Tennessee Private Investigation and Polygraph Commission Meeting


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<td>Minnie Ann Lane, Chair</td>
<td>Paul David Brown Jr, Vice Chair</td>
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<td>Larry T Flair, Sr.</td>
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<td>Dr. Paul Ritch</td>
<td>Arthur G (Jerry) Richards</td>
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<td>Alan G Rousseau</td>
<td>David W Horton</td>
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COMMISSION MEETING

May 26, 2017
PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

COMMISSION MEETING

May 27, 2017

DAVY CROCKETT TOWER
500 JAMES ROBERTSON PARKWAY, ROOM 1A
NASHVILLE, TN 37243

TRANSCRIPT OF COMMISSION MEETING

Commencing at 9:30 a.m.

COMMISSION MEMBERS

Minnie Ann Lane, Chair
Paul David Brown, Jr.
Larry T. Flair, Sr.
David Horton
Jerry Richards
Dr. Paul A. Ritch - by telephone
Alan G. Rousseau - by telephone
Walt Valentine
Rick Jones

ALSO PRESENT

Ashley Thomas, Staff Attorney
Lindsey Shepard, Staff Attorney
Shilina Brown, Staff Attorney
Cody Vest, Executive Director
Shauna Balassi, Administrative Assistant
Mark Amick, Administrative Manager

Call to Order

CHAIRPERSON LANE: Good morning, fellow Commission Members, staff members and guests, looks like we have several guests back there. The date is Friday, May the 26th, at approximately 9:30 a.m. I'm Minnie Ann Lane, your Commission Chairman. I will now call to order the meeting of the Tennessee Private Investigation and Polygraph Commission.

If each Commission Member has reviewed the minutes of the March 31st Education Committee and the minutes of the Commission meeting, then I'll ask if there's a motion to approve both of these minutes as they are presented.


CHAIRPERSON LANE: Motion made by Commissioner Ritch.


CHAIRPERSON LANE: Second by Commissioner Brown. Any discussion? All in favor.

THE COMMISSION: Aye.

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

MS. VEST: Ready, Madam Chair.

CHAIRPERSON LANE: Good morning, fellow Commission Members, staff members and guests, looks like we have several guests back there. The date is Friday, May the 26th, at approximately 9:30 a.m. I'm Minnie Ann Lane, your Commission Chairman. I will now call to order the meeting of the Tennessee Private Investigation and Polygraph Commission.

If each Commission Member has reviewed the minutes of the March 31st Education Committee and the minutes of the Commission meeting, then I'll ask if there's a motion to approve both of these minutes as they are presented.


CHAIRPERSON LANE: Motion made by Commissioner Ritch.


CHAIRPERSON LANE: Second by Commissioner Brown. Any discussion? All in favor.

THE COMMISSION: Aye.

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

MS. VEST: David Brown.

MR. BROWN: Aye.
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<td>MS. VEST: Larry Flair?</td>
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<td>MR. FLAIR: Here.</td>
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<td>MS. VEST: David Horton?</td>
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<td>MR. HORTON: Aye.</td>
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<td>MS. VEST: Rick Jones?</td>
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<td>MR. JONES: Aye.</td>
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<td>MS. VEST: Minnie Lane?</td>
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<td>CHAIRPERSON LANE: Here.</td>
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<td>MS. VEST: Jerry Richards?</td>
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<td>MR. RICHARDS: Aye.</td>
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<td>MS. VEST: Dr. Ritch?</td>
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<td>MS. VEST: Alan Rousseau?</td>
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<td>MR. ROUSSEAU: Aye.</td>
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<td>MS. VEST: Walt Valentine?</td>
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<td>16</td>
<td>MR. VALENTINE: Present.</td>
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<td>MS. VEST: Ayes have it, Madam Chair.</td>
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<td>CHAIRPERSON LANE: Thank you very much.</td>
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<td>Has everyone had time to look at the agenda, I did</td>
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<td>not have the agenda approved first. If you have, is</td>
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<td>there a motion to approve the agenda as its</td>
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<td>presented?</td>
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<td>MR. VALENTINE: So moved. Commissioner</td>
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<td>Valentine.</td>
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<td>CHAIRPERSON LANE: Motion by Commissioner</td>
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I exactly what it is. But I just want -- we did discuss it briefly whenever it came up, but it is in effect now.

