Tennessee Private Investigation and Polygraph Commission Meeting


Paul David Brown Jr, Vice Chair

Larry T Flair, Sr.

William Rick Jones

Alan G Rousseau

Arthur G (Jerry) Richards

Stuart Bayne

Robin Brewer Johnston

Walt Valentine
STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER
NASHVILLE, TENNESSEE 37243

EDUCATION COMMITTEE MEETING
SEPTEMBER 22ND, 2017

Briggs & Associates,
Brandon Hobbs, Reporter,
222 2nd Avenue North
Suite 360M
Nashville, Tennessee 37201
615-482-0037
COMMITTEE MEMBERS:
Paul David Brown, Jr.
Larry Flair, Sr
Alan Rousseau
Dr. Paul Ritch

STAFF MEMBERS:
Cody Vest, Executive Director
Shauna Balaszi, Administration Assistant
Ashley Thomas, Staff Attorney
**PROCEEDINGS**

MS. VEST: So, we're going to go over the education committee courses here. David, you are the chair today.

MR. BROWN: Yes, ma'am.

MS. VEST: You will be the chair of the commission for this meeting, too, and that consists of you, Larry Flair, Dr. Ritch, and Alan Rousseau. These are the individuals we're going to talk to today, then we'll bring the information to the actual commission for review for our approval.

MR. FLAIR: Real quick, Ms. Cody. The second November here?

MS. VEST: Right.

MR. FLAIR: At 0900 unless it changes?

MS. VEST: I've got it scheduled. Yes, I prefer that you be here by 9:00 o'clock, but I do have it scheduled for 9:30.

MR. FLAIR: All right.

MS. VEST: In case I had some education information or if I had some serious business that we had to take care of, a complaint or whatever, I would call the board into a session at 9:00 o'clock. So, let's just go over these. Shauna has already
sent all of this out to the commissioner, to the members, and the first one we have on the agenda is TJCSA West Grand -- let me start all over, TJCSA West Grand Division Mini Conference. Mr. James Truelove is asking for credits for 20 hours for attending.

If you will look at it, he's already attended. His certificate is for June 15th through the 16th for the one class of eight hours. The other was at the Double Tree by Hilton on Thursday, June 15th, 2017. So, he's already attended these and he's asking for continuing education credit.

Did you hear me, Mr. Rousseau, Alan?

MR. ROUSSEAU: I'm sorry. I hit my mute button. I can hear very well.

MS. VEST: All right. Thank you. So, do we have any discussion on that, members?

MR. ROUSSEAU: -- the TJCSA?

MS. VEST: No, it's not. That's why it's been brought to you for Mr. Truelove.

MR. ROUSSEAU: Okay.

MS. VEST: He wants us to consider it for his education. He's asked for 20 hours, but of course, we don't do but 12.

MR. ROUSSEAU: Right. Looking at the
courses, I think we should approve it. Do you need that in a formal motion?

    MS. VEST: Yes, sir, please.
    MR. ROUSSEAU: I move that we accept the training offered by T --

    MS. VEST: JCSA.
    MR. ROUSSEAU: Yes.
    MS. VEST: Do I have a second?
    MR. RITCH: I second.

    MS. VEST: Okay. So, we had a motion by Alan Rousseau and seconded by Paul Ritch.

    MR. BROWN: Okay. We have an approval from Mr. Rousseau and Dr. Ritch seconds it. Any discussion?

    MR. RITCH: I've got a question. Did they ask also to be put on the list of approved course providers?

    MS. VEST: No, they did not.
    MR. RITCH: They did not?

    MS. VEST: This was just for an individual.

    MR. BROWN: This is the Tennessee Juvenile Court Services Association is what this is.

    MS. VEST: Yes.

    MR. BROWN: That's doing this and I
think they do it annually.

MS. VEST: Okay. It sounds like something they might want to ask to be put on the education list.

MR. BROWN: I would say so. When I saw who it was from, then I'm familiar with them.

MS. VEST: Okay. Is that a yes?

MR. ROUSSEAU: Yes.

MR. BROWN: Vote, roll call?

MS. VEST: Yes. Larry Flair?

MR. FLAIR: Yes.

MS. VEST: David Brown?

MR. BROWN: Yes.

MS. VEST: Dr. Ritch?

MR. RITCH: Yes.

MS. VEST: Alan Rousseau?

MR. ROUSSEAU: Yes.

MS. VEST: Okay. It's approved. All right. The next eight are from the Tennessee Association of Investigators.

MR. ROUSSEAU: Is that right, eight or just one?

MS. VEST: No. It's all of them, one, two, three --

MR. ROUSSEAU: You've got TAI and then
you've got --

MS. VEST: I'm sorry. You caught that.

Thank you. It is only one. It's TAI, Tennessee Association of Investigators. I want you to take a look at this, because I had questions on this myself. They are asking for six hours of continuing education on contract and procurement fraud, but if you look at the material that they sent us, it says, time duration, this class is approximately one hour of intense session and focuses mostly on identification of contract and procurement fraud.

If it says just one hour, why am I giving six hours?

MR. BROWN: I saw that. I was going to ask a question about that.

MS. VEST: So, I don't know if they meant the whole thing. If you look at it, it's got the front sheet there, instructor's background, of course, that's a requirement, and then over here, we have the time duration of what the course is going to be. So, I just wanted to bring that to your attention. It might be an excellent course, but I didn't see six hours.

MR. BROWN: Is this for the October meeting?

MS. VEST: Yes. It's for the October
14th meeting for continuing education for the investigators.

MR. ROUSSEAU: I make a motion we approve one hour.

MS. VEST: Any other discussion there?

MR. BROWN: Can we get a clarification?

We're not going to meet before they have this.

MS. VEST: No. We're not going to meet before they have it. That's all it simply says, Greetings, here is a line up bios for our six hours of CPE October 14th. You got that letter. That's all I've got. So, I didn't really understand it. Did they mean this is the only thing they're going to teach that day, they're the only speaker, this is the only course, well, then why did they put the duration one hour or is he saying it's in one hour segments for each thing? I looked at it and wasn't able to tell. Now, what you can do is we can set this aside. You can vote that this one can be presented at the TAI. Let me get some more information whether it be the one hour or whether it be the five or six hours, unless voted that they can do it. I can change the hours on your behalf.

