

Tennessee Private Investigation and Polygraph Commission Meeting

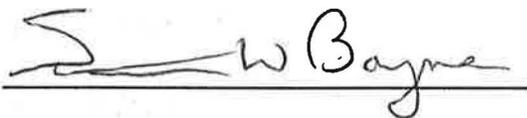
MINUTES of the Tennessee Private Investigation and Polygraph Commission Meeting, held July 27, 2018, in Nashville Tennessee.



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

Minutes

07/27/18

PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

COMMISSION MEETING

July 27, 2018

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2 PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
3 COMMISSION MEETING
4 July 27, 2018
5 DAVY CROCKETT TOWER
6 500 JAMES ROBERTSON PARKWAY, ROOM 1A
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TRANSCRIPT OF COMMISSION MEETING
Commencing at 9:30 a.m.

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A P P E A R A N C E S

COMMISSION MEMBERS

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

ALSO PRESENT

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

* * *

CHAIRMAN VALENTINE: Good morning, fellow
Commission members, staff members, and honored
guests. Today's date is July 27, 2018, at
approximately 9:32 a.m. I'm Walt Valentine,
Commission Chair. I'll now call to order the meeting
of the Tennessee Private Investigation and Polygraph
Commission.

Executive Director Cody Vest, please call
the role.

- MS. VEST: Thank you. Stuart Bayne?
- MR. BAYNE: Here.
- MS. VEST: David Brown?
- MR. BROWN: Here.
- MS. VEST: Larry Flair.
- MR. FLAIR: Here.
- MS. VEST: Robin Johnson.
- MS. BREWER: Here.
- MS. VEST: Rick Jones? Jerry Richards?
- MR. RICHARDS: Here.
- MS. VEST: Alan Rousseau?
- MR. ROUSSEAU: Here.
- MS. VEST: Doug Shanks?
- MR. SHANKS: Here.
- MS. VEST: Walt Valentine?

1 CHAIRMAN VALENTINE: Here.
 2 MS. VEST: You do have a quorum, but we
 3 do have one member missing. Mr. Jones is missing and
 4 Alan Rousseau is calling in telephonically,
 5 Mr. Chair.
 6 CHAIRMAN VALENTINE: Okay. The next item
 7 on the agenda is the agenda for approval. I'd like
 8 to ask each Commission member if they have received
 9 and had time to review a copy of the agenda, and if
 10 so, is there a motion to adopt this agenda?
 11 MR. SHANKS: Make a motion to adopt the
 12 agenda.
 13 MR. BROWN: Second, Commissioner Brown.
 14 MR. BAYNE: I worried about that. I
 15 thought it prudent to congratulate our reporter on
 16 catching voices over a telephone -- over a conference
 17 call. That was a commendable piece of work on the
 18 minutes. I'm in favor of after approving the
 19 minutes.
 20 CHAIRMAN VALENTINE: The agenda.
 21 MR. BAYNE: The agenda, thank you. I'm
 22 on that too.
 23 MS. VEST: I'm sorry, who made the
 24 motion?
 25 MR. SHANKS: I made the motion, sorry.

1 MR. BAYNE: Oops.
 2 MS. VEST: Who seconded it?
 3 MR. BROWN: I seconded it. And if we
 4 introduce ourselves as Commissioner So-and-So, that
 5 would help the court reporter immensely.
 6 MS. VEST: Yes. Alan, make sure you
 7 identify yourself when you vote.
 8 MR. ROUSSEAU: Yes, ma'am.
 9 MS. VEST: Thank you.
 10 CHAIRMAN VALENTINE: Any discussion on
 11 the agenda?
 12 MR. BAYNE: No.
 13 CHAIRMAN VALENTINE: All in favor say
 14 aye.
 15 THE COMMISSION: Aye.
 16 CHAIRMAN VALENTINE: All opposed? Motion
 17 carries.
 18 Next item is the minutes, for approval of
 19 the minutes for the last Education Committee and
 20 Commission meeting. Has each Commission member
 21 received and had time to review the copy of these
 22 minutes, and if so, is there a motion to adopt these
 23 minutes?
 24 MR. BAYNE: Yes, and I make that motion.
 25 MR. RICHARDS: I second it.

1 CHAIRMAN VALENTINE: Motion by Bayne,
 2 seconded by Richards. Any discussion?
 3 MR. BAYNE: Just, again, Mr. Chairman,
 4 that the minutes were well done by someone catching
 5 them over the air, telephonically. Thank you.
 6 CHAIRMAN VALENTINE: All in favor say
 7 aye.
 8 THE COMMISSION: Aye.
 9 CHAIRMAN VALENTINE: All opposed? Motion
 10 carries.
 11 Next I would like to welcome and honor
 12 one of our former Commission members, Dr. Paul Ritch.
 13 Dr. Ritch, please stand up. Thank you for being here
 14 and honoring us with your presence.
 15 DR. RITCH: It's an honor to be here,
 16 thank you.
 17 (Applause.)
 18 CHAIRMAN VALENTINE: Dr. Ritch served
 19 with us for so many years, I can't remember. And
 20 thank you for your service right.
 21 DR. RITCH: My pleasure.
 22 CHAIRMAN VALENTINE: Next on the agenda
 23 is our legal report by Stuart Huffman, Assistant
 24 General Counsel.
 25 MR. HUFFMAN: Thank you, and we have two

