

PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

COMMISSION MEETING

November 09, 2018

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
 COMMISSION MEETING
 November 9, 2018
 DAVY CROCKETT TOWER
 500 JAMES ROBERTSON PARKWAY, ROOM 1A
 NASHVILLE, TN 37243

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

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A P P E A R A N C E S

COMMISSION MEMBERS

- Walt Valentine, Chair
- Paul David Brown, Jr., Vice-Chair
- Larry T. Flair, Sr. - by telephone
- Jerry Richards
- Alan G. Rousseau
- Robin Brewer-Johnston
- Stuart Bayne
- Doug Shanks

ALSO PRESENT

- Ashley Thomas, Staff Attorney
- Stuart Huffman, Staff Attorney
- Cody Vest, Executive Director
- Shauna Williams, Administrative Assistant

* * *

1
2 CHAIRMAN VALENTINE: Good morning, fellow
3 Commission members, staff members, and honored
4 guests. Today's date is November 9, 2018, at
5 approximately 9:30 a.m. I'm Walt Valentine,
6 Commission chair, I'll now call to order the meeting
7 of the Tennessee Private Investigation and Polygraph
8 Commission. Executive Director Cody Vest, please
9 call the role.
10 MS. VEST: Thank you. Stuart Bayne?
11 MR. BAYNE: Present.
12 MS. VEST: David Brown?
13 MR. BROWN: Here.
14 MS. VEST: Larry Flair?
15 MR. FLAIR: Here, on the phone.
16 MS. VEST: Robin Johnston?
17 MS. JOHNTSON: Here.
18 MS. VEST: Rick Jones? Jerry Richards?
19 MR. RICHARDS: Here.
20 MS. VEST: Alan Rousseau?
21 MR. ROUSSEAU: Here.
22 MS. VEST: Doug Shanks?
23 MR. SHANKS: Here.
24 MS. VEST: Walt Valentine?
25 CHAIRMAN VALENTINE: Here.

1 MS. VEST: Let the record show that Rick
 2 Jones is not present, but you do have a quorum.
 3 CHAIRMAN VALENTINE: Thank you. The next
 4 item for approval is the agenda. I'd like to ask
 5 each Commission member if they have received and had
 6 time to review the copy of the agenda, and if so, is
 7 there a motion to adopt this agenda?
 8 MR. ROUSSEAU: So moved.
 9 MS. JOHNSTON: I second.
 10 CHAIRMAN VALENTINE: Been moved and
 11 seconded. Any discussion? All in favor say aye.
 12 THE BOARD: Aye.
 13 CHAIRMAN VALENTINE: All opposed? Call
 14 the role.
 15 MS. VEST: Stuart Bayne.
 16 MR. BAYNE: Aye.
 17 MS. VEST: David Brown.
 18 MR. BROWN: Aye.
 19 MS. VEST: Larry Flair?
 20 MR. FLAIR: Aye.
 21 MS. VEST: Robin Johnston?
 22 MS. JOHNSTON: Aye.
 23 MS. VEST: Jerry Richards?
 24 MR. RICHARDS: Aye.
 25 MS. VEST: Alan Rousseau?

1 MR. RICHARDS: Aye.
 2 MS. VEST: Alan Rousseau?
 3 MR. ROUSSEAU: Aye.
 4 MS. VEST: Doug Shanks?
 5 MR. SHANKS: Aye.
 6 MS. VEST: Walt Valentine?
 7 CHAIRMAN VALENTINE: Aye. The motion
 8 carries. Next on the agenda is the legal report.
 9 MS. VEST: I would -- if I may,
 10 Mr. Chairman, can I interrupt this? We would like to
 11 go ahead and put on our assistant commissioner,
 12 Carter Lawrence, on the agenda. I know he is very
 13 busy, so he was kind enough to come down to us and
 14 address us with some questions that you had from our
 15 last meeting.
 16 CHAIRMAN VALENTINE: Thank you, you may.
 17 MR. LAWRENCE: Well, thanks. Thanks
 18 Commissioners for letting me come down here. I
 19 understand that you had some questions when looking
 20 at your budget. I wanted to thank you for the
 21 diligence in your maintenance of watching over your
 22 licensee dollars. It's very important component of
 23 your service to the State. And I also wanted to, in
 24 front of all of you, thank Cody for how diligently
 25 she is also watching and working in order to maintain

1 MR. ROUSSEAU: Aye.
 2 MS. VEST: Doug Shanks?
 3 MR. SHANKS: Aye
 4 MS. VEST: Walt Valentine?
 5 CHAIRMAN VALENTINE: Aye. Motion carries.
 6 Next item on the agenda is the approval of the
 7 minutes from the last Education Committee and
 8 Commission meeting. Has each Commission member
 9 received and had time to review a copy of these
 10 minutes, and if so, is there a motion to adopt these
 11 minutes?
 12 MR. BROWN: I so move that we adopt these
 13 minutes. Commissioner Brown.
 14 MR. SHANKS: Second, Commissioner Shanks.
 15 CHAIRMAN VALENTINE: Director Vest, will
 16 you call the role?
 17 MS. VEST: Stuart Bayne?
 18 MR. BAYNE: Aye.
 19 MS. VEST: David Brown?
 20 MR. BROWN: Aye.
 21 MS. VEST: Larry Flair?
 22 MR. FLAIR: Aye.
 23 MS. VEST: Robin Johnston?
 24 MS. JOHNSTON: Aye.
 25 MS. VEST: Jerry Richards?

