Tennessee Private Investigation and Polygraph Commission Meeting


Walt Valentine, Chair

Paul David Brown Jr, Vice Chair

Stuart W Bayne

Larry T Flair, Sr.

Absence

William Rick Jones

Arthur G (Jerry) Richards

Alan G Rousseau

Douglas Shanks
PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

COMMISSION MEETING

September 21, 2018

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MS. VEST: We have Alan who is calling in, so we do have to make sure we speak into the phone -- into your microphone, and please identify yourself when you speak for the court reporter.

We're ready anytime you are back there.

CHAIRMAN VALENTINE: Good morning, fellow commission members, staff members, and honored guests. Today's date is September 21, 2009[sic]. It's approximately 9:30. I'm Walt Valentine, commission chair.

I'll now call to order the meeting of the Tennessee Private Investigation and Polygraph Commission.

The executive director, Cody Vest, will please call the roll.

MS. VEST: Thank you. And for the court reporter, today -- this is 2018 still.


MS. VEST: We understand. All right.

CHAIRMAN VALENTINE: Time out.

MS. VEST: Stuart Bayne?

MR. BAYNE: Stuart Bayne, present.

MS. VEST: David Brown?

MR. BROWN: Present.

MS. VEST: Larry Flair?

MR. FLAIR: Present.

MS. VEST: Robin Johnston?

Rick Jones?

Mr. Richards?

Mr. Richards: Present.

MS. VEST: Alan Rousseau?

MR. ROUSSEAU: Present.

MS. VEST: Walt Valentine?

CHAIRMAN VALENTINE: Present.

MS. VEST: Let the record show that Robin Johnston and Rick Jones are not present, but you do have a quorum.

MR. ROUSSEAU: Cody, I'm here.

MS. VEST: Judge Shanks, I didn't call your name, I apologize for that. Doug Shanks is with us.

CHAIRMAN VALENTINE: Okay. Next item for approval is the agenda. I would like to ask each commission member if they have received and had time to review a copy of the agenda, and if so, is there a motion to adopt this agenda?

MR. BROWN: Commissioner Brown, make a motion that we adopt it.
I have to -- I have to do a roll call since we have someone on -- one of our commission members is on the phone.

CHAIRMAN VALENTINE: We can't hear him?

MS. VEST: I didn't hear him vote at all.

MR. ROUSSEAU: Yes, I did on both, yes.

MS. VEST: All right. Would you identify yourself when you do call in to vote?

Thank you.

MR. ROUSSEAU: Thank you.

CHAIRMAN VALENTINE: Okay. Next on the agenda is the legal report by the staff attorney.

MR. HUFFMAN: Good morning, Stuart Huffman for the department.

Number 1 on the legal report is 2018025961. Complainant hired respondent for services during her divorce/custody trial in August of 2016. Complainant and respondent have kept in contact since the investigation was concluded.

Complainant alleges respondent recently asked for a $5,000 loan, and when she refused, respondent sent her an unpaid bill for investigation services of over $28,000. Complainant alleges she paid respondent in full. Complainant also provided texts showing the respondent was requesting a loan and believes she is being extorted.

Complainant also alleges respondent has contacted her ex-husband and made false allegations and statements.

In respondent's letter, he makes serious allegations against complainant to which complainant denies. Respondent states complainant and he were in a personal relationship after the divorce and complainant used this relationship to avoid paying the invoice. Respondent states the $5,000 request was for a partial payment towards the invoice and not a loan. Respondent admits to calling complainant's ex-husband, knowing that he would relay any message to the complainant. Respondent denies any and all allegations.

Complainant rebutted, stating that her ex-husband told her that respondent offered to sell information about complainant for $5,000 in the case -- and the case that could cause her to lose custody of her children. The ex-husband confirmed this exchange with the investigator.

The recommendation is to authorize formal charges and consent order with a civil penalty in the amount of $1,000 for violation of Tennessee Rules and Regs 1175-04-.05, "Conflict of Interest: No licensee or employee of a licensee shall contact or cause to be contacted any individual under investigation for the purpose of revealing confidential information to that individual," and Tennessee Rules and Regs 1175-04-.07, "Confidential Client Information: Licensee shall not disclose confidential information without the specific consent of the client."

CHAIRMAN VALENTINE: Any discussion by the commission?

MR. BAYNE: I have a question.

CHAIRMAN VALENTINE: Go ahead.

MR. BAYNE: I'm reading something.

MR. BROWN: He owes a fine from a previous case, is that --

MR. HUFFMAN: It goes back to 2000, so there's not much information. I think it was more of a renewal of an application fine, but I couldn't confirm it.

MR. ROUSSEAU: Alan Rosseau. I have a question to counsel.

MS. VEST: Go ahead.

MR. ROUSSEAU: Counsel, what is your recommendation to the commission?
MR. HUFFMAN: My recommendation on this complaint -- this is actually against the individual -- is a $1,000 civil penalty.

MR. ROUSSEAU: Okay. Thank you.

MR. BROWN: Is that amount in keeping with what we've done in similar cases?

MS. VEST: Yes. Okay. I just wanted to be sure.

MR. BAYNE: That answers my question.

CHAIRMAN VALENTINE: Do I hear a motion?

MR. FLAIRE: I'll make a motion we accept counsel's recommendation.

MR. BAYNE: Second.

CHAIRMAN VALENTINE: It has been moved and seconded. Any further discussion?

All in favor, say aye.

(Chorus of ayes.)

MS. VEST: I have to do a roll call vote. We will need to do a roll call.

CHAIRMAN VALENTINE: Okay. Let's do a roll call vote then.

MS. VEST: Stuart Bayne?

MR. BAYNE: Aye.

MS. VEST: Present and aye.

MR. BROWN: Aye.

MR. BAYNE: Walt Valentine?

CO-CHAIRMAN VALENTINE: Moved and seconded clarification. Any further discussion?

MR. BAYNE: Thank you for the clarification.
We'll investigate allegations that his former probate attorney had colluded with a bank to limit the bank's liability in a lost will case. Complainant later retained another probate attorney, however, states that the current probate attorney and respondent refused to discuss complainant's collusion allegations against the former probate attorney. Complainant alleges he filed Board of Professional Responsibility complaints against both attorneys and they were disciplined.

Respondent contracted with the probate attorney. Complainant alleged conspiracy with the bank simply because they disagreed with the recommendations of the bank's liability in a lost property case. Complainant states that the parties, including probate attorney, respondent, and complainant, agreed in writing that Respondent had earlier concerns of complainant would tie himself and the probate attorney into his case. Complainant states that there were no disciplinary actions taken against either probate attorney or himself. Respondent also advertised that his former probate attorney had not been pursuing the conspiracy or they would not be pursuing the conspiracy or collusion allegations.

Recommendation is to close.

MR. FLAIR: I make a motion that we accept counsel's recommendation to close the case.

CHAIRMAN VALENTINE: Do I hear a second?

MR. SHANKS: Second.

CHAIRMAN VALENTINE: Moved and seconded to follow the recommendations of counsel. Roll call.

MS. VEST: Stuart Bayne?

MR. BAYNE: Aye.

MS. VEST: David Brown?

MR. BAYNE: Aye.

MS. VEST: Larry Flair?

MR. BAYNE: Aye.

MS. VEST: Jerry Richards?

MR. BAYNE: Aye.

MS. VEST: Alan Rousseau?

MR. BAYNE: Aye.

MS. VEST: Doug Shanks?

MR. BAYNE: Aye.

MS. VEST: Walt Valentine?

MR. BAYNE: Aye.

MS. VEST: The ayes have it.

CHAIRMAN VALENTINE: Motion carries.

Thank you, sir.

MR. HUFFMAN: That concludes the legal report.

CHAIRMAN VALENTINE: Next, do we have anyone wanting to appear before the commission?