1 cases on the legal report. Number one is 2018032971.
 2 The Complainant alleges she took a polygraph test and
 3 noticed the questions were basically the same
 4 questions, just reworded. Complainant alleges she
 5 paid \$250 to set up the appointment and would receive
 6 up to four questions. Complainant had to reschedule
 7 due to lack of transportation and was told she would
 8 have to pay an additional \$250 and the remainder of
 9 \$100 from before. Complainant paid the \$350, and on
 10 the day of the polygraph, they got lost, and called
 11 to inform the Respondent that they would be seven
 12 minutes late. Complainant alleges Respondent told
 13 them they would need to reschedule.
 14 Respondent states the Complainant was
 15 told twice in writing and verbally that reserved time
 16 is charged, and if the customer is a no show or will
 17 be 15 minutes late, then time is rescheduled and
 18 charged a full rate. Respondent alleges that the
 19 questions were of Complainant's making. The
 20 recommendation is to close.
 21 CHAIRMAN VALENTINE: Any discussion?
 22 MR. RICHARDS: Looking at this write-up,
 23 did she actually take a test?
 24 MR. HUFFMAN: She did take the test, yes.
 25 MR. RICHARDS: So what is she complaining

1 about?

2 MR. HUFFMAN: She's complaining that the
3 questions were the same questions -- there were four
4 questions, and she believed they were the same
5 questions, just reworded. But she actually made the
6 questions herself. And some of it is the boyfriend
7 was upset because she didn't ask certain questions.

8 MR. RICHARDS: Well, that's not the
9 examiner's fault.

10 MR. HUFFMAN: Right.

11 MR. RICHARDS: I make a motion that we
12 accept your closure.

13 MR. FLAIR: I'll second that,
14 Mr. Chairman. Larry Flair.

15 CHAIRMAN VALENTINE: Okay. It's moved
16 and seconded that we accept the recommendation to
17 close this case. Any further discussion? If not,
18 all in favor of this motion say aye.

19 THE COMMISSION: Aye.

20 CHAIRMAN VALENTINE: All opposed? Motion
21 carries.

22 MR. HUFFMAN: Number 2, 2018037931.
23 Complainant alleges they received a notice from
24 Respondent asking for personal identification,
25 including social security number, in order to receive

1 a refund from a health plan. The Respondent is an
2 agency that specializes in recovery of unclaimed
3 property since 2002. Respondent sent notification to
4 Complainant regarding unclaimed money, and if they
5 wanted their assistance, they would need to provide
6 certain information in order to proceed. Respondent
7 forwarded this information to the Treasury
8 Department, and upon an approval, the check is mailed
9 directly to the customer, then Respondent sends an
10 invoice for the fee. Recommendation is to close.

11 CHAIRMAN VALENTINE: Any comments,
12 discussion?

13 MR. SHANKS: I make a motion -- Doug
14 Shanks -- to agree to close it.

15 MR. BROWN: Second, Commissioner Brown.

16 CHAIRMAN VALENTINE: It's been moved and
17 seconded to follow the recommendation to close this
18 matter. All in favor say aye.

19 THE COMMISSION: Aye.

20 CHAIRMAN VALENTINE: All opposed?

21 MS. VEST: Mr. Rousseau, we didn't hear
22 your vote.

23 MR. ROUSSEAU: I'm sorry, aye.

24 CHAIRMAN VALENTINE: Thank you. The
25 decision to close is confirmed.

1 MR. HUFFMAN: And that's the end of the
2 legal report.

3 CHAIRMAN VALENTINE: Thank you. Next is
4 appearances. Do we have anyone wanting to appear
5 where the Commission?

6 MS. VEST: No, sir, I don't have anyone
7 on the schedule to appear.

8 CHAIRMAN VALENTINE: Okay.
9 Administrative matters, Executive Director Cody Vest.

10 MS. VEST: All right, thank you. We have
11 already sent out to you the May and June meeting
12 monthly reports. The only thing we have on the -- if
13 you turn, we have the Alarms and Locksmith, we want
14 to get back to Private Investigators. The only thing
15 that we have is that Alan Rousseau's term did expire
16 in 2014; we are still waiting for the governor's
17 office for reappointment. At this time I have not
18 received any correspondence from the governor's
19 office, therefore, Mr. Rousseau continues to serve,
20 and we thank him for doing that.

21 We had our normal monthly meeting with
22 Attorney General Counsel Ashley Thomas. We meet
23 every month. I do meet with Mr. -- with our
24 litigating attorney when we have questions about the
25 legal report, but Ms. Thomas and I meet regularly.