MS. THOMAS: It is. May 18th.

MS. VEST: May 18th.

MS. THOMAS: Is when it was signed into law.

MS. VEST: So what this means is if I get any telephone calls from someone who says, "Do I need to have a license to do background checks on individuals for employment," they do not have to have a PI license and they do not have to have a company license.

MS. THOMAS: And just to clarify on that, this is if your company solely does that. So if that is just one part of what you do, you will still need a license. But if your company only does employment background screening, you no longer need a license for that.

CHAIRPERSON LANE: That's the reason I did not think that it would really affect companies that have license.

MS. THOMAS: I think companies that are currently licensed, if they solely do background checks, I think the effect would be they just won't renew.

CHAIRPERSON LANE: You don't think they would have to?

MS. THOMAS: Because they don't have to keep up with that. Again, that's if that's all they do. I don't know how this will affect the industry going forward, how the legislature sees companies that solely do one thing, we start carving out exceptions for different types of checks as technology advances and things like that. This just seems like the first step maybe. Of course, we won't know until the new legislative proposals and things like that go into effect.

CHAIRPERSON LANE: It will eventually hurt.

MR. HORTON: Do you think that at some point it will hurt the PI business?

MS. THOMAS: I think that's what Cody and I talked about. It's hard to gauge at this point, because I'm not sure how many companies we have currently that solely do background checks, but it could encourage people to begin those types of companies.

MR. HORTON: But with internet, you can about find out anything about anybody. If you are smart enough to do that. We have a son that's that smart, he's a computer programmer.

MS. THOMAS: That's the thing about the definition about investigation companies, that we are tending to see that that definition is so broad. As technology advances, it becomes more and more difficult to determine who needs a license and who doesn't.

MR. VALENTINE: I do a lot of background investigations, and the reason the companies use me is because you can't trust everything that's on the internet. And the databases that I use, you can trust. They are accurate and verified.

MS. VEST: I also brought this up because I do not know how it's going to affect your bottom line. We won't know probably for, I want to say, at least a good two years to go through a renewal cycle, see who renews with these types of companies or how many telephone calls we might get asking these specific questions. So I will be keeping an eye on the budget and get back to you just as soon as I can, when I get this information.

MR. VALENTINE: Did the General Assembly come to our Commission before they passed this law?

MS. THOMAS: No.
The Complainant purchased the item in 2011 or 2012 from Lowe's in Hendersonville, Tennessee, and never used the item. An individual made an inquiry about the tool and asked to meet the Complainant. The Complainant and the Respondent agreed to meet in the early afternoon at Opry Mills Shopping Mall in front of Chewy's Restaurant.

A male individual met the Complainant in the parking lot and inspected the tool and told the Complainant the tool had been stolen and proceeded to tell the Complainant that he was a private investigator. The Complainant insisted it was not stolen and asked the private investigator for some identification. The Respondent showed the Complainant his identification card.

The Complainant was still unsure whether or not the Respondent was actually a private investigator just by looking at the laminated identification card, which just had "private investigator" underneath the man's name. Since the Complainant was involved in law enforcement with another state agency and did not feel he was able to determine whether or not the Respondent was actually an investigator, the Complainant took a picture of the identification card that the Respondent handed him with his phone, and the Respondent grabbed the identification card from him and told the Complainant, "Better watch out or I'll call 911 on you." The Complainant told him to, "Go ahead and call them."

At this point, the Complainant was unsure whether or not the Respondent was trying to steal his tool from him. The Complainant told him that he was a law enforcement officer and showed him his badge and told the Respondent to return the grinder back to the Complainant. The Complainant refused to give the grinder back to the Complainant. The Complainant believed the Respondent was attempting to steal his property. The Respondent started waving his ball cap in another direction over his head, as though he was signaling someone in the distance to come over to them, and at this point the Complainant grabbed his grinder from the Respondent.

The Respondent stepped closer to the Complainant, stated, "You better be careful, I'm a retired Metro officer of 33 years and I'm a black belt." The Complainant responded and stated, "You are the one that needs to be careful." The Complainant reached into his pocket to get his car keys, and the Respondent stated, "Don't move, let me..."
The Complainant believed the Respondent had a gun concealed on him and the Complainant slowly brought out his hands with his keys in his hands.