MS. VEST: No, sir.

CHAIRMAN VALENTINE: Okay.

Administrative matters, executive director Cody Vest.

MS. VEST: Thank you. We have just a couple of things before we move on to something --

MS. VEST: Budget review, I do have the totals for January. You are in the red $1,589.

Assistant Commissioner Carter Lawrence was not able to be with us today. Your next meeting is in November, and I have asked him if he could attend that meeting to help -- we'll be discussing the budget at that time.

I have some more information for you, but it's a little further down and we will talk.
I attended the previous meeting when I had first started working here and I heard some of the questions that you all had. And then Cody came to me a couple or three weeks ago and asked if she asked if Bradley and I would get together and put this presentation together and try to get some information for you, and so we started on that.

My name is Jeff Winfree. I started in July. I think Bradley has been on -- he's been working here since February or something like that. So both of us worked on this. He contributed about half the information that I'm going to share with you, and we just sort of divided the amount of information up to work on.

The questions that -- that we were given to try to come up with answers, Number 1, what's the initial fee for a private investigator to be licensed in other states? So basically we compared our fees with a number of other states.

Another question was, what is the renewal fee? How much does it cost to renew just a single private investigator from other states?

Third question is, what is the initial fee to become a private investigator company in Tennessee and other states?

Number 4 was, what is the renewal fee for a private investigator company in Tennessee and other states?

And then the last two questions: What is the number of private investigators licensed in other states, and Number 6, what is the number of private investigative companies licensed in other states? And this is all compared to Tennessee.

The next two slides show the states that were chosen for this study. As you know, Tennessee has quite a few border states, so we figured that would be a pretty good -- I know I used to work for Tennessee wildlife, and we were always comparing ourselves with the border states, you know, how much they make across the border, how many of this do they have and that. So we chose our border states for comparison, and I have listed those with the asterisk. And then the other states that we chose, we did a little research and found out that some of these states seem to have -- New York was one, for example, I read something, they have more private investigators per capita than most any other state in the nation. I don't know -- I didn't come up with a reason why unless it's because New York City is there, and typically where you have a lot of people, you have a lot of need for your profession. And then the other states, again, the border states have the asterisk. And then the other states there are just states that are near -- near our border or similar in size and other comparisons.

The greatest challenge to this study was -- came with Questions Number 5 and 6, the actual number of licensed individuals and the companies. And part of that is because of the way states keep up with it. When I talked to Ohio and they told me they had 24,000, I said something to Cody and we both about struck out there. It's like, wait, something's not right. So I did get to the bottom of that. They just had everything lumped all together, so -- and I'll break those out for you in a few minutes when we get there. But this was a tough question, Number 5 and Number 6, because a lot of states don't keep up with it quite like that.

Another challenge was some states are very transparent. Indiana will almost chase you down the street to tell you everything you might like to know and more. Other states are not quite transparent, or not that much. Some of this information is not published and readily available on the internet. We use the internet to a great extent.
I'm pulled individual 24 and 22 found out — you know, 25 and 20 I was security and investigator, that was 21 when you 17 designations, and the Type C is security 18 there was 16 security guards. 14 them, they 15 and as it turns out, 11 presentation and have it ready for the board today. 13 yesterday, 14 of set that as a 10 everything, it turned out to be a 11 presentation, the states that there's no information 8 writing, submit 5 up, 5 information back from those states; in some cases, 6 from the government in Tennessee and 8 about a week going through 6 it, but they are — individuals and companies, 7 they're all lumped together. I could have spent 8 about a week going through all 1,300 of them and 9 made a spreadsheet and figured out which ones are 10 which, but I didn't go quite that far, so -- just to 11 see what they look like. They have three counties 12 in their state that make up almost half of their 13 total number of private investigators, and those 14 three over there that you see, the blue one is 15 Pittsburgh, the orange one is — or the red one is 16 Norristown, and I think that's kind of part of 17 Philadelphia, and then there's a Philadelphia 18 County, which is where Philadelphia is. So that's 19 kind of the way that state looked. 20 So because these states are a lot 21 different in how they keep up with their numbers and 22 how they report them, some of them didn't quite give 23 us the information we were looking for. 24 I know this board talked about some of 25 these things in the last meeting, or the first

1 similar to comparing apples and oranges simply 2 because all the states keep their records different. 3 Some have everything lumped together, some have 4 everything pieced out very meticulously, and some 5 automatically are armed, some you can be armed or 6 unarmed, some have renewal fees that are -- they 7 renew every year. Most are every two years, some 8 are three. One, I think -- I think Pennsylvania, 9 after you renew the first time, from there on out, 10 it's every five years. So when we tried to compare 11 everything, it turned out to be a little bit 12 difficult, but I'll point some of those out. 13 As I said, Ohio, when we first talked to 14 them, they told me they had 24,000 and something, 15 and as it turns out, 15,704 of that number is 16 security guards. So they have Type A, B, and C 17 designations, and the Type C is security only. So 18 there was almost 16,000 right there. And then Type 19 A was security and investigator, that was 7,000. So 20 the private investigators only in Ohio was 939. So 21 when you drill down into the numbers, you really 22 found out — you know, exactly what you were looking 23 for. Pennsylvania was a little bit unique, 24 and I just did a little blurb on them just because I

1 spoke with Cody and she had told me that Tennessee 2 used to keep up with the private investigators on a 3 county-per-county basis. That's the way 4 Pennsylvania does, and they have 67 counties. And 5 they sent me a book that had all of their numbers in 6 it, but they are -- individuals and companies, 7 they're all lumped together. I could have spent 8 about a week going through all 1,300 of them and 9 made a spreadsheet and figured out which ones are 10 which, but I didn't go quite that far, so -- just to 11 see what they look like. They have three counties 12 in their state that make up almost half of their 13 total number of private investigators, and those 14 three over there that you see, the blue one is 15 Pittsburgh, the orange one is — or the red one is 16 Norristown, and I think that's kind of part of 17 Philadelphia, and then there's a Philadelphia 18 County, which is where Philadelphia is. So that's 19 kind of the way that state looked. 20 So because these states are a lot 21 different in how they keep up with their numbers and 22 how they report them, some of them didn't quite give 23 us the information we were looking for. 24 I know this board talked about some of 25 these things in the last meeting, or the first
238 investigators. And that represents an
18.12 percent reduction in numbers. This is what it
looks like on a chart, or a graph. And you just --
there's not been anything significant except from
‘17 to ‘18 is probably the biggest significant drop
during that time period, and it dropped about --
almost -- well, a little over 100 -- just under 200
in that timeframe.

MR. BAYNE: Question. Could that not
reflect baby boomers retiring? Is there an age, did
you notice, or did you research that?

MR. WINFREE: I did not research that.

MR. BAYNE: I understand.

MR. WINFREE: I apologize, I don't have
a lot of information for you as to why this is or
what happened. This is just what we see happened.

MR. BAYNE: Yeah. Thank you.

MR. WINFREE: Uh-huh. The -- in that
same six-year comparison, the private investigative
company numbers also decreased. They decreased by
114, and that also represents -- I think the other
one is 18.12 percent. This is 18.16 percent. So
your company numbers and your individual private
investigators over that period of time have
decreased almost exactly the same. And that's what

it -- kind of what it looks like, and you see a
little bit -- there's a little bit different in the
yearly trends. It looks like from 2016, '17 and
'18, they dropped a little bit more than the first
three years, but overall, it's been almost exact
proportion decrease.