1 your statutory calling of maintaining a healthy
 2 fiscal outlook for the Board, which I understand has
 3 been difficult in light of several factors that I
 4 assume that you want to discuss today.
 5 So with that said, I'm happy to hear
 6 whatever you'd like to say to me and try to answer
 7 whatever questions you might have, as well.
 8 MS. VEST: Commissioner Flair, are you
 9 still with us?
 10 MR. FLAIR: Yes, ma'am, I am.
 11 MS. VEST: Okay.
 12 CHAIRMAN VALENTINE: Okay. Do any of the
 13 Commission members have a question for Director
 14 Lawrence?
 15 MR. BAYNE: Mr. Bayne here. We seem to
 16 have seen a record over this past 10, 12 calendar
 17 months perhaps straddling two fiscal years of some
 18 dollars or budget being in the red. Can we see -- if
 19 this continues, do we see a negative approach or a
 20 view of the continuation of this Commission?
 21 MR. LAWRENCE: Right. So as the
 22 Commission, I believe, is aware, your accounting
 23 cycle, for the purposes of the State, is a two-year
 24 period. So two successive years in the red trigger a
 25 Sunset hearing in front of the Joint Government

1 Operations Committee at the Tennessee General
2 Assembly. Should such an event occur, it would be up
3 there that the General Assembly would ask why the
4 Commission has been in the red for two years, a plan
5 for addressing it. They might also take the
6 opportunity to decide whether they wanted to take
7 more drastic changes to the regulation of the
8 industry.

9 So as to your question about what could
10 happen, that could be the ultimate outcome, that
11 there would be two consecutive fiscal years in the
12 red, which would trigger that hearing. It is also
13 possible that this year, which is supposed to be one
14 of the positive fiscal years, will in fact turn out
15 to be that way, and you will have one year in the
16 black and one year in the red over the two-year
17 accounting period, which would not trigger such a
18 hearing, and the Commission would be able to carry on
19 with business as usual.

20 To try and meet that goal, you have
21 obviously authorized the meeting of just four times
22 per year, which will lower your expenses. Cody and I
23 have worked on some other things to try to lower the
24 Commission expenses. So, for example, over the years
25 the number of staff people who work on this program

1 has altered. Cody oversees a large staff, and we
2 have reallocated those staff members so that the
3 program is not getting billed for staff that are not
4 working on this any more.

5 So just yesterday, I had a meeting with
6 fiscal in order to look at what the impact is
7 currently on that, and after that discussion, decided
8 that I want to retroactively apply that from the
9 beginning of this fiscal year forward. So if we were
10 to do that, the monthly payroll costs will drop from
11 about \$11,000 per month to roughly \$6,000 per month.
12 So if we reallocate that from July, the start of the
13 fiscal year, through September, and leave things as
14 they currently are, payroll costs will be about
15 \$72,000 in fiscal year 2019, which is significantly
16 less and the 134,000 that was charged in the previous
17 fiscal year.

18 So all that to say, I think that it is
19 likely that the Commission is going to end up in the
20 black for the year. It's not guaranteed, but --

21 MR. BAYNE: For FY-19.

22 MR. LAWRENCE: That's correct, yes. Not
23 guaranteed, but I think it's likely.

24 MR. BAYNE: The question then is, is
25 being in the red over a 24-month period or being in

1 the red over a 12-month period and then being in the
2 red the following sequential 12 months, that would
3 trigger a review?

4 MR. LAWRENCE: It's only two consecutive
5 --

6 MR. BAYNE: Two consecutive years.

7 MR. LAWRENCE: -- fiscal year closeouts
8 that are in the red.

9 MR. BAYNE: Closeouts. Triggering a
10 review does not necessarily mean a decision to -- it
11 simply means, let's figure out what we can do about
12 this.

13 MR. LAWRENCE: Absolutely. So if that
14 were to happen, you could end up -- you would end up
15 in the Joint Operations Committee, in which they
16 would ask what do you need to do in order to get back
17 into the black. So for some other programs, that has
18 meant reevaluating fees, it has also meant evaluating
19 what is regulated in order to try and get the program
20 back into profitability.

21 MR. BAYNE: Good. Good. Trust you are
22 familiar with the survey that Ms. Vest undertook
23 resulting in discovery that Tennessee renewals is
24 among the lowest in the universe of our survey. I
25 think that we do have some options.

1 MR. LAWRENCE: Right. Yes, Cody and I
2 have discussed that. Like I mentioned, Cody has
3 been very diligent in monitoring the funds and
4 probing into the why. Which, of course, as it was
5 for all of you, was my question as well as to why
6 revenue has dropped, and Cody was good to be able to
7 dig in to find all of that.

8 MR. BROWN: Very good. Thank you, that's
9 a lot of work, and reallocating those resources has
10 been much appreciated.

11 MS. VEST: Thank you.

12 MR. BROWN: You always do a good job.

13 MR. LAWRENCE: I'll second that.

14 MR. BAYNE: All in favor?

15 MS. VEST: Thanks.

16 MR. ROUSSEAU: I have one other question.
17 Commissioner Alan Rousseau. Our expenditures with
18 Edison, is that prorated on our number of licensees
19 or is that a flat percentage that we have to pay into
20 Edison monthly?

