

Tennessee Private Investigation and Polygraph Commission Meeting

MINUTES of the Tennessee Private Investigation and Polygraph Commission Meeting, held January 26, 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.

Absent

Robin Brewer Johnston

William Rick Jones

William Rick Jones

Arthur G (Jerry) Richards

Arthur G (Jerry) Richards

Alan G Rousseau

Alan G Rousseau

Douglas Shanks

Douglas Shanks

PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

EDUCATION MEETING

January 26, 2018

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Associate Reporter

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
EDUCATION COMMITTEE MEETING
January 26, 2018
DAVY CROCKETT TOWER
500 JAMES ROBERTSON PARKWAY, ROOM 1A
NASHVILLE, TN 37243

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

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* * *

MS. VEST: So the three of you have already -- should have already received all of your information. One of them is very long. We do sort of apologize for that, but that's what happened there. And especially when it comes in at the last meeting, and since we don't meet every month, we try to get as much as possible on the actual meeting.
All right. Did you have an opportunity to look over the Gulf Region A-D-V-O-C-A-C-Y Center?
MR. FLAIR: Yes.
MS. VEST: They have asked for 12 hours of individual continuing education. Do you have a problem with that course getting 12 hours?
MR. ROUSSEAU: I do not.
MR. FLAIR: I didn't.
VICE-CHAIRMAN BROWN: It's okay.
MS. VEST: If it's okay with you, we'll just go through all of them. Then whenever we do have the Board meeting, we can vote on it. We'll get your opinion to the full Commission and get the vote.
Then we had Leading Edge Legal Ed, LLC, one to two hours of continuing education, Promoting Your Business. Any problem with that one?
MR. ROUSSEAU: No problem.

A P P E A R A N C E S

EDUCATION COMMITTEE MEMBERS

Paul David Brown, Jr.
Alan G. Rousseau
Larry T. Flair, Sr.

ALSO PRESENT

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

VICE-CHAIRMAN BROWN: No.
MS. VEST: Leading Edge Legal Ed, LLC, Professional Development Protecting Your Business, was another two hours.
VICE-CHAIRMAN BROWN: No problem. It's just the business marketing --
MS. VEST: Okay. So there were some differences there. Good, that means you looked at it. The next --
VICE-CHAIRMAN BROWN: That was a test, I see.
MS. VEST: The next one is Leading Edge Legal Ed, they wanted two hours of continuing education, Understanding Privacy Laws.
VICE-CHAIRMAN BROWN: No problem with that.
MS. VEST: This is your newest member, Mr. Douglas Shanks, everybody. Get a moment to introduce yourselves.
Ms. Johnston, do you want me to call you Brewer or Johnston?
MS. JOHNSTON: I answer to both.
MS. VEST: Well, I need to know so we can keep on it on the record.
MS. JOHNSTON: I'll go with Johnston.

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1 MS. VEST: I'll try to remember that.
2 MS. JOHNSTON: I will too.
3 MS. VEST: Okay.
4 VICE-CHAIRMAN BROWN: We have all known
5 her as Robin Brewer for years and years and years.
6 MS. VEST: Me too, that's why I was
7 asking.
8 The next one was PI Education, Untying
9 the Knot: A Guide to Investigation Troubled
10 Relationships. They wanted six hours.
11 MR. ROUSSEAU: Aren't they on our
12 approved list?
13 MS. VEST: The PI Education is, yes, but
14 these different courses have to be approved to get on
15 there.
16 MR. ROUSSEAU: I am okay with it.
17 MS. VEST: Did you have any questions
18 about it?
19 MR. ROUSSEAU: No.
20 MS. VEST: Mr. Flair, did you?
21 MR. FLAIR: No, ma'am.
22 MS. VEST: The other one is also PI --
23 there's several PI Education. Open Source
24 Intelligence, six hours; Public -- PI Education, It's
25 All Lies: Understanding Deception Detection, six

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1 hours. The next one is E-Q-U-I-V-O-C-A-L Death
2 Investigations for six hours. Then we have Identity
3 Theft for six hours; Surveillance Strategies for
4 Success, one hour; Ethics and Professional
5 Responsibility for two hours.
6 Do you have any problems with the PI
7 Education courses?
8 MR. ROUSSEAU: No problem.
9 VICE-CHAIRMAN BROWN: None.
10 MR. FLAIR: No.
11 MS. VEST: The next one is for Charles
12 Pepper -- Piper, P-I-P-E-R, Contracting Procurement
13 Fraud Investigation Guidebook. They wanted 12 hours
14 for that.
15 MR. ROUSSEAU: No problem.
16 VICE-CHAIRMAN BROWN: Hasn't he been
17 approved before?
18 MS. VEST: Yes. Mr. Flair, do you have
19 any problem?
20 MR. FLAIR: Yeah, I didn't have any
21 problem. That's what I was thinking, I thought he
22 had already been approved.
23 MS. VEST: I understand, but the course
24 has to too. And then here is the NRTS submitted --
25 they submitted their courses for 2018. You saw they

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1 had 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
2 15, 16, 17, 18 -- they got 20 courses and they wanted
3 one hour continuing education for each.
4 MR. ROUSSEAU: I'm okay with that.
5 VICE-CHAIRMAN BROWN: Okay.
6 MS. VEST: Mr. Flair?
7 MR. FLAIR: Yes, ma'am, that will work.
8 MS. VEST: The next one is DeVan &
9 Associates, SLED and North Carolina Approved Private
10 Investigator for Continued Education. They want to
11 have that approved for their education for February
12 the 22nd and 23rd of this year.
13 MR. ROUSSEAU: I'm okay.
14 VICE-CHAIRMAN BROWN: Do we have more
15 material, than the ones that we have?
16 MS. VEST: That's all we have.
17 VICE-CHAIRMAN BROWN: I would have liked
18 to have seen a little bit more.
19 MS. VEST: If you do, we have time to ask
20 them, but then I won't have time to bring it back to
21 the Commission.
22 VICE-CHAIRMAN BROWN: Yeah.
23 MS. VEST: So what would you like for me
24 to look for?
25 VICE-CHAIRMAN BROWN: Have they --

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1 MS. VEST: Yeah, it's the North Carolina
2 Private Investigators that are putting it on.
3 MR. FLAIR: I don't have a problem with
4 it.
5 MR. ROUSSEAU: I'm okay with it.
6 MS. VEST: Are you, Mr. Brown?
7 VICE-CHAIRMAN BROWN: Okay.
8 MS. VEST: Okay. I can check on it, if
9 you wish, but I won't --
10 VICE-CHAIRMAN BROWN: I just think in the
11 future we need --
12 MS. VEST: More information?
13 VICE-CHAIRMAN BROWN: Everybody else is
14 getting it to us, why shouldn't --
15 MS. VEST: Just give me a moment here and
16 let me look at it.
17 VICE-CHAIRMAN BROWN: Looked like a good
18 program.
19 MS. VEST: You didn't think it was
20 enough? It's got the whole program.
21 VICE-CHAIRMAN BROWN: Oh, it does? When
22 I printed it out, I didn't see it then.
23 MS. VEST: Okay. It's got the hours,
24 it's broken it down, and it's even giving you what
25 courses they are going to teach. And Mr. Hubbard is

1 the president, he will be teaching. I think it's got
 2 ample, maybe you just didn't see all of it.
 3 VICE-CHAIRMAN BROWN: Or my printer
 4 didn't print it all out.
 5 MS. VEST: That's possible. But we say
 6 it's okay.
 7 VICE-CHAIRMAN BROWN: Yes, ma'am.
 8 MR. FLAIR: Yes.
 9 MS. VEST: All right, not a problem. And
 10 the next one and last one is Kansas Association of
 11 Investigators. They are having their conference
 12 February the 22nd and 23rd also, and they want
 13 16 hours for their investigative --
 14 MR. ROUSSEAU: I'm okay with it.
 15 VICE-CHAIRMAN BROWN: Okay.
 16 MR. FLAIR: I'm all right with it.
 17 MS. VEST: All right. Then I think that
 18 finishes our continuing education. And what we'll
 19 do, whenever we present this, Mr. Brown, we'll just
 20 say, "All the courses had been approved by the
 21 Commission," and we will ask the members if they will
 22 approve it.
 23 (WHEREUPON, the meeting was concluded at
 24 9:12 a.m.)
 25

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 4 COUNTY OF SUMNER
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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