MR. BROWN: If you would like to do it for us.
MS. VEST: If that's what you want to do, we can do it that way if you would like.

MR. FLAIR: You need a motion to that effect, don't you?

MR. ROUSSEAU: Second.

MS. VEST: Okay. Who made the motion?

MR. FLAIR: I'll make the motion with further investigation by the director that we accept this and the hours depending upon the outcome of that investigation.

MS. VEST: That was a second by Alan Rousseau?

MR. ROUSSEAU: Yes.

MS. VEST: All right. Okay. All in favor?

MR. VALENTINE: Aye.

MR. RITCH: Aye.

MS. JOHNSTON: Aye.

MR. BAYNE: Aye.

MS. VEST: All right. Our roll call vote is Larry Flair?

MR. FLAIR: Yes.

MS. VEST: David Brown?

MR. BROWN: Yes.

MS. VEST: Dr. Ritch?
MR. RITCH: Yes.

MS. VEST: Alan Rousseau?

MR. ROUSSEAU: Yes.

MS. VEST: Okay. So, that carries.

Now, the next one is, TALPI, Tennessee Association of Licensed Professional Investigators. They've got one, two, three, four, five, six, seven that they're asking two hours and up to -- or one-and-a-half hours for the courses.

MR. FLAIR: May I ask, I'm a member of that organization and I don't really feel comfortable voting on that to a certain extent.

MS. VEST: All right. You can recuse yourself.

MR. FLAIR: Okay. And that's the reason, because I'm a member of that organization.

MR. BROWN: I think we have a couple more people that are members on that.

MS. VEST: Well, that's going to be a problem, because all of you have PIs and you could personally be members of an association. So, let's take a look at that one at a time. This is the association, and is this what I have there?

MR. ROUSSEAU: Are they on the approved list, too?
MS. VEST: Yes, they are.

MR. BROWN: Yes.

MS. VEST: I've got a whole book here.

This is going to be at their association meeting.

MR. ROUSSEAU: Dr. Ritch and I are the only two that are not PIs on the education committee. Will that give us enough to vote?

MS. VEST: Yes, sir. I think that is just a committee, so I don't think it's going hurt anything.

MR. ROUSSEAU: Okay.

MS. VEST: Okay. So, they submitted this and asked for the credit. Let me see what we have here, understanding contextual bias, lawful use of force for PIs, social media, ethics, going to take a two-hour class on ethics, digital forensics investigations, searches, and process serving, and there's one, two, three hours for that. Have you had an opportunity to look at that course? That's going to be Dr. Ritch or Alan Rousseau.

MR. RITCH: Yes. I've looked at it and I have no problem with it.

MR. ROUSSEAU: I have no problem.

MS. VEST: Okay.

MR. RITCH: I move to accept them.
MR. ROUSSEAU: I second. Did I go a little fast?

MS. VEST: Yeah, you did go a little fast. Mr. Brown?

MR. BROWN: We have a motion to approve them by Alan Rousseau and is seconded by Dr. Ritch.

MR. ROUSSEAU: It's the other way around.

MS. VEST: The other way around.

MR. BROWN: All right.

MS. VEST: So, let's do that again.

MR. BROWN: Motion to accept by Dr. Ritch and seconded by Dr. Rousseau.

MR. ROUSSEAU: I'm not a doctor, but that's correct.

MS. VEST: All right. Thank you. All right. Dr. Ritch?

MR. RITCH: Aye.

MS. VEST: Alan Rousseau?

MR. ROUSSEAU: Aye.

MS. VEST: All right. So, it carries. And I think we just have one other. It is from the University of Tennessee College of Law and they want an eight-hour course for Days of Future Past. This is from Bryan Hackett. This is another one that is
in the past. This was done September 21st of 2016. And the other one was December 14th of 2016. Now, I thought the purpose of submitting information was — to get the courses approved was so you take it in advance.

So, I think maybe we might have one of our board meetings have a double session about submitting courses of how PIs should take their courses. This is my opinion. It's entirely up to the commission, but this is really getting almost a year old on some of this that he's asked us to do. It looks good to me, but it's up to you. They're supposed to ask in advance of taking the courses. What is the opinion of the commission there?

MR. RITCH: Can we send something else to the licensees to be e-mailed or whatever?

MS. VEST: Yes. I think we'll need to discuss how you want me to handle that. I can put it on notify and everybody will know that. I can put it on the website. There's various things I can do. We'll discuss that if you want to with the full commission, because as you can see, there's two of them that we've already got that they want to get it approved after they've already attended.

MR. BROWN: Kind of have to wait until
license renewal time to do this, it kind of puts everybody in a bind, the staff, you-all.

    MS. VEST: Right, since we only meet six times a month.

    MR. BROWN: Yeah.

    MS. VEST: Okay. So, do we have a vote on this one?

    MR. BROWN: Do we have a motion?

    MR. ROUSSEAU: I move we accept the hours with further discussion to the attending and timely submitting the question.

    MR. BROWN: Is there a second.

    MR. FLAIR: I'm second it.

    MR. BROWN: We have a motion by Alan Rousseau, seconded by Larry Flair. Roll call on these.

    MS. VEST: Larry Flair?

    MR. FLAIR: Yes.

    MS. VEST: David Brown?

    MR. BROWN: Yes.

    MS. VEST: Dr. Ritch?

    MR. RITCH: Yes.

    MS. VEST: Alan Rousseau?

    MR. ROUSSEAU: Yes.

    MS. VEST: The motion carries then.
MR. RITCH: On the list, there were two others. Are we not going to talk about them?

MS. VEST: What are the two others?

MR. RITCH: Federal Defender of Eastern Tennessee. The communication is addressed to Donna Hancock, which was years and years and years ago.

MS. VEST: Yeah. That was part of the Bryan Hackett.

MR. RITCH: Oh, okay.