The next several slides are going to
talk about -- it's going to talk about the exact
number of -- and I preface here confirmed. I got
some information from the U.S. Bureau of Labor and
Statistics. I questioned that information. It was
duly good through 2012, and some of the numbers
looked kind of funny, so I really wasn't real
confident in those numbers and exactly -- plus I
don't know exactly how they got them. I mean, I
don't know if it was part of the U.S. Census study
or what. But at any rate, these numbers you're
about to see are just those that are confirmed
numbers. In other words, a state called me back, or
Bradley, and said, "This is how many we have." So
you'll see that a lot of the numbers are missing
there, and if they are missing, it's just simply
that they didn't call us back or they didn't e-mail
back.

I did get -- I got something from

Pennsylvania in the mail Monday, I think, of this
week. I got an e-mail from New York one day this
week as well. So we may get other information
later, I don't know, but -- so those that are down
at zero, that's just -- that just means we were not
able to get that information.

I will note here that Mississippi -- you
see Mississippi there in the middle of that spread,
and that's mostly because it's in alphabetical order
and that's just where it ended up. But Mississippi,
they have private investigators, but they don't --
the state doesn't regulate it. Bradley worked on
the border states, and he explained a little bit
about Mississippi. If you want to contribute a
small amount of money to the -- there's like a state
organization or something like that, that you can do
that and become a private investigator there. So we
didn't get any -- they didn't have any numbers for
us on that.

You see Tennessee out there. I put
Tennessee orange everywhere. I'm not necessarily a
-- that doesn't mean I'm, you know, only a UT fan.
I like UT most of the time. But I colored that just
so it would stand out in each of the slides. And so
these are confirmed numbers, but the better slide is

this one. It just sort of tells you -- you see that
Tennessee there is about in the middle, at least of
the states that we got information back from with --
and that's a current number, that's 1,076.

Virginia had quite a few, and Cody asked
me if that could be inflated, and I -- that was
another one that the -- the border state that
Bradley worked on, and I discussed that with him,
and he felt like based on his discussion with the
officials and where he found that information, he
felt like that was a valid number. Why do they have
so many more? Well, you have to realize Virginia
does have -- when you get up there around Arlington,
it's just outside of Washington, DC, and there
again, when you have lots of people, you seem to
have lots of need for investigations and things like
that. So that could be an explanation as to why
they're so far out, but that's what we have on that.

So what does it cost? It ranges from
$39 in Virginia to $500 in Illinois and Missouri.
And Tennessee is sort of in the middle of that road,
and they are the same as Kansas. There's what it
looked like on the big chart and in a better -- to
me, those other charts are -- they are pretty, but
to me, this shows -- I mean, there's Tennessee kind
of right there in the middle at $250.

Now, another thing that I want to point out, most of these -- most of those figures that -- or all of those figures that are on there, as best I can attest to, that is a license and a registration fee. That does not include -- a lot of states require a test and they have a -- in some cases, a pretty substantial fee for the test. So that does not account for any training, any kind of education, anything like that. That's just if you walked in the front door here and you said, "Hey, I want to be a private investigator," and they hand you an application, you pay that application and license fee, that's what those numbers represent. So it would probably cost you a little bit more all the way up and down the board there for those other incidental fees that are involved.

This is the renewal. It ranges from $34 in Virginia -- and that was another thing Cody and I talked about. It's pretty cheap to get a private investigator's license in Virginia, thirty something dollars for the license, $34 to renew. That could be part of the reason that there's more there, in addition to the fact that there's more people.

Again, Tennessee, to renew is -- It's 125, and when you put it on that other scale there, it's a little bit on the lighter end of -- as far as renewal is concerned with New York and Missouri being at the higher end at $400.

This slide here has an error on it, and I found it last night while I was sitting on the couch. I was kind of worried about coming in here and doing this this morning, so I thought I'd go through it one more time. But, anyway, the error is up there at the top, the initial cost to become a private investigator company, and it's not -- it says it ranges from $300 in Arkansas and Indiana. That's actually -- Tennessee is -- that should have said ranges from $250 in Tennessee to $1,000 in West Virginia. So there is a little bit of an error there, but I caught it.

Tennessee is on the low end of that. As a matter of fact, it is the lowest, and that is as a sole practitioner. When I first put this together, I had that at $500, and that's another level of company in Tennessee. If you have five members -- what is it, Cody? Two --

MS. VEST: It's -- yes, six.

MR. WINFREE: If you've got over six members, then that fee goes up. So that was the initial one that I had in there. So we changed it to the sole practitioner, so it's $250. And when you look at -- when you look at that list, now there's all those states again that we didn't get any information back from, and in some cases, you -- we found some of this information, we went directly to their state laws and their rules and regulations and we found some of those fees, but we didn't find all of them, so -- what we found, Tennessee is the cheapest if you want to become a company as a sole practitioner.

If you are a business or a company and you want to renew, $62 in Texas all the way up to 500 in Missouri. Tennessee finds itself in the middle with Kansas at $250. And that little chart there kind of shows Tennessee and Kansas right there in the middle. And that's the renewal cost.

MR. FLAIR: Excuse me, I have a question. Is -- your research on this, did it show that the other states are comfortable -- or close to us if you've got six or more, ten or more or so on, I know you said sole for the first part, but on company itself, am I correct, Ms. Chairman, in that -- Director, I'm sorry, in that if we have a company and we -- it's according to the renewal of

how many people we have?

MS. VEST: Right. It's based on zero to one, two to five, and more than five.

MR. FLAIR: I guess --

MS. VEST: The more you have, the more you pay the renewal fee.

MR. FLAIR: -- were you able to get any type of that response?

MR. WINFREE: I didn't -- I didn't look that deep into that. I will say this: There again, not many other states did quite like Tennessee in the first place. So that kind of made the comparison, again, that throw us back into the apples and oranges thing because, you know, other states, they all did it a little bit differently.

You know, in some states, you can be a private investigator, and then if you get real busy, you can hire two people and then you're -- and then you're a company, and then you hire somebody over in Donelson because you have some kind of measure of crime spree or whatever you are investigating, and you open up a branch, and so you've got four people there and you're a company, you're four different individuals, and you're a branch all rolled up into one. So it's kind of hard to compare that with all those states.
and make some kind of statement that sort of makes any sense out of it.

5 So that's sort of the end of what we put together that -- to answer as best we could those six questions that you had.

7 So, again, you know, we just brought you some information. As far as why, reasons behind this, the only thing I'll say about it is, you know, when you go to college -- and everybody now is being encouraged to go to college. I mean, my son is going on the Tennessee Promise, it's free. I really like that idea. Or it's not completely free, but a big chunk of it is. But the thing about it is when he gets ready to get a job, they're going to want him to have experience. Well, he doesn't have any experience because he spent the last four or five years in college. If you go to get that job and it requires college experience and you try to get the job before you go to college, then you don't have college or experience. So you get into this endless loop of I can't get a job because I don't have experience, and I can't get experience because I don't have a job. And I don't know if any of you all have been there, but it's easy to find yourself in that spot.

25 I probably led you to more questions than maybe answers, but sometimes that's

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1 So, you know, how do you get into this profession? He even asked me last night, he saw me working on this and he said, "How much does that pay?" So he is trying to decide what he wants to do with his life. He's not real sure.

6 So -- but, you know, when -- like California, when you require 6,000 hours of investigative experience and a million dollar insurance bond, that's a pretty major thing to be thinking about.

11 So, you know, Tennessee, I know you require some investigative experience, you have apprentice programs and things like that, but -- so I guess you just have to ask yourself the question, how would somebody get into this business here in Tennessee based on our current set of regulations and standards and what-not, and then just ask the question would it be easy or difficult to do that?

19 And then again, we didn't really look into that specifically, but going through and trying to find all this information, we ran across a lot of mention about this is required and that.

23 So are there any other questions specifically that -- I probably led you to more questions than maybe answers, but sometimes that's

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1 what studies do.

