

TENNESSEE PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
MEETING MINUTES


Minnie Ann Lane, Chair


Paul David Brown, JR. Vice Chair

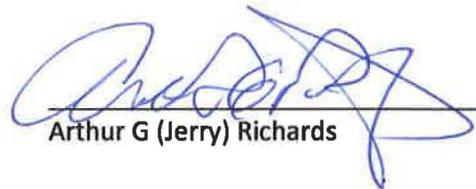

Larry T. Flair, Sr.

Absent

William Rick Jones

By Telephone

Dr. Paul Ritch


Arthur G (Jerry) Richards

Absent

Alan G Rousseau

David W Horton

PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

COMMISSION MEETING

March 31, 2017

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2 PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
3 COMMISSION MEETING
4 March 31, 2017
5 DAVY CROCKETT TOWER
6 500 JAMES ROBERTSON PARKWAY, ROOM 1A
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TRANSCRIPT OF COMMISSION MEETING
Commencing at 9:30 a.m.

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A P P E A R A N C E S

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3 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
10 Walt Valentine
11
12 ALSO PRESENT
13 Ashley Thomas, Staff Attorney
14 Lindsey Shepard, Staff Attorney
15 Shilina Brown, Staff Attorney
16 Cody Vest, Executive Director
17 Shauna Balaszi, Administrative Assistant
18 Jennaca Smith, Paralegal
19
20
21
22
23
24
25

* * *

1
2 CHAIRPERSON LANE: Good morning, fellow
3 Commission members, staff members, attorneys, and
4 guests. The date is Friday, March 31, 2017, at
5 approximately 9:30 a.m. I'm Minnie Ann Lane, your
6 Commission Chairman, and I will now call to order the
7 meeting of the Tennessee Private Investigation and
8 Polygraph Commission.
9 Since we have a Commission member
10 attending by teleconference, it will be necessary to
11 have a roll call after each vote, and I'll call upon
12 Executive Director Cody Vest to do that. Ms. Vest,
13 would you like to call the roll for us, please?
14 MS. VEST: Dr. Ritch, are you on the
15 phone?
16 DR. RITCH: I am.
17 MS. VEST: David Brown?
18 MR. BROWN: Here.
19 MS. VEST: Larry Flair?
20 MR. FLAIR: Here, ma'am.
21 MS. VEST: David Horton? Rick Jones?
22 Minnie Lane?
23 CHAIRPERSON LANE: Here.
24 MS. VEST: Jerry Richards?
25 MR. RICHARDS: Here.

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1 MS. VEST: Dr. Ritch?
2 DR. RITCH: Here.
3 MS. VEST: Alan Rousseau?
4 MR. ROUSSEAU: Here.
5 MS. VEST: Walt Valentine?
6 MR. VALENTINE: Here.
7 MS. VEST: Let the record show that Rick
8 Jones and David Horton are not present, but you do
9 have a quorum, Madam Chair.
10 CHAIRPERSON LANE: Thank you very much.
11 I'll ask each of the Commission members if you have
12 received and had time to review the agenda for this
13 meeting, and if so, if there's a motion to adopt the
14 agenda as it's presented.
15 MR. FLAIR: I make that motion, Madam
16 Chairman. Larry Flair.
17 CHAIRPERSON LANE: Motion by Larry Flair.
18 Is there a second?
19 MR. ROUSSEAU: Second by Alan Rousseau.
20 CHAIRPERSON LANE: Second by Alan
21 Rousseau. Any discussion? All in favor?
22 THE COMMISSION: Aye.
23 CHAIRPERSON LANE: Opposed? Motion
24 carries. Ms. Vest, would you like to introduce
25 someone?

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1 MS. VEST: We have a special guest with
2 us this morning briefly, our new Assistant
3 Commissioner Carter Lawrence. I believe he has
4 introduced himself to all the Commission members.
5 That's C-A-R-T-E-R, L-A-W-R-E-N-C-E. I'd like for
6 him to take a moment to say a few words to you.
7 MR. LAWRENCE: Thank you, Cody, and
8 thanks to all of you for being so gracious as I was
9 going around meeting all of you earlier. To
10 reiterate what I said, first, I apologize I don't
11 have business cards to give you in case you need to
12 reach me, but I can promise you that Cody would come
13 find me immediately if you were to reach out to me.
14 She's really good at coming and finding me, bringing
15 concerns, amongst other issues.
16 I am really happy to be in this position,
17 happy to be working with great folks across all the
18 boards and commissions, and really looking forward to
19 getting to know all of you, getting to understand all
20 the Commission's concerns and help you out however
21 best I can. So thank you so much for having me
22 today.
23 CHAIRPERSON LANE: Thank you for being
24 here.
25 MS. VEST: Thank you. Would you care to

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1 go on with the agenda, Madam Chair?
2 CHAIRPERSON LANE: Yes. Next we need to
3 do a roll call, please? No, we already did the roll
4 call.
5 If each Commission member has reviewed
6 the minutes of the January 27th Education Committee
7 and the minutes of the Commission meeting, I'll ask
8 if there's a motion to approve these minutes as they
9 are presented.
10 DR. RITCH: So moved. Paul Ritch.
11 CHAIRPERSON LANE: Motion by Commissioner
12 Ritch. Is there a second?
13 MR. BROWN: Second. David Brown.
14 CHAIRPERSON LANE: Second by Commissioner
15 Brown. Any discussion? All in favor?
16 THE BOARD: Aye.
17 CHAIRPERSON LANE: Opposed? Motion
18 carries.
19 MS. VEST: Roll call, Madam Chair?
20 CHAIRPERSON LANE: That's correct. Would
21 you do a roll call, please?
22 MS. VEST: David Brown?
23 MR. BROWN: Aye.
24 MS. VEST: Larry Flair?
25 MR. FLAIR: Aye.

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1 MS. VEST: Minnie Lane?
2 CHAIRPERSON LANE: Aye.
3 MS. VEST: Jerry Richards?
4 MR. RICHARDS: Aye.
5 MS. VEST: Dr. Ritch?
6 DR. RITCH: Aye.
7 MS. VEST: Alan Rousseau?
8 MR. ROUSSEAU: Aye.
9 MS. VEST: Walt Valentine?
10 MR. VALENTINE: Aye.
11 MS. VEST: Ayes have it, Madam Chair.
12 CHAIRPERSON LANE: Thank you. At this
13 point I think we should have the election of officers
14 or officer, I guess, just the chairman.
15 MS. VEST: I was going to ask you, we
16 still have some other appointments that I understand
17 may be coming, so I was going to ask if you wanted,
18 since we voted last time to -- for the vice chair, if
19 we wanted to leave officers as they are right at this
20 moment and then vote when we get other board members.
21 We can do it either way you'd like.
22 MR. FLAIR: Madam Chairman, I'd like to
23 make a motion that we leave the officers as is until
24 a later date. Is that appropriate?
25 CHAIRPERSON LANE: Is there a second?

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1 MR. BROWN: Second. David Brown.
 2 CHAIRPERSON LANE: Motion by Commissioner
 3 Flair, second by Commissioner Brown. Any discussion?
 4 All in favor?
 5 THE COMMISSION: Aye.
 6 CHAIRPERSON LANE: Opposed? Motion
 7 carries. Would you do a roll call, please?
 8 MS. VEST: David Brown?
 9 MR. BROWN: Aye.
 10 MS. VEST: Larry Flair?
 11 MR. FLAIR: Aye.
 12 MS. VEST: Rick Jones? He's not here,
 13 I'm sorry. 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: Walt Valentine?
 22 MR. VALENTINE: Aye.
 23 MS. VEST: Ayes have it, Madam Chair.
 24 CHAIRPERSON LANE: Thank you.
 25 MS. VEST: Let me make sure I got this

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1 right. Minnie Lane is our chair and David Brown is
 2 the vice chair?
 3 MR. ROUSSEAU: Correct.
 4 MS. VEST: I just wanted to put that on
 5 the record. Thank you.
 6 CHAIRPERSON LANE: I believe we are down
 7 to the legal report. We have three staff attorneys
 8 here. Is one particular one going to handle
 9 this? Four, I'm sorry.
 10 MS. BROWN: Good morning, Commission, my
 11 name is Shalina Brown, and I'm here with Lindsey
 12 Shepard, and we both have cases on the legal report
 13 each of us will be presenting to you. I don't know
 14 if you would prefer me to read this or you'd like to
 15 take a few minutes to read each case and we can go
 16 case by case.
 17 CHAIRPERSON LANE: Well, since we are
 18 just seeing it, if you'll just call the first one
 19 out, we will review it, and then go from there.
 20 That's the way we usually do it.
 21 MS. VEST: Madam Chair, since we do have
 22 a court reporter, I would like for the attorneys to
 23 read the complaint.
 24 CHAIRPERSON LANE: That will be fine,
 25 yes.

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1 MS. BROWN: Yes. Okay.
 2 CHAIRPERSON LANE: Just so we have time
 3 to review.
 4 MS. BROWN: Yes. This is the legal
 5 report dated March 31, 2017. First case is
 6 2017003431. This complaint was opened alleging the
 7 Respondent advertises that it provides electronic
 8 security services for the past year in the
 9 Crossville, Tennessee area.
 10 The Respondent provided a response and
 11 stated that it had a security guard company license
 12 in Tennessee and operates in nine states. The
 13 Respondent provided a copy of the security guard
 14 company license and stated it does not provide
 15 private investigation or polygraph services, but
 16 refers those cases to a Tennessee alarm company.
 17 The Respondent did employ an unlicensed
 18 security officer because his license was denied
 19 because he failed to include photos, and the
 20 Respondent was unaware the application was denied.
 21 The Respondent also had a second employee who was
 22 denied a license because the fingerprint card
 23 submitted with the application was rejected. The new
 24 card was submitted with the application and was never
 25 approved. The complaint included screen shots of the

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1 company website and online advertisements stating it
 2 provided electronic security services.
 3 My recommendation is to authorize a
 4 formal hearing and send a consent order with a civil
 5 penalty in the amount of \$500 for violation of
 6 Tennessee Code Annotated 62-26-204(a).
 7 MR. ROUSSEAU: I have got a question,
 8 Madam Chair.
 9 CHAIRPERSON LANE: Let's have a motion
 10 first, if you don't mind.
 11 MR. ROUSSEAU: I move we accept the
 12 recommendation.
 13 CHAIRPERSON LANE: Okay. So a second?
 14 Commissioner Rousseau made a motion, do I have a
 15 second?
 16 MR. RICHARDS: I second it.
 17 CHAIRPERSON LANE: Second by Commissioner
 18 Richards. Okay. Discussion?
 19 MR. ROUSSEAU: I have a question.
 20 CHAIRPERSON LANE: Okay.
 21 MR. ROUSSEAU: This discusses a security
 22 guard license, it does not discuss a private
 23 investigator's license. So why is it before the
 24 Private Investigation Committee instead of the
 25 Security Guard Board.