COMMISSION MEETING

January 26, 2018

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7 NASHVILLE, TN 37243

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A P P E A R A N C E S

3 COMMISSION MEMBERS
4 Walt Valentine, Chair
5 Paul David Brown, Jr., Vice-Chair
6 Larry T. Flair, Sr.
7 Jerry Richards
8 Alan G. Rousseau
9 Douglas Shanks
10 Stuart Bayne
11 Robin Brewer-Johnston
12
13 ALSO PRESENT
14 Ashley Thomas, Staff Attorney
15 Stuart Huffman, Staff Attorney
16 Cody Vest, Executive Director
17 Shauna Balaszi, Administrative Assistant
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1 * * *
2 VICE-CHAIRMAN BROWN: Good morning,
3 fellow Commission members, staff members, and honored
4 guests. Today is February the 26th, 2018, at
5 approximately 9:31. I'm David Brown, your Commission
6 Vice-Chair. I will now call to order the meeting of
7 the Tennessee Private Investigation and Polygraph
8 Commission, and turn it over to Cody Vest.
9 MS. VEST: All right, thank you. We are
10 going to do a rollcall. But first of all, we need to
11 say hello to our newest Commission member, who is
12 Douglas Shanks. Appreciate Mr. Shanks taking his
13 time to serve on the Commission. I am going to do a
14 rollcall. Stuart Bayne?
15 MR. BAYNE: Here.
16 MS. VEST: David Brown?
17 VICE-CHAIRMAN BROWN: Here.
18 MS. VEST: Larry Flair?
19 MR. FLAIR: Here.
20 MS. VEST: Robin Brewer?
21 MS. BREWER: Here.
22 MS. VEST: Rick Jones? Jerry Richards?
23 MR. RICHARDS: Here.
24 MS. VEST: Alan Rousseau?
25 MR. ROUSSEAU: Here.

1 MS. VEST: Walt Valentine?
 2 MR. VALENTINE: Here.
 3 MS. VEST: Doug Shanks?
 4 MR. SHANKS: Here.
 5 MS. VEST: Let the record show that
 6 Mr. Jones is not present, but you do have a quorum.
 7 VICE-CHAIRMAN BROWN: Thank you, ma'am.
 8 The next item is the agenda for approval. I'd like
 9 to ask if each Commission member has received and had
 10 time to review a copy of the agenda, and if so, is
 11 there a motion to adopt this agenda.
 12 MR. SHANKS: Doug Shanks makes a motion
 13 to adopt the agenda.
 14 MR. ROUSSEAU: Second.
 15 VICE-CHAIRMAN BROWN: Motion by Doug
 16 Shanks, second by Larry Flair -- no, Alan Rousseau,
 17 I'm sorry. Any discussion? All in favor?
 18 THE COMMISSION: Aye.
 19 VICE-CHAIRMAN BROWN: Motion carries.
 20 Next we have our minutes for approval from the
 21 September 22, 2017, minutes, and these are minutes
 22 for both the Education Committee and the
 23 Commissioners Meeting. I'd like to ask if each
 24 Commission member has received and had time to review
 25 a copy of those minutes, and if so, is there a motion

1 to adopt those minutes?
 2 MR. BAYNE: So made.
 3 VICE-CHAIRMAN BROWN: Motion by
 4 Commissioner Stuart Bayne.
 5 MR. VALENTINE: Second.
 6 VICE-CHAIRMAN BROWN: Commissioner
 7 Richards -- no, Valentine, second. Any discussion?
 8 All in favor?
 9 THE COMMISSION: Aye.
 10 VICE-CHAIRMAN BROWN: Opposed? Motion
 11 carries. For the next item on the agenda, we are
 12 going to turn it over to Executive Director Cody
 13 Vest.
 14 MS. VEST: The next thing on your agenda
 15 is election of officers, it's the first meeting of
 16 the new year. We do have a Commission member absent,
 17 Mr. Jones is not present, so my duty is to ask you if
 18 you want to go ahead and vote officers, or do you
 19 want to wait until our next meeting when we have a
 20 full Commission?
 21 MR. BAYNE: I would recommend waiting
 22 until we have a full Commission.
 23 MS. VEST: So on the record, Mr. Bayne
 24 has said we need to -- it'd be okay to wait -- how
 25 does anybody else feel? Do we have any discussion?

1 MR. VALENTINE: I think it would be fine
 2 to go ahead and let --
 3 VICE-CHAIRMAN BROWN: I agree.
 4 MR. BAYNE: That's fine too. That's
 5 okay.
 6 MS. VEST: So --
 7 MR. ROUSSEAU: I move that we go ahead
 8 and have the election.
 9 MS. VEST: Okay, you want to go -- okay,
 10 that's fine. I just wanted to make sure. All right.
 11 I do have a script, if you'll allow me to read by it.
 12 Okay. Well, I am calling for the nominations for the
 13 Commission Chair. Do we have any nominations?
 14 MR. RICHARDS: Yes, I'd like to nominate
 15 Walt Valentine.
 16 MS. VEST: That is Mr. Valentine, and he
 17 was nominated by Mr. Richards. Is there a second to
 18 the nomination?
 19 MR. BAYNE: Second.
 20 MS. VEST: Who did the second?
 21 MR. BAYNE: Bayne.
 22 MS. VEST: Are there any other
 23 nominations?
 24 MR. ROUSSEAU: I'd like to nominate
 25 Mr. Brown.

1 MR. SHANKS: Second.
 2 MS. VEST: Okay. We have Mr. Brown by
 3 Alan Rousseau. And who was the second?
 4 MR. SHANKS: Doug Shanks.
 5 MS. VEST: Mr. Shanks. Do we have any
 6 other nominations? Let me get down to the part here
 7 where I need to tell you what we are going to do
 8 next.
 9 At this time we'll call for a vote for
 10 the Commission Chair. Since we do have two
 11 individuals, the last time we did one of these, we
 12 did this as a private vote where you have a pad in
 13 front of you. That's what -- that's the way I would
 14 prefer to do that.
 15 So please, we have Walt Valentine, who's
 16 been nominated, and Mr. Brown -- David Brown's been
 17 nominated.
 18 (Passing papers.)
 19 MS. VEST: We have a vote for Walt
 20 Valentine, Walt Valentine, Mr. Brown, David Brown,
 21 David Brown, David Brown, Walt Valentine, and Walt
 22 Valentine. Why did you all make me go off script; it
 23 doesn't tell me what to do.
 24 MR. RICHARDS: Arm wrestle.
 25 MS. VEST: Okay. We can have another

1 vote, or if it's going to split again, we may have to
 2 wait until we have another Commission member, which
 3 makes it, what, nine members.
 4 VICE-CHAIRMAN BROWN: Let me go ahead and
 5 let Walt be the Chairman.
 6 MS. VEST: You want to remove your name
 7 from the nomination?
 8 VICE-CHAIRMAN BROWN: Yes, ma'am.
 9 MS. VEST: Mr. Rousseau, since you did
 10 the nomination, you would have to remove him.
 11 MR. ROUSSEAU: I move to withdraw my
 12 nomination.
 13 MS. VEST: For David Brown as Commission
 14 Chair. All right. Do we have a second?
 15 MR. SHANKS: Second.
 16 MS. VEST: Who did the second? All
 17 right, Mr. Shanks, thank you. So now we are back to
 18 Walt Valentine was nominated. Since there's no other
 19 individual that has been nominated, do I have a vote
 20 for election by acclamation for Walt Valentine?
 21 MR. ROUSSEAU: I so move.
 22 MS. VEST: All right, the motion was made
 23 by Alan Rousseau. Second by?
 24 MR. BAYNE: Second.
 25 MS. VEST: Mr. Bayne seconded that?