21 MR. LAWRENCE: So your Edison is not as
22 simple as -- that category is not as simple as it
23 should be. So one of the things that I have been
24 working with fiscal to do, is to try and break out
25 that line items so we are going to see with greater

1 clarity and transparency everything that goes into
 2 it.
 3 You may be aware of STS, which is our IT.
 4 STS is something that happens at a level far above my
 5 pay grade and there are fees that come down to us
 6 that we have no flexibility of covering. It's just
 7 something that we have to do and part of that is in
 8 Edison. Something else that is in Edison would be
 9 the rent that the Commission has to pay. Another
 10 thing that is currently inflexible -- although, I
 11 will, just as a foretaste of things to come, Cody has
 12 likely told you about the AWS initiative, which is in
 13 which employees work from home three days a week. We
 14 are over a year into that program and just now
 15 starting the second phase, which is a real estate
 16 reallocation. So the -- our division, which was
 17 currently spread out over two floors, is about on
 18 half of a floor now, and the entire department is
 19 going through a renovation of the building. And when
 20 that happens, we are going to be able to lower our
 21 rent pretty substantially. We don't have the final
 22 numbers as to what that's going to be, but I mention
 23 that just as something that's coming. But that is
 24 also in the category of Edison, and that's something
 25 that I am unable to impact, Cody is similarly unable

1 to impact.
 2 So to your broader question about Edison,
 3 it's not as transparent as it should be, I'm working
 4 to make that happen. We are trying to control all of
 5 the expenses that we can within it. But I admit it,
 6 is not perfect right now, and we are trying to move
 7 in that direction.
 8 MR. ROUSSEAU: Thank you.
 9 MR. BAYNE: Is there a -- Cody, are there
 10 any months or portions of the fiscal year that are
 11 bringing in more dollars, more renewals, in a period
 12 of time? Per quarter, for example?
 13 MS. VEST: Without looking at the
 14 figures, I am going to tell you yes. It's probably
 15 more people renewing in the first of the year,
 16 February, March, April.
 17 MR. BAYNE: I see.
 18 MR. LAWRENCE: So I have that historical
 19 data in front of me, I don't think Cody has in front
 20 of her. So the relevant year to look at would be
 21 fiscal year '17, so we are looking back at an odd
 22 fiscal year to compare it against fiscal year '19.
 23 And there are some months that show significantly
 24 higher revenue than other months. So, for example,
 25 October of '17 was very high, as was January. There

1 are a couple of really high months that historically
 2 have been high, and that's something we will be
 3 watching very closely throughout this year to see if
 4 because we are in a fiscal year that should be
 5 higher, whether those high months from fiscal year
 6 '17 will match with '19 as well, which will give a
 7 pretty good indication of where we are going to close
 8 out for the year.
 9 MR. BAYNE: Very good.
 10 CHAIRMAN VALENTINE: Any other questions?
 11 If not, Cody?
 12 MS. VEST: Commissioner Flair?
 13 MR. FLAIR: Yes, ma'am, go ahead.
 14 MS. VEST: Do you have any questions?
 15 MR. FLAIR: No, ma'am. No, I'm fine,
 16 thank you. I appreciate his time.
 17 MS. VEST: All right.
 18 CHAIRMAN VALENTINE: Thank you.
 19 MR. LAWRENCE: Thank you, Commissioners.
 20 CHAIRMAN VALENTINE: Thank you for coming
 21 down and talking with us and we certainly hope that
 22 the Commission is able to continue.
 23 MR. LAWRENCE: Certainly.
 24 CHAIRMAN VALENTINE: And we appreciate
 25 your efforts in that effort.

1 MR. LAWRENCE: Thank you very much, hope
 2 everyone has a good rest of your day and stay dry and
 3 warm on the way home.
 4 MS. VEST: Thank you.
 5 CHAIRMAN VALENTINE: Next on the agenda
 6 will be the legal report.
 7 MS. VEST: Yes, sir.
 8 CHAIRMAN VALENTINE: That's staff
 9 attorney.
 10 MR. HUFFMAN: Good morning. Number one
 11 is 2018068071. The Complainant contracted with
 12 Respondent for investigation into services in the
 13 amounted of \$1,500. Complainant alleges Respondent
 14 did not provide proof of surveillance, pictures,
 15 reports or any documents to use in court.
 16 Complainant demanded a refund and Respondent refused
 17 and said he was working on finishing touches of his
 18 report. Complainant eventually hired another private
 19 investigation company and received the requested
 20 report and pictures, etcetera. Respondent apparently
 21 had known the Complainant for a long time and did
 22 work on the surveillance. However, Respondent became
 23 ill with an infection and could not perform his
 24 investigation for some time. Respondent eventually
 25 refunded the Complainant the full retainer fee.