Thereafter, two other individuals, a male and a female, approached the Complainant, and the Complainant backed way from the Respondent and put the angle grinder inside his car and locked his car. Suddenly the mall security appeared and asked what was wrong, and the Complainant explained the situation to the security officer. The security officer stated it appears that everything was under control and left the area.

The other two individuals approached the Complainant and accused him of stealing the tool.

And the female had a box in her hand and demanded that the Complainant take out the angle grinder form the trunk of the Complainant's car so she could check the serial number, and the Complainant refused. The female individual threatened to call the police, when she suddenly remembered she had a picture of the serial number from the Craig's List post. The woman apologized for the confusion when she realized the serial number was different.

UNIDENTIFIED SPEAKER ON PHONE: Hello?

MS. BROWN: Yes.

UNIDENTIFIED SPEAKER ON PHONE: Who am I speak with?

MS. VEST: Ma'am, are you calling on the line for Alan Rousseau?

UNIDENTIFIED SPEAKER ON PHONE: No, ma'am.

MS. VEST: Ma'am, this is the Private Investigations & Polygraph Commission that you called into.

UNIDENTIFIED SPEAKER ON PHONE: I must have accidentally called. Because I don't remember calling this number, and I just heard somebody talking. So it must have been an accident, I do apologize.

MS. VEST: Thank you, ma'am.

UNIDENTIFIED SPEAKER ON PHONE: Uh-huh.

MS. BROWN: The Respondent provided a response and stated he was working a theft case for his client and it was believed the grinder had been stolen from his client. The Respondent's client had seen the grinder on Craig's List, and it appeared to be brand new, just like her grinder. The Respondent claims he did not curse, yell or threaten the Complainant in any manner. The Respondent stated that because the Complainant put his hands in his front pocket, the Respondent got into a defensive position. The Respondent claims he waved down the mall security guard and asked if he would check the serial number, and the security guard stated everything looked peaceful and he needed to get to the other side of the mall. The Respondent's clients walked up to the Complainant and checked the serial number and realized the Complainant's grinder had a different serial number, and the Respondent apologized and left.

My recommendation is to authorize a formal hearing and send a consent order with a civil penalty in the amount of $250 for violation of Tennessee Comprehensive Rules and Regulations 1175-04-.02, Proper Conduct of Practice, (1), "The licensee shall at all times recognize the primary obligation to protect the health, safety, and welfare of the public in the performance of the licensee's professional duties."

CHAIRPERSON LANE: Is there a motion?

MR. ROUSSEAU: Alan Rousseau. I move we accept the recommendation of counsel.