1 Chairman.
 2 MS. VEST: Mr. Flair, thank you.
 3 MS. BREWER: Second.
 4 MS. VEST: Ms. Brewer has seconded the
 5 nomination. All in favor?
 6 THE COMMISSION: Aye.
 7 MS. VEST: The motion has carried, the
 8 election has ceased. Congratulations, Mr. Brown, you
 9 are now the Vice-Chair, which I think you already are
 10 the Vice-Chair.
 11 VICE-CHAIRMAN BROWN: Yes, ma'am, I
 12 maintain my seat.
 13 MS. VEST: I think you need to just move
 14 just a little bit, now it's Mr. Valentine.
 15 VICE-CHAIRMAN BROWN: With pleasure.
 16 MS. VEST: Mr. Shanks, would you move
 17 over a little bit and let Mr. Brown sit in your chair
 18 and Walt can take your chair. All right, we may need
 19 to move these little name tags, too. See, this is a
 20 test, gentlemen.
 21 CHAIRMAN VALENTINE: It's complicated.
 22 MS. VEST: Yes, it is. Congratulations
 23 to both gentlemen. Walt Valentine is now the Chair
 24 of the Private Investigation and Polygraph
 25 Commission, and David Brown is your Vice-Chair of the

1 MR. BAYNE: Yes, ma'am.
 2 MS. VEST: Then the vote is going to
 3 cease and we have a new Chair and that is Walt
 4 Valentine. Congratulations, Mr. Valentine, you are
 5 now the Chair for the Private Investigation and
 6 Polygraph Commission, which is no stranger to you
 7 because you were the North Carolina, wasn't it,
 8 Chair?
 9 CHAIRMAN VALENTINE: Indiana.
 10 MS. VEST: Indiana, excuse me. I knew it
 11 was up north. All right, now we need to vote for a
 12 Vice-Chair.
 13 MR. ROUSSEAU: I move for Commissioner
 14 Brown for Vice-Chair.
 15 MR. BAYNE: Second.
 16 MS. VEST: We have a nomination for David
 17 Brown as Vice-Chair -- and who was that?
 18 MR. BAYNE: Second.
 19 MS. VEST: You did the second. Who did
 20 the vote? Alan Rousseau? Okay. And then Mr. Bayne
 21 did the second. Do we have any other nominations?
 22 All right. Since there are no other nominations, we
 23 will call for a vote of acclamation. Do we have a
 24 motion?
 25 MR. FLAIR: I make that motion, Madam

1 Private Investigation and Polygraph Commission.
 2 Congratulations, gentlemen.
 3 CHAIRMAN VALENTINE: Thank you, I guess.
 4 MS. VEST: The next thing I think we need
 5 to do, Mr. Chairman, is the Roberts Rules of Order.
 6 There is a new -- Roberts Rules of Order has changed
 7 a little bit. We used to say that we would change it
 8 so that the Commission Chair could vote, now it is
 9 Roberts Rules of Order that says the Chairman may
 10 vote. We need to elect Roberts Rules of Order.
 11 MR. ROUSSEAU: I move that we accept the
 12 Roberts Rules of Order.
 13 VICE-CHAIRMAN BROWN: I second.
 14 MS. VEST: Alan Rousseau did the motion,
 15 David Brown made the second. All in favor?
 16 THE COMMISSION: Aye.
 17 MS. VEST: All opposed? Motion carries.
 18 Now we are down to the legal section.
 19 MS. THOMAS: If the Commission's ready,
 20 I'll begin reading the legal report. I will start
 21 with case number one, being 2017061831 and
 22 2017061811.
 23 This complaint opened alleging that
 24 Respondent entered into a contract for private
 25 investigation services and to provide requested

1 information in order to enforce a court judgement.
 2 Complainant, a licensed realtor, indicated that some
 3 of the information that Respondent provided was
 4 available to him prior to contracting. Complainant
 5 stated that Respondent provided minimal information
 6 and would not provide any information unless
 7 contacted. Complainant stated he last contacted
 8 Respondent on August 10, 2017, via text message for
 9 an update on the status of the case. Complainant
 10 stated that he paid Respondent \$4,000, but did not
 11 provide any useful results.

12 Respondent stated that Complainant, after
 13 missing the first two meetings, hired him to conduct
 14 an asset search about two people. Respondent stated
 15 that through September 2017, the investigation was
 16 ongoing, and the Complainant was informed that the
 17 case could take 30 to 90 days to complete.
 18 Respondent stated that Complainant provided first and
 19 last names and addresses. Respondent stated that
 20 additional leads were developed and discoveries were
 21 made. Respondent stated that multiple telephone
 22 calls were made between the parties.

23 Respondent stated that after receiving
 24 the complaint, he reached out to Complainant to
 25 address any outstanding issues. Respondent stated

1 that Complainant did not hire the company on an
 2 exclusive basis, there was not a timeframe to be
 3 completed, and the agreement did not require updates
 4 to be provided throughout the investigation.
 5 Respondent indicated that several attempts to reach
 6 Complainant went unanswered, a fact which Complainant
 7 disputes. Respondent acknowledged that Complainant
 8 was last contacted on August 10, 2017, but because
 9 there was no subsequent follow-up, there is no
 10 evidence of a concern.

11 My recommendation is to issue a letter of
 12 warning regarding Tennessee Comprehensive Rules and
 13 Regulations 1175-04-.06(4), which is misconduct, and
 14 close. While there is little to no evidence which
 15 supports the amount of contact between Respondent and
 16 Complainant, neither party indicated that an itemized
 17 statement of services and expenses was provided at
 18 the latest being after the August 10, 2017,
 19 communication.

20 CHAIRMAN VALENTINE: Do I hear a motion?

21 MR. RICHARDS: I move that we accept
 22 Counsel's recommendation.

23 MR. ROUSSEAU: Second.

24 CHAIRMAN VALENTINE: Okay, I call for a
 25 vote. All in favor say aye.

1 THE COMMISSION: Aye.
 2 CHAIRMAN VALENTINE: Opposed? Motion
 3 carries.

4 MS. THOMAS: Case number two, 2017063461
 5 and 2017063441. This complaint opened alleging that
 6 Respondent 1 was hired on a sensitive matter.
 7 Complainant states that Respondent 2, after receiving
 8 a \$500 retainer, failed to return any multiple phone
 9 calls or texts. The Complainant is seeking a refund.

10 Respondent 2 stated that the Complainant
 11 paid the \$500, which entitled the Complainant to 6.67
 12 hours. Respondent 2 stated that on six different
 13 occasions services were conducted and the female
 14 subject cannot be confirmed. Respondent 2 stated
 15 that a written report was mailed to Complainant on
 16 August 11, 2017. Respondent stated that since the
 17 mailing of the written report, there has been no
 18 communication with Complainant. Respondent also
 19 indicated that the address listed on the complaint
 20 form by Complainant was never provided.

21 Complainant, in a rebuttal to
 22 Respondent's reply, stated that Respondent received
 23 the retainer, but did not earn the money.
 24 Complainant states that subsequent investigators were
 25 hired after Respondent provided no results.

1 Complainant stated that Respondent had the correct
 2 address, but is using that information as an excuse
 3 for a lack of communication. Complainant then
 4 provided an unsigned copy of the contract with
 5 Respondent, as well as a screen shot of text messages
 6 to the Respondent. It appears that Complainant did
 7 reach out to Respondent on several occasions with no
 8 response.

9 The contract indicates that Respondent
 10 would provide Complainant with verbal updates within
 11 24 hours, written updates within 48 hours, and a
 12 written report within ten days of a case completion.
 13 There is no evidence that Respondent complied with
 14 this portion of the contract.

15 My recommendation is to issue a letter of
 16 warning to Respondent regarding Tennessee
 17 Comprehensive Rules and Regulations 1175-04-.06(4),
 18 being misconduct.

19 CHAIRMAN VALENTINE: Do I hear a motion?

20 MS. BREWER: I'll motion.

21 MS. VEST: Ms. Brewer, please speak in
 22 the microphone.

23 MS. BREWER: I'll make that motion to
 24 accept the recommendation.

25 MR. SHANKS: Doug Shanks, second.

1 CHAIRMAN VALENTINE: It's been moved and
2 seconded. I'll call for the vote. All in favor?

3 THE COMMISSION: Aye.

4 CHAIRMAN VALENTINE: All opposed? Motion
5 carries.

6 MS. THOMAS: Case number three actually
7 belongs to your new disciplinary counsel, Mr. Stuart
8 Huffman, I'll go ahead and let him present his cases
9 to you.

10 MR. HUFFMAN: Number three is number
11 2017072891 and 2017072841. This is related to
12 2017063461.

13 Complainant alleges that Respondent is
14 having an affair with her husband. However,
15 according to the Respondent, the husband stated he
16 was divorced, but she recently found out he was
17 actually separated. Husband has asked -- it says
18 Complainant, but should be Respondent, to marry him,
19 but has been abusive. Complainant continues to try
20 to reach out to Respondent 2, even though Respondent
21 2 doesn't want to be communicated.

22 The recommendation is to close.

23 VICE-CHAIRMAN BROWN: I recommend we
24 accept Counsel's recommendations.

25 MS. BREWER: Second.

1 licensed attorney located in west Tennessee to
2 review, approve, and sign all locator contracts
3 and/or claims with no question from the Tennessee
4 Unclaimed Property Division.