1 Complainant has since claimed the refund has resolved
 2 her issue with the Respondent. Recommendation is to
 3 close.
 4 MR. ROUSSEAU: So moved, Mr. Chairman,
 5 that we accept the recommendation of counsel.
 6 MR. BAYNE: Second.
 7 CHAIRMAN VALENTINE: Moved and seconded.
 8 Any discussion? Director Vest, would you call the
 9 role?
 10 MS. VEST: Stuart Bayne?
 11 MR. BAYNE: Aye.
 12 MS. VEST: David Brown?
 13 MR. BROWN: Aye.
 14 MS. VEST: Larry Flair?
 15 MR. FLAIR: Aye.
 16 MS. VEST: Robin Johnston?
 17 MS. JOHNSTON: Aye.
 18 MS. VEST: Jerry Richards?
 19 MR. RICHARDS: Aye?
 20 MS. VEST: Alan Rousseau?
 21 MR. ROUSSEAU: Aye.
 22 MS. VEST: Walt Valentine?
 23 CHAIRMAN VALENTINE: Aye.
 24 MS. VEST: Doug Shanks?
 25 MR. SHANKS: Aye.

1 MS. VEST: Ayes have it.
 2 CHAIRMAN VALENTINE: Motion carries.
 3 MR. HUFFMAN: Number two, 2018068151.
 4 It's the same summary as previously mentioned in
 5 Complaint 2018068071, however, it's against the
 6 company Respondent, and the recommendation is to
 7 close.
 8 MR. BROWN: I move we accept counsel's
 9 recommendation. Commissioner Brown.
 10 MS. JOHNSTON: I second.
 11 CHAIRMAN VALENTINE: Moved and seconded.
 12 Any discussion? Director Vest, would you call the
 13 role?
 14 MS. VEST: Stuart Bayne?
 15 MR. BAYNE: Aye.
 16 MS. VEST: David Brown?
 17 MR. BROWN: Aye.
 18 MS. VEST: Larry Flair? Larry?
 19 MR. FLAIR: Yes, aye.
 20 MS. VEST: Robin -- excuse me, Robin
 21 Johnston?
 22 MS. JOHNSTON: Aye.
 23 MS. VEST: Jerry Richards?
 24 MR. RICHARDS: Aye?
 25 MS. VEST: Alan Rousseau?

1 MR. ROUSSEAU: Aye.
 2 MS. VEST: Doug Shanks?
 3 MR. SHANKS: Aye.
 4 MS. VEST: Walt Valentine.
 5 CHAIRMAN VALENTINE: Aye.
 6 MS. VEST: Ayes have it.
 7 CHAIRMAN VALENTINE: Motion carries.
 8 MR. HUFFMAN: That concludes the legal
 9 report.
 10 CHAIRMAN VALENTINE: Thank you for the
 11 legal report. Next would be appearances. Do we have
 12 anyone wanting to appear before the Commission?
 13 MS. VEST: No, sir, I don't -- I don't
 14 have any appearances.
 15 CHAIRMAN VALENTINE: Okay. The next item
 16 would be the administrative matters. Executive
 17 Director Cody Vest?
 18 MS. VEST: Yes, sir, just a moment,
 19 please. Mr. Flair, did you get all that material
 20 that was sent to you about the Board meeting? Hello?
 21 MR. FLAIR: I did, ma'am. Did you copy?
 22 Ms. Cody, I got it.
 23 MS. VEST: Yes, sir, I thank you very
 24 much. We'll take a look at the monthly report.
 25 There really wasn't that much to report. We had the

1 two complaints last time, we have two complaints this
 2 time, and I believe we just have maybe one
 3 outstanding.
 4 MS. THOMAS: In litigation.
 5 MS. VEST: In litigation.
 6 MS. THOMAS: There are two in litigation.
 7 MS. VEST: Of course, now, once you look
 8 over this, we still have the monthly meetings with
 9 Attorney Thomas, we have been working with assistant
 10 commissioner on the budget, and I still have -- the
 11 gentleman that came to you last time we met that did
 12 the presentation, he is still working on some --
 13 trying to pull some information together. So
 14 hopefully one of our Board meetings next month --
 15 next meeting, whether it be January or March, I'll
 16 have some more information to give you about the
 17 other states and what they are doing and how much.
 18 Hopefully I'll be able to look at the budget again.
 19 These changes that they are talking about making
 20 retroactive, when he says that, he meant go back to
 21 July, the enough fiscal year. Not back to January,
 22 but to July, because we go from July to June.
 23 MR. BROWN: That would be a big
 24 improvement, though, from what he indicated, won't
 25 it?

1 MS. VEST: Was that like maybe 4,000?
 2 MR. BROWN: Yeah.
 3 MS. VEST: It was 40,000, yes, sir.
 4 Well, we hope so, we'll see. That's just going to --
 5 we will continue doing our diligence as best we can
 6 in our office with our staff that we will be given to
 7 work on the program. That's all I had under monthly
 8 meetings, if no one had a question on that.
 9 CHAIRMAN VALENTINE: Okay. Next will be
 10 the education report. Executive Director Cody Vest?
 11 MS. VEST: Well, we did have the
 12 Education Committee meeting this morning, we looked
 13 at the courses. If you would, Mr. Chairman, call out
 14 the course names. And I believe everyone voted in
 15 favor, but we'll need a vote by the whole Commission.
 16 CHAIRMAN VALENTINE: Okay. Would you
 17 then call the role?
 18 MR. BAYNE: Actually that first -- first
 19 one of the set of training programs we looked at, we
 20 didn't have enough information, that one was on --
 21 that one was to be tabled.
 22 MS. VEST: Yes, sir. Now I found out my
 23 mistake, this is the one we were talking about for
 24 Jennifer Bible, we said we were going to hold it, try
 25 to get some more information, and bring it back to

