 15:2
 19:17,21
short 41:17 51:21
show 5:8 39:19
showed 48:13
slc 47:3
sign 36:18,23 43:11
 46:14
signed 62:16
Silva 22:10 23:12 26:7
 41:24 46:11,12,15,19,22
 47:7,13,15,24 48:2,11,16
 49:2,6,11,17,20,23 50:1,
 5 51:18
sir 15:12 23:6,13 27:16
Skip 28:4,5
small 35:8
Smith 22:9,14 23:16
 41:23 42:3 43:10,15,19,
 21,24 44:4,14,16 46:8
Software 36:20
sole 18:14
sounds 48:19
speak 7:10 51:18 62:16
specific 31:23

spite 44:23
sponsor 37:25 38:4
 41:10
sponsored 30:15
Springfield 29:17
staff 4:3
stand 27:7,8
start 14:5,16 27:15 28:15
 30:9 54:3
starting 54:10
state 18:25 19:7 23:8
 28:21 29:7 59:9,10
State's 15:24
stated 18:8 34:22 56:9
statement 43:22 46:20
statements 44:14
states 15:18 16:23 17:25
 28:6 29:8
statute 16:17 17:17,20
 18:12 19:5,7 31:1,7,13
 33:2,6,7 34:6,7,17,18
 35:5,7,11 37:12 38:18
statutes 18:21 30:22
statutory 30:24 34:14
 35:1,9 39:6
stayed 15:24 19:10
staying 53:6
Stealth 57:6
step 19:6 34:10
Steve 28:14,15,16
store 49:7,12
story 55:19
strange 56:7
students 36:14
study 31:18
stupidity 44:16 45:3
submitted 31:10
submitting 50:10
suggested 31:12
suggestion 38:15

supervisor 28:23
support 31:1 34:13
Supreme 18:8
surrounding 19:20
**Surveillance/
 undercover** 57:7

T

takes 21:2 46:16
taking 39:2
talk 27:17
talked 31:4
talking 44:22
TBI 28:9,12 29:15
teach 36:15
technically 47:21
telephone 4:10
telephonically 5:10
tells 54:23 55:8
ten-minute 41:16
Tennessee 4:7 15:17
 16:5 18:8,13 27:20,24
 28:2,19 29:13,22,24 30:3
 41:19
term 31:23
test 35:19
Testifying 57:12
testimony 28:21 29:4
testing 31:25
thanked 15:14
theft 22:18 44:9
thing 32:23 36:8 44:16,
 24 53:21 54:6
things 26:12 38:10,13,24
thinks 44:23
THOMAS 10:8,12 14:1,4
 19:17 20:8 21:7 30:11,21
 31:5 32:5,23 33:10 34:1,
 12 35:2 36:4 37:7 38:2,
 16,25 39:4 41:3 42:5
 47:11 59:16 60:5 62:13

threw 9:9 10:4
throwing 38:14
time 4:13 5:13 12:1 21:2
 26:15 28:5 30:8 36:6
 41:22 43:17 54:20 55:18

Title 30:9
today 8:16 24:15 27:21
 30:5 44:11 55:19

told 46:25 48:21 49:7
top 59:2
total 49:10 52:7 54:21

training 29:2,7,15
transfer 14:10
Treasure 57:1

trend 55:7
trip 49:13
true 26:17

Truth 57:11
turn 27:14 51:24 53:1
 55:23

turnaround 20:19
type 54:10,13 55:7,13
types 34:4

Typically 14:7

U

unconstitutional 16:13
unconstitutionality
 18:21

understanding 34:21
 46:23
unfinished 58:19,20,21

unit 28:24
United 28:6 29:8
unlimited 16:24

unnecessary 35:25
 36:19,24
update 55:17

V

vacancies 53:4
vacant 53:14
vagueness 16:14

Valentine 53:13
validity 17:19
valuable 37:4

variety 32:16
verify 4:16
Vest 4:12,14,16,18,20,
 22,25 5:2,4,6,8,12 6:1,4,
 8,10,12,14,16,18,20
 7:10,13,15,17,19,21,23,
 25 8:2,9,25 9:8,12,14,16,
 18,20,22,24 10:3,10,14,
 16,21,25 11:5,13,24
 12:6,10,13,15 13:6,8,10,
 12,14,16,18,20 15:1,7,
 10,12 21:12,16,18,20,22,
 24 22:1,3,7,9,24 23:2,5,
 10,13,15,18 24:6,9,13,18
 25:1,13,15,17,19,21,23,
 25 26:2,5,17,20 27:2,8,
 13 37:19,24 38:6 39:22
 40:9,12,14,16,18,20,22,
 24 41:1,7,23 42:3,18,21,
 23,25 43:2,4,6,8,10 44:5
 45:16,18,20,22,24 46:1,
 3,5,13 47:7,14 48:12
 50:22,23,25 51:2,4,6,8,
 10,12,17,25 52:1,16,19
 53:12 56:2,9 58:1,3,5,7,
 9,11,13,15,21 59:5,9,13
 60:2,11,14,18,21,24
 61:3,7,9,22,24 62:1,3,5,
 7,9,11,15

vice-chair 10:6,13,17
 11:14 12:6

vice-chairman 8:21,22,
 24 9:3 10:2

vice-president 29:24
viewing 43:20 46:18

Violation 48:12
violations 16:5 32:17

void 16:14
vote 4:11 6:4 7:11 10:5
 11:3,6,15,16 12:2,8 20:2

36:8 41:8 53:18 56:18

voting 11:22 41:14

W

wait 8:18 15:5 26:18,20
27:6

waited 24:7

waiting 44:2 53:18

Walt 53:13

wanted 8:14 11:19 33:3

wanting 56:24

ways 30:24 38:17

weapon 47:20

week 60:5

whatsoever 61:8

White 29:12

Wilson 48:18

word 16:23

words 32:15

work 28:9 30:5 34:17,18
38:17 39:1,21 60:5,10

worked 28:10

working 44:18

write 12:4

written 11:19 21:3 35:20

wrong 19:22

Y

year 47:1,11 53:25 54:2,
4

year-end 54:21

years 29:17 49:8

Z

Zach 14:18