5 **A contract was submitted with the**
6 **complaint. The contract appears to be between**
7 **Respondent and the party seeking unclaimed property.**
8 **Respondent company is paid a contingency upon the**
9 **client receiving funds. There is a signature block**
10 **for the named west Tennessee attorney. However,**
11 **there is no indication that Respondent company is**
12 **working on behalf of that attorney.**

13 **My recommendation is to authorize a**
14 **formal hearing and send a consent order with a civil**
15 **penalty in the amount of \$500 for violation of**
16 **Tennessee Code Annotated 62-26-204(a), which would be**
17 **the unlicensed activity statute.**

18 CHAIRMAN VALENTINE: Do I hear a motion?

19 MR. BAYNE: I make a motion to approve
20 the recommendation.

21 MR. ROUSSEAU: I second.

22 CHAIRMAN VALENTINE: All in favor?

23 THE COMMISSION: Aye.

24 CHAIRMAN VALENTINE: All opposed? Motion
25 carries.

1 MR. RICHARDS: I'll second.

2 MS. VEST: On the record, who is going to
3 do the second?

4 MR. RICHARDS: I'll second.

5 MS. VEST: Mr. Richards.

6 CHAIRMAN VALENTINE: It's been moved and
7 seconded that we approve Counsel. All in favor say
8 aye.

9 THE COMMISSION: Aye.

10 MR. VALENTINE: All opposed? Motion
11 carries. Number four.

12 MS. THOMAS: Case Number four is actually
13 my case. That is 2017063421.

14 This complaint opened alleging that
15 Respondent is operating as a private investigator
16 without a license. Complainant states that
17 Respondent assists people with recovering money,
18 specifically through Tennessee Unclaimed Property
19 Fund. Complainant states that the Respondent enters
20 into contracts with individuals and receives payment
21 for services.

22 Respondent states that the company acts
23 as an asset recovery firm and has been approved as a
24 locator by the Tennessee Unclaimed Property Division
25 since 2011. Respondent states that it has used a

1 MR. HUFFMAN: Number five is 2017075461.

2 Complainant alleges unlicensed activity and
3 harassment by Respondent. Respondent was licensed at
4 the time of his investigation of state and federal
5 securities and criminal fraud, along with money
6 laundering, the allegation against Complainant.

7 The investigation took place from 2013
8 mostly in West Virginia, but Tennessee and Kentucky
9 had a reciprocal agreement allowing investigations to
10 cross the state borders without the need for testing.
11 Respondent admits he did not handle the
12 investigations in Tennessee, except a brief period in
13 2015 in which he was licensed.

14 Recommendation to the Board is to close.

15 CHAIRMAN VALENTINE: Do I hear a motion?

16 MR. ROUSSEAU: I move to accept the
17 recommendation of Counsel.

18 VICE-CHAIRMAN BROWN: Second,
19 Commissioner Brown.

20 CHAIRMAN VALENTINE: It's been moved and
21 seconded. I'll have a rollcall. All in favor say
22 aye.

23 THE COMMISSION: Aye.

24 MR. VALENTINE: All opposed? Motion
25 carries.

1 MS. THOMAS: We do have a couple of
2 re-presents for the Commission. The first is
3 2014024061. I will read the summary from the
4 original presentation, then give the new information.

5 The complaint alleged that Respondent, a
6 website that styles itself as America's Premier
7 Resource for Private Investigators, Searches, and
8 Lookups, was advertising that they were conducting
9 background checks by using licensed private
10 investigators. The website states they rely upon
11 information secured by real licensed private
12 investigators with access to information typically
13 reserved for law enforcement.

14 This complaint alleged that Respondent
15 was in violation of Tennessee Code Annotated
16 62-26-202 and 204, both which prohibit acting as an
17 investigations company without first obtaining a
18 license from the Commission. The investigation
19 revealed that Respondent had a current license in
20 Virginia, as well as one in Florida. Among other
21 services, the Respondent offered to obtain Tennessee
22 vehicle registration information for a fee on its
23 website.

24 Although the investigator identified six
25 Tennessee attorneys who appeared to have used the

1 Respondent's services, when contacted by the
2 investigator, none of the attorneys could recall
3 doing so.

4 The previous recommendation was to
5 authorize a formal hearing and send a consent order
6 with a civil penalty in the amount of \$1,000 for that
7 unlicensed activity, which the Commission concurred
8 with. This particular matter was re-presented at one
9 point and it was going to be scheduled for a hearing.

10 Subsequent to that, the Tennessee
11 Division of Motor Vehicles began offering that
12 service to Tennessee residents and nonresidents. The
13 new recommendation from the disciplinary counsel is
14 to close this matter, as it's allowed in the statute
15 now, this particular activity.

16 CHAIRMAN VALENTINE: Do I hear a motion?

17 MR. ROUSSEAU: I move to accept the
18 recommendation of Counsel.

19 MS. BREWER: Second.

20 CHAIRMAN VALENTINE: Moved and seconded.
21 I call for a vote. All in favor say aye.

22 THE COMMISSION: Aye.

23 CHAIRMAN VALENTINE: All opposed? Motion
24 carries.

25 MS. THOMAS: Thank you. I think we have

1 one more re-present.

2 MR. HUFFMAN: The last case is
3 2016070531. This case rises out of a consumer
4 complaint for unlicensed activity, specifically the
5 Complainant alleges that Respondent posed as a
6 licensed PI, questioned several of his employees.
7 Respondent was the owner of a PI company. Both the
8 individual's and company's licenses were revoked in
9 2013. Although Complainant filed separate complaints
10 against both Respondent 1 and his company, all the
11 allegations in the complaint are against Respondent 1
12 as an individual, here and after Respondent.

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

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

1 company also asked Respondent to question
2 Complainant's employees regarding Complainant's
3 potential illegal company. The surety company denies
4 they hired Respondent to be a licensed private
5 investigator. Respondent claims that he never
6 presented himself as a PI.

7 Previous recommendation for 2016070531
8 was a \$500 civil penalty with formal charges
9 authorized for violation of Section 62-6-204(8),
10 unlicensed activity. Recommendation for 2016070571
11 was closed. The previous Commission's decision was
12 concurred.

13 Update is the certified mailing of
14 consent order has been mailed three times to two
15 separate addresses. The first address was vacant and
16 no mail receptacle, the second address was
17 undeliverable. The surety company informed the
18 Department that the Respondent is no longer employed
19 or represented. The separation apparently was not
20 amicable. Updated contact information on the
21 Respondent was requested from the surety company.
22 However, that information's the same as what we have
23 on file. The new recommendation is to flag and
24 close.

25 MR. BAYNE: Question. What is meant by

1 "flag?"

2 MR. HUFFMAN: If the Respondent is to try
3 to apply for a new license, then we would know about
4 that and he would have to come in front of the
5 Commission.

6 MR. BAYNE: I understand, thank you.

7 MS. THOMAS: Additionally, it would
8 re-open this complaint for the Board's
9 reconsideration for any further discipline. But it's
10 closing now because I believe Stuart indicated that
11 the license has expired, so at this point he can't
12 practice as a private investigator. Should he decide
13 to become licensed again, as Stuart said, he would
14 have to answer this complaint and settle this before
15 receiving that license.

16 CHAIRMAN VALENTINE: Was he licensed when
17 this activity took place?

18 MR. HUFFMAN: He was not licensed. His
19 license was revoked in 2013, this activity was in
20 2016.

21 CHAIRMAN VALENTINE: Okay.

22 MS. THOMAS: So it sounds like it was
23 unlicensed activity at that time, but we do have a
24 license that we can flag, should he decide to try to
25 become licensed again.

1 CHAIRMAN VALENTINE: Do I hear a motion?

2 MS. THOMAS: I'm sorry. I was just going
3 to say, I think the bigger issue for Stuart is that
4 we tried multiple times to serve him, and we couldn't
5 locate him.

6 VICE-CHAIRMAN BROWN: Commissioner Brown,
7 I move we accept Counsel's recommendations.

8 MR. SHANKS: Doug Shanks, second.

9 CHAIRMAN VALENTINE: Moved and seconded.
10 Call for a --

11 MS. VEST: I'm sorry, who? Mr. Brown was
12 first, you made the motion, and then Mr. Shanks
13 seconded?

14 MR. SHANKS: (Nodding head
15 affirmatively.)

16 MS. VEST: I'm sorry for interrupting.

17 CHAIRMAN VALENTINE: All in favor say
18 aye.

19 THE COMMISSION: Aye.

20 CHAIRMAN VALENTINE: All opposed? Motion
21 carries.

22 MS. VEST: I am sorry, I have been
23 remiss, I did not introduce your counsel. The
24 gentleman is Stuart Huffman, this week. I'm just
25 teasing, Stuart. No, we are pleased to have Stuart

1 working with Ashley. He will be presenting your
2 legal cases from now on. He will be also doing the
3 litigation, if necessary. Legal has divided up.
4 Ashley Thomas is an Assistant General Counsel, and
5 she assists us mostly with our day-to-day operations,
6 everything else has been turned over to Stuart
7 Huffman. We'd like to say, welcome, Stuart, to the
8 Commission.