MS. VEST: We already did that.

MR. RITCH: Okay.

MS. VEST: The one that was directed to the board director.

MR. RITCH: Sorry about that.

MS. VEST: Yes, you were right. That was years ago.

MR. RITCH: A long time ago.

MS. VEST: Hadn't talked to the commission in a while. It might be good. Okay. As far as I'm concerned, Mr. Brown.

MR. BROWN: All right. Are we ready to start?

MS. VEST: No, sir. We need to end the committee meeting.

MR. BROWN: All right. Do we have a
motion to end the meeting?

MR. RITCH: I so move.

MR. FLAIR: I'll second.

MR. BROWN: We have a motion to adjourn by Dr. Ritch, seconded by Larry Flair. Roll call.

MS. VEST: Larry Flair?

MR. FLAIR: Aye.

MS. VEST: David Brown?

MR. BROWN: Aye.

MS. VEST: Dr. Ritch?

MR. RITCH: Aye.

THE COURT: Alan Rousseau.

MR. ROUSSEAU: Aye.

MR. BROWN: Motion carries, we're adjourned.

END OF MEETING.
I, Brandon Hobbs, LCR #275, Licensed Court Reporter, in and for the State of Tennessee,

Do HEREBY CERTIFY that the above deposition or hearing was reported by me, and that the foregoing transcript is a true and accurate record to the best of my skills and ability.

I FURTHER CERTIFY that I am not related to nor an employee of counsel or any of the parties to the action, nor am I in any way financially interested in the outcome of this case.

I FURTHER CERTIFY that I am duly licensed by the State of Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number following my name below.

Brandon Hobbs, LCR #275
Certified Court Reporter
State of Tennessee

LCR Expiration Date: June 30, 2018
STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
500 JAMES ROBERTSON PARKWAY
DAVY CROCKETT TOWER
NASHVILLE, TENNESSEE 37243

CALL TO ORDER COMMITTEE MEETING
SEPTEMBER 22ND, 2017

Briggs & Associates,
Brandon Hobbs, Reporter,
222 2nd Avenue North
Suite 360M
Nashville, Tennessee 37201
615-482-0037
COMMITTEE MEMBERS:

Paul David Brown, Jr.
Larry Flair, Sr.
Alan Rousseau
Dr. Paul Ritch
Stuart Bayne
Robin Johnston
Rick Jones
Walt Valentine

STAFF MEMBERS:

Cody Vest, Executive Director
Shauna Balaszi, Administration Assistant
Ashley Thomas, Staff Attorney
Lindsey Shepard, Assistant General Counsel
MR. BROWN: Good morning, fellow commission members, staff members, and guests. Today's date is Friday September 22nd, 2017, at approximately 9:30 a.m. I'm David Brown, your commission vice chair. I will 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 roll call vote after each vote. And I will call upon our Executive Director, Cody Vest, to handle the roll call at this time.

MS. VEST: All right. Thank you. First off, before I do the roll call, we do want to welcome our newest commission members. That is Robin Johnston and Stuart Bayne, and we certainly appreciate you coming in and devoting your time and to be able to serve on the commission. Thank you very much. Now, I'm going to do roll call. I do ask everyone to please lean up, sit up straight, however, and speak into the microphone. Walt Valentine?

MR. VALENTINE: Here.
MS. VEST: Dr. Ritch?
MR. RITCH: Here.
MS. VEST: David Brown?
MR. BROWN: Here.
MS. VEST: Rick Jones?
MR. JONES: Here.
MS. VEST: Robin Johnston?
MS. JOHNSTON: Here.
MS. VEST: Larry Flair?
MR. FLAIR: Here.
MS. VEST: Stuart Bayne?
MR. BAYNE: Here.
MS. VEST: Alan Rousseau?
MR. ROUSSEAU: Here.
MS. VEST: Jerry Richards? Let the record show that Jerry Richards is not present at the commission meeting, but you do have a quorum.
MR. BROWN: Okay. Thank you, Executive Director Vest. Next item for approval is the agenda. I'd like to ask if each commission member has received and had time to review a copy of the agenda, and if so, is there a motion to adopt this agenda?
MR. RITCH: I so move.
MR. BROWN: We have a motion by Dr.
Ritch.

MR. VALENTINE: Second.

MR. BROWN: Seconded by Walt Valentine.

Any discussion? All in favor?

MR. VALENTINE: Aye.

MR. RITCH: Aye.

MR. JONES: Aye.

MS. JOHNSTON: Aye.

MR. FLAIR: Aye.

MR. BAYNE: Aye.


MS. VEST: Walt Valentine?

MR. VALENTINE: Aye.

MS. VEST: Dr. Ritch?

MR. RITCH: Aye.

MS. VEST: David Brown?

MR. BROWN: Aye.

MS. VEST: Rick Jones?

MR. JONES: Aye.

MS. VEST: Robin Johnston?

MS. JOHNSTON: Aye.

MS. VEST: Larry Flair?

MR. FLAIR: Aye.

MS. VEST: Stuart Bayne?

MR. BAYNE: Aye.
MS. VEST: Alan Rousseau?

MR. ROUSSEAU: Aye.

MS. VEST: Motion carries.

MR. BROWN: Thank you, executive director. The next item for approval is the July 21st, 2017 meeting. I'd like to ask if each commission member has received and had time to review the copy of those minutes, and if so, is there a motion to adopt those minutes?

MR. FLAIR: I'll make a motion, Mr. Chairman, to accept.

MR. BROWN: Motion by Larry Flair to accept.

MR. JONES: I'll second.

MR. BROWN: Seconded by Rick Jones. Any discussion? All in favor?

MR. VALENTINE: Aye.

MR. RITCH: Aye.

MR. JONES: Aye.

MS. JOHNSTON: Aye.

MR. FLAIR: Aye.

MR. BAYNE: Aye.

MR. RUSSO: Aye.

MR. BROWN: Opposed? Motion carries.