1 MS. BROWN: Sir, there were also
 2 complaints opened in other respective boards that
 3 were applicable.
 4 MR. ROUSSEAU: So my question is -- from
 5 what I'm reading, this is a security guard issue.
 6 Why is it before the Private Protective Service Board
 7 for PI and polygraph violations?
 8 MS. THOMAS: Shalina, if you don't mind.
 9 I will state that part of the evidence of this case
 10 indicated on the company website that they also work
 11 in investigations, and so that's why the complaint
 12 was opened in three different programs.
 13 MR. VALENTINE: Excuse me. Shouldn't the
 14 complaint then list that, that there were
 15 investigations listed on his website?
 16 MS. THOMAS: I'm sorry, I'm not
 17 understanding your question. Can you repeat that?
 18 MR. VALENTINE: Shouldn't the complaint
 19 against him state that there are investigations
 20 listed on his website? Otherwise we don't have any
 21 authority over --
 22 MS. THOMAS: And the complaint did, it
 23 included the screen shots from the website that
 24 indicated alarms, security guard services, as well as
 25 investigations, and that's why it was opened in those

1 three different program areas.
 2 MR. ROUSSEAU: Again, my question is,
 3 your recommendation has nothing to do with this
 4 company operating without a private investigator's
 5 license, so how does it come before us? If the
 6 complaint is that they are operating in the State of
 7 Tennessee without a private investigator's license,
 8 then I see it before us.
 9 MS. VEST: Maybe I can help just a little
 10 bit. I looked at the complaint. What we have down
 11 here -- you are right there, Commissioner Rousseau.
 12 What I think we eliminated was the part where it said
 13 that they were doing advertising for private
 14 investigation work. We have the screen shots to show
 15 their website, it just was eliminated from -- wasn't
 16 put on the complaint itself in the summary. You are
 17 right, it has to say they violated the private
 18 investigations, which she did with the code number,
 19 but it has to say that in order for us to fine them.
 20 MR. ROUSSEAU: Okay. Would it be
 21 counsel's preview to amend their recommendation to
 22 include such verbiage?
 23 MS. BROWN: Sure, sir, I could amend this
 24 summary to include that.
 25 MR. ROUSSEAU: Okay. Would you, please?

1 MS. BROWN: Okay.
 2 DR. RITCH: Does that need to be in a
 3 form of an amendment to this complaint?
 4 MS. BROWN: Yes, I can verbally amend
 5 that. We are going to add to this summary that there
 6 was an advertisement by the company for private
 7 investigation services.
 8 DR. RITCH: Okay.
 9 MR. ROUSSEAU: I'd second the amendment
 10 to the original recommendation by counsel.
 11 CHAIRPERSON LANE: You made the motion.
 12 MR. ROUSSEAU: Yes.
 13 CHAIRPERSON LANE: And it was seconded by
 14 Mr. Richards. Did you want to just add in --
 15 MR. ROUSSEAU: Yes.
 16 CHAIRPERSON LANE: Add into the motion
 17 that counsel will -- or counsel did verbally amend
 18 the complaint. That works. Is there -- let's take a
 19 vote. All in favor?
 20 THE COMMISSION: Aye.
 21 CHAIRPERSON LANE: Opposed? Roll call,
 22 please.
 23 MS. VEST: Jerry Richards?
 24 MR. RICHARDS: Aye.
 25 MS. VEST: Walt Valentine?

1 MR. VALENTINE: Aye.
 2 MS. VEST: Minnie Lane?
 3 CHAIRPERSON LANE: Aye.
 4 MS. VEST: David Brown?
 5 MR. BROWN: Aye.
 6 MS. VEST: Alan Rousseau?
 7 MR. ROUSSEAU: Aye.
 8 MS. VEST: Larry Flair?
 9 MR. FLAIR: Aye.
 10 MS. VEST: Ayes have it, Madam Chair.
 11 CHAIRPERSON LANE: Dr. Ritch?
 12 MS. VEST: I'm sorry, Dr. Ritch?
 13 DR. RITCH: Aye.
 14 MS. VEST: Now the ayes have it. Thank
 15 you.
 16 CHAIRPERSON LANE: Thank you.
 17 MS. BROWN: The next one, Number 2,
 18 2017006411 Respondent 1, 2017006341 Respondent 2.
 19 The complaint was filed by an individual that was
 20 offered private investigator certification classes
 21 for \$2,200 in Franklin, Tennessee. The Complainant
 22 claims the Respondents stated the license would allow
 23 trainees to work in all 50 states and trainees could
 24 take as long as they needed. The Complainant drove
 25 four hours from Franklin, Tennessee to Huntsville,

1 Alabama for the private investigator training
2 classes.

3 The Respondents later declined to hire
4 the Complainant and stated the Complainant would not
5 be a good fit for the Respondents. The Complainant
6 had been told that in each class the Complainant had
7 been doing great and signed and dated documents at
8 the end of each class. The Complainant did not
9 furnish -- did not finish the private investigator
10 course. The Complainant alleges the Respondents are
11 scamming people and taking their money.

12 The Complainant stated she had been
13 scammed because only certified trainers are allowed
14 to teach/instruct. Complainant attempted to contact
15 the Respondent to obtain a refund and states
16 Respondent will not return any of the Complainant's
17 calls or e-mail messages. The Complainant found --
18 I'm sorry, that's an error, that should be deleted.
19 Complainant wanted a refund have all amounts paid to
20 the Respondents and states the Respondents promised
21 to help the Complainant get a private investigator
22 license. The Respondents declined to issue a refund.
23 The Respondents also stated that the Complainant
24 failed to complete the course.

25 My recommendation is to close as to

1 Respondent 1 and Respondent 2.

2 CHAIRPERSON LANE: Do we have a motion?

3 MR. ROUSSEAU: I move not to accept the
4 recommendation of counsel.

5 CHAIRPERSON LANE: Is there a second?
6 Commissioner Rousseau made a motion.

7 MS. VEST: I'm sorry, Commissioner
8 Rousseau, would you repeat that again? I didn't hear
9 that.

10 MR. ROUSSEAU: I'm sorry, I move not to
11 accept the recommendation of counsel.

12 CHAIRPERSON LANE: Do we have a second?
13 Motion fails for lack of second. Is there another
14 motion?

15 MR. VALENTINE: I move to accept the
16 recommendation of counsel.

17 CHAIRPERSON LANE: Commissioner Valentine
18 has moved to accept counsel's recommendation. Is
19 there a second to that?

20 MS. VEST: We are going to have to
21 second --

22 MR. ROUSSEAU: I'll second it so we can
23 discuss it.

24 CHAIRPERSON LANE: Second from
25 Commissioner Rousseau. Now discussion, please.

1 MR. ROUSSEAU: Again, Madam Chairman, I'd
2 like to ask a question. I am again confused. I'll
3 be closing this without a recommendation. I am going
4 to assume it's because the violation took place in
5 Huntsville, Alabama, and we have no jurisdiction.
6 However, it would be very helpful for the Commission
7 if we get an explanation why you are closing it.

8 MS. BROWN: Yes, sir, that is correct.
9 The reason why I recommended closure as to
10 Respondent 1 and 2 is because the training took place
11 in Alabama, in Huntsville, Alabama.

12 MR. ROUSSEAU: Was the Respondent
13 informed that their complaint needs to go to Alabama
14 and not Tennessee?

15 MS. BROWN: I'm not sure.

16 MS. VEST: We can make that a
17 recommendation, if you would like, Commissioner.

18 MR. ROUSSEAU: Just because it is a
19 citizen of Tennessee, I would like to recommend to
20 counsels that we explain to individuals who may have
21 been fraudulently taken of their money of the proper
22 procedure to get some redress, so it doesn't look
23 like the State of Tennessee just is not concerned at
24 all.

25 CHAIRPERSON LANE: Also it's probably a

1 civil matter too.

2 MR. ROUSSEAU: Yes.

3 DR. RITCH: I just have a question here
4 in Chattanooga. Was it determined that this training
5 would in fact allow people to navigate in all 50
6 states? Was that investigated?

7 MS. BROWN: As far as to what I reviewed,
8 I did not see that, no.

9 MS. VEST: Dr. Ritch, most of these
10 schools do say that they can help you get a license
11 in all 50 states, but they also put a disclaimer on
12 that says you need to contact each state and see if
13 another license is required.

14 DR. RITCH: Yeah. I was just looking at
15 the complaint, it says the license would allow them
16 to work in all 50 states. I was just curious, that's
17 a pretty broad sweeping statement.

18 CHAIRPERSON LANE: It is. We had a
19 motion to approve counsel. Any further discussion?

20 MR. VALENTINE: Yes, if that statement
21 wasn't in the literature, then it's just the
22 Complainant that makes that statement, as far as we
23 are concerned.

24 MS. BROWN: Yes.

25 CHAIRPERSON LANE: Any further

1 discussion?
 2 MS. VEST: Okay. So we are going to ask
 3 you to amend this one as well to say -- to close
 4 Respondent 1 and 2, but refer to the Alabama State
 5 Board?
 6 MS. BROWN: Yes, we will advise the
 7 Complainant to contact the Alabama Commission.
 8 MR. ROUSSEAU: Okay.
 9 CHAIRPERSON LANE: All in favor?
 10 THE COMMISSION: Aye.
 11 CHAIRPERSON LANE: Opposed? Motion
 12 carries. Would you do a roll call, please?
 13 MS. VEST: Jerry Richards?
 14 MR. RICHARDS: Aye.
 15 MS. VEST: Walt Valentine?
 16 MR. VALENTINE: Aye.
 17 MS. VEST: Minnie Lane?
 18 CHAIRPERSON LANE: Aye.
 19 MS VEST: David Brown?
 20 MR. BROWN: Aye.
 21 MS. VEST: Larry Rousseau?
 22 MR. ROUSSEAU: Aye.
 23 MS. VEST: Larry Flair?
 24 MR. FLAIR: Aye.
 25 MS. VEST: Dr. Ritch?

1 DR. RITCH: Aye.
 2 MS. VEST: Ayes have it, Madam Chair.
 3 CHAIRPERSON LANE: Thank you.
 4 MS. BROWN: The next one is Number 3,
 5 2017008381. This complaint was opened concerning
 6 allegations the Respondent failed to submit
 7 termination notices for five employees within the
 8 30 days in violation of Tennessee Code Annotated
 9 62-26-213(2) and Tennessee Comprehensive Rules and
 10 Regulations 1175-01.06.
 11 The Respondent provided a written
 12 response and states that it admits the allegations.
 13 However, it recently merged with another national
 14 company that conducts business in all 50 states and
 15 this was an oversight. However, it has implemented
 16 an audit process to make sure this does not happen
 17 again. The Respondent will be certain to submit a
 18 written notice within 30 days of changes in employee
 19 status of employees.
 20 My recommendation is to authorize a
 21 formal hearing and send a consent order with a civil
 22 penalty in the amount of -- I'm sorry, that should be
 23 corrected, it should be \$250 for the violation of
 24 Tennessee Code Annotated 62-26-213(1) {sic}, and
 25 Tennessee Comprehensive Rules and Regulations

1 1175-01-.06. The civil penalty here represents \$50
 2 each for each employee termination notice not
 3 submitted in a timely manner.
 4 CHAIRPERSON LANE: Do we have a motion?
 5 MR. ROUSSEAU: I move to accept
 6 recommendation of counsel. Alan Rousseau.
 7 CHAIRPERSON LANE: Motion by Commissioner
 8 Rousseau. Is there a second?
 9 MR. BROWN: Second. David brown.
 10 CHAIRPERSON LANE: Second by Commissioner
 11 Brown. Discussion? All in favor?
 12 THE COMMISSION: Aye.
 13 CHAIRPERSON LANE: Motion carries. Would
 14 you do a roll call, please?
 15 MS. VEST: Jerry Richards?
 16 MR. RICHARDS: Aye.
 17 MS. VEST: Walt Valentine?
 18 MR. VALENTINE: Aye.
 19 MS. VEST: Minnie Lane?
 20 CHAIRPERSON LANE: Aye.
 21 MS. VEST: David Brown?
 22 MR. BROWN: Aye.
 23 MS. VEST: Alan Rousseau?
 24 MR. ROUSSEAU: Aye.
 25 MS. VEST: Larry Flair?

