Tennessee Private Investigation and Polygraph Commission Meeting


Walt Valentine, Chair

Paul David Brown Jr, Vice Chair

Stuart W Bayne

Larry T Flair, Sr.

Robin Brewer Johnston

William Rick Jones

Arthur G (Jerry) Richards

Alan G Rousseau

Douglas Shanks
PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

EDUCATION MEETING

January 26, 2018

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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-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.

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.
MS. VEST: I'll try to remember that.

MS. JOHNSTON: I will too.

MS. VEST: Okay.

VICE-CHAIRMAN BROWN: We have all known her as Robin Brewer for years and years and years.

MS. VEST: Me too, that's why I was asking.

The next one was PI Education, Untying the Knot: A Guide to Investigation Troubled Relationships. They wanted six hours.

MR. ROUSSEAU: Aren't they on ours approved list?

MS. VEST: The PI Education is, yes, but these different courses have to be approved to get on there.

MR. ROUSSEAU: I am okay with it.

MS. VEST: Did you have any questions about it?

MR. ROUSSEAU: No.

MS. VEST: Mr. Flair, did you?

MR. FLAIR: No, ma'am.

MS. VEST: The other one is also PI -- there's several PI Education. Open Source Intelligence, six hours; Public -- PI Education, It's all Lies: Understanding Deception Detection, six hours. The next one is E-Q-U-I-V-O-C-A-L Death Investigations for six hours. Then we have Identity Theft for six hours; Surveillance Strategies for Success, one hour; Ethics and Professional Responsibility for two hours.

Do you have any problems with the PI Education courses?

MR. ROUSSEAU: No problem.

VICE-CHAIRMAN BROWN: None.

MR. FLAIR: No.

MS. VEST: The next one is for Charles Pepper -- Piper, P-I-P-E-R, Contracting Procurement Fraud Investigation Guidebook. They wanted 12 hours for that.

MR. ROUSSEAU: No problem.

VICE-CHAIRMAN BROWN: Hasn't he been approved before?

MS. VEST: Yes. Mr. Flair, do you have any problem?

MR. FLAIR: Yeah, I didn't have any problem. That's what I was thinking, I thought he had already been approved.

MS. VEST: I understand, but the course has to too. And then here is the NRTS submitted -- they submitted their courses for 2018. You saw they had 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 -- they got 20 courses and they wanted one hour continuing education for each.

MR. ROUSSEAU: I'm okay with that.

VICE-CHAIRMAN BROWN: Okay.

MS. VEST: Mr. Flair?

MR. FLAIR: Yes, ma'am, that will work.

MS. VEST: The next one is Devan & Associates, SLED and North Carolina Approved Private Investigator for Continued Education. They want to have that approved for their education for February 22nd and 23rd of this year.

MR. ROUSSEAU: I'm okay.

VICE-CHAIRMAN BROWN: Do we have more material, than the ones that we have?

MS. VEST: That's all we have.

VICE-CHAIRMAN BROWN: I would have liked to have seen a little bit more.

MS. VEST: If you do, we have time to ask them, but then I won't have time to bring it back to the Commission.

VICE-CHAIRMAN BROWN: Yeah.

MS. VEST: So what would you like for me to look for?

VICE-CHAIRMAN BROWN: Have they --
the president, he will be teaching. I think it's got ample, maybe you just didn't see all of it.

VICE-CHAIRMAN BROWN: Or my printer didn't print it all out.

MS. VEST: That's possible. But we say it's okay.

VICE-CHAIRMAN BROWN: Yes, ma'am.

MR. FLAIR: Yes.

MS. VEST: All right, not a problem. And the next one and last one is Kansas Association of Investigators. They are having their conference February the 22nd and 23rd also, and they want 16 hours for their investigative --

MR. ROUSSEAU: I'm okay with it.

VICE-CHAIRMAN BROWN: Okay.

MR. FLAIR: I'm all right with it.

MS. VEST: All right. Then I think that finishes our continuing education. And what we'll do, whenever we present this, Mr. Brown, we'll just say, "All the courses had been approved by the Commission," and we will ask the members if they will approve it.

(WHEREUPON, the meeting was concluded at 9:12 a.m.)

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

COMMISSION MEETING
January 26, 2018
Davy Crockett Tower
500 James Robertson Parkway, Room 1A
Nashville, TN 37243

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

VICE-CHAIRMAN BROWN: Good morning, fellow Commission members, staff members, and honored guests. Today is February the 26th, 2018, at approximately 9:31. I'm David Brown, your Commission Vice-Chair. I will now call to order the meeting of the Tennessee Private Investigation and Polygraph Commission, and turn it over to Cody Vest.