CHAIRPERSON LANE: Commissioner Rousseau made a motion. Is there a second?
I copied?
2 MS. SILVA: You might want to have it copied because I only have one. I actually have two.
3 expungement?
4 CHAIRPERSON LANE: Is that an 28-day treatment program?
5 MS. SILVA: No, I actually went through a 72-day treatment program.
6 MS. VEST: Make copies for Jenny as well.
7 MS. SILVA: I do have one expungement, though.
8 MS. VEST: Since Ms. Silva has brought that up, we are going to let her discuss that whenever you are ready.
9 CHAIRPERSON LANE: As far as for the ones that are calling in, if we want to kind of outline the handout?
10 MS. VEST: Alan Rousseau, are you there?
11 MR. ROUSSEAU: Yes, I am.
12 CHAIRPERSON LANE: Dr. Ritch?
13 DR. RITCH: Yes.
14 MS. VEST: Unfortunately you are not able to see this, but this looks like -- I am going to call it a diploma, for lack of a better word, from Buffalo Valley Incorporated Substance Abuse Treatment Facility. Completion -- I mean Certificate of
Completion presented to April Silva. Admission date 3/6/2017, discharged 4/3/2017, level care residential, and the counselor was Samantha Frye. Other than that, you should already have the information from Ms. Silva.
1 CHAIRPERSON LANE: This was an outpatient?
2 MS. SILVA: No, this was inpatient.
3 CHAIRPERSON LANE: Residential --
4 MS. SILVA: Yes.
5 CHAIRPERSON LANE: Is there a motion?
6 MS. VEST: We ready to hear from Ms. Silva?
7 CHAIRPERSON LANE: Would you like to say something? I apologize.
8 MS. SILVA: No, that's fine. I just want to ask that you please reconsider. I have been through a lot, and this was a lot of work and hopefully, you know -- I don't know what to say honestly.
9 Doing the private investigating, I was really excited to do it. I did it for a temporary amount of time before my application was denied, and I really loved it. I just really would like to try again.
10 MR. RICHARDS: In your e-mail you said you were having trouble with the expungement because it required time hadn't passed. What's the required time?
11 MS. SILVA: It has to be five years.
12 MS. VEST: What we were talking about earlier with Ms. Silva, she did bring in an expungement for the DUI.
13 CHAIRPERSON LANE: So now all that's left is the handgun?
14 MS. VEST: Yes, it was the handgun.
15 CHAIRPERSON LANE: Is that what you are trying to get expunged?
16 MS. SILVA: Yes, but I have to wait five years.
17 MS. VEST: But I believe whenever she was here the first time, the discussion was concerning the DUls.
18 MS. SILVA: Yes, I had two DUls.
19 CHAIRPERSON LANE: Two. Are both of them expunged?
20 MS. VEST: No, they can't be expunged.
21 MS. SILVA: That's all that's left on her record, the other charges have been expunged.
1. **CHAIRPERSON LANE:** Okay.
2. **MR. BROWN:** The DUI?
3. **CHAIRPERSON LANE:** The two DUIS?
4. **MS. VEST:** Yeah, that's all she has now on her record.
5. **CHAIRPERSON LANE:** Thank you for that clarification. Do we have a motion?
6. **MR. ROUSSEAU:** This is Alan Rousseau. I move that we accept the application.
7. **CHAIRPERSON LANE:** We have a motion by Commissioner Rousseau to accept. Is there a second?
8. **MR. JONES:** I'll second it. Commissioner Jones.
9. **CHAIRPERSON LANE:** Second by Commissioner Jones. Discussion, please? Any other discussion?
10. Okay. We'll vote. All in favor?
11. **THE COMMISSION:** Aye.
12. **CHAIRPERSON LANE:** Opposed? I'm going to abstain. Would you do a roll call, please?
13. **MR. RICHARDS:** I abstain as well.
14. **MS. VEST:** David Brown?
15. **MR. BROWN:** Deny.
16. **MS. VEST:** Larry Flair?
17. **CHAIRPERSON LANE:** Excuse me. The motion was to accept and you are saying denied.

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1. **MR. BROWN:** No.
2. **CHAIRPERSON LANE:** So --
3. **MS. VEST:** Your vote is no, all right.
4. **David Brown:** votes no. Larry Flair?
5. **MR. FLAIR:** Would we have a quorum if I abstain on this? I am going to abstain on this.
6. **MS. VEST:** Abstain on that. David Horton?
7. **MR. HORTON:** For.
8. **MS. VEST:** In favor?
9. **MR. HORTON:** Yes.
10. **MS. VEST:** Rick Jones?
11. **MR. JONES:** In favor.
12. **MS. VEST:** Minnie Lane?
13. **CHAIRPERSON LANE:** I abstain, please.
14. **MS. VEST:** Jerry Richards?
15. **MR. RICHARDS:** Abstain.
16. **MS. VEST:** Dr. Ritch?
17. **DR. RITCH:** Aye.
18. **MS. VEST:** Alan Rousseau?
19. **MR. ROUSSEAU:** Aye.
20. **MS. VEST:** Walt Valentine?
21. **MR. VALENTINE:** Abstain.
22. **MS. VEST:** Just a moment.
23. **MS. VEST:** Okay. Yeah, the apprenticeship was only for six months to begin with.

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1. Once you have had an apprenticeship, according to your statute, no matter whether it's completed or not, you only get that apprenticeship one time. Now she would be required to make application to be a private investigator. And from what I understand from your vote today, we will be granting that, once she meets all the other requirements, take the test, whatever she needs to do.
2. **CHAIRPERSON LANE:** That's my understanding also. Congratulations to you. I wish you well.
3. **MS. SILVA:** Thank you so much.
4. **CHAIRPERSON LANE:** Can we take about a ten-minute break now?
5. **MS. VEST:** Yes, please.
6. **(Short break.)
7. **CHAIRPERSON LANE:** I'll call the meeting back to order. Everybody's here. Looks like next on the agenda we have the administrative matters, and I'll, again, turn this over to our Executive Director Cody Vest to handle it.
8. **MS. VEST:** Thank you. Yes, if you'll look on your iPads, the next thing on the agenda is your monthly reports. These were sent out to you in advance. We'll go ahead and take a look. You have
I believe two computer systems, and they went into each program and saw a presentation this morning. Have you seen them?