1 MR. FLAIR: Aye.
 2 MS. VEST: Dr. Ritch?
 3 DR. RITCH: Aye.
 4 MS. VEST: Ayes have it, Madam Chair.
 5 CHAIRPERSON LANE: Thank you.
 6 MS. SHEPARD: I have the remainder of the
 7 cases on the legal report. For 4 and 5, these would
 8 separate complaints that were filed by the same
 9 Complainant, but they are related, so I present the
 10 summary together.
 11 This case arises out of the -- sorry.
 12 Number 4, 2017008761, that's Respondent 1. Number 5
 13 is 2017008801, Respondent 2. This case arises out of
 14 a consumer complaint alleging unlicensed activity,
 15 specifically, Complainant alleges an SUV followed
 16 her.
 17 Complainant believes the SUV is
 18 registered to Respondent 1, an unlicensed individual,
 19 and associated with Respondent 2, a licensed private
 20 investigation company. She provided pictures of the
 21 SUV. Complainant further claims she contacted the
 22 owner of Respondent 2 who allegedly said the driver
 23 of the SUV was, quote, "Just doing her job."
 24 While Respondent 1 admits to owning the
 25 SUV, photographs by Complainant, Respondent 1 denies

1 ever following Complainant. Respondent 1 further
2 states that her son who represents Respondent 2 had
3 recently been using the vehicle. The Complainant
4 originally identified Respondent 1 as the person who
5 followed her. Upon receiving Respondent 1's response
6 to the complaint, Complainant admitted that she never
7 actually saw the driver.

8 Respondent 1's son, the owner of
9 Respondent 2, admitted to following the Complainant
10 in the SUV. Owner of Respondent 2 is also personally
11 licensed as a private investigator.

12 My recommendation is to close both
13 2017008761, as to Respondent 1, and 2017008801, as to
14 Respondent 2.

15 CHAIRPERSON LANE: Is there a motion?

16 MR. FLAIR: I'll make a motion we accept
17 counsel's recommendation, Madam Chairman. Larry
18 Flair.

19 CHAIRPERSON LANE: Motion by Commissioner
20 Flair. Is there a second?

21 MR. VALENTINE: Second. Commissioner
22 Valentine.

23 CHAIRPERSON LANE: Second by Commissioner
24 Valentine. All in favor?

25 THE COMMISSION: Aye.

1 complaint for unlicensed activity. Specifically,
2 Complainant alleges that Respondent 1 posed as a
3 licensed PI and questioned several of his employees.
4 Respondent 1, an individual, was the owner of
5 Respondent 2, a company. Both the individual's and
6 company's licenses were revoked in 2013.

7 Although Complainant filed separate
8 complaints against both Respondent 1 and
9 Respondent 2, all of the allegations in the
10 complaints are against Respondent 1 as an individual,
11 hereinafter referred to as Respondent.

12 Respondent is the former employee of
13 Complainant's bail bond business. Complainant
14 terminated Respondent's employment for cause on
15 November 8, 2016. On November 21, 2016, Respondent
16 returned to the bail bond company claiming that he
17 was planted as a double agent hired by a surety
18 company with which Complainant was engaged in a
19 contractual dispute.

20 The surety company stated that
21 Respondent -- that they hired Respondent as a bail
22 enforcement agent. The surety company then requested
23 that Respondent perform work for Complainant to learn
24 about Complainant's business practices and
25 outstanding forfeitures. The surety company also

1 CHAIRPERSON LANE: Opposed? Motion
2 carries. Would you do a roll call, please?

3 MS. VEST: Jerry Richards?

4 MR. RICHARDS: Aye.

5 MS. VEST: Walt Valentine?

6 MR. VALENTINE: Aye.

7 MS. VEST: Minnie Lane?

8 CHAIRPERSON LANE: Aye.

9 MS. VEST: David Brown?

10 MR. BROWN: Aye.

11 MS. VEST: Alan Rousseau?

12 MR. ROUSSEAU: Aye.

13 MS. VEST: Larry Flair?

14 MR. FLAIR: Aye.

15 MS. VEST: Dr. Ritch?

16 DR. RITCH: Aye.

17 MS. VEST: Ayes have it. Madam Chair.

18 CHAIRPERSON LANE: Thank you.

19 MS. SHEPARD: Then the next two cases are
20 the same situation, where the Complainant is the same
21 person, but filed two separate complaints for related
22 contact.

23 Case Number 6 is 2016070531 for
24 Respondent 1 and case Number 7 is 2016070571 for
25 Respondent 2. This case arises out of the consumer

1 asked Respondent to question Complainant's employees
2 regarding Complainant's potential illegal activity.

3 The surety company denies that they hired
4 Respondent to be a licensed private investigator.
5 Respondent claims that he never represented himself
6 as a private investigator.

7 My recommendation for 2016070531 for
8 Respondent 1 is a \$500 civil penalty with formal
9 charges authorized for violation of 62-6-204(a),
10 unlicensed activity, and then my recommendation for
11 2016070571 is to close.

12 CHAIRPERSON LANE: Is there a motion?

13 MR. BROWN: I make a motion we approve
14 counsel's recommendations.

15 CHAIRPERSON LANE: Is there a second?

16 MR. FLAIR: I'll second, Madam Chairman.
17 Larry Flair.

18 CHAIRPERSON LANE: Second by Commissioner
19 Flair. All in favor?

20 THE COMMISSION: Aye.

21 CHAIRPERSON LANE: Opposed? First of
22 all, I didn't ask if there was any discussion. Do we
23 have any?

24 MR. ROUSSEAU: I have a question, Madam
25 Chairman. I'm a little fuzzy on the 2016070531, the

1 recommendation of a \$500 civil penalty for violation
2 of unlicensed activity. From what I am
3 understanding, the surety company and the Respondent
4 Number 1 state that they never presented themselves
5 as a private investigating company.

6 MS. SHEPARD: Right. That's not a
7 requirement for unlicensed activity. Complainant was
8 hired by one company to basically serve as a double
9 agent for another company to investigate the second
10 company's illegal activity, which puts you squarely
11 within the activities of a private investigator.

12 CHAIRPERSON LANE: The fact that their
13 licenses are revoked, we would still go against them
14 for the unlicensed activity, correct?

15 MS. SHEPARD: We could.

16 CHAIRPERSON LANE: Thank you.

17 MS. SHEPARD: We could also do a letter
18 of warning.

19 MR. ROUSSEAU: I am confused because this
20 is a surety company that is bonding the bail
21 enforcement agency, which gives them a right to check
22 on their agent to make sure that they are in
23 compliance with the rules and regulations of the bail
24 bonding business. So this is an inhouse matter.
25 Does that require licensing from the Private

1 Investigative Services Board?

2 MS. SHEPARD: From what I understand,
3 they are two separate companies. And since they are
4 two separate companies, even though they have a
5 business relationship, he would still have to be
6 licensed. There wasn't anything in the file to
7 suggest that the company planting the Respondent is
8 the parent company of the Complainant's company.

9 CHAIRPERSON LANE: I think we are still
10 confused.

11 MR. ROUSSEAU: I'm totally confused,
12 Madam Chair.

13 CHAIRPERSON LANE: Do you have anything
14 you can add, Executive Director or Attorney?

15 MS. THOMAS: Unfortunately, I haven't
16 looked at this case, so I couldn't offer any
17 suggestions on that. I'm sorry.

18 MS. VEST: Okay. What is actually the
19 question, Commissioner Rousseau? Does the company
20 that we are looking at that puts the secret agent in
21 there have to be licensed?

22 MR. ROUSSEAU: Well, I don't see anything
23 that says anybody is a secret agent.

24 MS. VEST: Well, whatever terminology is
25 being used. Undercover.

1 MR. ROUSSEAU: Well, the surety company,
2 I am going to assume, they are the ones that are
3 authorizing the bail bond company to write secured
4 bonds. So does not that surety company have a right
5 to check on its agent in writing surety bonds?

6 MS. SHEPARD: I think what you may be
7 referring to, correct me if I'm wrong, is the
8 undercover exemption?

9 MR. ROUSSEAU: Yes. I don't see anybody
10 saying there was any undercover work. The surety
11 company said they have employed an individual to get
12 hired at the bail enforcement agent to make sure that
13 their surety bonds are being properly executed. Did
14 I miss something there?

15 MS. SHEPARD: Right. So the way I
16 understand the undercover exemption is that it only
17 works if you -- if the undercover agent is working
18 for your own company. So like if I own a restaurant
19 and I have one of the waiters for my own restaurant
20 trying to collect information about the business,
21 that would be an undercover exemption. But if I have
22 one of my waiters go accept a job at the restaurant
23 down the street, then they have to be licensed.

24 MR. ROUSSEAU: That's what I need cleared
25 up. Because this is a surety company, a bail

1 bondsman can't write a surety bond without having the
2 authority from their surety company that they are
3 paying some fee to.

4 MS. SHEPARD: Right. But from what I
5 understand in this case, it's just a business
6 relationship, they are not the same company. So the
7 undercover -- the way I understand the law is that
8 the undercover exemption would not apply in this
9 situation, since these are two separate companies.

10 MR. ROUSSEAU: I don't know if I need to
11 make this in the form of a motion, but I would feel
12 more comfortable if we ask staff to go and do a
13 little more background research on this so we can get
14 a little more clarity on who is what in this
15 business. Is this all one company or how does the
16 agreement between the surety company and bail
17 enforcement agent operate? Is this really the same
18 company or is it two separate entities?

19 CHAIRPERSON LANE: Two separate.

20 MS. SHEPARD: I do know that they are two
21 separate entities.

22 MS. VEST: Yes, sir. You can ask legal
23 to do further investigation and bring back the
24 complaint.

25 MR. FLAIR: Madam Chairman, we have a

1 motion on the floor, I think, that I made to accept
 2 counsel --
 3 CHAIRPERSON LANE: Yes.
 4 MR. FLAIR: Would it be proper for me to
 5 withdraw that motion?
 6 CHAIRPERSON LANE: You can withdraw the
 7 motion.
 8 MR. FLAIR: Larry Flair withdraws his
 9 motion.
 10 CHAIRPERSON LANE: Do we have a second?
 11 Did you second that motion?
 12 MR. VALENTINE: Yes. I'll withdraw that.
 13 CHAIRPERSON LANE: Motion's withdrawn.
 14 Do we have a new motion?
 15 MR. FLAIR: I'd like to make a motion
 16 that counsel further investigate the complaint and
 17 see if we can -- we understand it's two different
 18 companies, but if the employee was placed in another
 19 company, was it under strict direction of the parent
 20 company, and if counsel could report back to us on
 21 that information.
 22 CHAIRPERSON LANE: She might have
 23 answered that already.
 24 MS. SHEPARD: They are two separate
 25 companies. Even if it's -- even if there is a

1 are withdrawn, all seconds are withdrawn, we are
 2 going to revisit this. Do you have any other cases,
 3 is that all of them?
 4 MS. SHEPARD: All right. And if we are
 5 going to be deferring this for later discussion at
 6 this meeting --
 7 CHAIRPERSON LANE: Yes.
 8 MS. SHEPARD: -- that concludes the legal
 9 report for now.
 10 CHAIRPERSON LANE: Would it be better if
 11 you had brought it before another meeting or do you
 12 think it's something you can do at this meeting?
 13 MS. SHEPARD: I believe it's something I
 14 can do at this meeting.
 15 CHAIRPERSON LANE: Thank you. Is that
 16 all for the legal report at this time?
 17 MS. THOMAS: Yes.
 18 CHAIRPERSON LANE: It's not quite 10:30,
 19 we have an appearance coming in. Do you want to take
 20 a break right now?
 21 MS. VEST: Mr. Smith, are you here? The
 22 appearance is here.
 23 CHAIRPERSON LANE: Go ahead.
 24 MS. VEST: Would you please come up and
 25 sign in, please? This should be on your tablets, it