MS. VEST: All right, thank you. We are going to do a rollcall. But first of all, we need to say hello to our newest Commission member, who is Douglas Shanks. Appreciate Mr. Shanks taking his time to serve on the Commission. I am going to do a rollcall. Stuart Bayne?

MR. BAYNE: Here.

MS. VEST: David Brown?

VICE-CHAIRMAN BROWN: Here.

MS. VEST: Larry Flair?

MR. FLAIR: Here.

MS. VEST: Robin Brewer?

MS. BREWER: Here.

MS. VEST: Rick Jones? Jerry Richards?

MR. RICHARDS: Here.

MS. VEST: Alan Rousseau?

MR. ROUSSEAU: Here.

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| 12 | MS. VEST: Okay. We can have another
vote, or if it's going to split again, we may have to wait until we have another Commission member, which makes it, what, nine members.
VICE-CHAIRMAN BROWN: Let me go ahead and let Walt be the Chairman.
MS. VEST: You want to remove your name from the nomination?
VICE-CHAIRMAN BROWN: Yes, ma'am.
MS. VEST: Mr. Rousseau, since you did the nomination, you would have to remove him.
MR. ROUSSEAU: I move to withdraw my nomination.
MS. VEST: For David Brown as Commissioner Chair. All right. Do we have a second?
MR. SHANKS: Second.
MS. VEST: Who did the second? All right, Mr. Shanks, thank you. So now we are back to Walt Valentine was nominated. Since there's no other individual that has been nominated, do I have a vote for election by acclamation for Walt Valentine?
MR. ROUSSEAU: I so move.
MS. VEST: All right, the motion was made by Alan Rousseau. Second by?
MR. BAYNE: Second.
MS. VEST: Mr. Bayne seconded that?
MR. BAYNE: Yes, ma'am.
MS. VEST: Then the vote is going to cease and we have a new Chair and that is Walt Valentine. Congratulations, Mr. Valentine, you are now the Chair for the Private Investigation and Polygraph Commission, which is no stranger to you because you were the North Carolina, wasn't it, Chair?
CHAIRMAN VALENTINE: Indiana.
MS. VEST: Indiana, excuse me. I knew it was up north. All right, now we need to vote for a Vice-Chair.
MR. ROUSSEAU: I move for Commissioner Brown for Vice-Chair.
MR. BAYNE: Second.
MS. VEST: We have a nomination for David Brown as Vice-Chair -- and who was that?
MR. BAYNE: Second.
MS. VEST: You did the second. Who did the vote? Alan Rousseau? Okay. And then Mr. Bayne did the second. Do we have any other nominations? All right. Since there are no other nominations, we will call for a vote of acclamation. Do we have a motion?
MR. FLAIR: I make that motion, Madam

Chairman.
MS. VEST: Mr. Flair, thank you.
MS. BREWER: Second.
MS. VEST: Ms. Brewer has seconded the nomination. All in favor?
The COMMISSION: Aye.
MS. VEST: The motion has carried, the election has ceased. Congratulations, Mr. Brown, you are now the Vice-Chair, which I think you already are the Vice-Chair.
VICE-CHAIRMAN BROWN: Yes, ma'am, I maintain my seat.
MS. VEST: I think you need to just move just a little bit, now it's Mr. Valentine.
VICE-CHAIRMAN BROWN: With pleasure.
MS. VEST: Mr. Shanks, would you move over a little bit and let Mr. Brown sit in your chair and Walt can take your chair. All right, we may need to move these little name tags, too. See, this is a test, gentlemen.
CHAIRMAN VALENTINE: It's complicated.
MS. VEST: Yes, it is. Congratulations to both gentlemen. Walt Valentine is now the Chair of the Private Investigation and Polygraph Commission, and David Brown is your Vice-Chair of the Private Investigation and Polygraph Commission.

Congratulations, gentlemen.
CHAIRMAN VALENTINE: Thank you, I guess. MS. VEST: The next thing I think we need to do, Mr. Chairman, is the Roberts Rules of Order. There is a new -- Roberts Rules of Order has changed a little bit. We used to say that we would change it so that the Commission Chair could vote, now it is Roberts Rules of Order that says the Chairman may vote. We need to elect Roberts Rules of Order.
MR. ROUSSEAU: I move that we accept the Roberts Rules of Order.
VICE-CHAIRMAN BROWN: I second.
MS. VEST: Alan Rousseau did the motion, David Brown made the second. All in favor?
The COMMISSION: Aye.
MS. VEST: All opposed? Motion carries. Now we are down to the legal section.
MS. THOMAS: If the Commission's ready, I'll begin reading the legal report. I will start with case number one, being 2017061831 and 2017061811. This complaint opened alleging that Respondent entered into a contract for private investigation services and to provide requested
information in order to enforce a court judgement.