9 MR. HUFFMAN: Thank you.

10 THE COMMISSION: Welcome.

11 CHAIRMAN VALENTINE: Thank you, Ashley,
12 for being with us for this period.

13 MR. BAYNE: Yes.

14 MS. THOMAS: Absolutely, my pleasure.

15 CHAIRMAN VALENTINE: Next on the agenda
16 is the appearance.

17 MS. VEST: Is Mr. Killian in here? Okay.

18 I think we can probably go ahead, even though the
19 gentleman's not here. His name is Kyle, K-Y-L-E,
20 last name is K-I-L-L-I-A-N. You have this on your
21 legal pad. This gentleman, I believe, is in law
22 enforcement. And we have had discussion before, and
23 you told me you wanted to look at the applications
24 for law enforcement.

25 I am also the director for the private --

1 for Private Protective Services, and I do get law
2 enforcement that comes in and wants to do their own
3 companies and they want to do this for private
4 investigators as well.

5 We always look at the law enforcement
6 officer to see if he's worked in investigations. We
7 are aware that law enforcement -- it is investigation
8 and it is security, but not exactly investigations.
9 So I brought this before you today. He was supposed
10 to appear. I'd like for you to take a few minutes,
11 if you haven't already looked at it.

12 We had asked him to appear, but he's
13 applied for a private investigators license, as well
14 as a company. What you are looking at is his
15 experience. You'll see there that you do have the
16 application. This is what the application looks like
17 now as you go out online, everyone is required to go
18 online. He's filled this -- there's two applications
19 that he's done online, like I said, private
20 investigator and one for the company. So if you get
21 past that, you'll see where he's giving information
22 where he was a police officer, and it's just an
23 explanation of what a police officer does.

24 Mr. Kilian? No. So we'll give you a few
25 minutes to look at that. He also did enclose his --

1 excuse me, include -- it looks like he had his
2 certifications in firearms, the training that he's
3 had.

4 THE COMMISSION: (Commission viewing
5 document.)

6 MS. VEST: Remember you are looking at
7 the private investigator for the company, and I
8 believe it states he had to have 2,000 of compensated
9 hours with the company for the experience. That's
10 what you are looking at, is his experience. He's
11 included, looks like, a booking sheet. That is not
12 his, that is another individual. Took me a minute to
13 look at that one, too. But he's just showing, I
14 guess, his writing skills and his evidence.

15 MR. BAYNE: Arrest and booking report.

16 MR. FLAIR: Chairman Valentine, I have a
17 question, if I could. Probably needs --

18 MS. VEST: Mr. Flair, uh-huh.

19 MR. FLAIR: Maybe I'm missing it, but
20 where is he employed now? Is it Gallatin PD? I know
21 that's where he was at one time, and Jackson Florida,
22 Jacksonville SO, but I am just not seeing where he
23 was employed or where he is employed now. Am I
24 missing --

25 MS. VEST: Right on the first of his

1 application, when you get to the first sheet?

2 MR. FLAIR: Yes, ma'am.

3 MS. VEST: It does ask you for your
4 mailing address, it asks you for your business
5 address. He's in Sumner County. The name of the
6 company is Risk Response Group LLC.

7 CHAIRMAN VALENTINE: That's his company,
8 isn't it?

9 MS. VEST: Yes. That's what he's
10 applying for.

11 CHAIRMAN VALENTINE: But he's not working
12 for that company yet, since he doesn't have a
13 license.

14 MS. VEST: That's right, hopefully.

15 MR. FLAIR: Thank you.

16 CHAIRMAN VALENTINE: And he was four
17 years or six years with the Jacksonville Sheriffs
18 Office?

19 MR. FLAIR: Four years.

20 CHAIRMAN VALENTINE: Do we know what he
21 did there?

22 MS. VEST: No, sir. That's what he
23 supplied to us. That's why I sent him the letter
24 because I wasn't quite sure. I mean, he was a
25 policeman, we appreciate that, and then he just gave

1 you information where he apparently had arrested
2 somebody, so you can see some of that.

3 MS. THOMAS: Just for our new Commission
4 members, the statutory requirement, as far as
5 experience, is to possess or employ at least one
6 person who possesses at least 2,000 hours of
7 compensated verifiable investigative experience
8 satisfactory to the Commission or has one year of
9 applicable related experience or education in a
10 related area of study approved by the Commission. So
11 I think that's why he submitted his application to
12 you all, to see if maybe he fell under the one year
13 of applicable related experience, because he doesn't
14 have an employee who has the 2,000 hours experience.

15 MS. VEST: And to answer your question
16 about where he works, on the other sheet, it does say
17 that he is self-employed. He is a self-employed
18 consultant. He's in Gallatin, worked for a company
19 called Converse, C-O-N-V-E-R-S-E, out of
20 Massachusetts. He's employed -- then he does give
21 you employment, number three.

22 MR. BAYNE: That's on Page 12.

23 CHAIRMAN VALENTINE: On Page 19 it shows
24 he was a detective.

25 MR. ROUSSEAU: On his job description --

1 I'm assuming this was a sergeant grade. It states
2 his job description --

3 MR. BAYNE: What page are you on, Alan?

4 MR. ROUSSEAU: It's one of two from the
5 City of Jacksonville.

6 MR. BAYNE: Okay.

7 MR. ROUSSEAU: It gives example of his
8 work experience, knowledge, and skill abilities. So
9 he was employed four years there, so that would meet
10 the hour credentials.

11 MR. BAYNE: Yep, four years is well in
12 excess of 2,000.

13 MS. VEST: If we are not able to make a
14 decision, we can hold it and I can tell him he needs
15 to appear at the next Board meeting. He did get a
16 letter telling him to appear. Well, it was dated
17 December the 20th of 2017. "After reviewing your
18 application, Private Investigators request you appear
19 before the Tennessee Private Investigation and
20 Polygraph Commission prior to approval of your
21 application."

22 MR. BAYNE: Yes, that's on Page 3.

23 MS. VEST: So we did notify him. If you
24 don't have enough information, you want him to
25 appear, I can send him another letter and hold his

1 applications.

2 MR. SHANKS: So the question is, you all
3 are wanting us to decide if the four years in Florida
4 plus --

5 MS. VEST: Is his experience.

6 MR. SHANKS: -- is enough experience.

7 MS. VEST: I know it's enough experience,
8 but is it in the right field. I was told to bring
9 law enforcement back so you can take a look at that.
10 Because not all law enforcement officers, what I
11 understand, do the same thing. So you are looking
12 for somebody who can do investigations. I am aware
13 of -- I am told all the time by law enforcement, I
14 stopped your car, I have to get your driver's
15 license, go back to my car, and I have to do an
16 investigation. That's not necessarily investigations
17 for a private investigator, in my opinion, that's why
18 I bring those to you.

19 MR. BAYNE: Mr. Chairman, I like the idea
20 that this letter dated December 20th from the
21 Commission to Mr. Kilian, requested Mr. Kilian to
22 appear. Mr. Kilian is not here. This letter
23 suggests -- requested to appear before the Commission
24 prior to approval of an application. And since
25 Mr. Kilian is not here, one would think we send him

1 another letter and ask for his appearance.

2 CHAIRMAN VALENTINE: Can you put that in
3 the form of a motion?

4 MR. BAYNE: I move we hold on approval of
5 Mr. Kilian's application pending his appearance
6 before this Commission.

7 MS. BREWER: I second.

8 MR. ROUSSEAU: I have a question, Madam
9 Chairman {sic}.

10 MS. VEST: Okay. That's what we need to
11 do, Mr. Chairman, we need to -- you need to accept
12 the vote and then we need to open it up for
13 discussion.

14 CHAIRMAN VALENTINE: Okay. Seconded.

15 MS. VEST: By Ms. Brewer?

16 CHAIRMAN VALENTINE: By Ms. Brewer.

17 MS. VEST: And open for discussion now.

18 Mr. Rousseau?

19 CHAIRMAN VALENTINE: Yes. Mr. Rousseau?

20 MR. ROUSSEAU: Mr. Chairman, Madam

21 Director, there is a time period for the application.

22 Has he exceeded his time period for pending?

23 MS. VEST: That was December and this is
24 just January, no, sir, he has not.

25 MR. ROUSSEAU: Thank you.

1 MR. BAYNE: That's a good question.

2 CHAIRMAN VALENTINE: How much time does
3 he have to --

4 MS. VEST: He has six months.

5 CHAIRMAN VALENTINE: Six months. Okay.

6 So our next meeting is in March, and that would be
7 four months. Okay.

8 MS. VEST: So I think what -- the
9 discussion is to perhaps hold his application until
10 our next meeting, send him another letter asking for
11 an appearance, and we'll make whatever decision we
12 need to make at the March meeting; is that what I am
13 hearing?