2 MS. VEST: Alan, are you still with us?

3 MR. ROUSSEAU: Yes, I am.

4 MS. VEST: Do you have any questions?

5 MR. ROUSSEAU: No, I do not. I want to thank Jeff for taking time. This had to be very time-consuming to put together.

8 MS. VEST: Thank you.

9 MR. BAYNE: Being probably relatively old school, I'd like to -- I use the word "percolate" -- study the numbers, study the presentation, which I think was terrific. Is there a way to get ahold of that in my home office?

14 MS. VEST: Yes, we can send anybody a copy of the presentation if you would like to have it.

17 MR. BAYNE: Yes, I would.

18 MS. VEST: Why don't I just send it out to all commission members. That way you can look at it if you wish.

21 CHAIRMAN VALENTINE: That would be good.

22 Thank you.

23 MR. WINFREE: I will correct that one slide before we send it out to you, and then it will be a teeny bit more correct than --

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1 MR. FLAIR: That 250 figure?

2 MR. WINFREE: Yes. That was really the only thing that -- unless we get information in later or something, but --

5 MR. BAYNE: You might want to change that Tennessee color, make it blue-ish maybe.

7 MR. WINFREE: Okay.

8 MR. BAYNE: I jest.

9 MR. BROWN: I think we all can agree it stays the same.

11 MR. WINFREE: Thank you.

12 CHAIRMAN VALENTINE: Thank you.

13 Appreciate you making that presentation for us.

14 MS. VEST: Yes, thank you, Jeff.

15 MR. BROWN: That was a lot of work, it really was.

17 MS. VEST: These two gentlemen that pulled this information together do not work for the private investigation committee. They are in an office for other professionals, but in our office, everyone works on everything. So Jeff can work on the applications for security guard, for instance, then he is going to come over and help us do something else. That's why it has been so difficult to work on a budget because, for instance, my salary
1 I believe
2 I probably
3 mean, this is your profession.
4 association meetings, 2018, you are down 1,076. That is a pretty good,
5 chart, it's in your spread that you're going to be
6 of a decrease. 2016, you went down in 1,228, but on
7 had 1,285 and 53. '15, you had 1,249, a
8 get an audience here. Sometimes we have
9 we can go to these fairs and
10 We can go to fairs.

11 MS. VEST: I'm
12 what it was, did
13 MR. BAYNE:
14
15 15 16, 584, 17, 570 and 18, 514 --
16 MR. BAYNE: I'm not following you there.
17 MS. VEST: I'm sorry. I didn't tell you
18 what it was, did it? Okay. Let me try that again.
19 Your private investigators, we're going
20 to do that. In 2013 was 1,314. In Year '14, you
21 had 1,285 and 53. '15, you had 1,249, a little bit
22 of a decrease. 2016, you went down in 1,228, but on
23 2018, you are down 1,076. That is a pretty good,
24 significant drop. That's in the -- that's in your
25 chart, it's in your spread that you're going to be

1 getting, but I just -- that was an eye-opener to us.
2 I've told you all along I felt like we were
3 decreasing. I can see my totals, but sometimes
4 they're not -- I'm not real sure about what I'm
5 seeing or where I pulled them, but my numbers came
6 pretty close to what IT had.
7 What are we going to do about this?
8 Well, I don't know the answer to that.
9 CHAIRMAN VALENTINE: Who had --
10 MS. VEST: I'm not going to stand on a
11 street corner and say, "Come on in, let's be a
12 private investigator." I'm going to tell you, for
13 instance, we are having a seminar in Gatlinburg.
14 Very few PIs are even participating. We don't even
15 get an audience here. Sometimes we have individuals
16 and we do appreciate that.
17 We can go to fairs. It's real hard --
18 we can go to these fairs and I can say here is
19 information to become a private investigator. Are
20 you going to hire them? They have no experience. I
21 mean, this is your profession. I don't know -- this
22 is something you should be talking about in your
23 association meetings, I think. We should talk be
24 talking and saying, hey, what are we going to do to
25 help get people in this industry, if we're going to