Complainant, a licensed realtor, indicated that some
of the information that Respondent provided was
available to him prior to contracting. Complainant
stated that Respondent provided minimal information
and would not provide any information unless
contacted. Complainant stated he last contacted
Respondent on August 10, 2017, via text message for
an update on the status of the case. Complainant
stated that he paid Respondent $4,000, but did not
provide any useful results.

Respondent stated that Complainant, after
missing the first two meetings, hired him to conduct
an asset search about two people. Respondent stated
that through September 2017, the investigation was
ongoing, and the Complainant was informed that the
case could take 30 to 90 days to complete.

Respondent stated that Complainant provided first and
last names and addresses. Respondent stated that
additional leads were developed and discoveries were
made. Respondent stated that multiple telephone
calls were made between the parties.

Respondent stated that after receiving
the complaint, he reached out to Complainant to
address any outstanding issues. Respondent stated
that Complainant did not hire the company on an
exclusive basis, there was not a timeframe to be
completed, and the agreement did not require updates
to be provided throughout the investigation.

Respondent indicated that several attempts to reach
Complainant went unanswered, a fact which Complainant
disputes. Respondent acknowledged that Complainant
was last contacted on August 102017, but because
there was no subsequent follow-up, there is no
evidence of a concern.

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

CHAIRMAN VALENTINE: Do I hear a motion?
MR. RICHARDS: I move that we accept
Counsel's recommendation.
MR. ROUSSEAU: Second.
CHAIRMAN VALENTINE: Okay, I call for a
vote. All in favor say aye.
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CHAIRMAN VALENTINE: It's been moved and seconded. I'll call for the vote. All in favor?
THE COMMISSION: Aye.
CHAIRMAN VALENTINE: All opposed? Motion carries.
MS. THOMAS: Case number three actually belongs to your new disciplinary counsel, Mr. Stuart Huffman, I'll go ahead and let him present his cases to you.
MR. HUFFMAN: Number three is number 2017072891 and 2017072841. This is related to 2017063461.
Complainant alleges that Respondent is having an affair with her husband. However, according to the Respondent, the husband stated he was divorced, but she recently found out he was actually separated. Husband has asked - it says Complainant, but should be Respondent, to marry him, but has been abusive. Complainant continues to try to reach out to Respondent 2, even though Respondent 2 doesn't want to be communicated.
The recommendation is to close.
VICE-CHAIRMAN BROWN: I recommend we accept Counsel's recommendations.

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MR. RICHARDS: I'll second.
MS. VEST: On the record, who is going to do the second?
MR. RICHARDS: I'll second.
MS. VEST: Mr. Richards.
CHAIRMAN VALENTINE: It's been moved and seconded that we approve Counsel. All in favor say aye.
THE COMMISSION: Aye.
MR. VALENTINE: All opposed? Motion carries. Number four.
MS. THOMAS: Case Number four is actually my case. That is 2017063421.
This complaint opened alleging that Respondent is operating as a private investigator without a license. Complainant states that Respondent assists people with recovering money, specifically through Tennessee Unclaimed Property Fund. Complainant states that the Respondent enters into contracts with individuals and receives payment for services. Respondent states that the company acts as an asset recovery firm and has been approved as a locator by the Tennessee Unclaimed Property Division since 2011. Respondent states that it has used a licensed attorney located in west Tennessee to review, approve, and sign all locator contracts and/or claims with no question from the Tennessee Unclaimed Property Division.

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A contract was submitted with the complaint. The contract appears to be between Respondent and the party seeking unclaimed property. Respondent company is paid a contingency upon the client receiving funds. There is a signature block for the named west Tennessee attorney. However, there is no indication that Respondent company is working on behalf of that attorney.
My recommendation is to authorize a formal hearing and send a consent order with a civil penalty in the amount of $500 for violation of the unlicensed activity statute.
CHAIRMAN VALENTINE: Do I hear a motion?
MR. BAYNE: I make a motion to approve the recommendation.
MR. ROUSSEAU: I second.
CHAIRMAN VALENTINE: All in favor?
THE COMMISSION: Aye.
CHAIRMAN VALENTINE: All opposed? Motion carries.