Cody?
MS. VEST: Walt Valentine?
MR. VALENTINE: Aye.
MS. VEST: Dr. Ritch?
MR. RITCH: Aye.
MS. VEST: David Brown?
MR. BROWN: Aye.
MS. VEST: Rick Jones?
MR. JONES: Aye.
MS. VEST: Robin Johnston?
MS. JOHNSTON: Aye.
MS. VEST: Larry Flair?
MR. FLAIR: Aye.
MS. VEST: Stuart Bayne?
MR. BAYNE: Aye.
MS. VEST: Alan Rousseau?
MR. ROUSSEAU: Aye.
MS. VEST: Motion carries.
MR. BROWN: All right. Next on the agenda, we had the legal report by Assistant General Counsel, Lindsey Shepard. Would you please do so, assistant counsel?
MS. SHEPARD: Yes. So, I've got ten cases, and I believe I just need to read them into the record; is that correct?
MR. BROWN: Yes.
MS. SHEPARD: So, cases number 1 and 2 are related. So, they have a joint summary. Those case numbers are 2017036971 and 2017037041. These cases arise out of two identical consumer complaints filed against both the individual private investigator and respondent's private investigator company.

Complainant alleges that they hired respondent to investigate who was infringing on their product distribution rights. Complainant alleges that they never received a final report from respondent. Respondent claims that he did put the report on hold until payment had been rendered. The invoice was paid when he was out of town. So, that further delayed the sending of the report.

Respondent then sent the report to his contact whom unknown to respondent had been transferred out of complainant's office. Respondent claims that he has sent the report and that the issue has been resolved. There is no rebuttal from complainant to contradict this. Recommendation is to close both 2017036971 and 2017037041.

MR. BROWN: Do we have a motion?

MR. RITCH: I move we approve counsel's recommendation.
MR. JONES: I'll second.

MR. BROWN: We have a motion by Dr. Ritch, seconded by Rick Jones. All in favor?

MR. VALENTINE: Aye.

MR. RITCH: Aye.

MR. JONES: Aye.

MS. JOHNSTON: Aye.

MR. FLAIR: Aye.

MR. BAYNE: Aye.

MR. ROUSSEAU: Aye.

MR. BROWN: Opposed? Motion carries.

Roll call, please.

MS. VEST: Walt Valentine?

MR. VALENTINE: Aye.

MS. VEST: Dr. Ritch?

MR. RITCH: Aye.

MS. VEST: David Brown?

MR. BROWN: Aye.

MS. VEST: Rick Jones?

MR. JONES: Aye.

MS. VEST: Robin Johnston?

MS. JOHNSTON: Aye.

MS. VEST: Larry Flair?

MR. FLAIR: Aye.

MS. VEST: Stuart Bayne?
MR. BAYNE: Aye.

MS. VEST: Alan Rousseau?

MR. ROUSSEAU: Aye.

MS. SHEPARD: All right. Cases numbered 3 and 4, also related. Those are case numbers 2017037501 and 2017037521. These cases arise out of two identical consumer complaints filed against both respondent as an individual private investigator and the respondent's private investigator company.

Complainant paid respondent $500 on April 4th, 2017, to investigate her ex-husband during her divorce proceedings.

Complainant alleges that respondent did not provide any documentation to her during the first two weeks of the investigation. Complainant initiated a charge back for the $500 on April 22nd, 2017. Complainant alleges respondent then called her and said he would give her everything she needed but that it would cost her an extra $1,000.

Complainant reversed the charge back and gave respondent the additional $1,000 on May 1st, 2017, half of which was in cash. Complainant alleges respondent then stopped returning her phone calls.

Complainant then reinitiated the charge back on May 19th, 2017. Complainant assumed the
$500 in cash is a sunk cost. Complainant alleges respondent then called her ex-husband's attorney. The ex-husband's attorney then subpoenaed all of respondent's information, correspondence, and records. Complainant claims respondent called her on June 3rd, 2017, and told her that he would testify against her in court if complainant didn't pay him the $1,000 she charged back and delete any negative reviews.

In response, respondent claims he regularly communicated with respondent via text and calls. Respondent admits to refusing to continue work if complainant did not cancel the charge back and pay him an additional $1,000, totalling $1,500. Upon receiving the $1500, respondent gave complainant a copy of a TBI background report along with a comprehensive report he drafted on her ex-husband. Complainant then initiated another charge back, leaving respondent with only $500 received in cash.

Respondent denied initiating communication with complainant's ex-husband's attorney. Respondent provided information to complainant's ex-husband's attorney upon the attorney subpoenaing him. Respondent provided a
1 copy of the subpoena, which was issued on
3
4 Some time later, complainant asked
5 respondent to continue working on her case. Respondent refused and told her that he had retained
6 an attorney to sue her for the $1,000 she charged
7 back. Respondent told complainant he would drop the
8 civil suit if complainant paid him $1,000 and
9 deleted her negative reviews. Respondent denies
10 that he threatened complainant or attempted to
11 extort her.
12
13 In complainant's rebuttal, she claims
14 that respondent's statements are completely false. Complainant still believes that it was respondent
15 who initially contacted her ex-husband's attorney
16 and suggested that they issue a subpoena for
17 documentation gathered during the investigation. Complainant alleges that respondent is being
18 vindictive and that she has evidence to back up her
19 claims.
20
21 Upon investigation, it appears
22 complainant requested an itemized list of expenses
23 multiple times and respondent did not provide one. Complainant's other claims could not be
24 substantiated.
Recommendation of counsel is to assess a $500 civil penalty with formal charges authorized for violation of rule 1175-04-.064, the licensee shall not bill a client for services or expenses which have not been provided or incurred. A complete and comprehensive itemized statement of services and expenses must be provided to client upon request.

MR. BROWN: Do we have a motion?

MR. FLAIR: I'll make a motion we accept the recommendation by counsel.

MR. BROWN: Motion by Larry Flair. Do we have a second?

MR. VALENTINE: I'll second it.

MR. BROWN: Seconded by Walt Valentine.

All in favor?