1 a time line for that. All we can do is propose the
2 change, and if the commissioner chooses to include
3 that in her packet to lobby for, it would go that
4 way.
5 The -- probably the quicker way is for
6 one of you all to obtain a sponsor that's already on
7 the hill to push for that change. That's probably
8 easier than trying to include that change in the
9 department's package. Just based on the numbers of
10 the industry changing and all that and the number of
11 licensees, I think it will be a hard sell for the
12 commission to say that we need a huge legislative
13 overhaul.
14 MR. BROWN: I know the question was
15 asked earlier about baby boomers. I got about 10 or
16 15 friends of mine that have retired, PIs, because
17 of the age to where they're at. Some of the lower
18 numbers of people in terms of their license numbers,
19 a bunch of them are retired.
20 MR. BAYNE: I have questioned my fellow
21 commission members with this. In the last six
22 months, I've had two -- I've interacted with two
23 younger folks, both of whom have become licensed
24 PIs, and I was contacted recently by a third who
25 also would like to move in that direction. Has any
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<tr>
<td>1 of the other commission members had that experience</td>
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<td>2 with younger folks indicating an interest?</td>
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<td>3 CHAIRMAN VALENTINE: No.</td>
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<td>4 MR. RICHARDS: Yes.</td>
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<td>5 MR. BAYNE: Do speak to that, Jerry, if</td>
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<td>6 you would.</td>
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<td>7 MR. RICHARDS: I'm like Walt. I'm not</td>
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<td>8 going to take anybody else into my company for a</td>
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<td>9 variety of reasons, but -- I'm just not going to do</td>
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<td>10 it, and I think probably most of the members here on</td>
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<td>11 the commission feel the same way.</td>
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<td>12 MR. BAYNE: Of the thousand and so</td>
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<td>13 number licensees, would it be relatively safe to say</td>
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<td>14 that the folks who are licensees, a significant</td>
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<td>15 number of them are former law enforcement to some</td>
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<td>16 degree?</td>
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<td>17 MS. VEST: I'm going to say yes, to some</td>
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<tr>
<td>18 extent, yes.</td>
</tr>
<tr>
<td>19 MR. BAYNE: To some extent.</td>
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<td>20 I had an idea. I don't know that it's a</td>
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<td>21 commission thing, I don't know that it's a staff</td>
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<td>22 thing, but -- and I'm kind of a neophyte here.</td>
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<td>23 However, it seems to me that there are insurance</td>
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<td>24 claims associations operating across the state,</td>
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<tr>
<td>25 there are various and sundry types of law</td>
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<td>1 enforcement associations operating across the state</td>
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<td>2 and meeting. Recently I volunteered to speak at a</td>
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<td>3 high school, which may or may not take me, and talk</td>
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<td>4 about the career of being a PI, and I wonder if we</td>
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<td>5 wouldn't find an interest in a sheriff's officer</td>
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<td>6 association or a Tennessee Association of Chiefs of</td>
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<td>7 Police association meeting in which we could say to</td>
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<td>8 them, &quot;I'm very specialized in my work, PI-related</td>
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<td>9 work, others aren't, and yet I've got two young</td>
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<td>10 people wanting to get into this profession.&quot;</td>
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<tr>
<td>11 MS. VEST: Are you going to hire these</td>
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<td>12 two young people --</td>
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<td>13 MR. BAYNE: I've got one.</td>
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<td>14 MS. VEST: -- make them apprentices?</td>
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<td>15 MR. BAYNE: I've taken one on and I'm</td>
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<td>16 considering the other.</td>
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<td>17 MS. VEST: Are they going to be</td>
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<td>18 apprentices?</td>
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<td>19 MR. BAYNE: One is a licensee, an</td>
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<td>20 affiliate now. The other is unlicensed, and you</td>
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<td>21 will meet him Monday. He is coming in to say hi.</td>
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<td>22 MS. VEST: Okay, good, it's a meeting,</td>
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<td>23 good.</td>
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<td>24 Now, I have gone to different colleges</td>
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<td>25 and spoken when I get the invitation to do so. I'm</td>
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<td>1 going to be quite frank with you. They want to talk</td>
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<td>2 about security guards. They said the quickest thing</td>
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<td>3 they can become is a security guard. Some of them</td>
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<td>4 already are while they're attending school. But,</td>
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<td>5 yes, I do talk on all the professions.</td>
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<td>6 If I do get an invite to go to one of</td>
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<td>7 those associations, I would love to go and perhaps</td>
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<td>8 take a board member, commission member, with me</td>
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<td>9 because it is your profession. All I can speak on</td>
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<td>10 is how to become one and how much it's going to cost</td>
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<tr>
<td>11 you to where you would be able to speak on actually</td>
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<td>12 your profession itself.</td>
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<td>13 MR. BAYNE: Responding to that, would</td>
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<td>14 commission members be willing to promote the idea to</td>
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<td>15 various and sundry associations across the state and</td>
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<td>16 step up and participate?</td>
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<td>17 MR. FLAIR: I don't think we can do that</td>
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<td>18 as commissioners, can we?</td>
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<td>19 MR. BAYNE: Not as commissioners.</td>
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<td>20 MR. FLAIR: Right. Okay.</td>
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<td>21 MS. VEST: No, but you would be going</td>
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<td>22 with me to speak as a private investigator with your</td>
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<td>23 experience as a private investigator, not as a</td>
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<td>24 commission member, because I'm the one there that's</td>
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<td>25 going to be speaking on that. You're going to say</td>
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<td>1 this is -- maybe you're going to give your life</td>
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<td>2 story, this is how I became a private investigator,</td>
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<td>3 this is what I had to do. I mean, surely you have</td>
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<td>4 stories of rolling around in trash cans, rolling</td>
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<td>5 down a hill, and you probably have really</td>
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<td>6 interesting stories to tell that we don't do now and</td>
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<td>7 move over into what you do in the profession now</td>
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<td>8 compared to what it was.</td>
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<td>9 MR. BAYNE: And while there are</td>
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<td>10 commission members here who would not hire, I don't</td>
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<td>11 think that's the prevailing activity across the</td>
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<td>12 state, one of the two persons with whom I spoke</td>
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<td>13 found himself a PI company and was hired. So,</td>
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<td>14 again, the question is, is the commission willing to</td>
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<td>15 contribute a piece of time in their own area and</td>
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<td>16 promote the idea to various and sundry associations</td>
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<td>17 that it's time for some of those old grizzled police</td>
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<td>18 officers to leave and become licensed PIs?</td>
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<td>19 MS. VEST: I do get the invitation to</td>
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<td>20 the TIPI -- what is that, Tennessee investigators</td>
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<td>21 and the other association or what, but these are</td>
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<td>22 already private investigators. The only thing I'm</td>
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<td>23 doing is going back in. They already know my story.</td>
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<td>24 MR. BAYNE: Yeah.</td>
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<td>25 MS. VEST: But you're talking about</td>
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1 going out into the field to talk to individuals who
2 might be interested in getting into the industry. I
3 think that's great. I can do that. I can tell them
4 what is required legally to do that. I'm not going
5 to be able to tell them what they would do in the
6 industry. I'm willing to --
7    MR. SHANKS: I think one of the issues,
8 most of us won't hire a PI to work under us, and we
9 are getting stuck on the 2,000 hour. But if you
10 look at the state law, it says "or education." So
11 if somebody has an associate degree in criminal
12 justice or a bachelor's degree in whatever, wouldn't
13 that be enough education to cover the 2,000 hours or
14 the "or" part?
15    MS. VEST: All right. I'm going to let
16 the attorney address that, but let me explain this
17 to you: I'm -- when I go to the seminar Monday,
18 there is no 2,000 hours. 2,000 hours is to start a
19 company, not to become a private investigator.
20    MR. SHANKS: Right.
21    MS. VEST: There is a very big
22 distinction there.
23    MR. SHANKS: Okay. But, Cody, if we are
24 not hiring private investigators, for them to become
25 a private investigator, they had to do like I did

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and become a company.
    MS. VEST: Right.
    MR. SHANKS: So we can tell them you can
4 become a company with your bachelor's degree or with
5 your associate address in criminal justice because --
6    MS. THOMAS: And, Mr. Shanks, you are
7 correct, it does say the 2,000 hours of
8 investigative experience or one year of applicable
9 related experience or education, says "as approved
10 by the commission." So you all do have the
11 authority to look at that education and determine if
12 that is sufficient enough to start a private
13 investigation company.
14    MR. BROWN: We've had applicants come
15 before us asking for those waivers or approval from
16 us.
17    MS. VEST: Okay. I think we are talking
18 two different things here. One is hiring somebody
19 to work for your company. He's not going to do
20 that. But if he is a -- or her -- individual who
21 wants to get into the industry, can't find someone
22 to hire them, that's when they would go to this
23 section, whether it be the 2,000 hours experience or
24 their education.
25 (Inaudible speaking.)

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1 individual, association, or whatever, do we identify
2 ourselves as -- are we allowed to identify ourselves
3 as a commissioner member, or is it just PI and
4 company name?
5    MR. FLAIR: Sunshine law.
6    MS. VEST: If you get invited to speak,
7 you would need to explain that you are speaking on
8 behalf of yourself as a private investigator and
9 make it known it's not part -- you're not speaking
10 on the commission --
11    MR. BROWN: What I'm saying is if they
12 --
13    MS. THOMAS: It's not assumed that you
14 are hiding that you're a commission member, you're
15 just giving them information --
16    MR. BROWN: But if there's a program or
17 agenda that says "David Brown, commissioner member,
18 PI/polygraph," we can't do that, can we?
19    MS. THOMAS: I would advise not to do
20 that.
21    MR. BROWN: That's what I thought.
22    MS. VEST: It needs to say "private
23 investigator number," whatever your number is.
24    MR. BROWN: Period. Right.
25    MR. FLAIR: All this results to the

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18 cast in concrete.

19 AS a commission member is what I understand it and
20 the way I interpret it. Is that pretty much --
21 MS. THOMAS: That's correct, but it's
22 also you don't want to say something that they then
23 rely on, thinking that it's coming from the
24 commission.

25 MR. BROWN: I gotcha. They take it as
26 gospel and run with it, and you give them bad
27 information.

28 MR. FLAIR: I've got one other comment,
29 if I may. Over the past year and a half or two
30 years, I've had several people come to Flair
31 Enterprises and my company and ask to be hired.
32 When I would interview them, I would ask them what
33 their intentions -- why they wanted to be a PI or
34 whatever. They don't want to get out and do the
35 surveillance. They don't want to do the major
36 multi-million dollar theft, fraud, things of that
37 nature. They want to be able to sit at their
38 computer and do computer research, backgrounds. And
39 speaking as an owner of a company, you know, I can
40 see where we are having a decline in our industry
41 because of the cyber world, and it's not required to
42 be a PI to do cyber research, in my opinion, or
43 that's the way it's been expressed to me. So I
44 think -- and I'm sure the other fellow commissioners
45 realize that as well.

46 You know, I've got a certain fee that my
47 company charges to do background research, I've got
48 a certain fee for this, this, and this, but so much
49 of this can be done through the computer systems,
50 and when we explain that even to the people as
51 clients -- and, honestly, I direct them, I said save
52 yourself some money and this is what you can do as
53 long as you stay within the rules, and I think
54 that's got a real big impact on our industry is just
55 the cyber world itself.

56 I don't know how we -- I don't like the
57 word "get around it." I don't know how we address
58 it. And, again, if we addressed it, it wouldn't --
59 in my opinion, if we addressed it to try to get
60 legislative to say if you do research for more than
61 one person and this and that and so on through the
62 cyber world, are you required a license. I don't
63 know how you are going to get around that. I just
64 don't know how to address that. I don't know if
65 today is the platform to even go into it. I just
66 wanted to make that comment.