Mr. Ritch, I have not heard anything about these reappointments, but we do have reappointed华尔丁. Valentine, David Brown, and Larry Flair. And we do -- of course, we do appreciate you serving until your term expires or the Commissioner reappoints someone or get reappointed. And we certainly appreciate everyone serving and continuing to serve.

The next month is the same thing, it just tells you the same information that I have on the books now?

If there's no questions about those, we'll just move right on, if would you, please.

Mr. Valentine: I noticed that we had four complaints in March.

Ms. Vest: Yes.

Mr. Valentine: And none in April.

Ms. Vest: Yes.

Mr. Valentine: How many complaints do we have on the books now?

Ms. Thomas: If I'm not mistaken, I believe there are two, not counting the one Ms. Brown presented this morning. I believe that's correct.

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Ms. Vest: In answer to your question, we have a couple of those that are still being worked.

Mr. Valentine: Okay.

Ms. Vest: If there's no other questions, we'll just move onto what we called the budget review that we just handed out in color. I do apologize, it was so small on the iPads, I'm sure you couldn't read them. Well, they weren't on your iPads because of the change that I had received, and so we handed that out to you, had it sitting at your areas when you came in. But it was brought to my attention that it could not be read, so we went and printed it in color for you.

All right. I'll go over this briefly.

What you need to look at is the bottom line where it says "Net Surplus, Deficit." Your total so far for the fiscal year is $21,810. Now, of course, we still have the month of May and June to put on here. So far the only really big difference there, let's see, if you'll look at "Administrative Cost Backs," it's in the second block under "PI Poly Expenses." You'll see a little bit of an increase there, it's $4,422.

It's almost double what you had all the other months. That is where we had another charge for our new computer system, and they went into each program and required, on paper anyway, a notarized statement of reappointment, but we do have reappointed Walt and the same. We have four Commission Member vacancies, that's Allen Rousseau, David Horton, Minnie Lane, and Dr. Ritch. I have not heard anything about these reappointments, but we do have reappointed Walt Valentine, David Brown, and Larry Flair. And we do -- of course, we do appreciate you serving until your term expires or the Commissioner reappoints someone or get reappointed. And we certainly appreciate everyone serving and continuing to serve. The next month is the same thing, it just tells you the same information that I have on the books now?

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Honduras by an American notary. I think we already had this at the last meeting, and we said something like, why didn't he get the notary from that country to do it, but I don't know if every country has notaries. I don't know anything about that. What we did last time, though, was we let him go ahead and renew, and when he does come back into the country, he will give us a notarized statement. So I'm asking you if I can do that for this gentleman to tell us, yes, we will accept his notarized statement. He has no investigators, it's just him. He's out of the country, but he's supposed to come back maybe in September or October, and at that time he needs to give me a notarized statement of his affiliates. From now on, we should not be running into this because you are required to do your renewals online now, but he was out of the country, couldn't get it done for some reason.

Chairperson Lane: Do you need a motion?

Ms. Vest: Yes, I need a vote on that so I can make sure I can go ahead and approve his renewal.

Chairperson Lane: Would someone make a motion on that, please?

Mr. Brown: I will --

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MR. ROUSSEAU: I move we accept the recommendation of --

CHAIRPERSON LANE: Motion by Commissioner Rousseau. Is there a second?


CHAIRPERSON LANE: Second by Commissioner Brown. Any discussion? All in favor?

THE COMMISSION: Aye.

CHAIRPERSON LANE: Opposed? The ayes have it. We need a roll call.

MS. VEST: David Brown?

MR. BROWN: Aye.

MS. VEST: Larry Flair?

MR. FLAIR: Aye.

MS. VEST: David Horton?

MR. HORTON: Aye.

MS. VEST: Rick Jones?

MR. JONES: Aye.

MS. VEST: Minnie Lane?

MS. VEST: Aye.

CHAIRPERSON LANE: Aye.

CHAIRPERSON LANE: Thank you. I believe the next thing on the agenda under me is going to be the Education Committee.

CHAIRPERSON LANE: Yes.

MS. VEST: Education review.