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MR. HUFFMAN: Number five is 2017075461.
Complainant alleges unlicensed activity and harassment by Respondent. Respondent was licensed at the time of his investigation of state and federal securities and criminal fraud, along with money laundering, the allegation against Complainant. The investigation took place from 2013 mostly in West Virginia, but Tennessee and Kentucky had a reciprocal agreement allowing investigations to cross the state borders without the need for testing. Respondent admits he did not handle the investigations in Tennessee, except a brief period in 2015 in which he was licensed.
Recommendation to the Board is to close.
CHAIRMAN VALENTINE: Do I hear a motion?
MR. ROUSSEAU: I move to accept the recommendation of Counsel.
VICE-CHAIRMAN BROWN: Second, Commissioner Brown.
CHAIRMAN VALENTINE: It's been moved and seconded. I'll have a rollcall. All in favor say aye.
The COMMISSION: Aye.
MR. VALENTINE: All opposed? Motion carries.
25 re-presents for the Commission. The first is
24 2014024061. I will read the summary from the
23 original presentation, then give the new information.
22 The complaint alleged that Respondent, a
21 website that styles itself as America's Premier
21 Resource for Private Investigators, Searches, and
20 Lookups, was advertising that they were conducting
19 background checks by using licensed private
18 investigators. The website states they rely upon
17 information secured by real licensed private
16 investigators with access to information typically
15 reserved for law enforcement.
14 This complaint alleged that Respondent
13 was in violation of Tennessee Code Annotated
12 62-26-202 and 204, both which prohibit acting as an
11 investigations company without first obtaining a
10 license from the Commission. The investigation
9 revealed that Respondent had a current license in
8 Virginia, as well as one in Florida. Among other
7 services, the Respondent offered to obtain Tennessee
6 vehicle registration information for a fee on its
5 website.
4 Although the investigator identified six
3 Tennessee attorneys who appeared to have used the
2 Respondent's services, when contacted by the
1 investigator, none of the attorneys could recall
2 doing so.
1 The previous recommendation was to
2 authorize a formal hearing and send a consent order
1 with a civil penalty in the amount of $1,000 for that
0 unlicensed activity, which the Commission concurred
0 with. This particular matter was re-presented at one
0 point and it was going to be scheduled for a hearing.
0 Subsequent to that, the Tennessee
0 Division of Motor Vehicles began offering that
0 service to Tennessee residents and nonresidents. The
0 new recommendation from the disciplinary counsel is
0 to close this matter, as it's allowed in the statute
0 now, this particular activity.
0
1 CHAIRMAN VALENTINE: Do I hear a motion?
0 MR. ROUSSEAU: I move to accept the
0 recommendation of Counsel.
0 MS. BREWER: Second.
0 CHAIRMAN VALENTINE: Moved and seconded.
0 I call for a vote. All in favor say aye.
0 THE COMMISSION: Aye.
0 CHAIRMAN VALENTINE: All opposed? Motion
0 carries.
0 MS. THOMAS: Thank you. I think we have
0 one more re-present.
0 MR. HUFFMAN: The last case is
0 2016070531. This case rises out of a consumer
0 complaint for unlicensed activity, specifically the
0 Complainant alleges that Respondent posed as a
0 licensed PI, questioned several of his employees.
0 Respondent was the owner of a PI company. Both the
0 individual's and company's licenses were revoked in
0 2013. Although Complainant filed separate complaints
0 against both Respondent 1 and his company, all the
0 allegations in the complaint are against Respondent 1
0 as an individual, here and after Respondent.
0 Respondent is a former employee of
0 Complainant agency's bail bond business. Complainant
0 terminated Respondent's employment for cause on
0 November 8, 2016. On November 21, 2016, Respondent
0 returned to the bail bond company claiming that he
0 was planted as a double agent hired by a surety
0 company, with which Complainant was engaged in a
0 contractual dispute.
0 The surety company stated that they hired
0 Respondent as a bail enforcement agent. The surety
0 company then requested that Respondent perform work
0 for Complainant to learn about Complainant's business
0 practices and outstanding forfeitures. The surety
0 company also asked Respondent to question
0 Complainant's employees regarding Complainant's
0 potential illegal company. The surety company denies
0 they hired Respondent to be a licensed private
0 investigator. Respondent claims that he never
0 presented himself as a PI.
0 Previous recommendation for 2016070531
0 was a $500 civil penalty with formal charges
0 authorized for violation of Section 62-6-204(8),
0 unlicensed activity. Recommendation for 2016070571
0 was closed. The previous Commission's decision was
0 concurred.
0 Update is the certified mailing of
0 consent order has been mailed three times to two
0 separate addresses. The first address was vacant and
0 no mail receptacle, the second address was
0 undeliverable. The surety company informed the
0 Department that the Respondent is no longer employed
0 or represented. The separation apparently was not
0 amicable. Updated contact information on the
0 Respondent was requested from the surety company.
0 However, that information's the same as what we have
0 on file. The new recommendation is to flag and
0 close.
0 MR. BAYNE: Question. What is meant by
"flag?"