MR. VALENTINE: Aye.
MR. RITCH: Aye.
MR. JONES: Aye.
MS. JOHNSTON: Aye.
MR. FLAIR: Aye.
MR. BAYNE: Aye.
MR. ROUSSEAU: Aye.
MR. BROWN: All opposed? Any discussion?
MS. VEST: Walt Valentine?
MR. VALENTINE: Aye.
MS. VEST: Dr. Ritch?
MR. RITCH: Aye.
MS. VEST: David Brown?
MR. BROWN: Aye.
MS. VEST: Rick Jones?
MR. JONES: Aye.
MS. VEST: Robin Johnston?
MS. JOHNSTON: Aye.
MS. VEST: Larry Flair?
MR. FLAIR: Aye.
MS. VEST: Stuart Bayne?
MR. BAYNE: Aye.
MS. VEST: Alan Rousseau?
MR. ROUSSEAU: Aye.
MR. BROWN: Motion carries.
MS. SHEPARD: Case number 5 is 2017036331. This complaint in 2017036351, which
will be presented next on our report, were sent for
investigation together as complainant alleges that
the respondents worked together in the activity
alleged in this complaint. Complainant alleges that
respondent illegally took unopen mail out of his
mailbox, because he is seeing a woman who is going
through a divorce.

Complainant alleges that his girlfriend's ex-husband hired the respondent to do this in order to prove that complainant was residing with ex-husband's ex-wife. In respondent's response, she states that she was hired by complainant's girlfriend's ex-husband's attorney to investigate a post divorce matter. Complainant alleges that respondent worked in tandem with the respondent in complaint number 2017036351, which she denies. Respondent states that she conducted drive-by surveillance and initiated three trash retrievals, two at respondent's girlfriend's home and one at complainant's condo.

Respondent states that at no point in time was mail ever taken from any person's mailbox. Respondent provided pictures of the mail that was taken in her response. Respondent also provided a letter from the attorney that hired her to conduct the interview. Respondent states in her response that she did not work with a private investigator addressed in complaint number 2017036351. The investigative report confirms this. The investigator wasn't able to make contact with the complainant. Counsel's recommendation is to
close as the allegations were not substantiated by
the investigation.

MR. BROWN: Do we have a motion?
MR. FLAIR: I make a motion to accept
counsel's recommendation.

MR. BROWN: A motion to accept by
Commissioner Flair.

MR. JONES: I'll second.

MR. BROWN: Seconded by Rick Jones. All
in favor?

MR. VALENTINE: Aye.
MR. RITCH: Aye.
MR. JONES: Aye.
MS. JOHNSTON: Aye.
MR. FLAIR: Aye.
MR. BAYNE: Aye.
MR. ROUSSEAU: Aye.
MR. BROWN: Opposed?
MS. VEST: Walt Valentine?
MR. VALENTINE: Aye.
MS. VEST: Dr. Ritch?
MR. RITCH: Aye.
MS. VEST: David Brown?
MR. BROWN: Aye.
MS. VEST: Rick Jones?
MR. JONES: Aye.
MS. VEST: Robin Johnston?
MS. JOHNSTON: Aye.
MS. VEST: Larry Flair?
MR. FLAIR: Aye.
MS. VEST: Stuart Bayne?
MR. BAYNE: Aye.
MS. VEST: Alan Rousseau?
MR. ROUSSEAU: Aye.
MR. BROWN: Motion carries.
MS. SHEPARD: Case number 6 is 2017036351. This complaint in 2017036351 and in 2017036331 were sent in for investigation together, as the complainant alleges that they worked together in the activity alleged in his complaint. The complainant as outlined in the above summary for complaint number 2017036331 alleges that respondent illegally obtained mail from his mailbox while investigating whether or not he lives with his girlfriend.

Respondent responds to the complaint and states that he has never conducted surveillance at complainant's home nor has he ever obtained pieces of complainant's mail or any other person's mail during the investigation. The investigator was
unable to make contact with the complainant.
Recommendation is to close, as the allegations were
not substantiated by the investigation.

MR. BROWN: Do we have a motion?
MR. FLAIR: I make a motion to accept
the recommendation of counsel.
MR. BROWN: Commissioner Flair moves to
accept the motion.
MR. VALENTINE: Second.
MR. BROWN: Seconded by Walt Valentine.

All in favor?

MR. VALENTINE: Aye.
MR. RITCH: Aye.
MR. JONES: Aye.
MS. JOHNSTON: Aye.
MR. FLAIR: Aye.
MR. BAYNE: Aye.
MR. ROUSSEAU: Aye.
MR. BROWN: All opposed?
MS. VEST: Walt Valentine?
MR. VALENTINE: Aye.
MS. VEST: Dr. Ritch?
MR. RITCH: Aye.
MS. VEST: David Brown?
MR. BROWN: Aye.
MS. VEST: Rick Jones?

MR. JONES: Aye.

MS. VEST: Robin Johnston?

MS. JOHNSTON: Aye.

MS. VEST: Larry Flair?

MR. FLAIR: Aye.

MS. VEST: Stuart Bayne?

MR. BAYNE: Aye.

MS. VEST: Alan Rousseau?

MR. ROUSSEAU: Aye.

MS. VEST: Motion carries.

MR. BROWN: Motion carries.

MS. SHEPARD: Cases numbered 7 and 8 are 2017037861 and 2017049701. Complainant alleges that respondent also reported an assault on a background check with the property management company, which caused him to be denied housing. Complainant also alleges that respondent is unlicensed. Respondent responded to complaint and states that they are in the pre-employment and tenant screening business. Respondent states that they did not report an assault or any other criminal activity to their client, but they did recommend that complainant's application be rejected due to unpaid landlord debt.

Respondent further states that
complainant could not be approved due to failure to provide proof of income. Respondent included the report that was sent to their client. Respondent told the investigator during the course of the investigation that they only conduct internet research using public record information and that they do not conduct investigations in Tennessee. Recommendation for both complaints is to close as the allegations were not substantiated by the investigation.

MR. BROWN: Do we have a motion?

MR. VALENTINE: I move to approve.

MR. JONES: I second.

THE COURT: A motion to approve by Commissioner Valentine, seconded by Commissioner Jones. All in favor?