CHAIRPERSON LANE: I'd like to point out that the Education Committee did meet open to the public at 9 o'clock this morning and went over the applications or the request for the education. Now I'll ask our Executive Director Cody Vest to handle the presentation of it.

MS. VEST: Okay. Well, for the education review, we had three of them this morning, all three were approved by the Education Committee. So we'll bring in all three to a vote for the Commission. The first one, Indiana Society of Professional Investigators, 24 hours continuing education, was approved. Number two was the Administrative Office of the US Courts Office of Defender Services Training Branch. They requested 16 hours for continuing education. That was approved. The third one was Pathlore Learning Management System, P-A-T-H-L-O-R-E, and this was for one individual. He asked for -- it's 120-hour course, which was approved for the 16 hours -- 12 hours, I'm sorry.

CHAIRPERSON LANE: 12 hours.

MS. VEST: 12 hours. All three of those were approved by the Education Committee.

CHAIRPERSON LANE: You mentioned that we'll be adding the first two to the approved list.

MS. VEST: All right. I believe we are ready probably for a vote now, Madam Chair.

CHAIRPERSON LANE: Is there a motion?

MR. BROWN: So moved that we accept them.

CHAIRPERSON LANE: Motion by Commissioner Brown. Is there a second?

MR. FLAIR: I'll second, Madam Chairman.

CHAIRPERSON LANE: Second by Commissioner Flair. Any discussions?

MR. FLAIR: Madam Chairman, I have one question. What was the correct title for the second one, Ms. Cody?

MS. VEST: For the second one?

MR. FLAIR: Department of Justice or Department of Public Defender?

MS. VEST: It was Administrative Office of the US Courts Office of Defender Services Training Branch.

MR. FLAIR: For the record, that's the training that's in New Orleans, and they are often at no expense.

MS. VEST: To private investigators?

MR. FLAIR: Yes, ma'am.

CHAIRPERSON LANE: Any further discussion? All in favor?

THE COMMISSION: Aye.

CHAIRPERSON LANE: Opposed? Would you do a roll call, please?

MS. VEST: David Brown.

MR. BROWN: Aye.

MS. VEST: Larry Flair?

MR. FLAIR: Aye.

MS. VEST: David Horton?

MR. HORTON: Aye.

MS. VEST: Rick Jones?

MS. VEST: Aye.

MR. JONES: Aye.

MS. VEST: Minnie Lane?

MS. VEST: Aye.

MS. VEST: Jerry Richards?
I know at our prior meeting, Commissioner
Richards, you mentioned some legislative changes,
we'll include that in there as well. I know I
discussed that the law changes have to go through
legislation. Like I said, we can't guarantee that
will be accepted by the Commissioner. If not, again,
you are free to try to get a sponsor that will
propose those changes, but I wanted the Commission to
be thinking about those changes. Feel free to e-mail
myself or Cody with those changes, and we'll try
include that.

MS. VEST: On another note on the same
line, for instance, the statute does say that you are
supposed to have your application on file before you
take the exam. With our new database, we want
everything uploaded when you make application.
Therefore, you should be taking the exam before you
make the application. That is the number one thing
that is holding up applications in our office.

These individuals are taking these exams
two, four, sometimes as many as six times. Each
time they do, they have to pay to do it. I am going
to be meeting later on this month with the PSI, it is
not for an item of review, it is just to make sure
that we understand how they are handled. But we just

Recently -- not really too long ago sat down and
actually did an item review with the laws and the
rules and then the amended back questions for the
actual private investigators. So I will be talking
with Alex Rodriguez at our appointment. I want to
make sure that I do get a monthly count of how many
are taking that exam, how many are failing that exam,
and if at all possible, what areas that they are
failing in to see if I can bring it back to the
Commission, do we need to have another item review,
is our exam too hard, is it too easy, are people not
studying, is the exam material not correct. There is
some reason that somebody has to take it six times.

CHAIRPERSON LANE: I was one that sat on
than, and I would have thought it would have been too
easy. I am shocked. I am interested in knowing,
if once you talked to them, maybe they are not
implementing it correctly or something.