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

MR. BAYNE: I understand, thank you.

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

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

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

CHAIRMAN VALENTINE: Okay.

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

CHAIRMAN VALENTINE: Do I hear a motion?

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

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

MR. SHANKS: Doug Shanks, second.

CHAIRMAN VALENTINE: Moved and seconded.

Call for a --

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

MR. SHANKS: (Nodding head
affirmatively.)

MS. VEST: I'm sorry for interrupting.

CHAIRMAN VALENTINE: All in favor say
ayes.

THE COMMISSION: Aye.

CHAIRMAN VALENTINE: All opposed? Motion
carries.

MS. VEST: I am sorry, I have been
remiss, I did not introduce your counsel. The
gentleman is Stuart Huffman, this week. I'm just
teasing, Stuart. No, we are pleased to have Stuart
working with Ashley. He will be presenting your
legal cases from now on. He will be also doing the
litigation, if necessary. Legal has divided up.

Ashley Thomas is an Assistant General Counsel, and
she assists us mostly with our day-to-day operations,
everything else has been turned over to Stuart
Huffman. We'd like to say, welcome, Stuart, to the
Commission.

MR. HUFFMAN: Thank you.

THE COMMISSION: Welcome.

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

MR. BAYNE: Yes.

MS. THOMAS: Absolutely, my pleasure.

CHAIRMAN VALENTINE: Next on the agenda
is the appearance.

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

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

I am also the director for the private --
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
MR. SHANKS: So the question is, you all plus --
MS. VEST: Is his experience.
MR. SHANKS: -- is enough experience.
MS. VEST: I know it's enough experience,
but is it in the right field. I was told to bring
law enforcement back so you can take a look at that.
Because not all law enforcement officers, what I
understand, do the same thing. So you are looking
for somebody who can do investigations. I am aware
of -- I am told all the time by law enforcement, I
stopped your car, I have to get your driver's
license, go back to my car, and I have to do an
investigation. That's not necessarily investigations
for a private investigator, in my opinion, that's why
I bring those to you.

MR. BAYNE: Mr. Chairman, I like the idea
that this letter dated December 20th from the
Commission to Mr. Kilian, requested Mr. Kilian to
appear. Mr. Kilian is not here. This letter
suggests -- requested to appear before the Commission
prior to approval of an application. And since
Mr. Kilian is not here, one would think we send him
another letter and ask for his appearance.

CHAIRMAN VALENTINE: Can you put that in
the form of a motion?
MR. BAYNE: I move we hold on approval of
Mr. Kilian's application pending his appearance
before this Commission.
MS. BREWER: I second.
MR. ROUSSEAU: I have a question, Madam Chairman {sic}.
MS. VEST: Okay. That's what we need to
do, Mr. Chairman, we need to -- you need to accept
the vote and then we need to open it up for
discussion.
CHAIRMAN VALENTINE: Okay. Seconded.
MS. VEST: By Ms. Brewer?
CHAIRMAN VALENTINE: By Ms. Brewer.
MS. VEST: And open for discussion now.
Mr. Rousseau?
CHAIRMAN VALENTINE: Yes. Mr. Rousseau?
MR. ROUSSEAU: Mr. Chairman, Madam Director, there is a time period for the application.
Has he exceeded his time period for pending?
MS. VEST: That was December and this is
just January, no, sir, he has not.
MR. ROUSSEAU: Thank you.
I need to be at home. And I know this is unusual, but I need my private investigator license back. I would like to work for myself as a company and do the best I can in trying to make a living. I know we got rules and regulations and it's unusual, and I wouldn't be asking this if it wasn't for hardship about my wife and things of that nature, but I need to know the fastest way to get my private investigator license back and to get my business license so I can get a few jobs for myself. So that's all I am asking.

CHAIRMAN VALENTINE: So you are asking for an exception to the rules to get your PI license now.

MR. LEETH: I guess that's what I'm doing.

MR. ROUSSEAU: Mr. Chairman, I have a question about the problem. I'm going to address to legal counsel and Executive Director. Do we have the authority to supersede the rule after the two years?