1 you at the next Commission meeting.
 2 CHAIRMAN VALENTINE: Right. And the
 3 other courses were the Hetherington Group, Search --
 4 Research Under Dark Web Undercover and Ethics Online.
 5 And the other provider was A.I.S.S., Advanced
 6 Investigative and Screening Solutions, the online
 7 Private Investigator Basic Surveillance Course for
 8 16 hours. And the Mathew Tyler course on Crash
 9 Reconstruction was approved, and Director Vest is
 10 going to request a little more information from him.
 11 MS. VEST: Yes.
 12 CHAIRMAN VALENTINE: But he has been
 13 approved. Was there one other?
 14 MR. BROWN: There was one other one.
 15 MS. VEST: Yes, there was Jack Fay.
 16 CHAIRMAN VALENTINE: Jack Fay. And Jack
 17 Fay was approved.
 18 MS. VEST: I can -- might help you there
 19 we were going to -- the course was approved last
 20 year, it approved this year. We took a look at it, I
 21 believe you did, and we want to remove the Civil
 22 Process from the -- it's from the Learning Shop.
 23 Arson course had 20 hours, we are going to change
 24 that to --
 25 MR. BAYNE: 8 to 6.

1 MS. VEST: 8 to 6.
 2 CHAIRMAN VALENTINE: Okay. So that was
 3 the Education Committee meeting this morning. Do I
 4 have a motion to approve the education report?
 5 MS. JOHNSTON: Motion to approve.
 6 MR. SHANKS: Second by Doug Shanks.
 7 CHAIRMAN VALENTINE: We have a motion and
 8 a second. Any discussion? Director Vest, would you
 9 call the role?
 10 MS. VEST: Stuart Bayne?
 11 MR. BAYNE: Aye.
 12 MS. VEST: David Brown?
 13 MR. BROWN: Aye.
 14 MS. VEST: Larry Flair?
 15 MR. FLAIR: Aye.
 16 MS. VEST: Robin Johnston?
 17 MS. JOHNSTON: Aye.
 18 MS. VEST: Jerry Richards?
 19 MR. RICHARDS: Aye.
 20 MS. VEST: Alan Rousseau?
 21 MR. ROUSSEAU: Aye.
 22 MS. VEST: Doug Shanks?
 23 MR. SHANKS: Aye.
 24 MS. VEST: Walt Valentine.
 25 CHAIRMAN VALENTINE: Aye.

1 MS. VEST: Ayes have it.
 2 CHAIRMAN VALENTINE: Motion carries. Do
 3 we have any unfinished business?
 4 MS. VEST: I don't have any.
 5 CHAIRMAN VALENTINE: Do we have any new
 6 business?
 7 MS. VEST: Yes, sir. The new business is
 8 going to be the new -- we sent out to everyone --
 9 hopefully everyone got this, I didn't get that big of
 10 a response on it, but we changed our meeting dates
 11 for the next year -- or actually told you the meeting
 12 dates are going to be January the 10th, April the
 13 4th, July the 18th, and October the 10th, all in
 14 2019, and they have all been removed from a Friday to
 15 a Thursday. And the room will be changing, we'll be
 16 in the smaller room. All the rooms were already
 17 booked up when we made this change from Friday to
 18 Thursday, but we were able to get the smaller room.
 19 Still will accommodate the nine Commission members.
 20 CHAIRMAN VALENTINE: Where is that?
 21 MS. VEST: It's right next door, where
 22 the Alarm Board always meets, but it's still the
 23 U-shaped room.
 24 CHAIRMAN VALENTINE: Okay.
 25 MS. VEST: I need a motion to accept

1 these dates.
 2 MR. BROWN: I'll make a motion we accept
 3 these dates. Commissioner Brown.
 4 MR. ROUSSEAU: Second. Alan Rousseau.
 5 CHAIRMAN VALENTINE: Been moved and
 6 seconded that we approve these dates of the next
 7 meetings. Any discussion? Director Vest, would you
 8 call the role?
 9 MS. VEST: Stuart Bayne?
 10 MR. BAYNE: Aye.
 11 MS. VEST: David Brown?
 12 MR. BROWN: Aye.
 13 MS. VEST: Larry Flair?
 14 MR. FLAIR: Aye.
 15 MS. VEST: Robin Johnston?
 16 MS. JOHNSTON: Aye.
 17 MS. VEST: Jerry Richards?
 18 MR. RICHARDS: Aye.
 19 MS. VEST: Alan Rousseau?
 20 MR. ROUSSEAU: Aye.
 21 MS. VEST: Doug Shanks?
 22 MR. SHANKS: Aye.
 23 MS. VEST: Walt Valentine?
 24 CHAIRMAN VALENTINE: Aye.
 25 MS. VEST: Ayes have it.

1 CHAIRMAN VALENTINE: Next on the agenda
 2 is the continuing education participation forum. Do
 3 we have anyone appearing for that?
 4 MS. VEST: No, I don't have anyone.
 5 CHAIRMAN VALENTINE: That concludes our
 6 business as we have it scheduled. Do I hear a motion
 7 for adjournment?
 8 MR. RICHARDS: Motion to adjourn.
 9 MR. FLAIR: Larry Flair, I make that
 10 motion, Chairman.
 11 MR. SHANKS: Doug Shanks, second.
 12 CHAIRMAN VALENTINE: Moved and seconded.
 13 Any discussion? All in favor?
 14 THE BOARD: Aye.
 15 CHAIRMAN VALENTINE: Motion carries.
 16 MR. FLAIR: Aye.
 17 CHAIRMAN VALENTINE: We are adjourned.
 18 MS. VEST: I have to do rollcall to
 19 adjourn.
 20 Stuart Bayne?
 21 MR. BAYNE: Aye.
 22 MS. VEST: David Brown?
 23 MR. BROWN: Aye.
 24 MS. VEST: Larry Flair?
 25 MR. FLAIR: Aye.