MS. VEST: Not studying is probably the
number one. I do stress to them that it is
50 percent based on the laws and the rules. I mean,
you got 50 percent already, if you know those. And
you have to purchase the material, and you have to
study that material in order to take that exam. But
then we need to actually consider, Madam Chair, that
I don't know what direction we are leaning into, that's why I said I am going to meet with them. I will present it back to you, whatever findings I have, and I am going to require them to give me a report so we can actually delve down into finding out what the problem is. MR. BROWN: Are most of our applicants, are they from the police, law enforcement, background, are they general? MS. VEST: The trend now is, no. At one time there was that trend, now you are just getting people making application because they are sitting at home working on their computers looking things up and they are saying, oh, this is what I want to do. MR. BROWN: Well, that book -- I think if you read that book, I don't know what questions they are asking, but -- CHAIRPERSON LANE: Each question was referenced, we would go to the book. MR. BROWN: That book is a very good book. MS. VEST: Yes, that's what I have been told. I do -- I don't see the trend improving with the private investigation field. So many things, as you said before, can be done on the computer. It looks like it's actually leaning towards being more specialized. CHAIRPERSON LANE: Yes. MS. VEST: But, yes, we still do get applications in. They are still rolling in, they are just not being able to complete their applications because I am only going to hold them open so long, if you make a diligent effort. Is six times a diligent effort? Yes, I mean as long as you -- you are attempting to do this, we do hold them open a year. CHAIRPERSON LANE: I'm sure you'll bring those numbers and reports to us. MS. VEST: Yes. CHAIRPERSON LANE: When you get them. MS. VEST: All right. That's really all I had on that. You want to tell them about September? MS. THOMAS: I guess the only other thing is that we have been informed that the Private Investigation and Polygraph Commission as a whole has been put on the sunset hearing calendar for September. We don't have exact dates yet. As soon as we get the questions, again, Cody and I will go over those and I will let you all know the date as soon as I have it. MS. VEST: What that actually means is they can call us up to the Hill, and we have done this before, I will notify all Commission Members. I know it's a great deal to ask you to come in, but the Senators, representatives, they do like to see the support of the Commissions. I will introduce you, of course, as the PI Commission and individually, and I may ask you for support when we -- if and when we do have to go to the Hill. CHAIRPERSON LANE: We'll be behind you. MS. VEST: I believe that's all we had under new business. Was there anybody that signed up to speak? CHAIRPERSON LANE: No one signed up. MS. VEST: No. CHAIRPERSON LANE: Well, I guess I'll ask for a -- MR. FLAIR: I don't know if this is the arena to do this right now, but one quick question, probably directed at counsel. Did I understand when you were talking to Commissioner Richards, you guys go over some things that you might feel need to be changed with input from whomever, and then it's presented to the Commissioner, and then she has a packet, and then she presents that? So that would not require a sponsor to go in front of the legislative, she would present that package alone? Is that the way it works? I'm confused how it works, is the reason I'm asking. MS. THOMAS: Okay, if I'm understanding your question, what will happen is we will look through the PI and Polygraph laws. We will propose changes to the Commissioner. This Commission, as well as all the other programs under Commerce and Insurance, she will pull the ones that she thinks, I guess, require immediate attention. She can only pull so many. And then she will present that to the legislature to propose that change. It will be in one bill. MR. FLAIR: I understand now, thank you. MS. THOMAS: Yes. MS. VEST: To clarify, we did have legislation that we did have asked for our different programs, she only picked out one part, or whatever, only picked out one part that was under the Private Protective Services. But there's maybe 30, 35 regulatory boards now, and all of us are submitting changes. So whoever that is will decide.
which ones they are going to pick and choose. But once we sit down and take a look at that, we will tell the Commission or ask you your opinion of the changes. We won't just automatically do it ourselves. Your proposed changes have to come back to you, that's why I threw out about taking the exam. That's on there. Another example I can think of we just talked about is that notarized statement. No, we don't need that any more because you're doing it online, you are attesting to it. So the notary needs to come off. It's just like -- going through each line, trying to pick aut and move it into the online application. So if you -- that's what we are looking at, sitting down with it, going line by line, here's the law, here's the rule that goes with it, what can be changed, what needs to be changed. He we are not talking about something drastic changing your profession, we are just trying to clean it up because we are going online now. Anything that you --

DR. RITCH: A question from Paul Ritch in Chattanooga. When we are doing a renewal online, we require mugshots. Do they have to mail that in, I guess?

MS. VEST: No, sir. We want everything uploaded. We want you to go out, fill out the application. Of course you do go to -- the individual would go to L-1 or more Videotrust. You get a receipt, we want that uploaded. Your photo, and it doesn't have to be that 2 by 2, 1 by 1, whatever the requirements were, you can just take your photo with your phone now and just upload that. It comes straight to us, it comes to us in color, we just print it right off.