MS. THOMAS: So it wouldn't necessarily be superseding the rule. So once his license is expired and he's out of grace, typically the law requires him to reapply, take the exam again, and prove everything again. I think the extent of your authority in this case would be to allow him to renew so that he may not have to take the exam again. But if you don't allow for that, I think that's about the only leeway you all can give him.

MR. FLAIR: Mr. Chairman, I've got a question. On any of the previous licenses that you have obtained and held in Mississippi, Tennessee, and North Carolina, was it?

MR. LEETH: No, it was Alabama. The 1980s and then through the '90s. MR. FLAIR: Alabama, I'm sorry. Was any of the circumstances unfavorable when you gave your license up?

MR. LEETH: No, sir. No, sir. MR. FLAIR: Have you ever been reprimanded or --

MR. LEETH: Never.

MR. LEETH: Never.

CHAIRMAN VALENTINE: Never had any complaints filed against you?

MR. LEETH: No, sir.

VICE-CHAIRMAN BROWN: I got a question.

MR. LEETH: I'm sorry, what?

VICE-CHAIRMAN BROWN: You were licensed strictly as an investigator for a company, not as a company? No, sir.

VICE-CHAIRMAN BROWN: You were licensed previously as an investigator only and not as a company also?

MR. LEETH: Yes. I worked for a couple of different companies and --

MR. ROUSSEAU: I have another question, Mr. Chairman.

MS. VEST: Okay. So let me try to see if I can help just a little bit. What are we saying --

I think we are saying is, his license expired in '15, and you have the authority to tell me I can renew his license, personal license. But he's never held a company license for himself, so he would have to make application, you know, do the fingerprints, then the background, and he would have to take the exam. That is the statute.

MR. LEETH: Yeah, in the two years I was in Mississippi, I had the company license down there.

MS. VEST: I don't -- I'm going to have to refer to legal counsel, I don't know if that would take the place --

MS. THOMAS: No, I think because he would be a new applicant for a company application, he has

---

1. Tennessee, not as a company?
2. MR. LEETH: I'm sorry, what?
3. VICE-CHAIRMAN BROWN: You were licensed previously as an investigator only and not as a company also?
4. MR. LEETH: Yes. I worked for a couple of different companies and --
5. MR. ROUSSEAU: I have another question, Mr. Chairman.
6. MS. VEST: Okay. So let me try to see if I can help just a little bit. What are we saying --
7. I think we are saying is, his license expired in '15, and you have the authority to tell me I can renew his license, personal license. But he's never held a company license for himself, so he would have to make application, you know, do the fingerprints, then the background, and he would have to take the exam. That is the statute.
8. MR. LEETH: Yeah, in the two years I was in Mississippi, I had the company license down there.
9. MS. VEST: I don't -- I'm going to have to refer to legal counsel, I don't know if that would take the place --
10. MS. THOMAS: No, I think because he would be a new applicant for a company application, he has
MR. LEETH: Well, I was hoping by having a company in Mississippi, that I wouldn't have to do that.
MS. VEST: See, that's why he's here.
CHAIRMAN VALENTINE: I think legal counsel would tell us that the company in Mississippi does not transfer to Tennessee.
MR. LEETH: Imaginary state lines, I guess.
VICE-CHAIRMAN BROWN: I'll give you an example. I was not an LLC when I first formed my business, and when I formed the LLC, I had to reapply again myself. I didn't have to take the test, I had already taken it, but I had to do the re-filing. It's just what we require.
CHAIRMAN VALENTINE: Any further discussion?
MR. BAYNE: Well, if I am understanding correctly, I am hearing a motion is on the floor to reinstate Mr. Leeth's personal PI license. I am also hearing that the due process and legal process is somewhat constricted and prevents everything, I think, you are looking for this morning. But the Commission, I suspect, is not immune to the need to help you within the rules. So I think that's why the motion is on the floor, which I would second, unless -- I think someone's already seconded it.
MR. LEETH: If it wasn't for hardship and my wife having epilepsy, I wouldn't ask for nothing, I'd just -- whatever I needed to do. But I have got a hardship case, and I have got to take care of me and my wife.
MR. BAYNE: And I think that the Commission is sensitive to that plight. I also think that the path forward would be to find that company with whom you have worked before, let them know your license is renewed, if it's approved, and it's time to move forward.
MR. LEETH: Now how long would I need to work for another company before I could obtain my business license?
CHAIRMAN VALENTINE: You can apply for your business license now. And as soon as it comes through, then you can stop working for the other company and work for yourself.
MR. LEETH: Reasonable time limit that I need to --
MS. THOMAS: That's right.
MR. LEETH: Okay.
MR. FLAIR: That calls for a decision.
Mr. Chairman, on the motion.