MR. VALENTINE: Aye.

MR. RITCH: Aye.

MR. JONES: Aye.

MS. JOHNSTON: Aye.

MR. FLAIR: Aye.

MR. BAYNE: Aye.

MR. ROUSSEAU: Aye.

MR. BROWN: Opposed?

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

MS. VEST: Dr. Ritch?

MR. RITCH: Aye.

MS. VEST: David Brown?

MR. BROWN: Aye.

MS. VEST: Rick Jones?

MR. JONES: Aye.

MS. VEST: Robin Johnston?

MS. JOHNSTON: Aye.

MS. VEST: Larry Flair?

MR. FLAIR: Aye.

MS. VEST: Stuart Bayne?

MR. BAYNE: Aye.

MS. VEST: Alan Rousseau?

MR. ROUSSEAU: Aye.

MR. BROWN: Motion carries.

MS. SHEPARD: Case number 9 is 2017050701. This complainant alleges that respondent is living out of state and working as a private investigator. The complaint does not allege any violation of the private investigation laws or rules and respondent is actively licensed. All attempts to reach respondent were unsuccessful, therefore, there's no response to this complaint. Recommendation is the close.
MR. BROWN: Do we have a motion?

MR. FLAIR: Make a motion to accept counsel's recommendation to close the case.

MR. BAYNE: Second.

MR. BROWN: Motion by Commissioner Flair, seconded by Commissioner Bayne. All in favor?

MR. VALENTINE: Aye.

MR. RITCH: Aye.

MR. JONES: Aye.

MS. JOHNSTON: Aye.

MR. FLAIR: Aye.

MR. BAYNE: Aye.

MR. ROUSSEAU: Aye.

MR. BROWN: Opposed?

MS. VEST: Walt Valentine?

MR. VALENTINE: Aye.

MS. VEST: Dr. Ritch?

MR. RITCH: Aye.

MS. VEST: David Brown?

MR. BROWN: Aye.

MS. VEST: Rick Jones?

MR. JONES: Aye.

MS. VEST: Robin Johnston?

MS. JOHNSTON: Aye.
MS. VEST: Larry Flair?
MR. FLAIR: Aye.
MS. VEST: Stuart Bayne?
MR. BAYNE: Aye.
MS. VEST: Alan Rousseau?
MR. ROUSSEAU: Aye.
MR. BROWN: Motion carries.
MS. SHEPARD: The last case is
2017055611. This complaint was referred from the
Division of Consumer Affairs. The complaint alleges
that respondent failed to conduct a full
investigation as contracted. Complainant alleges
that respondent was contracted to provide
information about a subject weekly, and that after
receiving payment of $2,250, the complainant did not
receive the information requested.

Additionally, complainant alleges that
respondent was to attend court dates but failed to
do so. Complainant was seeking return of a portion
of the payment. Respondent states that he was never
contracted to perform investigative services for
complainant and did so. Respondent states that
after the subject was arrested by police, he was
informed by complainant to hold off on
investigation, thereby conserving investigation
hours.

Respondent states that he compiled and considered this case open and has awaited instructions from complainant. Both parties provided a copy of the contractual agreement, however, the contract does not speak to the frequency of communication between the parties and/or the manner in which the investigation will occur. Recommendation is to close, because there appears to be no violation.

MR. BROWN: Do we have a motion?

MR. VALENTINE: I move to approve the recommendation.

MR. BROWN: Motion to approve by Commissioner Valentine. Is there a second?

MR. JONES: I'll second.

MR. BROWN: Seconded by Commissioner Jones. All in favor?

MR. VALENTINE: Aye.

MR. RITCH: Aye.

MR. JONES: Aye.

MS. JOHNSTON: Aye.

MR. FLAIR: Aye.

MR. BAYNE: Aye.

MR. ROUSSEAU: Aye.
MR. BROWN: Opposition?
MS. VEST: Walt Valentine?
MR. VALENTINE: Aye.
MS. VEST: Dr. Ritch?
MR. RITCH: Aye.
MS. VEST: David Brown?
MR. BROWN: Aye.
MS. VEST: Rick Jones?
MR. JONES: Aye.
MS. VEST: Robin Johnston?
MS. JOHNSTON: Aye.
MS. VEST: Larry Flair?
MR. FLAIR: Aye.
MS. VEST: Stuart Bayne?
MR. BAYNE: Aye.
MS. VEST: Alan Rousseau?
MR. ROUSSEAU: Aye.
MR. BROWN: Motion carries.
MS. SHEPARD: And that completes the legal report.
MR. BROWN: Thank you for your report.
MS. VEST: Chairman Brown, would you mind calling a ten-minute recess?
MR. BROWN: No, ma'am, I do not.
MS. VEST: Thank you.
At this time, a break has been taken.

MR. BROWN: Back in session now. Next on the agenda is Appearances. Do we have anyone?

MS. VEST: Okay. I think we're going to come into my section here with the Experience. No, sir, you don't have one. We did have someone who was going to come by, but we didn't have enough information, so we asked if we could postpone that. So, we're not going to have any appearances today. What we're going to have is my administrative matters. Did everybody get -- Alan, are you still with us? Alan?

MR. ROUSSEAU: I am. I'm sorry. I turned the mute button off and I'm on the line.

MS. VEST: All right. Just wanted to make sure. If I'm not mistaken, it's the monthly report that we e-mail out to each one of you that you get, because that's what I told Robin and Stuart in the meeting. We send these out in advance so you can take a look at them and see if there are any questions. So, we'll just go ahead and go to the monthly report. You have May, June, July, and August, but they're going to be the same. So, I'm going to turn over to May to your section, Private Investigators.
You had four commission vacancies that was Alan Rousseau, who is still with us, David Horton, who is not, Mini Lane, who is not, and Dr. Ritch. And, again, I would like to welcome our two new commission members who have taken board member Lane's position which is Ms. Johnston and Mr. Bayne. Thank you very much for serving, and Dr. Ritch and to Alan Rousseau, thank you for continuing to serve until you get reappointed. We certainly appreciate that. The only thing we have about that and probably going into September, we did have a seminar in Pigeon Forge.