DR. RITCH: How about that.

MS. VEST: If everything is done online and you submit everything that we need at that time, it's just a matter of days before your license can get approved. It's that quick now. It's just when everybody doesn't submit everything they need and we have to send correspondence out to you, is really what takes so long. All right, thank you, Dr. Ritch.

DR. RITCH: Thank you.

CHAIRPERSON LANE: Well, there being no further business, I call for a motion to adjourn.

MR. FLAIR: I'll make that motion, Madam Chairman.

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

MR. HORTON: Second.

Adjourned.
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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

EDUCATION MEETING
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MS. VEST: I'll do a roll call. I'm sorry. I jumped ahead.

CHAIRPERSON LANE: We are just doing the education right now?

MS. VEST: Yes.

CHAIRPERSON LANE: And I guess just discussion, open to the public?

MS. VEST: Yeah. Let me go ahead for the record and say who is here. Alan Rousseau?

MR. ROUSSEAU: Here.

MS. VEST: Minnie Lane?

CHAIRPERSON LANE: Here.

MS. VEST: Dr. Ritch?

DR. RITCH: Here.

MS. VEST: David Brown?

MR. BROWN: Here.

MS. VEST: Larry Flair? Larry's not present. I think we can move on, Madam Chair, if you'd like. I believe we sent out all the continuing education to the Education Committee.

CHAIRPERSON LANE: We did.

MS. VEST: I think the first one we want to look at is that Indiana Society of Professional Investigators, Undercover Reasonable Doubt, Criminal Defense and Due Process. They want 24 hours of continuing education credit. What do we think about that one?

CHAIRPERSON LANE: I didn't have a problem with it. That was my question, are they asking for 24 hours --

MS. VEST: Yes, they are asking for 24 hours. Three-day training for 24 hours.

CHAIRPERSON LANE: Seems like they are using it for something else then. What did the other Commission members on the Education Committee think?

DR. RITCH: I have no problem with it.

This is Paul Ritch.

MS. VEST: Alan, did you get a chance to look it over?

MR. ROUSSEAU: Yes, I did. I have no questions about it.

MS. VEST: Okay. David?

MR. BROWN: Okay.

MS. VEST: You thought -- okay. How about you, Madam Chair?

CHAIRPERSON LANE: The course is good,

yes.

MS. VEST: So I am going to say, yes, we are going to approve it.
I think the next one on the list is Administrative Office of the US Courts Office of Defender Services Training Branch. It's a parallel course with the investigators. They requested 16 hours of continuing education.

DR. RITCH: I have a question about that one?

MS. VEST: All right, let's hear it, Dr. Ritch.

DR. RITCH: On Page 2 of the material that came with it, it says, Order of--

MS. VEST: Dr. Rich, just a second, we have -- the court reporter is here, can you start the conversation over again and go kind of slow.

DR. RITCH: Yes, I'm sorry. I apologize.

My question is that I think we require all hours to be open to the public.

CHAIRPERSON LANE: Not any more.

DR. RITCH: Not any more?

CHAIRPERSON LANE: Not any more.

DR. RITCH: Then I withdraw my objection.

CHAIRPERSON LANE: That was left out the last time we had changes, so we cannot --

DR. RITCH: Okay, I missed that.

MS. VEST: So you do agree with this course, Dr. Ritch?

DR. RITCH: I have no problem with it.

That was my only concern.

MS. VEST: How about you, Alan?

MR. ROUSSEAU: I don't have no problem.

MS. VEST: All right. I'm sorry, Minnie?

CHAIRPERSON LANE: It's a good course. I think every investigator should attend it. It's good.

MS. VEST: David Brown?

MR. BROWN: I second with what the chairman said, I think it's a very good course.

MS. VEST: All right. We are all in agreement. I'll present it to the Commission. All right.

The third one on the list is Pathlore Learning Management Systems. This was for an individual. He wants to have the continuing education, he said, for 120 hours, but we know we won't give him credit for that. But that is the course, for 120 hours, but he wants it for his individual. It will not be put on the course list because it's an individual who has requested this.

CHAIRPERSON LANE: I didn't see a problem myself giving six hours to that individual for that.
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