CHAIRMAN VALENTINE: We have heard the motion and second and discussion. All in favor?

THE COMMISSION: Aye.

MR. VALENTINE: All opposed? Motion carries.

MS. VEST: All right. So let me make sure I understand, sir. We are going to renew -- allow you to renew your private investigators license. I cannot issue it to you until you get me a letter of affiliation from a private investigator company. So it's going to be essential that you get with another company.

MR. LEETH: Okay.

MS. VEST: All right. And then at any time between that, you can make application to be a private investigation company yourself.

MR. LEETH: I'm pretty sure either one of the two that I've worked for -- they have been wanting me back anyhow.

MR. LEETH: You are going to hold onto my old --

MS. VEST: No, sir. I am going to actually give this back to you. I am going to need to contact you because there's some things I am going to have to do.

MR. LEETH: Now, my address on there, if it's on there, I don't know if it's on there or not, it's a different address and phone number.

MS. VEST: No, it's not. How about giving me your telephone number and I'll call --

MR. LEETH: It's (931)334-3095.

MS. VEST: So it's (931)334-3095.

MR. LEETH: Yes, ma'am.

MS. VEST: Because I'll need to give you some instruction. All right. Thank you, sir, very much.

MR. LEETH: Thank you all very much.

THE COMMISSION: You're welcome.

MS. VEST: That's all I have.

Mr. Valentine, under appearances. You want to take maybe just a five-, ten-minute break?

CHAIRMAN VALENTINE: Okay. We'll take a five-minute break.

(Short break.)

MR. VALENTINE: This is Walt Valentine, Chairman. We are calling the Commission back into order.

MS. VEST: All right. I think the next thing on the agenda would probably be my administrative matters. You have your iPads, you have your monthly reports. You should have September, October, November, and December. So I'll flip over to yours, because this has all the professions that we have. We'll get to the Private Investigation Commission. And Mr. Rousseau, we do appreciate your service. Even though you expired in 2014, you're still on our Commission. Thank you so much.

MR. ROUSSEAU: Thank you.

MS. VEST: Of course, we do now have Stuart Bayne, whose term expires on 9/30/2021; Robin Brewer-Johnston, hers also expires 9/30/2021; and Mr. Douglas Shanks also expires 9/30/2021.

MR. BAYNE: Although going by current experience with Mr. Rousseau, that 2021 appears in question; does it not?

MS. VEST: It most certainly could.

These appointments are made by the governor's office, and we do appreciate your serving as long as necessary, until you get your papers that thank you for your service.

MR. ROUSSEAU: I don't get a gold watch or --
THE COMMISSION: (Commission viewing document.)

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

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

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

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

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

individual, or I might not have the report yet.

CHAIRMAN VALENTINE: What's her investigative experience?

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

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

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

MS. VEST: Right, here she has --

MR. BAYNE: Quite extensive.

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

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

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

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

Just for the new Board members, if we do not, we will have to go to the Hill and explain why we didn't, or we may have to take a look at raising fees, which we talked about years ago, what, three or four years ago, but we started levelling off. As long as we are maintaining a balance, even though we might have a reserve, we don't use -- we don't use the reserve, we have to be able to maintain at all times from July to June. But I will help you with that.

Okay. The next thing I believe we have is an application review. This individual under application review should be Exhibit A. You are going to see the same thing you did for this other gentleman. You have the application there, that's what it looks like now that they make it online.

She's answering all these questions as well. She has some real estate experience here.