67 CHAIRMAN VALENTINE: I think all of our
68 discussion that we've had here in the past half hour
69 is based on our budget and whether we're going to
70 make the budget or not and whether we're going to be
71 in the sunset area. And it seems to me like, you
72 know, looking at the figures of our surplus and
73 deficit, that the major expense we have is the
74 Edison expenditures, and that is more than our
75 income. Can we do away with Edison?

76 MS. VEST: It's nice knowing you there,
77 Mr. Valentine, because that's where my salary comes
78 from. Lighten it up in here just a little bit.

79 MR. BAYNE: Let the record state that
80 Mr. Valentine said that.

81 MS. VEST: That's why I told you I need
82 to have Assistant Commissioner Carter Lawrence come
83 in. And I told you when I started this that we are
84 taking a look at that, we're taking a look at the
85 expenses on our computer, we are looking at the
86 expenses for the employees, but there's --
87 gentlemen, there's only so much I'm going to be able
88 to do with that. These salaries are set. We've got
89 a computer, we're -- and we have to pay our fair
90 share for it. I told you before already, the only
91 thing I can hold down is expenses, and that's
92 nothing more than what paper, pens, something of
93 that nature, that's all we can do.

94 So before I say anything else, I'm going
95 to leave it at that so I can talk with the assistant
96 commissioner, we can see what we're going to do, how
97 he can assist us with this, but you do need to
98 realize it might not be a solution.

99 CHAIRMAN VALENTINE: It seems to me like
100 if we're trying to balance the budget, that we could
101 simply increase the fees for renewal from 125 to 200
102 dollars --

103 MS. VEST: I do --

104 CHAIRMAN VALENTINE: -- and that would
105 put us in line with a lot of other states, and I
106 don't know how much revenue that would generate, but
107 the way it is right now, our expenditures are pretty
108 cast in concrete.

109 MS. VEST: Yes, it costs a lot to run a
110 nine-member commission.

111 CHAIRMAN VALENTINE: And we're not going
112 to have any more income.

113 MS. VEST: That's what it looks like to
114 me. I don't see the trend of more people coming in
115 to generate more additional income.
CHAIRMAN VALENTINE: My best guess is we are going to have fewer members come into the business.

MR. BAYNE: That may be the first thing I question -- or object to. I'm not sure I agree with that.

CHAIRMAN VALENTINE: Well, it's gone down every year for the past 20 years. I don't see any change in that.

MR. BAYNE: I understand.

MR. SHANKS: Question: If I'm going back to the company, that's our issue, we got to get people wanting to start companies, if the board agrees if somebody has a criminal justice degree and they apply, instead of coming to us, if we say yes, if they have a criminal justice degree, that qualifies for 2,000 hours, would you have to bring that to us every time?

MS. VEST: What is -- yes. The commission has the authority to make that decision, but I'd have to bring it before you, yes.

MS. THOMAS: If they agree to that now?

MS. VEST: Okay. I'm sorry, I misunderstood.

MS. THOMAS: You can delegate that authority if that's the standard you want to set for education for a company --

MR. SHANKS: No, if it's a criminal justice degree that's related to investigations, it means, you've got a lot of students that are trying to be crime scene techs and they are getting out and realizing TBI is the only place they can go and they're already booked and full and here they got a degree, but can't use it.

MS. THOMAS: Right.

MR. SHANKS: So --

MS. THOMAS: Yeah, so that's something that the commission can decide is acceptable qualifying education essentially for their application for a company, and if you all make that decision, when Cody gets an application that is reflective of that, she wouldn't have to bring that to you all to approve.

MR. BROWN: How many applicants have we had this year for PI?

MS. VEST: I don't have that figure for this year. This year started in July.

MR. BROWN: Okay. Well --

MS. VEST: '18 --

MR. BROWN: Or '17.

MS. VEST: I just have the number of licensees. I don't have the number of applicants available.

MR. SHANKS: But, again, if that ideal of criminal justice degree or whatever associate degree, if we start having issues, we always can address it no, they need to come before us from this point on. We could do that also, couldn't we?

MS. VEST: Yes, sir, if they meet those requirements, you don't even -- that she's listed, you don't even see the applications. I approve them myself. They meet the requirements. The only ones you're going to see -- which you have not seen applications in a long time. You might seen a polygraph, but you haven't seen a private investigator.

MR. BROWN: We haven't seen any in a long, long time.

MS. VEST: Are getting a license because they are qualified.

MR. SHANKS: So basically, if I make a motion -- I'm not making one, but if I make a motion that says if somebody has an associate degree in criminal justice or a bachelor's degree with some criminal justice, that would qualify for a PI company?

MS. THOMAS: So, yes, you can make that motion is the short answer. I think the question becomes if you say a bachelor's degree with some criminal justice, I think the commission needs to decide how much criminal justice education is enough.

MR. BAYNE: I'll hold. I'll wait.

MR. SHANKS: Like we've mentioned a minor in criminal justice. So if we have a minor in criminal justice with a bachelor's -- you know, bachelor's with a minor in criminal justice.

MS. THOMAS: If that's what the commission desires, yes.

MS. VEST: I don't know. I know I -- I'm sorry. Sometimes my face gives me away. That's not really, I don't think, the issue here. Those people that are coming in meet these requirements.

MR. SHANKS: But people aren't coming because they don't have the requirements. I have people saying, "I don't have 2,000 hours. I can't get there."

MS. VEST: To start their own company?

MR. SHANKS: To start their own company.

We're not going to hire them. We need to get people...
to start their own companies and be competitors with
us and --

MS. THOMAS: So, again, I think it may
be more of an issue of educating them that this
requirement is --

MR. SHANKS: It's there.

MS. THOMAS: -- situation, yeah. It's
not necessarily the commission needs to say this
education qualifies. It's that the public needs to
know that it's not 2,000 and the one year of
education. If we can educate them in some way that
it's an either/or situation, I think that that may
address what you're thinking about.

MR. SHANKS: But I'd rather Cody be able
to approve it instead of having to come to us every
time.

MS. THOMAS: I think what she said is
she does if a person submits an application and they
have a bachelor's degree that looks at education
because oftentimes she would come to me, we'll look
at it, and if there's a question, she will bring it
to the commission, but if it's clear that it is
clear within the investigation --

MR. SHANKS: So that's already being
done with people with -- oh, I'm sorry. I thought
we weren't getting those.

MR. BAYNE: In 2015 and '16 and '17 --
2015, '16 and '17 fiscal years, was this commission
profitable, meaning in the black? So what I think
I'm hearing is this is the first year we're in the
red.

MS. VEST: The short answer is yes.

This one here we have is the fiscal year that ended
in '17 is the first year that you have actually been
in the red that I can remember now. I'll have to go
back and pull my --

MR. BROWN: From '14, this is the first
time it's happened?

MS. VEST: This is -- yeah. You could
have hit some rocky road, but '17 is one that really
stands out with 21,000, and you're already in the
red for July and I'm sure you are in the red for
August, I'd have to take a look at that. I see the
trend is the whole year going that way. Have you
been profitable in the past? We don't actually make
a profit. We were in the black.

MR. BAYNE: Thank you. That's what I
meant.

MS. VEST: Yes, we have.

MR. BAYNE: I'm just looking at the
numbers on Jeff's presentation and seeing the
difference in PI numbers between '16 and '18 amount
to about 150 PI. So that represents 150 licensees
that didn't --

MS. VEST: That did not --

MR. BAYNE: -- did not pay. So, yes.

While I see the trends over these last six years --
thank you, Mr. Winfree -- I do believe the work is
out there for the enterprising person.