We invited all our professions, the alarms, locksmiths, private investigators, and private protective services, which is our guard section. We had a very good turnout. We certainly appreciated that. We did the onboarding to teach how to do the new computer system, and just another reference, Shauna and Mark went to the alarm convention in Franklin yesterday. We do get asked to attend certain functions, and we do like to go make our presence and talk to you.

The computer system is still new. We're told that when you put a new system in, it takes about five years to get through a good computer
system, get it up and running without any kinks that we have. We're into year three, so we still have a few kinks here and there, and we could have done that today for you. We actually went and did the computer slide to show you actually how to get into the system, how to on-board a new employee, and how to do a renewal. Stuart Bayne was the only individual at that meeting from the commission.

    MR. BAYNE: Yes, I was.

    MS. VEST: And we appreciate that, too, thank you. So, the rest of you, I was letting you know. Okay. We can move right along.

    MR. BROWN: Duly noted.

    MR. BAYNE: I feel the halo growing over my head.

    MR. BROWN: We'll work on that.

    MR. FLAIR: I was there, but I was under cover. You didn't see me.

    MS. VEST: I didn't see you? Well, sometimes I feel like I know a good little something about the PI, so I might have spotted you in that trash can. You just never know. We'll move onto the budget review. Now, bear with me, but we do have new commission members, so if I'm redundant, please, forgive me for that.
Every July 1, we must start our budget over with a zero balance. It is how we end in June of the following year. Ashley just went up to the hill for the sunset meeting and your commission was rolled over to 2023, so you will be with us for a while, the commission. So, take a look at your budget, which I will present to you every month.

I don't want you to be too alarmed about it, but you're already in a negative balance the first month. Your balance is $4,410 in the red for the month of July, but like I said, just don't become alarmed with that. We've got the whole year to go through, and you'll see sometimes there will be a high and a low. It goes back and forth. It is actually how we end at the end of the year.

You did have the polygraph and you took in $500. For the private investigators, we took the revenue of 10,375, which gave us a total of $10,875 in revenue. But it looks like we had some expenses we had to incur in July that was left over from the last fiscal year. That's why you're in the negative. I don't really anticipate any problems there, but I will keep you informed if I see any trend we're talking about. Are there any questions about that?
MR. VALENTINE: Yes. What are the Edison Expenditures, is that the computer?

MS. VEST: Yes, sir. The new computer system is called CORE, C-O-R-E. But Edison, yes, Edison Expenditures, that's where your hotel bills are going to go, those expenses, is where any of the expenses are actually entered into the computer system, which that section of expenses is called Edison. You'll see Edison Expenditures and administrative cost backs.

MR. VALENTINE: How much of the Edison was carried over from the previous year?

MS. VEST: $9,665, from what I can tell.

MR. VALENTINE: All of it?

MS. VEST: Well, it could be or else they could have taxed you on some for July, but they didn't break it out for me. They just gave me that total that you're seeing.

MR. VALENTINE: Okay.

MS. VEST: And then you have your cost backs, legal cost backs, investigations. We don't do field enforcement. And then you have your customer services, actually, our zen desk. For our new commission members, we have a new phone system, and it's referred to as zen desk, Z-E-N, D-E-S-K.
If a consumer calls in, they call into the call center, and they'll get someone sitting there at the call center. And it's called the Zen Desk Customer Service Center, which is right across the hall from where we are sitting. I think they've got like six or eight people that answer the telephone. You have our direct numbers, or mine, and e-mail. So, if you have questions, you need to come to me, not to the zen desk. Was there anything else, Mr. Valentine?

MR. VALENTINE: That --

MS. VEST: Actually, I don't know. I don't know what the July is versus what the carry over is. You didn't have $9,000 in the month of July.

MR. VALENTINE: Okay.

MS. VEST: All right. The legislative update, I've already done there. Correspondence, I don't have any correspondence from anyone.

MS. THOMAS: Cody, if you don't mind, can I --

MS. VEST: Yes, please.

MS. THOMAS: Just right back to the legislative update. Well, it's not actually legislation, but I did want to let the commission know that on Wednesday I did go to the Joint
Government Operations Committee on the proposed rules and we can get a positive recommendation for that, and that will go into effect in October, the polygraph rules, I'm sorry, that we voted on and sent through, they will be effective in October.

There will be a notification coming out in the e-mail blast, so if you're not signed up for eNotify to get that information, that's how we will alert the public that those new rules are in effect.

MS. VEST: Can you kind of tell them what that is?

MS. THOMAS: So, these were the rules that changed the specific type of exams the polygraph interns had to observe. It raised the number of charts that they had to sign from two to three, and then it added the American Association of Police Polygraphers as a qualified program provider. I did say the association, right? Okay. So, those were the changes.

And as far as the rule process, once it's gone through our office, the attorney general's office, the governor's office, the very end, you're to go before the Joint Government Operations Committee, made up of representatives and senators, and they will make a proposed rule and make a
recommendation as to whether or not it should be effective as it relates to protecting the public if it's necessary. And we did get that positive recommendation on Wednesday.

MS. VEST: Would you go on record for our court reporter, because you came in between the two attorneys?

MS. THOMAS: I apologize, I'm also assistant general counsel. My name is Ashley Thomas.

MS. VEST: I think the next thing we have is the education that we went over this morning with the education committee. Do you want to take that, Mr. Brown, or you want me to do that?

MR. BROWN: Do you want to handle it and go through the summary of what we did?

MS. VEST: All right.

MR. FLAIR: Before you start back, I've got a quick question about -- the counselor said that we got a positive from the hill. Will it be required to vote on again or automatically those rules will go in effect in October, is that what I understood you to say?

MS. THOMAS: Yes, sir. We don't have to vote on that again.
MR. FLAIR: Okay. Thank you.

MS. VEST: And I think that was really just housekeeping those rules.

MS. THOMAS: yeah, there were a few changes.