1 contractual relationship and the surety company is
 2 writing surety bonds for the bail bondsman company,
 3 they are still two separate companies. I can go and
 4 do more research, I am just not sure what exactly you
 5 are asking for.
 6 MR. VALENTINE: I have another question.
 7 How long had Respondent been employed by the company?
 8 MS. SHEPARD: At least a few months. I'm
 9 not sure.
 10 MR. VALENTINE: Prior to November the 8th
 11 when he was discharged?
 12 MS. SHEPARD: I believe so. I'm not sure
 13 though. The paralegal has actually gone to get the
 14 file, if you'd like me to find the exact answer for
 15 you.
 16 MR. FLAIR: You want to hold off, Madam
 17 Chairman, on the motion until the other legal
 18 individual gets back? Then we can move --
 19 MS. VEST: Yes, we can defer, if you
 20 want.
 21 MR. FLAIR: Until she gets back.
 22 MS. VEST: Right.
 23 MR. FLAIR: Okay. Do you need that in a
 24 motion? I'll withdraw --
 25 CHAIRPERSON LANE: We do. All motions

1 should be Exhibit A. Eric Lee Smith. While he's
 2 signing in, let me give you a little more history, if
 3 I may. It might be Item D on the iPads.
 4 MR. VALENTINE: Yes, it's Item D.
 5 MS. VEST: Thank you. This gentleman
 6 came before you on January 27th of this year, you
 7 denied him his application. He has sent me
 8 correspondence saying he wanted to appeal that
 9 denial.
 10 He was not, I don't believe, prepared to
 11 discuss his application at that particular time. So
 12 you have got the letter that said he's no longer with
 13 the company that he was with, however, I don't think
 14 now he has a company, but I'll let him explain that
 15 to you. You do have the letter that's asking for the
 16 appeal. You have everything in your packet that I
 17 have, except for the criminal record, and that is
 18 something Mr. Smith will discuss with you.
 19 Mr. Smith, just give them a moment to
 20 look at that.
 21 DR. RITCH: Paul Ritch. I have a
 22 question. I have some vague recollection of this,
 23 but, now, they have six months that they can reapply;
 24 is that correct?
 25 MS. VEST: It says they have to wait six

1 months before they can reapply, yes, sir.
 2 DR. RITCH: Right. Isn't that normally
 3 the way we do it, once we reject something, they
 4 reapply?
 5 MS. VEST: Yes, sir, but he wanted to --
 6 he's here because he wants to appeal your denial.
 7 DR. RITCH: Well, is this a proper forum
 8 for that? And I defer to your judgement. Apparently
 9 it is or he wouldn't be on the agenda. I guess I'm a
 10 little confused.
 11 MS. VEST: He wanted -- Dr. Ritch, he
 12 want -- when he came before us in January, the
 13 gentleman was not prepared to talk to you.
 14 Apparently he didn't understand that he would be
 15 given an opportunity to explain himself. So we
 16 talked, and he wanted to come before you and let you
 17 ask him questions and let him explain the
 18 circumstances --
 19 DR. RITCH: Okay.
 20 MS. VEST: -- to you.
 21 DR. RITCH: That's good. I appreciate
 22 that, Cody. Thank you.
 23 CHAIRPERSON LANE: Do you have before you
 24 why we denied it, the basis?
 25 MS. VEST: Yes, you denied it because of

1 his criminal record.
 2 CHAIRPERSON LANE: Thank you.
 3 MR. VALENTINE: But we don't have a copy
 4 of his criminal record?
 5 MS. VEST: No, sir, he will discuss that.
 6 MR. VALENTINE: Okay.
 7 DR. RITCH: In this letter he's told to
 8 appear in front of the Commission on Friday,
 9 January 27th. And that's right, he did appear at
 10 that time. I'm with you now.
 11 MS. VEST: All right. Thank you.
 12 Mr. Smith, you want to address the
 13 Commission?
 14 MR. SMITH: Yes. Good morning. I have
 15 prepared a statement this time because, again, last
 16 time I really -- we weren't aware of what was going
 17 on, my employer wasn't aware of what was going on. I
 18 do have a statement I'd like to read to you all.
 19 When I interviewed for my job, I was told
 20 I had to obtain a PI license, and I was excited about
 21 that, how neat it would be to be a private
 22 investigator. I was disappointed to learn, however,
 23 the job was just calling employers and schools to
 24 verify information candidates had listed on their
 25 applications. There wasn't really going to be any

1 real private investigator work, but I did -- still I
 2 studied hard, passed my exam on the first try.
 3 However, I was requested to appear before the Board
 4 due to my criminal history. And, again, I didn't
 5 know what to expect, nor did my employer.
 6 I attended the meeting, explained my
 7 history, and my license was denied. When I received
 8 the denial letter, it said it was pursuant to
 9 TCA 62-26-207, Number 5. Upon looking that up, it
 10 said the applicant must be of good moral character.
 11 And the letter did say I could choose to appeal the
 12 denial, which I am doing.
 13 I understand that I made mistakes in the
 14 past. However, things that happened over 15 years
 15 ago do not dictate nor define who I am today. Who I
 16 am today is a person who tries and helps people
 17 whenever I have the opportunity, I give when I can, I
 18 do the right things. I do regret my actions. I know
 19 they were wrong, and I would do anything to take them
 20 back. They lost me jobs, they have cost me potential
 21 jobs, but I have moved forward in my life.
 22 I am deeply ashamed of my past, but it is
 23 just that, my past. I am a better person now. I
 24 will never again do anything that would harm or shame
 25 my family or friends. I want them to be proud of me

1 and of any achievements and accomplishments that I
 2 may have.
 3 I have brought you letters from some
 4 character witnesses to provide to you from some
 5 people from a variety of backgrounds. One is from
 6 the IT field, one is from a 20-year plus current
 7 teacher with Metro Public Schools, one is from a
 8 recently retired lieutenant from the Metro Police
 9 Department. So I do have those available, if you
 10 would like to look at those.
 11 And one other thing, I don't know if this
 12 is something that could be a possibility, maybe the
 13 license could have some type of probationary status
 14 where I report in to you once a month showing that I
 15 have done nothing to soil my name or the license.
 16 That is something I would be gladly willing to do. I
 17 ask for forgiveness for my past transgressions and a
 18 chance to show that I am worthy of this license.
 19 Thank you.
 20 MS. VEST: Mr. Smith, you'll need to --
 21 they do not have that in front of them, you'll need
 22 to discuss that.
 23 MR. SMITH: Okay. The criminal charges
 24 that appeared before me, in 1988 I had a misdemeanor
 25 for --

1 MS. VEST: Theft.
 2 MR. SMITH: This is for theft. I can't
 3 remember what the exact --
 4 CHAIRPERSON LANE: As I am recalling, you
 5 served some time for that? That was a guilty plea?
 6 MR. SMITH: There was a guilty plea,
 7 there was no time served. I was on probation, but no
 8 time served.
 9 CHAIRPERSON LANE: How long were you on
 10 probation?
 11 MR. SMITH: I believe it was a year.
 12 CHAIRPERSON LANE: A year for the 11/29
 13 that you would have served; is that correct?
 14 MS. VEST: Yes, ma'am. It was 11/29, it
 15 was a misdemeanor.
 16 MR. SMITH: And then in 2002 it was theft
 17 under 500. And, again, no time served, but that was
 18 also on probation for, I believe, 11/29.
 19 CHAIRPERSON LANE: So you have had two
 20 11/29 probations and the one was 1988 and the other
 21 was when?
 22 MR. SMITH: 2002.
 23 CHAIRPERSON LANE: 2002.
 24 MR. SMITH: Yes, ma'am.
 25 MR. RICHARDS: What was the public order

1 MR. RICHARDS: What about the 2001
 2 charge, theft under 500, what's the story on that?
 3 MR. SMITH: I was working at a retailer
 4 and I became stupidly irritated with the company.
 5 They were promoting people, they were passing people
 6 over for promotions, they weren't giving people
 7 opportunities. The best I can even think of, it was
 8 out of spite.
 9 CHAIRPERSON LANE: Was it gift cards you
 10 had mentioned before?
 11 MR. SMITH: I had taken some gift cards.
 12 I didn't use the gift cards, I just took them, they
 13 were in my home. And part of the -- after the
 14 hearing, that was part of the thing, I had to return
 15 the gift cards to them. Again, I really have no
 16 logical explanation for why I did it. Neither of
 17 them I have a logical explanation. They are things
 18 that I did, they were stupid things. Like I said, I
 19 have moved on. Again, I just wouldn't never want to
 20 harm my family. That's just something I couldn't do.
 21 I don't know why I did what I did. Like I said, I
 22 regret it, I regret it all the time.
 23 CHAIRPERSON LANE: Do I understand
 24 correctly you quit the employer that you applied for
 25 the license under and you are not with a company now?

1 crimes? What is that?
 2 MR. SMITH: Well, I think the terminology
 3 has changed. Back then I believe they had charged me
 4 with embezzlement, and I don't know what it was at
 5 conviction, but I know that was a felony, but I know
 6 it was reduced to a misdemeanor. What it shows now
 7 is the public order crimes. What unfortunately
 8 happened was I was working at a retailer and I did
 9 some stupid things, I returned a few items that
 10 technically weren't returned and I pocketed the
 11 money.
 12 CHAIRPERSON LANE: Was it over 500?
 13 MR. SMITH: I do not believe so.
 14 Honestly, because it's been so long, I do not recall
 15 how much it was.
 16 MR. BROWN: Was it originally a felony
 17 charge?
 18 MR. SMITH: It says that it was --
 19 MR. BROWN: I know what it's showing
 20 here, but was it kicked down?
 21 MR. SMITH: I mean, it was -- I was
 22 convicted of a misdemeanor.
 23 MS. VEST: If you can read on there,
 24 Mr. Smith, it was a felony that was reduced down to a
 25 misdemeanor.

1 MR. SMITH: Yeah. What happened was with
 2 HireRight for that position, verification researcher,
 3 they said that the State does require you to have a
 4 private investigator's license. When I got denied on
 5 the 27th -- because I was at that point denied, then
 6 I was no longer capable of doing that job.
 7 So my hopes were to be able to come and
 8 get the license, because they do still have some of
 9 those positions available. They are still hiring for
 10 that position. So if I was able to obtain my
 11 license, then hopefully I should be able to get back
 12 to work. I have been out of work now eight weeks
 13 struggling with unemployment and looking for a new
 14 job. But I enjoyed my job, I liked my job, I liked
 15 my coworkers. I was really distraught that day that
 16 I had to go in there and tell them that I was not
 17 able to do the job any more.
 18 CHAIRPERSON LANE: What did you do before
 19 you applied for this job that entailed a private
 20 investigator's license?
 21 MR. SMITH: Before HireRight it was an
 22 appliance repair company. I was a customer service
 23 scheduler and talked to customers who unfortunately
 24 had called a place on Monday and on Monday they were
 25 told that we would be there on Tuesday and on Tuesday

1 I am calling them to let them know we are not going
2 to be there until next week. So it was a customer
3 service thing where -- one thing I did was
4 troubleshooting the customer's issues, trying to see
5 what we would need to do to help repair that.