1 MS. VEST: Robin Johnston?
 2 MS. JOHNSTON: Aye.
 3 MS. VEST: Jerry Richards?
 4 MR. RICHARDS: Aye
 5 MS. VEST: Alan Rousseau?
 6 MR. ROUSSEAU: Aye.
 7 MS. VEST: Doug Shanks?
 8 MR. SHANKS: Aye.
 9 MS. VEST: Walt Valentine?
 10 CHAIRMAN VALENTINE: Aye.
 11 MS. VEST: Ayes have it.
 12 CHAIRMAN VALENTINE: We are adjourned.
 13 (WHEREUPON, the proceedings were
 14 adjourned at 9:58 a.m.)
 15
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 21
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1 REPORTER'S CERTIFICATE
 2
 3 STATE OF TENNESSEE
 4 COUNTY OF SUMNER
 5 I, JENNY CHECUGA, Licensed Court Reporter,
 6 with offices in Nashville, Tennessee, and Registered
 7 Professional Reporter, hereby certify that I reported
 8 the foregoing Private Investigation and Polygraph
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EDUCATION MEETING

November 09, 2018

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
EDUCATION COMMITTEE MEETING
November 9, 2018
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NASHVILLE, TN 37243

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

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* * *

CHAIRMAN VALENTINE: We're ready.
MS. VEST: Education Committee
CHAIRMAN VALENTINE: Education.
MS. VEST: That's Walt Valentine, Alan
Rousseau, Stuart Bayne, David Brown, Larry Flair.
That's the Education Committee. All right, let's
start with the first one here, is East Tennessee
Human Resource Agency, Criminal Justice Technology.
This is for Jennifer Bible. She attended 32 hours
and wants credit for that. Everybody had a chance
to look at it?
MR. ROUSSEAU: Yes.
MS. VEST: The one in Gatlinburg?
MR. BROWN: Is there a list -- that's my
question, is what did she attend?
MS. WILLIAMS: I requested and she never
responded.
MS. VEST: What did she attend was she
sent in the certificate.
MR. BROWN: I see the certificate, but
what classes? Normally they give us a break down of
what at classes were to make sure we can prepare.
MR. BAYNE: I concur.
MS. VEST: Yes. We did make

A P P E A R A N C E S

EDUCATION COMMITTEE MEMBERS

Paul David Brown, Jr.
Larry T. Flair, Sr. - by telephone
Walt Valentine, Chairman
Stuart Bayne

ALSO PRESENT

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

correspondence with her, but I have not heard back
from her.
MR. BROWN: And in her renewal pack, she
has quite a bit of time, so I understand. Can we get
a little more clarification, would that be
inappropriate?
MS. VEST: Hold just a moment, we're
taking a look. Her expiration date is 9/30 of '18,
so if we put this off until the next Board meeting,
there'll be plenty of time to review it.
MR. BROWN: Yeah, I feel more comfortable
knowing what she took. I'm sure they are legitimate,
but we need to have --
MS. VEST: So what would you like? An
agenda?
MR. BROWN: Just an agenda of what she
took how they break it out.
MR. BAYNE: I think what has been
expected under the rules is an agenda, who did the
teaching, you know, that information. And this --
and secondly, the 22nd Annual Criminal Justice
Conference, assuming this continues to be in East
Tennessee, why is it not on our approval? Why don't
they make that request for approval, since they are
in our state, and they offer quite a few hours.

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1 MS. VEST: Well, that's the East
2 Tennessee Human Resource Agency? Well, we can reach
3 out to them.
4 MR. BAYNE: I think that would be great.
5 MS. VEST: This is the first one I have
6 seen.
7 MR. BROWN: It's a post-approved program,
8 so I have no trouble with that at all. That's
9 encouraging. But if they can get into our system
10 where other folks could take advantage of it, you
11 know, I think it would be worthwhile.
12 MS. VEST: Okay. We'll table this one,
13 we'll make some attempts at corresponding with her,
14 get some more information, and bring it back to the
15 January meeting.
16 The second one we have here is the
17 Hetherington Group, H-E-T-H-E-R-I-N-G-T-O-N. I don't
18 know how you pronounce that.
19 CHAIRMAN VALENTINE: Hetherington.
20 MS. VEST: Hetherington. Thank you.
21 CHAIRMAN VALENTINE: I do know her and I
22 know of her company.
23 MS. VEST: Okay. What they are asking,
24 she did some webinars here, would be like to be an
25 approved vendor. You did get all that material to