MS. VEST: Few changes. Mr. Richards is not here to go over that. He is our polygraph individual. All right. I'm going to read into the record what we did at the education committee. We had a course TJCSA West Grand Division Mini Conference for James Truelove, T-R-U-E-L-O-V-E, wanted 20 hours for continuing education, we gave him 12 hours, because that's all he would need. That was approved.

You have the TAI, Tennessee Association of Investigators, Spider Investigations Contract and Procurement Fraud, this was kind of odd. The gentleman asked for six hours, but all we saw was the one hour. So, the committee said, I'm going to go back and take a look at that and talk with the representatives that sent this in and see if we could get some more information. We know we are going to approve it for the hour, but any additional hours and we came to an agreement, I would go ahead and give them credit for the additional hours.
Then we have TALPI, Tennessee Association of Licensed Professional Investigators, Understanding Contextual, C-O-N-T-E-X-T-U-A-L. They wanted two hours of continuing education, which was approved. TALPI, the Tennessee Association of Licensed Professional Investigators again, lawful use of force for PIs, which is a two-hour course, which was approved. The same association submitted another course for social media, two hours for continuing education was approved. This association sent another one, ethics, and it was for two hours. And then they sent one in on digital forensic investigations, which got approved. They sent in two more, and one was searches and process serving for an hour and a half. There were two different ones for searching and process serving. Both of them were given an hour and a half each, which was voted on, yes.

Then we have the Federal Defender of Eastern Tennessee sentencing update defending those who defend us, and charm school and ethics. This was by Brian Hackett. There are two of them here. One was for the two hours, and then there was another one for two hours that was the same topic. The first one was on 9/21/16. The second was
12/14/16, and it was -- both of those courses were approved.

The third one, University of Tennessee College of Law, Days of Future's Past is Brian Hackett for another one for eight hours. All of those courses were approved by the commission, by the committee. Now, Mr. Brown, if you would take the --

MR. BROWN: Do we have a motion to approve the report, the education report?

MR. FLAIR: I'll make a motion that we approve.

MR. BROWN: Motion to approve education report by Commissioner Flair. Second?

MR. VALENTINE: Second.

THE COURT: Seconded by Commissioner Valentine. All in favor?

MR. VALENTINE: Aye.

MR. RITCH: Aye.

MR. JONES: Aye.

MS. JOHNSTON: Aye.

MR. FLAIR: Aye.

MR. BAYNE: Aye.

MR. ROUSSEAU: Aye.

MR. BROWN: Opposed?
MS. VEST: Walt Valentine?
MR. VALENTINE: Aye.
MS. VEST: Dr. Ritch?
MR. RITCH: Aye.
MS. VEST: David Brown?
MR. BROWN: Aye.
MS. VEST: Rick Jones?
MR. JONES: Aye.
MS. VEST: Robin Johnston?
MS. JOHNSTON: Aye.
MS. VEST: Larry Flair?
MR. FLAIR: Aye.
MS. VEST: Stuart Bayne?
MR. BAYNE: Aye.
MS. VEST: Alan Rousseau?
MR. ROUSSEAU: Aye.
MR. BROWN: Next on the agenda --
MS. VEST: The ayes have it.
MR. BROWN: Oh, I'm sorry. Ayes have it. I'll learn it sooner or later. Next on the agenda is unfinished business. Do we have any?
MS. VEST: We actually don't have any unfinished business, but what the committee has said, some of these courses were presented to us after the courses had been taken. They are supposed
to be presented to the commission before they are
taken. So, what we're going to do administratively,
we're going to take a look at that. Perhaps we need
to send out a mailing or something to the PIs to
refresh their memory about how to submit courses for
approval to the commission.

MR. BROWN: As I said before, it makes
it tough on the staff, because a lot of times
they're waiting for renewal time to do this, and
you're getting a lot of turn-around time, because
there are questions.

MS. VEST: Especially if you're
depending on me to bring this to the commission and
you're getting ready to expire and I have to cancel
a commission meeting, well, you're not getting
credit. Your renewal come up before I could get the
next commission meeting together. So, we'll be
taking a look at that administratively.

MR. BROWN: Thank you. Any new
business?

MS. VEST: I don't have any new
business.

MR. BROWN: We got the continuing
education participating form. Anybody for that?

MS. VEST: No, sir.
MR. BROWN: Adjournment?

MR. FLAIR: I make a motion we adjourn.

MS. JOHNSTON: I'll second.

MR. BROWN: Commissioner Flair and we have a second by Commissioner Johnston, thank you. This meeting is adjourned. Oh, I'm sorry. Got to vote. I'm learning. All in favor?

MR. VALENTINE: Aye.

MR. RITCH: Aye.

MR. JONES: Aye.

MS. JOHNSTON: Aye.

MR. FLAIR: Aye.

MR. BAYNE: Aye.

MR. ROUSSEAU: Aye.

MR. BROWN: Opposed?

MS. VEST: Walt Valentine?

MR. VALENTINE: Aye.

MS. VEST: Dr. Ritch?

MR. RITCH: Aye.

MS. VEST: David Brown?

MR. BROWN: Aye.

MS. VEST: Rick Jones?

MR. JONES: Aye.

MS. VEST: Robin Johnston?

MS. JOHNSTON: Aye.
MS. VEST: Larry Flair?
MR. FLAIR: Aye.
MS. VEST: Stuart Bayne?
MR. BAYNE: Aye.
MS. VEST: Alan Rousseau?
MR. ROUSSEAU: Aye.
MR. BROWN: Motion carries.
MS. VEST: All right. Thank you.
MR. BROWN: We're adjourned.

MEETING IS ADJOURNED.
I, Brandon Hobbs, LCR #275, Licensed Court Reporter, in and for the State of Tennessee,

Do HEREBY CERTIFY that the above deposition or hearing was reported by me, and that the foregoing transcript is a true and accurate record to the best of my skills and ability.

I FURTHER CERTIFY that I am not related to nor an employee of counsel or any of the parties to the action, nor am I in any way financially interested in the outcome of this case.

I FURTHER CERTIFY that I am duly licensed by the State of Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number following my name below.

Brandon Hobbs, LCR #275
Certified Court Reporter
State of Tennessee

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