MS. VEST: We are looking at the
computer. Just give me just a moment. You asked a
question.

(Brief pause.)

MS. VEST: Okay. I believe the question
was asked to me how many applicants we had this
year? Was that not a question I was asked?

MR. BROWN: Yes, ma'am.

MS. VEST: We have 15 open applications
that have not been approved yet.

MR. BROWN: Okay.

MS. VEST: Now, among those, there could
be someone with a criminal record that's not going
to get approved or decide not to or lose their
company affiliation or whatever, but as it stands
right now, there's 15.

MR. BAYNE: Three months? Over three
months, roughly?

MS. VEST: Yes, sir, that's July, yes,
sir. Starting with this new fiscal year.

CHAIRMAN VALENTINE: How do we raise the
renewal fee?

MS. VEST: The trend that I'm actually
seeing is deregulation on the hill, or an attempt to
deregulate. For you to -- someone would find
representative on the hill to submit this
information, but like I have said before, I don't
believe you can raise fees on the application
because you don't want to detour the individual
getting into the industry. So it's going to be
raising renewal fees. So I would have to sit down
and try to figure out roughly how many I anticipate
for this year, see how much of an increase that
would have to be. I don't know that right off the
top of my head.

CHAIRMAN VALENTINE: If we have 200
renewals at $75, that's $15,000.

MS. VEST: Okay. But maybe this raising
fees is not the way -- is that the way to keep this
program running? Am I going to raise them again the
following year? The following year? The following
1 year?
2 CHAIRMAN VALENTINE: Well, we haven't
3 raised them in many, many years.
4 MS. VEST: That's true.
5 CHAIRMAN VALENTINE: If they -- if we
6 keep the budget the way it is now, that would be
7 quite a surplus.
8 MS. THOMAS: I think those rules would
9 be hard to pass when there are already people that
10 are deciding not to renew at the cost that it is now
11 because there's a decrease in the number of
12 licensees every year. I think that -- once it gets
13 to the hill, I think it would be hard to justify why
14 we need to increase the fees on people who are
15 currently licensed when people are leaving the
16 industry at the pace that they are.
17 CHAIRMAN VALENTINE: Are they -- I don't
18 think they are leaving because of the fees --
19 MR. BROWN: Age.
20 MR. BAYNE: Correct.
21 CHAIRMAN VALENTINE: -- at all.
22 MS. THOMAS: I understand that. What
23 I'm saying is you don't want to seem as though you
24 are, for lack of a better word, punishing people
25 that are still here because people are leaving the
26 industry for whatever reason.
27 CHAIRMAN VALENTINE: But you've just
28 presented to us the fact that Tennessee is very,
29 very low in the renewal fees. So if we're going to
30 stay a viable commission, we're going to have to
31 have more income. And the answer is not getting
32 more people to come into the industry because we
33 can't control that.
34 MR. BAYNE: Bayne agrees.
35 CHAIRMAN VALENTINE: But we can raise
36 the fees on renewal.
37 MS. VEST: What fee was that that you
38 presented there, Mr. Valentine?
39 CHAIRMAN VALENTINE: Changing the
40 renewal fees from 125 to 200 dollars.
41 MS. VEST: Based on the numbers that we
42 have, it would be what?
43 CHAIRMAN VALENTINE: If you multiply
44 that $75 times 200 people, that would be $15,000.
45 MS. VEST: That doesn't cover. You are
46 in the red 21.
47 MR. BROWN: Let me give you this. We've
48 got 1,074 Pls, is that correct? Every two years, it
49 comes up for renewal. 80,550 is $75 increase. You
50 split that in half, that's 40,000 a year.
51
I think that's a scary thought, especially with some of the complaints that the legislative report -- excuse me, legal report was today. And we are legislated. To have no legislation is -- I think that would hurt the credibility of those that have worked so hard for good reputations.

MS. VEST: There would be a possibility -- they actually -- I don't know the professional term for it -- instead of being a license, maybe it could be a registration. So you would still have PI's that would register as private investigators.

CHAIRMAN VALENTINE: But no oversight?

MS. VEST: Maybe that means that they would lose a company affiliation, maybe it would just be private -- I don't know those ramifications.

Of course, there's always the possibility the whole profession is deregulated. I mean, you had what, two complaints? I mean, it was four, but it was a PI and his company. That made two complaints. How many did you hear last month? How many did you -- last meeting? How many did you hear the meeting before that? Mostly what you are hearing, I think, is somebody giving me a report. Could that not be a civil matter? I don't know. There's a lot -- maybe different ramifications. Don't ask me them questions.

CHAIRMAN VALENTINE: Okay. Are we through the administrative matters?

MR. RICHARDS: I've got one question for Ashley. If this commission makes recommendations for changes in the law and sends them to the commissioner, why would the commissioner not include them when she sends them over to the hill?

MS. THOMAS: She's granted a certain amount of leeway of which programs. There are 27 programs here. There may be some that require more immediate action than what we have presented, but there are a lot of considerations for the commissioner as to which law she's going to propose in her packet.

MR. RICHARDS: So she can present recommendations for each individual if they like polygraph, you know, we made those -- several months ago, we made recommendations to have changes made in the law. She chose not to send them to the hill. I'm just wondering why.
not, Mr. Chair?

CHAIRMAN VALENTINE: Yes. We approved four different courses. To the Knoxville ACFE chapter, to Devan and Associates, and two to Steve Reed for Nashville corporate security symposium and active shooter preparedness workshop.

MR. SHANKS: Shanks makes a motion to accept it.

MR. BROWN: Commissioner Brown seconds it.

CHAIRMAN VALENTINE: Okay. We have a motion and second. Any discussion?

All in favor, say aye. No, we will call the roll.

MS. VEST: We'll do a roll call.

Stuart Bayne?

MR. BAYNE: Aye.

MS. VEST: David Brown?

MR. BROWN: Aye.

MS. VEST: Larry Flair?

MR. FLAIR: Aye.

MS. VEST: Jerry Richards?

MR. RICHARDS: Aye.

MS. VEST: Alan Rousseau?

MR. ROUSSEAU: Aye.

MS. VEST: Doug Shanks?

MR. SHANKS: Aye.

MS. VEST: Walt Valentine?

CHAIRMAN VALENTINE: Aye.

MS. VEST: The ayes have it.

CHAIRMAN VALENTINE: Do we have any unfinished business?

MS. VEST: Just a little bit, yes, sir, we do. Unfinished, I'm sorry, no unfinished.

CHAIRMAN VALENTINE: Do we have any new business?

MS. VEST: We have the new dates for 2019, commission dates, and once again --

CHAIRMAN VALENTINE: And that's quarterly as opposed to every other month?

MS. VEST: Yes, sir. We looked at that.

We decided, the commission did, four meetings a year starting in November.

Again, I'm going to bring it up that maybe we can move the commission meetings from a Friday to another day. With Nashville the way it is, with the traffic, people coming in on the weekend, I don't know how much trouble you are having getting rooms, leaving. I have a program that meets on Thursdays, for instance.

MS. VEST: Why Thursday?

MR. SHANKS: Why Thursday? But Fridays are busy.

MS. VEST: Why Wednesday, actually? But I already have a meeting --

MR. BAYNE: But Fridays are usually busier.

MS. VEST: Yes, Fridays are usually extremely busy because first to get ready for a board meeting, it takes several days. We don't care. I have one that's already meeting on Thursday, it works fine. But if you want to meet on a Wednesday -- this is your commission. I'll do whatever day that you want us to do.

MR. BROWN: What's better for you and the staff?