6 Prior to that, I had actually been with a
7 company called Emdeon, E-M-D-E-O-N, it was formally
8 Web MD, and I had actually been there over eight and
9 a half years. Unfortunately, due to corporate
10 downsizing, I lost that job. That was about six or
11 seven years ago. And that was a big loss because it
12 was a really good job, had a very good salary. So I
13 have sort of been struggling over the last few years
14 getting good employment.

15 And when I got this one, I thought this
16 was somewhere that I could really develop a career
17 with the company. And I had disclosed, you know, my
18 charges with them when they hired me, so I thought
19 that they would be aware of what would be acceptable
20 for that position knowing that a license was
21 required. So, yeah, I was trying to move forward and
22 hopefully be able to move forward and move up in the
23 company, make a career there.

24 CHAIRPERSON LANE: Thank you for your
25 explanation. What is the pleasure of the Commission?

1 MR. VALENTINE: I had a question about
2 the earlier arrest in 1988. The Legacy data that we
3 received shows the disposition 11 months and 29 days,
4 time suspended was "no."

5 MR. BROWN: Probation, in other words.

6 CHAIRPERSON LANE: Had special
7 conditions.

8 MR. VALENTINE: Probation was "no."

9 MS. VEST: Right. I believe that means
10 he's finished it.

11 Did you not finish your 11/29 probation?

12 MR. SMITH: Oh, yes. That was 30 years
13 ago.

14 MR. VALENTINE: But seems like the order
15 shows him spending 11/29 in jail. Do we have a
16 clarification of that?

17 MS. VEST: I'm sorry, I did not hear you,
18 Commissioner Valentine.

19 MR. VALENTINE: It seems like the data we
20 received shows him receiving a sentence of 11/29 and
21 having to serve it because he didn't receive any
22 probation.

23 CHAIRPERSON LANE: Well, if you look
24 under incarceration, it's got "no," but then you go
25 down to probation, it says "11/29 special

1 conditions," if you are looking at the same thing I'm
2 looking at.

3 MR. BROWN: No, the bottom one.

4 MR. VALENTINE: The bottom one. It shows
5 incarceration 11/29, time suspended "no," and
6 probation "no."

7 MR. ROUSSEAU: It also doesn't have --

8 MS. VEST: Perhaps you were arrested and
9 was your time served that you were in jail?

10 MR. SMITH: No, I was -- I was taken down
11 to CJC for about four hours for processing, but that
12 was it. There was no jail time served.

13 MR. VALENTINE: Did we do an arrest check
14 on this?

15 MS. VEST: Yes. I have got the TBI and
16 FBI background checks, yes.

17 MR. VALENTINE: What do they show?

18 MS. VEST: It just says that it was a
19 guilty sentence 11/29 on 12/13/1988. The other one
20 was an also guilty as charged disposition 11/29 at
21 40 percent cost, and he paid the fine.

22 MR. VALENTINE: So there was no
23 indication whether it was suspended or not?

24 MS. VEST: No.

25 MR. VALENTINE: So we'll just have to

1 take his word for it.

2 MS. VEST: Back on the 1988, yes, sir, we
3 are going to have to.

4 MR. VALENTINE: Okay.

5 MR. SMITH: I didn't know -- do you all
6 want to look at these letters from these character
7 witnesses?

8 CHAIRPERSON LANE: You can pass them
9 around, if you'd like, yes.

10 MS. VEST: We'll do that for you,
11 Mr. Smith. The only statement I have to say on this
12 is Mr. Smith does not have a company, therefore he
13 will not be given a license until he finds a private
14 investigation company that will hire him. He can
15 continue with the process or, in his case, reapply,
16 but he will have to give me the letter of affiliation
17 before the license is actually issued.

18 CHAIRPERSON LANE: That's what I was
19 asking a few minutes ago.

20 MR. SMITH: So -- and this is -- I guess
21 this is my question on that. Ms. Vest?

22 MS. VEST: Yes, sir.

23 MR. SMITH: So here was my anticipation,
24 if everything did work out today and they do approve
25 my license, I was going to go to HireRight from here

1 to let them know that it was approved because they do
 2 have an open position. So I would hopefully --
 3 MS. VEST: They would be sending me a
 4 letter to re-hire you, and then we would put that
 5 with your application, yes.
 6 MR. SMITH: That would be my hopes that
 7 would be able to happen.
 8 CHAIRPERSON LANE: Sir, none of these
 9 letters are signed, they are just typed.
 10 MR. SMITH: I know. Everybody was just
 11 under a time crunch, they e-mailed them to me.
 12 CHAIRPERSON LANE: Who typed them? You?
 13 MR. SMITH: No, ma'am, those were
 14 e-mailed to me.
 15 CHAIRPERSON LANE: Same type and
 16 everything?
 17 MR. SMITH: I mean, I can show you -- on
 18 my phone, I can show you where the e-mails were sent
 19 to me.
 20 CHAIRPERSON LANE: Any further questions
 21 from the Commissioners?
 22 MS. VEST: I had a question for
 23 Mr. Smith. How much money are we talking about for
 24 both of these cases, sir?
 25 MR. SMITH: I'm sorry?

1 MS. VEST: How much money was involved in
 2 both of these cases?
 3 MR. SMITH: I know the second one was
 4 under 500. The first one, again, being back 30 years
 5 ago, I honestly don't recall. I didn't think it was
 6 more than 500, but I don't know -- because I am not
 7 sure when the changes -- I know that the amounts were
 8 changed at one time on what was considered a felony
 9 and what was a misdemeanor, so I do not have that
 10 amount, but the second one I do know was under 500.
 11 MS. VEST: Well, I meant the gift cards,
 12 how much was the gift cards?
 13 MR. SMITH: Again, I'm just -- I am
 14 trying to recall because it was 15 years ago. They
 15 were probably \$50 gift cards, four, five of them.
 16 MR. RICHARDS: Well, if the first one was
 17 busted down from a felony, what's the minimum for a
 18 felony?
 19 MR. SMITH: In 1988.
 20 MS. THOMAS: For 1988, I'm unsure. I
 21 feel like if it's -- I'd hate to state it and be
 22 wrong. I'd have to look that up.
 23 MR. FLAIR: Madam Chairman, is there a
 24 TCA code affiliated with that report on that '88
 25 charge?

1 CHAIRPERSON LANE: On the '88?
 2 MR. FLAIR: Yes, ma'am. I don't see it
 3 either, but TCA code should -- I may be incorrect,
 4 but if it's \$500 back in '88, I think that could be a
 5 felony. And if it was reduced down -- I mean it
 6 could be reduced down to a misdemeanor. But it could
 7 be \$499 or it could be \$150 or it could be \$250 in my
 8 belief, in my experience.
 9 CHAIRPERSON LANE: By being reduced down,
 10 I'm leaning toward it was over five for them to
 11 reduce it. Because they wouldn't have to reduce it
 12 if it was under five, I don't think, in '88. We are
 13 looking to him to remember.
 14 DR. RITCH: Chairwoman?
 15 CHAIRPERSON LANE: Yes.
 16 DR. RITCH: I'm looking at a thing that
 17 says he made restitution of \$490 or \$499, the print
 18 is small, but it's on that page of the CGIS data.
 19 CHAIRPERSON LANE: Yes, that's on the
 20 misdemeanor charge.
 21 DR. RITCH: All right. You are talking
 22 about the one in '88.
 23 CHAIRPERSON LANE: Correct. Any further
 24 questions? Is there a motion to move on this?
 25 MR. FLAIR: Madam Chairman, I am going to

1 have to make a motion we reject this application for
 2 the PI license.
 3 CHAIRPERSON LANE: Motion by Commissioner
 4 Flair. Is there a second?
 5 MS. VEST: Excuse me, I think it needs to
 6 state we are denying his appeal.
 7 MR. FLAIR: I'm sorry, you are correct.
 8 My motion should reflect that we deny his appeal at
 9 this time. Larry Flair.
 10 CHAIRPERSON LANE: Motion to deny by
 11 Commissioner Flair.
 12 MR. RICHARDS: Second.
 13 CHAIRPERSON LANE: Second by Commissioner
 14 Richards. All in favor?
 15 THE COMMISSION: Aye.
 16 CHAIRPERSON LANE: Opposed? Motion
 17 carries. Would you do a roll call, please?
 18 MS. VEST: Dr. Ritch, I'm sorry, I didn't
 19 hear your vote.
 20 DR. RITCH: I prefer to abstain.
 21 MS. VEST: Jerry Richards?
 22 MR. RICHARDS: No.
 23 MS. VEST: Walt Valentine?
 24 MR. VALENTINE: No.
 25 MS. VEST: Minnie Lane?

1 CHAIRPERSON LANE: No.
 2 MS. VEST: David Brown?
 3 MR. BROWN: No.
 4 MS. VEST: Alan Rousseau?
 5 MR. ROUSSEAU: No.
 6 MS. VEST: Larry Flair?
 7 MR. FLAIR: No.
 8 MS. VEST: Dr. Ritch is going to abstain.
 9 DR. RITCH: Abstain.
 10 MS. VEST: The denial stands.
 11 CHAIRPERSON LANE: Thank you. Good luck
 12 to you, sir. Why don't we take a break right now.
 13 Would that be good for everybody?
 14 DR. RITCH: After that, how long, Madam
 15 Chair?
 16 CHAIRPERSON LANE: About ten minutes.
 17 (Short break.)
 18 CHAIRPERSON LANE: Back on the record. I
 19 believe next on the agenda we have administrative
 20 matters, and I'll turn this item over to our
 21 Executive Director Cody Vest.
 22 MS. VEST: Thank you, ma'am, but I
 23 believe what we want to do is go back and revisit our
 24 complaint that we were talking about. So if it's
 25 okay, I'd like to turn it over to our attorney

1 Company 1, and the surety company, Company 2. They
 2 are not -- they do not have a parent and subsidiary
 3 relationship.
 4 The surety company provides goods and
 5 services for Company 1. Specifically in the
 6 investigation file it states that Company 2 provides
 7 the insurance for Company 1 and it's responsible for
 8 any bail forfeitures. So while they are in a
 9 contractual and business relationship, they are not
 10 the same company, meaning that any exemption relating
 11 to the investigation of internal affairs would not
 12 apply.
 13 Same thing for Number (7), an individual
 14 conducting undercover investigations mean the
 15 criteria set forth in 62-26-231. When you go to that
 16 statute, all that the requirements for the undercover
 17 exemptions talk about is you either have to be
 18 employed by or under the control of a licensed
 19 private investigation company, which Respondent was
 20 not, or you have to be investigating the internal
 21 affairs of the company by which you are employed,
 22 which, like I said, the internal affairs exemption
 23 does not apply because they are two different
 24 companies.
 25 Now, to get to why this individual's

1 Ms. Shepard.
 2 MS. SHEPARD: All right. Just so we are
 3 clear on the record, this is for Case Number
 4 2016070531, Respondent 1, and 2016070571,
 5 Respondent 2. I am going to try to clear up some of
 6 the questions that people had.
 7 There are a lot of questions about
 8 whether the Respondent was exempt from the private
 9 investigation licensure requirements. And those
 10 exemptions -- I believe the two exemptions that
 11 people were getting at, would be under
 12 62-26-223(b)(5) and (b)(7). (B)(5) says, "A private
 13 business employee conducting investigations relating
 14 to the internal affairs of the business would be
 15 exempt from the PI licensure requirements." And (7),
 16 "An individual conducting undercover investigations
 17 meeting the criteria set forth in 62-26-231."
 18 So for (5), that's the one, private
 19 business employee conducting investigations relating
 20 to the internal affairs of the business, the key word
 21 there is "internal affairs." I went back and
 22 reviewed the file. This case was sent for
 23 investigation and the -- so, like I said, you have
 24 Complainant who owns Company 1, right? And then you
 25 have Company 2. So you have the bond company,

1 actions would be considered private investigation
 2 activity, you have got a couple different issues
 3 here. You have got under 62-26-202 it says, "Private
 4 investigator meets any person who performs one or
 5 more services described in Subdivision 6. When you
 6 go up to Subdivision 6, you have got a couple that
 7 apply. It's going to be (b)(6)(B), the activity,
 8 habit, conduct, business, occupation, honesty,
 9 integrity, credibility, knowledge, trustworthiness,
 10 whereabouts, affiliations, transactions." All of
 11 that are character of any person.
 12 So Respondent was hired by Company 2, the
 13 surety company, to investigate Complainant in whether
 14 he was skimming money, which was leading Company 2 to
 15 lose profits. You also have (c), the location,
 16 disposition or recovery of lost or stolen property.
 17 Specifically, the lawyer for Company 2, the surety
 18 company, states that Respondent was hired as a
 19 fugitive recovery agent, which would also fit
 20 squarely within the definition of private
 21 investigation activity.
 22 MR. ROUSSEAU: Thank you.
 23 MR. VALENTINE: Who owns business 2,
 24 Number 2?
 25 MS. SHEPARD: I mean, it's a different

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1 company entirely.