14 CHAIRMAN VALENTINE: That was the motion
15 and seconded.

16 MR. BAYNE: That is correct.

17 MS. VEST: Thank you.

18 CHAIRMAN VALENTINE: I'll call for a
19 vote. All in favor?

20 THE COMMISSION: Aye.

21 MR. VALENTINE: All opposed? Motion
22 carries.

23 MS. VEST: Now, we do have -- we are
24 going to have another appearance. A gentleman's come
25 in, whose last name is L-E-E-T-H, Mr. Earnest Leeth.

1 Is that how you pronounce it? You want to come up
2 there and sit down and go there and talk into the
3 microphone.

4 This is just a little unusual. This
5 gentleman has come in to appear before the Board
6 because he held a license for a private investigator
7 that expired on 3/31/2015, I believe he moved to
8 another state. He's come in to talk to you about
9 making application again.

10 MR. BAYNE: And this is not on the
11 agenda, right?

12 MS. VEST: No, sir. It's under
13 appearances, you don't have it on your --

14 MS. THOMAS: There's no copy.

15 MS. VEST: There's nothing for you to
16 read.

17 MR. BAYNE: Thank you. Your name, again,
18 sir?

19 MR. LEETH: Earnest Craig Leeth,
20 L-E-E-T-H.

21 MS. VEST: Okay. He wants to make
22 application, if I'm saying this correctly, to be a
23 private investigator again and to have his own
24 company; he wants to open that. He has some
25 extenuating circumstances he wants to talk to you

1 about.
 2 As far as his private investigator, you
 3 don't have to take the exam within two years of
 4 applying again. He expired on March the 31st, 2015,
 5 be '16, be '17, see, I'm already in '18, so he's
 6 passed that timeframe. So I'm going to give
 7 Mr. Leeth --
 8 MR. LEETH: Do I need to turn this on?
 9 MS. VEST: Talk right into it.
 10 MR. LEETH: Okay. Little bit about me.
 11 I worked for Madison County Sheriffs Department in
 12 Huntsville, Alabama, in the '80s. I left the
 13 Sheriffs Department, was a private investigator in
 14 Huntsville throughout the '80s and into the '90s. My
 15 first wife passed away in 1999. I married a few
 16 years later, moved to Tennessee. I got my private
 17 investigator license here in Tennessee.
 18 I was working for other companies, and we
 19 moved to south Mississippi in 2015. I have done
 20 obtained my license in south Mississippi for the two
 21 years we were down there. I moved back here. I've
 22 got a hot-shot rig, it's a truck, out on the road and
 23 had a driver in it. I've chose to drive it and to
 24 pay for my truck. My wife's got epilepsy and she had
 25 a seizure a few weeks ago when I wasn't here and I

1 need to be at home.
 2 And I know this is unusual, but I need my
 3 private investigator license back. I would like to
 4 work for myself as a company and do the best I can in
 5 trying to make a living. I know we got rules and
 6 regulations and it's unusual, and I wouldn't be
 7 asking this if it wasn't for hardship about my wife
 8 and things of that nature, but I need to know the
 9 fastest way to get my private investigator license
 10 back and to get my business license so I can get a
 11 few jobs for myself. So that's all I am asking.
 12 CHAIRMAN VALENTINE: So you are asking
 13 for an exception to the rules to get your PI license
 14 now.
 15 MR. LEETH: I guess that's what I'm
 16 doing.
 17 MR. ROUSSEAU: Mr. Chairman, I have a
 18 question about the problem. I'm going to address to
 19 legal counsel and Executive Director. Do we have the
 20 authority to supersede the rule after the two years?
 21 MS. THOMAS: So it wouldn't necessarily
 22 be superseding the rule. So once his license is
 23 expired and he's out of grace, typically the law
 24 requires him to reapply, take the exam again, and
 25 prove everything again. I think the extent of your

1 authority in this case would be to allow him to renew
 2 so that he may not have to take the exam again. But
 3 if you don't allow for that, I think that's about the
 4 only leeway you all can give him.
 5 MR. FLAIR: Mr. Chairman, I've got a
 6 question. On any of the previous licenses that you
 7 have obtained and held in Mississippi, Tennessee, and
 8 I think North Carolina, was it?
 9 MR. LEETH: No, it was Alabama. The
 10 1980s and then through the '90s.
 11 MR. FLAIR: Alabama, I'm sorry. Was any
 12 of the circumstances unfavorable when you gave your
 13 license up.
 14 MR. LEETH: No, sir. No, sir.
 15 MR. FLAIR: Have you ever been
 16 reprimanded or --
 17 MR. LEETH: Never.
 18 MR. FLAIR: From any of those boards of
 19 any of those three states?
 20 MR. LEETH: Never.
 21 CHAIRMAN VALENTINE: Never had any
 22 complaints filed against you?
 23 MR. LEETH: No, sir.
 24 VICE-CHAIRMAN BROWN: I got a question.
 25 You were licensed strictly as a PI previously in

1 Tennessee, not as a company?
 2 MR. LEETH: I'm sorry, what?
 3 VICE-CHAIRMAN BROWN: You were licensed
 4 previously as an investigator only and not as a
 5 company also?
 6 MR. LEETH: Yes. I worked for a couple
 7 of different companies and --
 8 MR. ROUSSEAU: I have another question,
 9 Mr. Chairman.
 10 MS. VEST: Okay. So let me try to see if
 11 I can help just a little bit. What we are saying --
 12 I think we are saying is, his license expired in '15,
 13 and you have the authority to tell me I can renew his
 14 license, personal license. But he's never held a
 15 company license for himself, so he would have to make
 16 application, you know, do the fingerprints, then the
 17 background, and he would have to take the exam. That
 18 is the statute.
 19 MR. LEETH: Yeah, in the two years I was
 20 in Mississippi, I had the company license down there.
 21 MS. VEST: I don't -- I'm going to have
 22 to refer to legal counsel, I don't know if that would
 23 take the place --
 24 MS. THOMAS: No, I think because he would
 25 be a new applicant for a company application, he has

1 to go by the letter of the law. Like I said, I think
2 the only leeway you all can give him, would be on his
3 personal PI license to maybe renew instead of having
4 to reapply.

5 MR. ROUSSEAU: Mr. Chairman, I'd like to
6 make a motion that we allow staff to allow Mr. Leeth
7 to renew his personal PI license.

8 CHAIRMAN VALENTINE: Do I hear a second?

9 MR. FLAIR: I'll second.

10 CHAIRMAN VALENTINE: Motion and seconded.

11 MS. VEST: Can I -- before we say that,
12 sir, do you understand what they are saying?

13 MR. LEETH: Yeah, just for my private --
14 just for the private investigator license, not the
15 company license.

16 MS. VEST: Right. You would need to find
17 a private investigator company to put your license in
18 for me to issue it.

19 MR. LEETH: What would I have to do to
20 get my company license?

21 MS. VEST: Well, you are going to have to
22 make application, pay the fee, do the background, and
23 you will have to take a test.

24 MR. LEETH: Okay.

25 MS. VEST: It will not be -- I don't

1 MR. LEETH: Well, I was hoping by having
2 a company in Mississippi, that I wouldn't have to do
3 that.

4 MS. VEST: See, that's why he's here.

5 CHAIRMAN VALENTINE: I think legal
6 counsel would tell us that the company in Mississippi
7 does not transfer to Tennessee.

8 MR. LEETH: Imaginary state lines, I
9 guess.

10 VICE-CHAIRMAN BROWN: I'll give you an
11 example. I was not an LLC when I first formed my
12 business, and when I formed the LLC, I had to reapply
13 again myself. I didn't have to take the test, I had
14 already taken it, but I had to do the re-filing.
15 It's just what we require.

16 CHAIRMAN VALENTINE: Any further
17 discussion?

18 MR. BAYNE: Well, if I am understanding
19 correctly, I am hearing a motion is on the floor to
20 reinstate Mr. Leeth's personal PI license. I am also
21 hearing that the due process and legal process is
22 somewhat constricted and prevents everything, I
23 think, you are looking for this morning. But the
24 Commission, I suspect, is not immune to the need to
25 help you within the rules. So I think that's why the

1 think it would be very quick. I mean, you could
2 schedule the exam today, but it might be next week,
3 two weeks, or whatever, yes, sir.