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1 approve this -- her company as a vendor. And, of
2 course, she wants these courses approved too.
3 MR. BROWN: I have no problem with them
4 at all.
5 MS. VEST: Alan -- I'm sorry, Larry?
6 Larry?
7 MR. FLAIR: Yes, ma'am. Yes. I have my
8 phone on mute to make sure we keep a good connection,
9 it'll take me about a second to get it off mute, but
10 I concur with this.
11 MS. VEST: You didn't have any questions
12 about her -- about this company being a provider?
13 MR. FLAIR: No, I think Chairman
14 Valentine -- that was he that addressed he knew that
15 company; is that correct.
16 CHAIRMAN VALENTINE: Yes.
17 MS. VEST: Correct.
18 MR. FLAIR: Yeah, it's okay, I don't have
19 a problem with it, Larry Flair.
20 MS. VEST: Okay. So she -- to make the
21 company a vendor and to approve the November 8th and
22 the December 6th meeting. She -- they want to do the
23 continuing education.
24 MR. BAYNE: Yes.
25 MS. VEST: We'll move on. What about the

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1 Advanced Investigative and Screen Solutions, it's
2 A.I.S.S. Online Private Investigative Basic
3 Surveillance Course, misspelled there, but we got it.
4 They want 16 hours of continuing education. Did we
5 have an opportunity to look at that? Do we have any
6 approval or disapproval on this 16-hour course for
7 continuing education?
8 CHAIRMAN VALENTINE: I don't have an
9 issue with it. He is a member of the Texas
10 Continuing Education License and he is in Texas, so.
11 MS. VEST: All right.
12 MR. BAYNE: I'm okay with it, too.
13 MR. BROWN: Likewise.
14 MR. ROUSSEAU: Me too.
15 MS. VEST: Mr. Flair, how about you?
16 MR. FLAIR: Yes, I concur with the
17 program.
18 MS. VEST: All right, thank you. You
19 received some information yesterday on -- from Jack
20 Flay -- Fay, sorry, Jack Fay, F-A-Y, on his course.
21 He did send a request in and we had to correspond
22 back with him, did he not put the hours or did not
23 meet the requirements. So what you are seeing now,
24 he did put the --
25 MS. WILLIAMS: Resume and --

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1 MS. VEST: Yes.
2 MR. BROWN: He gave more information,
3 yes.
4 MS. VEST: We have any questions on this
5 one?
6 MR. BAYNE: Yes.
7 MS. VEST: All right.
8 MR. BAYNE: I went through the 39 pages,
9 compared it to the current approved list, and most
10 likely there are only two errors. The one course
11 that's offered by Learning Shop USA, that is on the
12 approved list, titled Civil Process, is not in the 39
13 pages he offered. The second question is the Arson
14 Investigation Program that is 8 hours on the approved
15 list, he identifies it as 6 hours. So perhaps two
16 insignificant errors, but questions, nevertheless.
17 MS. VEST: Yes, this is -- Mr. Fay,
18 he's -- we know he's on the course approved list. He
19 has expired, so he had to resubmit his courses. It
20 could simply he changed it?
21 MR. BAYNE: Could be, okay.
22 MS. VEST: Something you want me to check
23 into?
24 MR. BAYNE: So you could take off the
25 Civil Process list -- course off, change the arson

1 course number, and I'm great with that.
 2 CHAIRMAN VALENTINE: He still has enough
 3 hours --
 4 MS. VEST: Oh, yes. The whole course,
 5 yeah. But now you have to tell me what do you want
 6 me to remove again? What do I need to look at?
 7 MR. BAYNE: On the approved list, it is
 8 called the Civil Process, under the Learning Shop
 9 USA, a/k/a Jack Fay. Since he did not request
 10 approval for that, it needs not to be on his list.
 11 MS. VEST: Okay.
 12 MR. BAYNE: Likewise, he offers an arson
 13 class, an arson course, he indicates 6 hours on his
 14 approved -- on his request, and currently it's listed
 15 as 8. So you'll want to change that, too.
 16 MS. VEST: Do we have any questions about
 17 that from any of the members?
 18 THE BOARD: (Shaking head negatively.)
 19 MR. FLAIR: Ms. Cody, if I could, Larry
 20 Flair.
 21 MS. VEST: Yes, sir, go ahead.
 22 MR. FLAIR: Mr. Fay -- did I not
 23 understand just a minute ago that one of the members
 24 said that he's already been on the approved list in
 25 the past; is that correct?

1 MS. VEST: Yes, sir, he's renewing his
 2 courses.
 3 MR. FLAIR: I got you. I am in confirm
 4 with the other members.
 5 MS. VEST: All right. Thank you. Okay.
 6 Mr. Flair, this one came in late, so you do not
 7 have this one. This is for a Mathew Tyler,
 8 T-Y-L-E-R. He wants this approved for the 2018
 9 Detective Association of Accident Reconstruction
 10 Specialists.
 11 MR. FLAIR: Yes, I do not have that
 12 one. I do have Mr. Fay's, but I do not have that
 13 one.
 14 MS. VEST: Right. We do apologize, but
 15 it was very late when we got it, and since we are not
 16 meeting again until January, we wanted to make sure
 17 we can get in as many as we could.
 18 MR. FLAIR: That's fine, Ms. Director.
 19 MS. VEST: Do the committee members have
 20 any questions about this?
 21 MR. ROUSSEAU: No, I see that this was on
 22 the approval list for 2017, but it wasn't on the
 23 approval list for 2018, so.
 24 MS. VEST: Right.
 25 MR. ROUSSEAU: I'm okay with it.