2 MR. VALENTINE: But who owns it?

3 MS. SHEPARD: That's not something I can

4 say to keep the identity, but they are not even

5 located in the same state.

6 MR. VALENTINE: Is the owner of

7 business 1 the owner of business 2?

8 MS. SHEPARD: No.

9 MR. VALENTINE: Okay.

10 MR. FLAIR: Two totally -- if you will,

11 Madam Chairman, two totally different entities.

12 MS. SHEPARD: Yes.

13 MR. VALENTINE: So let me see if I

14 understand what this is all about. Business Number 2

15 sent somebody over to business Number 1 to

16 investigate why they were losing money in that

17 company.

18 MS. SHEPARD: Right, specifically like

19 whether there was any criminal wrongdoings in

20 Company 1 and then also the owner of Company 1, which

21 is the Complainant. As an added detail, Company 1

22 has since folded. I believe -- I believe there are

23 actually warrants out for the arrest of the

24 Complainant right now relating to charges of theft.

25 MR. ROUSSEAU: Madam Chairman, I'd like

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1 to make a motion.

2 CHAIRPERSON LANE: Okay. Commissioner

3 Rousseau?

4 MR. ROUSSEAU: I move to accept the

5 recommendation of counsel.

6 CHAIRPERSON LANE: We have a motion by

7 Commissioner Rousseau to accept recommendation of

8 counsel. Is there a second?

9 MR. FLAIR: I'll second it, Madam

10 Chairman. Larry Flair.

11 CHAIRPERSON LANE: Second by Commissioner

12 Flair. All in favor?

13 THE COMMISSION: Aye.

14 CHAIRPERSON LANE: I didn't ask for any

15 further questions. Are there? Opposed? Motion

16 carries. Would you do a roll call, please?

17 MS. VEST: Jerry Richards?

18 MR. RICHARDS: Aye.

19 MS. VEST: Walt Valentine?

20 MR. VALENTINE: Aye.

21 MS. VEST: Minnie Lane?

22 CHAIRPERSON LANE: Aye.

23 MS. VEST: David Brown?

24 MR. BROWN: Aye.

25 MS. VEST: Alan Rousseau?

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1 MR. ROUSSEAU: Aye.

2 MS. VEST: Jerry Flair?

3 MR. FLAIR: Aye.

4 MS. VEST: Dr. Ritch?

5 MR. RITCH: Aye.

6 MS. VEST: Ayes have it, Madam Chair.

7 CHAIRPERSON LANE: Is that all the

8 attorneys have now? We are through with that. Let's

9 go onto the administrative matters with Executive

10 Director Cody Vest.

11 MS. VEST: All right. Just a second.

12 The next thing on the iPad should be the disciplinary

13 action report for January 27th. You did not have any

14 activity.

15 Next on the iPads you should have the

16 monthly report for January and February. I am just

17 going to read that to you. Our next meeting will be

18 May the 26th, 2017. We have four Commission member

19 vacancies, that's Alan Rousseau, David Horton, Minnie

20 Lane, and Dr. Ritch. Walt Valentine has been

21 reappointed, David Brown and Larry Flair have been

22 reappointed. Any questions on that? We'll just move

23 onto the budget review.

24 Your ending balance as of January 2017 is

25 \$42,171. Again, this is a different form from what

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1 we are used to seeing, might be used to seeing it by

2 now, that does show your revenue and your expenses

3 and does give us a breakdown of our cost backs. From

4 what I am seeing here, I don't think there's any

5 reason for us to be concerned about monetary problems

6 with this program.

7 Legislative update is next, and I do not

8 have any legislative update. We didn't have anything

9 on the Hill that I was aware of.

10 We do have some correspondence. I think

11 we have two pieces of correspondence. Our first

12 piece of correspondence we have here is from David

13 Brown Investigations, and, of course, if we do have

14 to vote, Commissioner Brown, you will recuse

15 yourself.

16 MR. BROWN: Yes, ma'am.

17 MS. VEST: And you will be asked to step

18 out in the hall when you do so. It is an e-mail that

19 you can -- I am going to give you a few minutes to

20 read this yourself. It is concerning working for an

21 attorney, but for the record, what it says is,

22 "Another person in our law firm raised this question

23 to me based on what they understood about people that

24 do investigations for an attorney. Below is part of

25 the question. Tim Norris, N-O-R-R-I-S, has been

1 working exclusively with a Memphis criminal defense
 2 attorney investigating criminal, personal injury, and
 3 workers' compensation cases. He is authorized to
 4 serve summons and subpoenas in Shelby County,
 5 Tennessee, and conducts authorized surveillance
 6 service as a disposition videographer and is
 7 particularly talented in locating hard to find
 8 witnesses and other parties. He's available to
 9 investigate criminal cases not handled by our firm
 10 while still under the supervision of an attorney.
 11 His investigator services are available for an hourly
 12 fee, and he has direct link to the status of your
 13 case 24 hours a day. The question was about doing
 14 work for other attorneys and charging an hourly fee.
 15 He states he would be still under the supervision of
 16 the previous attorney, law firm, but what if he had a
 17 conflict? Is that checked? Seems outside firm would
 18 still be directing actions."

19 I did look into your exceptions.
 20 1175-01-.18 in your exceptions Number 1, for purpose
 21 of TCA 62-26-223 (b)(3)(A), the term "employee" shall
 22 be defined as an individual to whom wages are paid by
 23 the attorney or law firm and whose wages, federal
 24 income tax and/or federal insurance contributions,
 25 that moneys are withheld by the attorney or law firm.

1 concern because they used to be a private
 2 investigator in another lifetime.

3 CHAIRPERSON LANE: It says his
 4 investigation services are available for an hourly
 5 fee, so that's not under supervision of his employer,
 6 a W-2. Hourly fee is not a W-2.

7 MR. VALENTINE: Do we have an opinion
 8 from legal?

9 MS. THOMAS: If I'm understanding this
 10 scenario correctly, I would think that this employee
 11 would not fall under that exception because to be
 12 under the exception of a person working for an
 13 attorney at a law firm, that person has to be acting
 14 within the employee's scope of employment for the
 15 attorney or law firm. So the work outside of that
 16 attorney/law firm relationship would leave him open
 17 to that liability as a separate private investigator,
 18 in my opinion.

19 MR. BROWN: I do need to step out now.

20 CHAIRPERSON LANE: You can just abstain,
 21 can't you?

22 MR. BROWN: Yes.

23 DR. RITCH: I have a question from
 24 Chattanooga.

25 CHAIRPERSON LANE: Okay. Do we have a

1 MR. BROWN: This individual is not a
 2 licensed private investigator.

3 CHAIRPERSON LANE: Is that the question?
 4 I have that question. Are you asking do they need a
 5 license? Is that the question?

6 MR. BROWN: Yes, ma'am.

7 MS. VEST: I think that -- the way this
 8 reads is that we have a law firm, he has an
 9 individual that works with that law firm, but yet
 10 he's taking himself out, letting somebody else hire
 11 him for an hourly fee. When does he become -- does
 12 that make him a private investigator or is he still
 13 exempt under the law firm? This registered exception
 14 is for employees for the law firm, but I believe it
 15 says he goes over here and does other work for \$15 an
 16 hour. As what? An investigator?

17 MR. RICHARDS: And there's a chance that
 18 if he goes to another -- takes another case outside
 19 that law firm, he wouldn't be under the supervision
 20 of Mr. Leffner, if Mr. Leffner had a conflict.

21 MS. VEST: I think what he's trying to
 22 say is he would still be under his supervision
 23 somehow, is the way it reads.

24 MR. BROWN: One attorney brought it to
 25 me, it was kind of a gray area, it just raised a

1 motion?

2 MR. ROUSSEAU: Dr. Ritch had a question.

3 CHAIRPERSON LANE: Okay. Dr. Ritch, go
 4 ahead.

5 DR. RITCH: Just a question for legal.
 6 If this person involved were to -- the lawyer in fact
 7 for whom he works, formally works, if a lawyer made a
 8 subcontractor agreement with another law firm or
 9 whatever and this individual would do some work, but
 10 was still under his employment, still under him being
 11 paid, and the law firm collects a fee from the person
 12 to whom he is outsourced, would that be an exception
 13 or would that still create a problem?

14 MS. THOMAS: If I'm understanding you
 15 correctly, I would say that that would fall under the
 16 exception because he's acting within the scope of his
 17 employment as an employee of the law firm.

18 DR. RITCH: So the solution to this
 19 problem would be if he wants to do this, have the
 20 lawyer subcontract him out and the lawyer still
 21 supervise his activities and still pay him for his
 22 work and the lawyer collects from the other firm;
 23 would that be adequate?

24 MS. THOMAS: That would fall under the
 25 exception, in my opinion.

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1 DR. RITCH: Thank you, counsel.
 2 CHAIRPERSON LANE: Is there a motion
 3 whether or not this --
 4 MS. VEST: I don't think that's what it
 5 says.
 6 MR. VALENTINE: Do we need a motion?
 7 CHAIRPERSON LANE: Well, the question is,
 8 is this just correspondence asking your opinion and
 9 then you brought it to the Commission?
 10 MS. VEST: It's asking your opinion.
 11 CHAIRPERSON LANE: So you are wanting an
 12 opinion from us if there is a private investigative
 13 license required, so we do need a motion.
 14 MS. VEST: Yes, ma'am.
 15 MR. ROUSSEAU: Madam Chairman, I move we
 16 accept the opinion of our attorney.
 17 MR. VALENTINE: I second that.
 18 CHAIRPERSON LANE: Motion by Commissioner
 19 Rousseau. Second by Commissioner Valentine. All in
 20 favor?
 21 THE COMMISSION: Aye.
 22 CHAIRPERSON LANE: Opposed? Motion
 23 carries. Would you like to do a roll call?
 24 MS. VEST: Jerry Richards?
 25 MR. RICHARDS: Aye.