4 MR. LEETH: These companies that I worked
5 for when I was a private investigator before here in
6 Tennessee, I imagine they are still in business, I
7 know one's been wanting me back.

8 MS. VEST: Okay. I am just telling you,
9 if I do approve the private investigator license, I
10 have to have him affiliated with a company in order
11 to approve it. So you would have to find someone to
12 put your license under until you took the exam for
13 the private investigator company.

14 VICE-CHAIRMAN BROWN: When you had a
15 Mississippi license, did you have continuing
16 education hours?

17 MR. LEETH: No.

18 MS. VEST: Sir, is this going to be any
19 help to you to get your private investigator license
20 back and you are going to find a company to put it
21 with?

22 MR. LEETH: I guess.

23 MS. VEST: And then take the exam -- make
24 the application online and go ahead and take your
25 company exam.

1 motion is on the floor, which I would second, unless
2 -- I think someone's already seconded it.

3 MR. LEETH: If it wasn't for hardship and
4 my wife having epilepsy, I wouldn't ask for nothing,
5 I'd just -- whatever I needed to do. But I have got
6 a hardship case, and I have got to take care of me
7 and my wife.

8 MR. BAYNE: And I think that the
9 Commission is sensitive to that plight. I also think
10 that the path forward would be to find that company
11 with whom you have worked before, let them know your
12 license is renewed, if it's approved, and it's time
13 to move forward.

14 MR. LEETH: Now how long would I need to
15 work for another company before I could obtain my
16 business license?

17 CHAIRMAN VALENTINE: You can apply for
18 your business license now. And as soon as it comes
19 through, then you can stop working for the other
20 company and work for yourself.

21 MR. LEETH: Reasonable time limit that I
22 need to --

23 MS. THOMAS: That's right.

24 MR. LEETH: Okay.

25 MR. FLAIR: That calls for a decision,

1 Mr. Chairman, on the motion.
 2 CHAIRMAN VALENTINE: We have heard the
 3 motion and second and discussion. All in favor?
 4 THE COMMISSION: Aye.
 5 MR. VALENTINE: All opposed? Motion
 6 carries.
 7 MS. VEST: All right. So let me make
 8 sure I understand, sir. We are going to renew --
 9 allow you to renew your private investigators
 10 license. I cannot issue it to you until you get me a
 11 letter of affiliation from a private investigator
 12 company. So it's going to be essential that you get
 13 with another company.
 14 MR. LEETH: Okay.
 15 MS. VEST: All right. And then at any
 16 time between that, you can make application to be a
 17 private investigation company yourself.
 18 MR. LEETH: I'm pretty sure either one of
 19 the two that I've worked for -- they have been
 20 wanting me back anyhow.
 21 MS. VEST: Okay.
 22 MR. LEETH: You are going to hold onto my
 23 old --
 24 MS. VEST: No, sir. I am going to
 25 actually give this back to you. I am going to need

1 thing on the agenda would probably be my
 2 administrative matters. You have your iPads, you
 3 have your monthly reports. You should have
 4 September, October, November, and December. So I'll
 5 flip over to yours, because this has all the
 6 professions that we have. We'll get to the Private
 7 Investigation Commission. And Mr. Rousseau, we do
 8 appreciate your service. Even though you expired in
 9 2014, you're still on our Commission. Thank you so
 10 much.
 11 MR. ROUSSEAU: Thank you.
 12 MS. VEST: Of course, we do now have
 13 Stuart Bayne, whose term expires on 9/30/2021; Robin
 14 Brewer-Johnston, hers also expires 9/30/2021; and
 15 Mr. Douglas Shanks also expires on 9/30/2021.
 16 MR. BAYNE: Although going by current
 17 experience with Mr. Rousseau, that 2021 appears in
 18 question; does it not?
 19 MS. VEST: It most certainly could.
 20 These appointments are made by the governor's office,
 21 and we do appreciate your serving as long as
 22 necessary, until you get your papers that thank you
 23 for your service.
 24 MR. ROUSSEAU: I don't get a gold watch
 25 or --

1 to contact you because there's some things I am going
 2 to have to do.
 3 MR. LEETH: Now, my address on there, if
 4 it's on there, I don't know if it's on there or not,
 5 it's a different address and phone number.
 6 MS. VEST: No, it's not. How about
 7 giving me your telephone number and I'll call --
 8 MR. LEETH: It's (931)334-3095.
 9 MS. VEST: So it's (931)334-3095.
 10 MR. LEETH: Yes, ma'am.
 11 MS. VEST: Because I'll need to give you
 12 some instruction. All right. Thank you, sir, very
 13 much.
 14 MR. LEETH: Thank you all very much.
 15 THE COMMISSION: You're welcome.
 16 MS. VEST: That's all I have,
 17 Mr. Valentine, under appearances. You want to take
 18 maybe just a five-, ten-minute break?
 19 CHAIRMAN VALENTINE: Okay. We'll take a
 20 five-minute break.
 21 (Short break.)
 22 MR. VALENTINE: This is Walt Valentine,
 23 Chairman. We are calling the Commission back into
 24 order.
 25 MS. VEST: All right. I think the next

1 MS. VEST: I can give you something. I
 2 can find an old piece of watch somewhere, if you want
 3 to. Might not have a strap.
 4 All of them are going to stay the same
 5 for those months. We didn't have anything under
 6 monthly reports that was different, it's all the
 7 same.
 8 So we'll move right into a different
 9 topic, which is your budget review, and I need to
 10 talk to you about this. Okay. Now, all you have is
 11 July, August, September, October, and November. I
 12 don't have any December figures at all for you. If
 13 you will notice, you are in the negative of \$9,215.
 14 It looks like we are taking an ebb there, which is
 15 something unusual for the PI program.
 16 In November we were in the negative;
 17 August, positive; September, negative; October,
 18 positive; November, negative. It's -- we have
 19 anticipated it will take care of itself as it goes
 20 through the year. I am not anticipating any
 21 problems. I will look at it real close when we hit
 22 that February and March totals, make sure we are
 23 going to be in a positive.
 24 You do know, for our new members, our
 25 fiscal year starts July the 1st and ends June the

1 30th. The Commissions must, as they start over their
2 new fiscal year -- and we do it starting in July, you
3 must be self-sufficient.

4 There are some expenditures on there.
5 Addison expenditures, that's our new computer system.
6 You have some cost backs, but they look like they are
7 all staying within the same range. Legal cost backs
8 are staying within the same range. I don't see
9 anything that's standing out that's making this a
10 negative. Investigations, we did a few more than the
11 last month. And customer service, it looks like it's
12 pretty even there.

13 I think our big month for renewals for
14 private investigators are right, like, in March and
15 April, is when we actually started the program years
16 ago. So you are going to have more that are just
17 going to come in. But I will watch this for you, and
18 if I do see the trend, I'll be talking with Bill
19 Huddleston and watching this rather closely. We
20 should be able to make up this negative \$9,215
21 without a problem there.

22 Just for the new Board members, if we do
23 not, we will have to go to the Hill and explain why
24 we didn't, or we may have to take a look at raising
25 fees, which we talked about years -- what, three or

1 four years ago, but we started levelling off. As
2 long as we are maintaining a balance, even though we
3 might have a reserve, we don't use -- we don't use
4 the reserve, we have to be able to maintain at all
5 times from July to June. But I will help you with
6 that.

7 Okay. The next thing I believe we have
8 is an application review. This individual under
9 application review should be Exhibit A. You are
10 going to see the same thing you did for this other
11 gentleman. You have the application there, that's
12 what it looks like now that they make it online.
13 She's answering all these questions as well. She has
14 some real estate experience here.

15 She's the same as the other gentleman,
16 she's making application to be a private investigator
17 and a private investigation company. I was looking
18 to see what page it was. It does tell you -- it does
19 have where she's -- or employment, that's what you
20 were looking for before, her employment, past
21 employment is second place, third, and the fourth,
22 says she was -- I think it starts with Page 8. You
23 have the transcript from the University of Tennessee.
24 You have some letters of recommendation that's --
25 that is also included.

1 THE COMMISSION: (Commission viewing
2 document.)

3 MS. VEST: Now, all I'm seeing is that
4 she has passed the private investigation company
5 exam. We don't find any computer information where
6 she passed the other exam for private investigator,
7 but we'll contact her and find out if she has.

8 CHAIRMAN VALENTINE: And she has the
9 number of hours that are required?

10 MS. VEST: That's what we are looking at,
11 is her experience. According to the letters -- of
12 course, now, she's got the transcript for you to look
13 at as well. Looks like United States Department of
14 Agriculture. It doesn't tell me exactly how long --
15 it's just a letter -- to me, a letter of
16 recommendation. She's highly recommended. They have
17 known her since 1985. She's worked with the Finance
18 Administration Department at the Town of Oakland for
19 two years. They have recommended her. And she's
20 passed the exam.