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

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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?
26 CHAIRMAN VALENTINE: I see the
27 transcript, but it doesn't show that she was awarded
28 a bachelors degree.
29 MR. BAYNE: M-task courses, I think, are
30 the short courses, seminar courses, half day, full
31 day, not -- I don't think they are baccalaureate
32 program courses. I don't know.
33 MS. THOMAS: Mr. Chairman, I will say the
34 information Cody was reading from was from the
35 applicant's resume where she said there was a
36 Bachelor Degree in Business Administration.
37 CHAIRMAN VALENTINE: Does that qualify as
38 education for the PI license?
39 MS. THOMAS: I think that's the question
40 for the Commission. It has to be approved by the
41 Commission as a related field of study.
42 MR. BAYNE: Do you see anything that
43 might -- she was 20 years with the USDA and letters
44 of recommendation suggest highly qualified, but I
45 hadn't seen anything that says X investigative
46 related work.
47 CHAIRMAN VALENTINE: Exactly. I didn't
48 see anything either.
49 MS. BREWER: I am searching to try to --
50 MS. VEST: We looked at the resume and
51 didn't see that either.
52 MR. SHANKS: Could we have her come here
53 and speak with us?
54 MS. VEST: Most certainly, Mr. Shanks,
55 you can require her to come in.
56 MR. SHANKS: I make a motion -- I guess
57 we hold this off until she makes an appearance and we
58 can ask her questions about her investigative skills
59 and knowledge.
60 MR. ROUSSEAU: Second.
61 CHAIRMAN VALENTINE: Discussion? I had
62 one question. You mentioned a bachelors degree from
63 Baker College or University?
64 MS. VEST: Yes, sir.
65 CHAIRMAN VALENTINE: And that was in
66 business administration.
67 MS. VEST: Yes, sir, it's a business
68 administration also.
69 CHAIRMAN VALENTINE: Okay. Any further
70 discussion?
71 MS. VEST: So I believe the motion was to
72 ask her to appear -- hold off on her approval of her
73 license and ask her to appear at the next meeting.
74 CHAIRMAN VALENTINE: Yes, that's the
75 motion. All in favor?
76 THE COMMISSION: Aye.
77 CHAIRMAN VALENTINE: All opposed? Motion
78 carries.
79 MS. VEST: Hold on just a minute, make
80 sure I get this all down here. The next thing, I
81 believe -- I'm sorry, Mr. Chair, I'm jumping right in
82 in front of you, I'm sorry -- is the Education
83 Committee, education review. The Education Committee
84 met this morning. And first I'd like to tell you
85 it's Alan, Larry, and David. We would like to have
86 two more members on the Committee --
87 MR. BAYNE: I would volunteer.
88 MS. VEST: -- to volunteer. Okay, we
89 have a volunteer for Stuart. Any other volunteer?
90 CHAIRMAN VALENTINE: I'll volunteer also.
91 MS. VEST: Mr. Valentine. Walt. That
92 will give us five people on the Committee from now on
93 to review.
94 We reviewed all the courses, and the
95 Committee, like I said, there were three of them,
96 they had voted all three courses -- or they had
97 approved all three courses to be approved. I'd like
98 to have that in a form of a motion, please, unless
99 there's discussion.
100 MR. FLAIR: I'll make a motion that we

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accept the Committee's recommendation. Larry Flair.

MR. SHANKS: Doug Shanks, second.

CHAIRMAN VALENTINE: Any discussion? All in favor?

THE COMMISSION: Aye.

CHAIRMAN VALENTINE: All opposed? Motion carries.

MS. VEST: As far as unfinished business, I don't have any unfinished business there. Mr. Valentine. And right now I don't have any new business, and I don't know of anybody who signed up. Mr. Rousseau may have a statement.

MR. ROUSSEAU: Mr. Chairman?

CHAIRMAN VALENTINE: Yes.

MR. ROUSSEAU: I don't know if this is appropriate or - I don't think we have done this before, but as we all know that Dr. Ritch, throughout the illness of his son and wife, was here for a long time. He was very dedicated. He was very proud of the fact that he only missed about two or three meetings. And is it appropriate -- is it within the rules for us to send a letter to him, as the Commission, thanking him?

MS. VEST: He will get a plaque. We have already gotten together. we are going to have to contact Dr. Ritch, make sure our years are the same. Minnie Lane also is to get her plaque, and there - I believe there are a couple others we are trying to order the plaques for. Yes. And it will have a letter that accompanies it thanking them for their service.

VICE-CHAIRMAN BROWN: Do we mail that to them or can they come here?

MS. VEST: If they can come here, we will ask them to come here so we can present the plaque and get the photos also of them. We'd like to have that as public record as well. If they are not able to attend, of course we will mail it to them. 

MR. ROUSSEAU: Thank you.

MS. VEST: Thank you, Mr. Rousseau. 

CHAIRMAN VALENTINE: Do we have any continuing education participation?

MS. VEST: No, we do not, that I'm aware of.

VICE-CHAIRMAN BROWN: Are we at that time?

MS. VEST: We are at that time. 

VICE-CHAIRMAN BROWN: We are at that time. I make a motion we adjourn.

MR. SHANKS: Doug Shanks, second.

CHAIRMAN VALENTINE: Any discussion? All in favor?

THE COMMISSION: Aye.

MR. VALENTINE: All opposed? Good luck. (WHEREUPON, the meeting was adjourned at 11:01 a.m.)