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1 MS. VEST: Walt Valentine?
 2 MR. VALENTINE: Aye.
 3 MS. VEST: Minnie Lane?
 4 CHAIRPERSON LANE: Aye.
 5 MS. VEST: David Brown?
 6 MR. BROWN: Abstain.
 7 MS. VEST: Alan Rousseau?
 8 MR. ROUSSEAU: Aye.
 9 MS. VEST: Larry Flair?
 10 MR. FLAIR: Aye.
 11 MS. VEST: Dr. Ritch?
 12 DR. RITCH: Aye.
 13 MS. VEST: So the motion carries that he
 14 wouldn't need a private investigator's license to do
 15 it under these circumstances, correct?
 16 CHAIRPERSON LANE: Correct.
 17 MS. VEST: Ayes have it, Madam Chair.
 18 DR. RITCH: Therefore, by definition, he
 19 has to work under the supervision of a licensed
 20 company.
 21 MS. VEST: Yes, sir. All right. The
 22 next piece of correspondence that you have is an
 23 e-mail. This is the first time I have run across
 24 this, so I wanted to be sure I brought this to the
 25 Commission.

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1 This is from Scott Allen Brantley. "My
 2 name is Scott Brantley, B-R-A-N-T-L-E-Y, Tennessee PI
 3 License Number 0446. I submitted a license renewal
 4 for company license Brantley Investigations,
 5 Tennessee PI Company License 1409, on March 16, 2017.
 6 I am currently working in Vietnam and Cambodia. I
 7 have fulfilled all requirements for both licenses.
 8 However, due to the fact that I will be in South East
 9 Asia for at least the next several months, I am
 10 encountering great difficulty in submitting the
 11 Notarized Statement of Affiliates to the Commission.
 12 I duly swear that I am the sole affiliate associated
 13 with, or employed by, Brantley Investigations, as
 14 well as the corresponding License Number 1409. I
 15 respectfully ask the Commission to consider the
 16 logistical situation and difficulty in regards to
 17 obtaining a US notary stamp and signature on a
 18 required affiliate statement. I hope the Commission
 19 will accept this document as a sworn statement as to
 20 my sole affiliation with the company Brantley
 21 Investigations. Thank you greatly for your
 22 assistance."
 23 Maybe I need to do a little
 24 clarification. When he came up for renewal, he has
 25 to give us his affiliation letter. That is a

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1 notarized document, unless you go online now and do
 2 it. He is not able to get a notary seal put on it.
 3 I have never run across this before.
 4 CHAIRPERSON LANE: Well, he's asking for
 5 a US notary seal. Wherever he's at is who would be
 6 notarizing it.
 7 MS. VEST: Yes, but I don't know if I
 8 would take a notary seal from somebody who is a
 9 notary from Asia.
 10 DR. RITCH: That would be my question.
 11 My next question is -- is it in order for me to ask
 12 the next question?
 13 MS. VEST: Go ahead, Dr. Ritch.
 14 DR. RITCH: Well, if a person is the sole
 15 owner and -- as in my case in the past, I don't see
 16 the necessity for notarizing. If he's the sole
 17 person -- maybe I misunderstood the law, but I have
 18 the same issue. I have -- no one works for me except
 19 for me now, but I still have to submit the notary
 20 saying there's no other employees. To me it seems to
 21 be a moot point, but I'm not current on what reason
 22 the law was put it in there for a sole practitioner.
 23 Anyway, that was my observation.
 24 MS. VEST: Okay. Simply I brought this
 25 to the Commission to allow this statement to be the

1 notary stamp so I can go ahead and renew the
2 gentleman.

3 DR. RITCH: I personally have no problem
4 with it.

5 CHAIRPERSON LANE: You do or do not?

6 DR. RITCH: I do not have a problem with
7 his request.

8 CHAIRPERSON LANE: Thank you. Is there a
9 motion?

10 MR. VALENTINE: I move that we approve
11 this pending his return to the United States and
12 submitting the required notary seal.

13 CHAIRPERSON LANE: Motion by Commissioner
14 Valentine. Is there a second to that motion?

15 MR. FLAIR: I'll second that, Madam
16 Chairman. Larry Flair.

17 CHAIRPERSON LANE: Second by Larry Flair.
18 Any discussion? All in favor?

19 THE COMMISSION: Aye.

20 CHAIRPERSON LANE: Opposed? Motion
21 carries. Would you do a roll call, please?

22 MS. VEST: Jerry Richards?

23 MR. RICHARDS: Aye.

24 MS. VEST: Walt Valentine?

25 MR. VALENTINE: Aye.

1 I would like to go on record to say that the course
2 for ER Summit, and they did submit 12 one-hour
3 cases -- I mean classes, excuse me, and they also
4 submitted a class for 24 hours of continuing
5 education on Crash Related Data Retrieval from
6 Vehicles. That was approved by the Commission -- by
7 the committee.

8 We also had one for Virgil Gammon who
9 attended the Williamson County Sheriffs Office for
10 32 hours. He's requesting continuing education.
11 That was approved by the committee.

12 Then you also have the Tennessee
13 Professional Investigations Association, they are
14 going to have their seminar, and they submitted six
15 to eight hours, depends on whether that's a one or
16 two day of continuing education. That was approved
17 by the committee.

18 Then you also had the Tennessee
19 Association of Professional Process Servers who is
20 asking for eight hours of continuing education. All
21 of those were approved.

22 So I'd like to know if you would like to
23 make one vote to approve all that the committee
24 approved.

25 CHAIRPERSON LANE: Is there a motion?

1 MS. VEST: Minnie Lane?

2 CHAIRPERSON LANE: Aye.

3 MS. VEST: David Brown?

4 MR. BROWN: Aye.

5 MS. VEST: Larry Flair?

6 MR. FLAIR: Aye.

7 MS. VEST: Dr. Ritch?

8 DR. RITCH: Aye.

9 MS. VEST: Let the record reflect Alan
10 Rousseau was not in the room at the moment, but the
11 ayes have it, Madam Chair.

12 CHAIRPERSON LANE: Thank you.

13 MS. VEST: I think if I understand this,
14 I am going to go ahead and renew him, but I need to
15 send him some correspondence that, "When you do come
16 back to the United States, I want the notarized
17 statement."

18 MR. VALENTINE: That's correct.

19 MS. VEST: Okay. I think the next thing
20 on the agenda is the Education Committee education
21 review.

22 CHAIRPERSON LANE: I will ask Executive
23 Director Cody investigator to handle that.

24 MS. VEST: All right. This morning when
25 the committee met, all the courses were approved, but

1 DR. RITCH: Madam Chair, I move we
2 approve all those submitted.

3 CHAIRPERSON LANE: Dr. Ritch made a
4 motion to approve. Is there a second?

5 MR. BROWN: Second. David Brown.

6 CHAIRPERSON LANE: Second by Commissioner
7 Brown. All in favor?

8 THE COMMISSION: Aye.

9 CHAIRPERSON LANE: Opposed? Motion

10 carries. Would you do a roll call, please?

11 MS. VEST: Jerry Richards?

12 MR. RICHARDS: Aye.

13 MS. VEST: Walt Valentine?

14 MR. VALENTINE: Aye?

15 MS. VEST: Minnie Lane?

16 CHAIRPERSON LANE: Aye.

17 MS. VEST: David Brown?

18 MR. BROWN: Aye.

19 MS. VEST: Alan Rousseau?

20 MR. ROUSSEAU: Aye.

21 MS. VEST: Larry Flair?

22 MR. FLAIR: Aye.

23 MS. VEST: Dr. Ritch?

24 DR. RITCH: Aye.

25 MS. VEST: The ayes have it, Madam Chair.

1 CHAIRPERSON LANE: Thank you. I guess
 2 next on the agenda we are down to the unfinished
 3 business. Do you have any unfinished business?
 4 MS. VEST: Yes, we do. I'd like to turn
 5 it over to our staff attorney.
 6 MS. THOMAS: I think the only thing that
 7 we need to discuss and vote on are the polygraph
 8 rules that the Commission decided that they would
 9 like to have me draft and begin the rulemaking
 10 process for that. I think that these rules are
 11 simple enough that proposed rules should be
 12 sufficient, so we don't have to go through a
 13 rulemaking hearing.
 14 So if you all have looked at the
 15 information I sent you all a couple days ago, we can
 16 go ahead and vote on that, and I will go ahead and
 17 send those off to the AG's office and the Governor's
 18 office to get their approval to get that process
 19 moving.
 20 MR. VALENTINE: I move we accept the
 21 proposed rules.
 22 MR. FLAIR: I second that, Madam
 23 Chairman. Larry Flair.
 24 CHAIRPERSON LANE: Motion by Commissioner
 25 Valentine, second by Commissioner Flair to accept

1 these rules. Any discussion?
 2 MS. THOMAS: I'm sorry, Ms. Lane, I
 3 understand -- I think you said you didn't get the
 4 e-mail from me?
 5 CHAIRPERSON LANE: No, I did not.
 6 MS. THOMAS: It's the same language that
 7 I presented to you all in January, I had just made
 8 some simple changes. I put them on the official
 9 rulemaking forms and then there's some answers to
 10 questions that have to be addressed from the
 11 Governor's office and from the Joint Governor
 12 Operations Committee.
 13 If there is any discussion as to the
 14 answers I have prepared, of course I am willing to
 15 change those if you think that they are not
 16 sufficient, but if they are sufficient, like I said,
 17 we can go ahead and start the rulemaking process for
 18 that.
 19 CHAIRPERSON LANE: Okay. Would you
 20 e-mail me another copy, since I didn't get them?
 21 MS. THOMAS: Absolutely.
 22 MR. BROWN: Madam Chairman?
 23 Mr. Richards, is this --
 24 MR. RICHARDS: Yes, I have looked at them
 25 and they are fine.

1 CHAIRPERSON LANE: We have a motion and a
 2 second. All in favor?
 3 THE COMMISSION: Aye.
 4 CHAIRPERSON LANE: Opposed? Motion
 5 carries. Would you do a roll call, please?
 6 MS. VEST: Jerry Richards?
 7 MR. RICHARDS: Aye.
 8 MS. VEST: Walt Valentine?
 9 MR. VALENTINE: Aye.
 10 MS. VEST: Minnie Lane?
 11 CHAIRPERSON LANE: Aye -- actually I am
 12 going to abstain, since I have not reviewed it,
 13 please.
 14 MS. VEST: David Brown?
 15 MR. BROWN: Aye.
 16 MS. VEST: Alan Rousseau?
 17 MR. ROUSSEAU: Aye.
 18 MS. VEST: Larry Flair?
 19 MR. FLAIR: Aye.
 20 MS. VEST: Dr. Ritch?
 21 DR. RITCH: Aye.
 22 MS. VEST: Let the record show that
 23 Minnie Lane had abstained and the ayes have it.
 24 CHAIRPERSON LANE: Thank you.
 25 MS. THOMAS: That was all I had. Thank

1 you so much.
 2 CHAIRPERSON LANE: Do we have any new
 3 business?
 4 MS. VEST: We just have a little bit.
 5 One of the -- my responsibilities is to try to keep
 6 up with what's happening in the industries. This
 7 might not exactly affect your industry, but when I
 8 did ask does it affect my Alarm Board, does it affect
 9 Private Protective Services, is it going to affect
 10 the Locksmith Program, is it going to affect your
 11 Private Investigation Program, I don't know the
 12 answer to that, so that's why I am bringing that to
 13 you today.
 14 If you can look at this, this is from a
 15 member of IASIR and it is from Bruce Hulme, he
 16 represents the private investigators on the L-9
 17 IASIR, and it is concerning robots. I just wanted to
 18 briefly let you just look over that. They have -- it
 19 says that they have already started using robots in
 20 different areas, especially in the area of security.
 21 I did not exactly know what to say when
 22 they said, "Well, how is that going to affect your
 23 private investigation field." It may be something
 24 that you need to look at. Maybe we can address it
 25 another time, give you time to look at it. I am

1 aware that there is one company that is a security
2 company that's using the robots. For instance, if
3 you had a junkyard way out in the country somewhere,
4 you could have a robot there instead of maybe a
5 person or dogs and you could be sitting at home with
6 your remote control that has so many different
7 sensors, and you wouldn't need an individual to be
8 guarding that perhaps.