21 VICE-CHAIRMAN BROWN: She's not applied
22 for PI license?

23 MS. VEST: Yes, she's applying for both
24 of them. But all I have on record is that she passed
25 the company exam. She may have not taken it yet, the

1 individual, or I might not have the report yet.

2 CHAIRMAN VALENTINE: What's her
3 investigative experience?

4 MS. VEST: I didn't see any. That's why
5 I brought it to you, because she has her education
6 here. Okay. We do have that she passed the private
7 investigation exam and she did pass the company exam.
8 So she has done that. I was looking at the
9 University of Tennessee so I could determine what her
10 major -- it looks like her major is computer
11 accounting technology.

12 MS. THOMAS: And again, I think that this
13 application -- because she doesn't have the
14 2,000 hours of investigative experience, I think it
15 appears that this particular applicant is going under
16 these -- or trying to go under the "Has one year of
17 applicable related experience or education in a
18 related field of study approved by the Commission."

19 MR. BAYNE: Page 11 shows the official
20 student transcript.

21 MS. VEST: Right, here she has --

22 MR. BAYNE: Quite extensive.

23 MS. VEST: She has Baker University,
24 Bachelor of Business Administration. Might help you
25 just a little bit here. She went to Southwest Tech

1 -- Tennessee College.
 2 MR. ROUSSEAU: She has business law
 3 credits.
 4 MS. VEST: University of Tennessee,
 5 student public service. Professional experience,
 6 financial officer/recorder for the Town of Oakland
 7 from April of 2013 to April of 2015, General
 8 Administration and Financial Department. She was
 9 also a city administrator for the City of Galloway
 10 from January 2009 to November 2012. She's also an
 11 assistant broker.
 12 VICE-CHAIRMAN BROWN: Mr. Chairman, I
 13 need to recuse myself from this one.
 14 CHAIRMAN VALENTINE: Okay.
 15 MS. VEST: Okay. Then we need to ask you
 16 to step out in the hall, Mr. Brown, please.
 17 VICE-CHAIRMAN BROWN: Sure.
 18 (WHEREUPON, Mr. Brown recused himself to
 19 the hall.)
 20 CHAIRMAN VALENTINE: I don't see under
 21 the University of Tennessee that municipal technical
 22 advisory service a bachelors degree indication there
 23 anywhere.
 24 MR. BAYNE: Are you looking on Page 11,
 25 Walt?

1 CHAIRMAN VALENTINE: I see the
 2 transcript, but it doesn't show that she was awarded
 3 a bachelors degree.
 4 MR. BAYNE: M-task courses, I think, are
 5 the short courses, seminar courses, half day, full
 6 day, not -- I don't think they are baccalaureate
 7 program courses. I don't know.
 8 MS. THOMAS: Mr. Chairman, I will say the
 9 information Cody was reading from was from the
 10 applicant's resume where she said there was a
 11 Bachelor Degree in Business Administration.
 12 CHAIRMAN VALENTINE: Does that qualify as
 13 education for the PI license?
 14 MS. THOMAS: I think that's the question
 15 for the Commission. It has to be approved by the
 16 Commission as a related field of study.
 17 MR. BAYNE: Do you see anything that
 18 might -- she was 20 years with the USDA and letters
 19 of recommendation suggest highly qualified, but I
 20 hadn't seen anything that says X investigative
 21 related work.
 22 CHAIRMAN VALENTINE: Exactly. I didn't
 23 see anything either.
 24 MS. BREWER: I am searching to try to --
 25 MS. VEST: We looked at the resume and

1 didn't see that either.
 2 MR. SHANKS: Could we have her come here
 3 and speak with us?
 4 MS. VEST: Most certainly, Mr. Shanks,
 5 you can require her to come in.
 6 MR. SHANKS: I make a motion -- I guess
 7 we hold this off until she makes an appearance and we
 8 can ask her questions about her investigative skills
 9 and knowledge.
 10 MR. ROUSSEAU: Second.
 11 CHAIRMAN VALENTINE: Discussion? I had
 12 one question. You mentioned a bachelors degree from
 13 Baker College or University?
 14 MS. VEST: Yes, sir.
 15 CHAIRMAN VALENTINE: And that was in
 16 business administration.
 17 MS. VEST: Yes, sir, it's a business
 18 administration also.
 19 CHAIRMAN VALENTINE: Okay. Any further
 20 discussion?
 21 MS. VEST: So I believe the motion was to
 22 ask her to appear -- hold off on her approval of her
 23 license and ask her to appear at the next meeting.
 24 CHAIRMAN VALENTINE: Yes, that's the
 25 motion. All in favor?

1 THE COMMISSION: Aye.
 2 CHAIRMAN VALENTINE: All opposed? Motion
 3 carries.
 4 MS. VEST: Hold on just a minute, make
 5 sure I get this all down here. The next thing, I
 6 believe -- I'm sorry, Mr. Chair, I'm jumping right in
 7 in front of you, I'm sorry -- is the Education
 8 Committee, education review. The Education Committee
 9 met this morning. And first I'd like to tell you
 10 it's Alan, Larry, and David. We would like to have
 11 two more members on the Committee --
 12 MR. BAYNE: I would volunteer.
 13 MS. VEST: -- to volunteer. Okay, we
 14 have a volunteer for Stuart. Any other volunteer?
 15 CHAIRMAN VALENTINE: I'll volunteer also.
 16 MS. VEST: Mr. Valentine. Walt. That
 17 will give us five people on the Committee from now on
 18 to review.
 19 We reviewed all the courses, and the
 20 Committee, like I said, there were three of them,
 21 they had voted all three courses -- or they had
 22 approved all three courses to be approved. I'd like
 23 to have that in a form of a motion, please, unless
 24 there's discussion.
 25 MR. FLAIR: I'll make a motion that we

1 accept the Committee's recommendation. Larry Flair.
 2 MR. SHANKS: Doug Shanks, second.
 3 CHAIRMAN VALENTINE: Any discussion? All
 4 in favor?
 5 THE COMMISSION: Aye.
 6 CHAIRMAN VALENTINE: All opposed? Motion
 7 carries.
 8 MS. VEST: As far as unfinished business,
 9 I don't have any unfinished business there
 10 Mr. Valentine. And right now I don't have any new
 11 business, and I don't know of anybody who signed up.
 12 Mr. Rousseau may have a statement.
 13 MR. ROUSSEAU: Mr. Chairman?
 14 CHAIRMAN VALENTINE: Yes.
 15 MR. ROUSSEAU: I don't know if this is
 16 appropriate or -- I don't think we have done this
 17 before, but as we all know that Dr. Ritch, throughout
 18 the illness of his son and wife, was here for a long
 19 time. He was very dedicated. He was very proud of
 20 the fact that he only missed about two or three
 21 meetings. And is it appropriate -- is it within the
 22 rules for us to send a letter to him, as the
 23 Commission, thanking him?
 24 MS. VEST: He will get a plaque. We have
 25 already gotten together. We are going to have to

1 CHAIRMAN VALENTINE: Any discussion? All
 2 in favor?
 3 THE COMMISSION: Aye.
 4 MR. VALENTINE: All opposed? Good luck.
 5 (WHEREUPON, the meeting was adjourned at
 6 11:01 a.m.)
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1 contact Dr. Ritch, make sure our years are the same.
 2 Minnie Lane also is to get her plaque, and there - I
 3 believe there are a couple others we are trying to
 4 order the plaques for. Yes. And it will have a
 5 letter that accompanies it thanking them for their
 6 service.
 7 VICE-CHAIRMAN BROWN: Do we mail that to
 8 them or can they come here?
 9 MS. VEST: If they can come here, we will
 10 ask them to come here so we can present the plaque
 11 and get the photos also of them. We'd like to have
 12 that as public record as well. If they are not able
 13 to attend, of course we will mail it to them.
 14 MR. ROUSSEAU: Thank you.
 15 MS. VEST: Thank you, Mr. Rousseau.
 16 CHAIRMAN VALENTINE: Do we have any
 17 continuing education participation?
 18 MS. VEST: No, we do not, that I'm aware
 19 of.
 20 VICE-CHAIRMAN BROWN: Are we at that
 21 time?
 22 MS. VEST: We are at that time.
 23 VICE-CHAIRMAN BROWN: We are at that
 24 time. I make a motion we adjourn.
 25 MR. SHANKS: Doug Shanks, second.

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