MS. WILLIAMS: A lot of stuff that goes on in Nashville when I research this, it's like a Monday through Wednesday, and towards the end of weeks are when it's stopping, and a lot of stuff will start on a Monday and Tuesday again.
MR. BAYNE: So Thursday's in between that Monday through Wednesday and then the weekend. MS. WILLIAMS: Thursdays and Fridays were a lot better with a lot of stuff going on. MS. VEST: Well, if you want to do Wednesday -- whatever you vote for is okay with me. I don't care. MR. ROUSSEAU: Mr. Chair, may I offer an amendment to the motion? MS. VEST: Yes, sir. MR. ROUSSEAU: Would you consider an amendment to the motion that we wait for a report back from the staff on the feasibility of what dates will work between -- I think you said Monday and Thursday? Because of the various activities, we don't really -- we might get ourselves in the same situation Thursday. Let's give the staff a chance to look at other activities going on throughout the year. MS. VEST: Thank you, Mr. Rousseau. Yes, sir, I think that's -- we can -- if that's okay with the commission, we will take a look at Wednesday or Thursday. Then we will come back to you in November. Or if not -- or maybe even sooner, I can send you an e-mail if we see it looks good.

MR. BAYNE: So I guess I need to take away my motion. MS. VEST: You can withdraw your motion. MR. SHANKS: I'll do that. MS. VEST: We don't need a motion for that. I'll just do the research and I'm going to look for Wednesday or Thursday if that's okay with the commission. MR. BAYNE: It's fine. Be sure I understand, in 2019 we are going to quarters? MS. VEST: Yes, sir. MR. BAYNE: As for me, Fridays are generally easier, but I'm going to be happy to meet anytime. MS. VEST: Thank you. And we serve at your discretion, so any day that you choose is when we will do that. And I really appreciate that. I have been asking for years to change it from a Friday, so -- and that's great. Thank you. We will take a look at it. I'm going to come back to you in November and give you the new dates. Either it will be on Wednesday or Thursday at all possible. We have to go out and see what's happening for next year because here in Nashville, you need to go ahead and make your room reservations for the entire year because, I mean, seriously, it's just hopping here in Nashville. Is anybody having trouble getting a room?

MR. FLAIR: (Raised hand.) MR. ROUSSEAU: I have from time to time depending on what basketball games or football games are going on. MS. VEST: Okay. That's why I said once I give you this schedule, we need to go ahead and book it for the whole year, wherever you're going to stay at.

MR. BROWN: You need to pay extra refundable so you can cancel it in case of bad weather. MS. VEST: That's always a possibility.

MR. FLAIR: It's the schedule of the atmosphere of Nashville and they're gouging the rooms. You can't get a room under $350 in downtown. You can go over to the one over here, I think, but -- but that's my issue, and I do it in advance, online.

MS. VEST: Okay. Let me explain that to you. If you're asking for the state rate, you need to call. Do not do it online. There are several hotels around here that are offering the state rate. MR. FLAIR: But in my experience, Madam Chairman -- or Director, I'm sorry, when you go online or you call them in person -- and I discussed it earlier with one of the other people here -- like the particular venue that I use, my senior used to be rate was cheaper than the state. So I would always book it that way because it saved the state some money. Now this occasion and the other places that I stay at the different venues, the state rate was cheaper than the senior, so it's swapped around now. And that's -- I found that only here in Davidson County.

MR. SHANKS: I know the Holiday Inn over on Broadway by the convention center, they honor the state rate and it's two blocks, and that's where I stay. And I --

MS. VEST: Yes, sir, that's where -- I sent out an e-mail to my alarm board. They were having some difficulty finding places and we did find several hotels that were still -- but you have to call them and ask for the state rate. Yes, I have experienced seeing how much is a room and find out it was say $200 and the state rate was even more
1 than what the room was. So you have -- you have to
2 know what you're doing there, but make sure you call
3 to make your reservations.
4 But I will do this for you. We will get
5 this information to you as fast as we can. We will
6 send out an e-mail to everyone.
7 MR. FLAIR: What is the date in
8 November, please?
9 MS. VEST: November the 9th.
10 MR. BROWN: Be sure to vote on Tuesday.
11 That Tuesday is a general election. Be sure
12 everybody gets out and votes.
13 MS. VEST: Okay. It wouldn't be on a
14 Tuesday.
15 MR. BROWN: Being a good patriot, you
16 know.
17 CHAIRMAN VALENTINE: Do we have any
18 further new business?
19 MS. VEST: No, sir, I do not.
20 MR. BAYNE: Just a comment. If you --
21 there were ten states who did not reply. There was
22 ten states where all the information you desired
23 didn't get to you. You anticipate any additional
24 information coming in?
25 MR. WINFREE: It's possible that --

1 because I made -- I made a request to Illinois and
2 California and Florida, I did those myself, and I'll
3 have to ask Bradley which ones he asked for, but
4 those states I didn't hear from. I did hear from
5 Ohio officially, Pennsylvania officially, and New
6 York officially, that they responded to written
7 e-mail request as they indicated.
8 MR. BAYNE: The reason I ask is between
9 now and November 9, I imagine we're all going to get
10 that presentation that you did, and I would wonder
11 if you get any additional, keep it brief and simple,
12 to the point and send it to us?
13 MR. WINFREE: Sure. I can do that.
14 MR. BAYNE: Thank you. Thank you for
15 your work.
16 MR. BROWN: Some of the states like
17 Mississippi is not going to send you anything.
18 There is no association, no state regulation. They
19 have encouraged me to join the association down
20 there, which I have. All it is is a listing
21 basically what it is. Somebody wants to see -- find
22 a PI in North Mississippi, you'll find me.
23 MS. VEST: Okay. That November date,
24 November 9th, if you haven't already booked your
25 rooms, that is Veteran's Day weekend. You might

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MS. VEST: Let's take a look at -- hopefully you've got it in the same order, Association of Certified Fraud Examiners. Usually if I get anything like that, it's automatically approved. But they had a couple -- they're having a chapter meeting, and if you look on your iPads, you will see that you have the whole day that looks like they have the Tennessee Office of Inspector General, Asbury and Sims is going to be participating, so it looks like a special agent from the FBI, so it looks like they might have a very interesting course. So they want to go ahead and they want to have this in October. So they've sent it in in advance. I started just to go ahead and approve it, but since it was just this one thing here, this one presentation, I thought I would bring it to you.

All right. Mr. Valentine?

MR. VALENTINE: Good morning. Has everybody had an opportunity to look at the education review?

MR. FLAIR: I have.

MR. VALENTINE: The first one there is the Knoxville AFCE chapter, a seminar for seven hours. Any comments on that one?

MR. BAYNE: None. I move to accept.


MS. VEST: Okay. That was -- Mr. Bayne made the motion?

MR. BAYNE: Stuart Bayne, yes.

MS. VEST: And Mr. Brown did the second?

MR. VALENTINE: Any discussion?

(Chorus of ayes.)

MR. VALENTINE: All opposed?

Motion carries.

The second one is Devan and Associates, conference in North Carolina and South Carolina for 12 hours. Any comments or discussion?

MR. BROWN: They've been approved before, haven't they?

MS. VEST: They're on the -- yes, they are on your approved course list, but not for this.

MR. BROWN: I looked at it --

MS. VEST: They're for one thing, if I'm not mistaken.

MR. BROWN: Correct.

MS. VEST: Do what now, I'm sorry?
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| 1 They're only on your course approved list for one class. | 1 The first one -- | 1 MR. VALENTINE: Bayne, second. | 1 Elite Reporting Services * (615)595-0073  
www.EliteReportingServices.com |
| 2 MR. BAYNE: This is Bayne. This program is offered in November, so it's ahead of time. | 2 consider both of them together -- | 2 MR. VALENTINE: Moved and seconded to adjourn. All in favor, say aye. | 5.8 |
| 3 MS. VEST: Yes. | 3 MS. VEST: Yes, oh, yes. | 3 (Chorus of ayes.) | |
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