9 What it would do to the PI industry, I
10 don't know, other than maybe surveillance. Even
11 that, I don't know how that would go.

12 CHAIRPERSON LANE: Depends on the cost,
13 I'm sure.

14 MS. VEST: Oh, yeah. But what would you
15 use it for?

16 CHAIRPERSON LANE: In private
17 investigating? Like you say, surveillance.
18 Stationary surveillance would be the only thing I can
19 think of.

20 MS. VEST: I am going to let you take a
21 look at that and, if you would, I'd like to be able
22 to maybe address this at the next meeting a little
23 bit so you can kind of give me a direction that I
24 should be going in or do I even need to be looking at
25 this for private investigation.

1 Have you violated that person's privacy? I just
2 don't think that's something we are going to get
3 into, but I do think it's something we need to watch
4 for as federal regulation is concerned, and I'm not
5 sure of any state regulations that have come down
6 yet. But if you do hear of any for the robots and
7 for the drones, please let me know and I'll do the
8 investigation on that and bring it back to you.

9 DR. RITCH: I believe these are designed,
10 right now at least, in the near term, for indoor use
11 only.

12 MS. VEST: Yes, sir.

13 DR. RITCH: And so it's interesting. I'm
14 reading it with great interest. It appears to me it
15 would be a useful technology. You would be able to
16 get sick and take a day off of work. Anyway, I
17 appreciate --

18 MS. VEST: Yes, sir, thank you, but they
19 will still need someone to operate them.

20 DR. RITCH: That's true. That's true.

21 MS. VEST: It's the direction we might be
22 going into. So if they do go out and do some
23 surveillance, for instance, and you do have somebody
24 operating it, does that person have to be a private
25 investigator because it's going to pull the

1 MR. BROWN: Is this something like with
2 the drones, everybody's buying them and using them
3 and -- I get phone calls all the time wanting me to
4 do surveillance -- can they do surveillance with the
5 drone, I tell them "no."

6 MS. VEST: Well, I don't know. You say
7 if they can do surveillance -- if they can use a
8 drone -- what law says I couldn't go buy one and fly
9 it over your house?

10 MR. BROWN: You can, but if you are using
11 it for surveillance and stuff like that -- the FAA
12 licenses these things now, people are not aware of
13 that.

14 MS. VEST: Right, but the FAA, they are
15 saying it can't be over -- I think, if it goes over
16 500 feet in the air, it has to be -- you have to be a
17 pilot. But that's not really what's happening with
18 the drones. Your drones are being purchased by every
19 Tom, Dick, and Harry or every child that's out there
20 and I do not know of any federal regulations yet on
21 that.

22 I know the IASIR was speaking of that
23 because of the privacy. Just that simple, you buy
24 one and it flies over this house and here's this
25 individual out there nude -- bathing in the nude.

1 information off the robot and give it to who?

2 DR. RITCH: I got you. That's something
3 I had not thought about.

4 MS. VEST: That is something we want to
5 look at perhaps in the future.

6 CHAIRPERSON LANE: Back to the traffic
7 cams.

8 DR. RITCH: It's an interesting dilemma.

9 MS. VEST: All right. And I think the
10 next thing with the -- I don't have anything else for
11 the Commission myself.

12 CHAIRPERSON LANE: Did anyone sign up for
13 the continuing education participation forum?

14 MS. VEST: No, ma'am.

15 CHAIRPERSON LANE: Okay. There being no
16 further business, I'll call for a motion to adjourn
17 this March 31, 2017, meeting.

18 DR. RITCH: I so move.

19 CHAIRPERSON LANE: Motion by Commissioner
20 Ritch. Do I have a second?

21 MR. VALENTINE: Second.

22 CHAIRPERSON LANE: Second by Commissioner
23 Valentine. Any discussion? All in favor?

24 THE COMMISSION: Aye.

25 CHAIRPERSON LANE: Opposed? You want a

1 roll call?
 2 MS. VEST: Jerry Richards?
 3 MR. RICHARDS: Aye.
 4 MS. VEST: Walt Valentine?
 5 MR. VALENTINE: Aye.
 6 MS. VEST: Minnie Lane?
 7 CHAIRPERSON LANE: Aye.
 8 MS. VEST: David Brown?
 9 MR. BROWN: Aye.
 10 MS. VEST: Alan Rousseau?
 11 MR. ROUSSEAU: Aye.
 12 MS. VEST: Larry Flair?
 13 MR. FLAIR: Aye.
 14 MS. VEST: Dr. Ritch?
 15 DR. RITCH: Aye.
 16 MS. VEST: Ayes have it. Madam Chair.
 17 CHAIRPERSON LANE: Meeting is adjourned.
 18 (WHEREUPON, the meeting was adjourned at
 19 11:20 a.m.)
 20
 21
 22
 23
 24
 25

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

EDUCATION COMMITTEE MEETING

March 31, 2017

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
EDUCATION COMMITTEE MEETING
March 31, 2017
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500 JAMES ROBERTSON PARKWAY, ROOM 1A
NASHVILLE, TN 37243

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

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* * *

CHAIRPERSON LANE: We are going to have -- are we just having the education committee right now.

MS. VEST: Yes, just the education committee meeting right now.

CHAIRPERSON LANE: Do you want to handle that?

MS. VEST: Hopefully everybody that's on the committee did get their information sent to them, if you did not, you need to let me know. We are going to start.

The first one you see it says the Private Investigation Polygraph Education Review, it has courses that have been submitted by ERD Summit, that is Douglas DeVan & Associates. They are asking for these courses, one-hour courses, to be approved for continuing education.

CHAIRPERSON LANE: Go on down, they have a 32-hour and a 24 and a one to two-hour.

MS. VEST: Right, but I just broke it out to these which are just the one-hour portions of the continuing education. We can go ahead and add the other on there, if you want to, that is the 24 hours for the continuing education, but it is for the Crash

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**

Related Data Retrieval from Vehicles.

CHAIRPERSON LANE: Did they request it be added on?

MS. VEST: Yes. We just broke it out so you can see just the one-hour classes that were going to be held versus the whole 32 hours for another one.

CHAIRPERSON LANE: I went through everything, I saw a lot of good items in it. What do others see?

MR. ROUSSEAU: I saw no problem.

MS. VEST: Well, I didn't have any problem with it either, I thought it would be a good course.

DR. RITCH: I reviewed everything here in Chattanooga, it all looks good to me.

MS. VEST: We will take it to the Board -- we'll take it to the Commission and ask them for approval.

CHAIRPERSON LANE: Okay.

MS. VEST: All right. I think the next one we are going to look at is from an individual, it's Virgil Gammon. It has an S on the end. I don't know. V-I-R-G-I-L, G-A-M-M-O-N-S is what is on the certificate. He does hold his private investigator's license, he will expire January the 31st of '18, and

1 he wants to use this as his continuing education for
2 that two-year span.

3 I brought it back to you because it's
4 through the Sheriffs office. You asked me last time
5 if I get any of these individuals, be sure I bring
6 them back to you. I did, and it looked good to me,
7 all the information he provided. That's up to the --
8 what everybody else thought about that.

9 CHAIRPERSON LANE: I did not see a
10 problem with it.

11 DR. RITCH: I viewed it pretty carefully
12 and I didn't have a problem.

13 MR. BROWN: Is that N or N-S.

14 CHAIRPERSON LANE: He says it's either
15 way, but the certificate has an S on the end.

16 MR. BROWN: But the other certificate
17 he's had on here has Gammon, and he signs Gammon.

18 MS. VEST: We talked about this this
19 morning, and he'll answer to either one of them, he
20 said.

21 CHAIRPERSON LANE: What's his license?

22 MS. VEST: How is your license? I didn't
23 look it up. Does it have an S on the end or not?

24 MR. GAMMON: No, ma'am.

25 MS. VEST: His private investigation

1 this. They are asking for -- of course their seminar
2 is going to be April the 8th.

3 CHAIRPERSON LANE: What do the other --
4 MR. ROUSSEAU: I'm okay with it.

5 MR. BROWN: I didn't see anything.

6 MS. VEST: Looks like it's an all day
7 seminar.

8 CHAIRPERSON LANE: They have some good
9 topics in there. I don't have a problem with it.

10 Did any of these ask to be added to the approved
11 list?

12 MS. VEST: No, did not.

13 CHAIRPERSON LANE: Well, then we won't.

14 MS. VEST: Like I had previously told
15 you, this came in real late and we already finished
16 everything, that's why it had to be sent to you
17 overnight. We won't be doing that any more. I am
18 going to ask anybody who is going to submit courses,
19 I need to have it at least a week in advance.

20 CHAIRPERSON LANE: At least.

21 MS. VEST: I understand they had some
22 difficulty with personnel or whatever, so I accepted
23 it because I was afraid private investigators would
24 be attending and they may need it for their
25 continuing education.

1 license does not have the S on the end of it. So we
2 will call him Gammon. Sounds like we are going to
3 take this one and approve it also with the
4 Commission.

5 CHAIRPERSON LANE: Fine.

6 MR. ROUSSEAU: Yes.

7 DR. RITCH: I think so.

8 MS. VEST: The next one, we already
9 jumped out of line and we did the 24 hours for the
10 Summit. So the last one looks like we are going to
11 have is TPIA.

12 CHAIRPERSON LANE: They are on the
13 approved list. Their seminar's set for tomorrow in
14 Gatlinburg. I think they had some speakers that were
15 changed.

16 MR. ROUSSEAU: I'm okay with that.

17 MS. VEST: Right. I didn't have any
18 problem with it either. Like you said, it's
19 accepted, but since they have changed, we wanted to
20 bring it back to you. So looks like we'll take that
21 one as well.

22 And the one that came in yesterday is for
23 the Tennessee Association of Professional Process
24 Servers. I am not familiar with any of their
25 classes. I'll need to defer to the Commission on

1 CHAIRPERSON LANE: I'm sure they
2 appreciate that.

3 MS. VEST: So I think we'll take that
4 back. And I think whenever we meet with the full
5 Commission, everything passes, everything will be
6 approved.

7 DR. RITCH: One comment, if I may.

8 CHAIRPERSON LANE: Go ahead.

9 MS. VEST: Go ahead.

10 DR. RITCH: When they are having their
11 5:30 to 6:00 closing session, are they going to break
12 a federal law? Last item on his list is having
13 (inaudible). I like that, I am just wondering if
14 they are going to get in trouble.

15 CHAIRPERSON LANE: Depends on where they
16 are holding it, I guess.

17 MS. VEST: What Dr. Ritch is saying is
18 from 5:30 to 6:00 it says, "Issues certificates to
19 members and private investigators, and it will end
20 with an ending prayer."

21 DR. RITCH: I completely agree with that,
22 but I was being -- more or less just making a
23 comment.

24 MS. VEST: Yes.

25 DR. RITCH: I with them well and hope

1 there are not any lawyers in the audience.
 2 MS. VEST: Not yet, I don't think. I
 3 think that concludes all that I have, Madam Chair.
 4 CHAIRPERSON LANE: I guess we'll wait
 5 until the appropriate time to start the meeting.
 6 (WHEREUPON, the meeting was concluded at
 7 9:17 a.m.)

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