1 MS. VEST: So what we are looking at is
 2 just him being approved for this course, not to put
 3 this on the course list.
 4 MR. ROUSSEAU: Okay.
 5 MR. BROWN: Are we in the same area as
 6 the first one?
 7 MS. WILLIAMS: The 2017.
 8 MS. VEST: No, what he's talking about,
 9 we don't have all the materials.
 10 MR. BROWN: We don't know what the hour
 11 breakdown is.
 12 MS. VEST: They don't usually do that
 13 when you get a certificate. We wouldn't normally do
 14 that if it was on the course list, but this one here
 15 has expired. So, yes, sir, I can go back and ask him
 16 to give us the same information. I am going to do
 17 that, I am going to tell him, why not go ahead and
 18 get on the course list again.
 19 MR. BAYNE: To be consistent, that would
 20 be appropriate.
 21 MR. BROWN: That way -- I'm not trying to
 22 be all the way across with it. I don't want to be
 23 obstinate --
 24 MS. VEST: Yes, he's still got time.
 25 That's March -- no, that's in the past.

1 MR. ROUSSEAU: He doesn't have time.
 2 MS. VEST: He doesn't -- well.
 3 MR. BROWN: When's his license up for
 4 renewal?
 5 MS. VEST: We'll look that up. Hold on
 6 just a moment, Mr. Flair, we are looking some of the
 7 material up.
 8 MR. FLAIR: That's fine. It wasn't me,
 9 Cody, it was someone else.
 10 MR. BROWN: I know in the past, from some
 11 of the association meetings, you already approved the
 12 list of hours. Then when you attend it, you get the
 13 certificate, but you have already got the backup data
 14 for what they went through.
 15 MS. VEST: Yes, we had it for 2017, but
 16 this is for 2018. And they have not submitted any
 17 new courses, he's doing this individually.
 18 CHAIRMAN VALENTINE: So let me
 19 understand, if -- this same course was approved in
 20 '17?
 21 MS. VEST: Yes, sir.
 22 CHAIRMAN VALENTINE: For 20 hours?
 23 MR. BAYNE: 12.
 24 CHAIRMAN VALENTINE: But we only need 12.
 25 MS. VEST: Yes. It says for 20 hours,

1 but we only need 12, yes, sir.
 2 CHAIRMAN VALENTINE: Okay. But he needed
 3 some for '18 --
 4 MS. VEST: He needs it for '18, yes, sir.
 5 He expires in December, so we will not be meeting
 6 again until January.
 7 MR. BROWN: I don't want to penalize him.
 8 We have approved it in '17, but still --
 9 CHAIRMAN VALENTINE: We approved the same
 10 course --
 11 MS. VEST: Okay. If it's okay with the
 12 committee, we can go ahead and approve him, and I can
 13 go ahead and still request information and have --
 14 and review it.
 15 MR. BROWN: Then we'll have it backed up.
 16 MS. VEST: Talk to him about the 2018
 17 courses. Going to be '19 now.
 18 MR. BAYNE: For 12 hours, not 20.
 19 MS. VEST: It doesn't -- well, the course
 20 to be a 20-hour course, he's only going to get credit
 21 for 12.
 22 MR. BAYNE: That's what I am saying, yes.
 23 Because the 2017 EDR summit was 12 hours.
 24 MS. VEST: I believe that's all we have
 25 now, Mr. Chairman, if we are ready to vote on these

1 Education Committee is adjourned.
 2 (WHEREUPON, the proceedings were
 3 adjourned at 9:20 a.m.)
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1 courses for approval.
 2 CHAIRMAN VALENTINE: Okay. You have all
 3 heard the course outlines and the discussion. All in
 4 favor of approving these say aye.
 5 THE BOARD: Aye.
 6 CHAIRMAN VALENTINE: All opposed? Motion
 7 carries.
 8 MS. VEST: Got to do a telephone with
 9 Larry.
 10 CHAIRMAN VALENTINE: Larry Flair?
 11 MR. FLAIR: Yes, I do vote aye.
 12 CHAIRMAN VALENTINE: Okay.
 13 MS. VEST: Walt Valentine?
 14 CHAIRMAN VALENTINE: Aye.
 15 MS. VEST: Alan Rousseau?
 16 MR. ROUSSEAU: Aye.
 17 MS. VEST: Stuart Bayne?
 18 MR. BAYNE: Aye.
 19 MS. VEST: David Brown?
 20 MR. BROWN: Aye.
 21 MS. VEST: Okay, the committee will
 22 present it to the full Commission as being approved
 23 courses. I think if it's okay with you, you can
 24 adjourn the Education Committee.
 25 CHAIRMAN VALENTINE: Yes. Okay, the

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Tennessee Private Investigation and Polygraph Commission Meeting

MINUTES of the Tennessee Private Investigation and Polygraph Commission Meeting, held **November 9, 2018**, in Nashville Tennessee.

Walt Valentine

Walt Valentine, Chair

Paul David Brown Jr

Paul David Brown Jr, Vice Chair

Stuart W Bayne

Stuart W Bayne

Larry T Flair Sr.

Larry T Flair, Sr.

Robin Brewer Johnston

Robin Brewer Johnston

Absent

William Rick Jones

Absent

Arthur G (Jerry) Richards

Alan Rousseau

Alan G Rousseau

Approved by Phone gsw

Douglas Shanks