1 There is another seminar that's going to be held in
2 Gatlinburg. It will be at the Park Vista. I believe
3 that's the hotel on the hill that's in the round. PI
4 Commission used to meet there years ago, so a lot of
5 us know where that is. That seminar is going to be
6 for all professions to come. We still have only --
7 last time I saw, I believe it was 75 percent adoption
8 rate, our licensees to do their applications and
9 renewals -- actually, renewals online. So we will be
10 there to talk to all our professions. We are going
11 to have two sessions. Again, one in the morning, and
12 one in the afternoon. The PIs --

13 MS. WILLIAMS: It's in the afternoon --
14 morning, excuse me.

15 MS. VEST: So PIs will be in the morning.
16 We are asking anyone that needs to come to learn how
17 to onboard their employees. We will have someone
18 from your office that needs to come and sit down with
19 us, there'll be several of us there with our
20 computers to give all assistance. If that is not
21 exactly what you need, you can contact me and we will
22 come to your place of business in Tennessee and we
23 will assist you with this onboarding, if it's
24 necessary. So we are asking for all private
25 investigators that need assistance or someone from

1 their office to come and let us speak with them. Of
 2 course, our Commission members, if you are in that
 3 neighborhood and would like to come, please do so at
 4 that time.
 5 That's all I have for the monthly report.
 6 MR. BAYNE: Excuse me. Some date and
 7 time on that, please?
 8 MS. WILLIAMS: September 24th.
 9 MS. VEST: September the 24th.
 10 MR. BAYNE: Thank you.
 11 MS. VEST: You will be getting -- we have
 12 not finalized it yet, I am just letting you know
 13 ahead of time that you will all be receiving
 14 correspondence on that, of course, at your place of
 15 business.
 16 CHAIRMAN VALENTINE: Very good. The next
 17 item on the agenda is the education report.
 18 MS. VEST: No, I'm still -- I think it's
 19 still me.
 20 CHAIRMAN VALENTINE: Okay. We haven't
 21 done the budget report.
 22 MS. VEST: Yes. Need to talk to you for
 23 just a moment. Does everyone have this budget on
 24 their iPads?
 25 MR. BAYNE: Yes.

1 MS. VEST: This is just through the end
 2 of May. Our fiscal year changes in June -- I mean,
 3 it cuts off June the 30th; the new fiscal year starts
 4 July 1st. Every year we must end in a positive
 5 balance. I don't believe that's going to happen this
 6 year. I'm not overly concerned after talking with
 7 administration about being Sunset, because hopefully
 8 this is your ebb. Every year it's an up or down
 9 year, and this looks like we have a down year now.
 10 Right now you are in negative \$20,956.
 11 According to what the trend is showing
 12 here, it's your net surplus or deficit, I don't
 13 believe we are going to be able to pull that out in
 14 one month. We have not seen in our office a flux of
 15 applications coming in, although this is not the
 16 renewal month for them to have a large number
 17 renewing. So I do believe you will be ending in the
 18 red this year.
 19 If you end in red two years, we are
 20 subject to Sunset. We have to look at different
 21 things. Increasing fees is not something I really
 22 want to talk about. I don't know if we are at that
 23 point yet or not, I'll need to speak with our
 24 administration to see if they see some way that I am
 25 going to be able to pull this out. If we don't have,

1 and I have talked to you about this before, new
 2 people coming into this industry, I don't have any
 3 other alternative but to raise your fees to keep the
 4 Commission going, if we continue on this trend.
 5 Questions, Mr. Richards?
 6 MR. RICHARDS: Do our -- talking about
 7 the Commissioners here -- travel expenses to attend
 8 these meetings come out of this fund you are talking
 9 about?
 10 MS. VEST: Yes, it does.
 11 MR. RICHARDS: Well, then I suggest we go
 12 back to having the meetings, like we used to,
 13 quarterly. Or if you want to have them more often,
 14 have them by telephone. I don't know how much money
 15 that would save, but it would save some.
 16 MS. VEST: Thank you, Mr. Richards. I
 17 have talked to administration about going back and
 18 doing it every three months. We are here for the
 19 public, we are here for your private investigators, I
 20 will speak with management again about doing that.
 21 Telephonically, I have done that -- whenever I have
 22 two or three people that couldn't attend, we do it
 23 telephonically. If that's something that you want me
 24 to consider, I'll go administration and see if that's
 25 something we can do telephonically, if we have such a

1 short agenda like we do today. It's a lot of money
 2 to bring you in the night before. But that's what we
 3 are here for, we are here for the general public.
 4 But we still have to end in a positive.
 5 MR. BROWN: How would you handle it if
 6 somebody wants to make an appearance or do it
 7 telephonically.
 8 MS. VEST: They would have to appear --
 9 if they were in Nashville, they would come in here
 10 like we are doing right now, and then we'd just call
 11 them, all would be telephonic. I'd have to make sure
 12 that the information that they want you to see we'd
 13 have to get out to you in advance, because obviously
 14 you won't be able to see it. But we obviously don't
 15 have a whole lot of appearances. So one thing is to
 16 go back to the every three-month meeting or perhaps
 17 go onto telephonic meetings, those are two ways we
 18 can accomplish this.
 19 MR. FLAIR: I have a question, Chairman.
 20 MS. VEST: I don't know how much that is.
 21 MR. FLAIR: Madam Director, if in fact we
 22 raise the dues -- I'm sorry, the fees on the PIs and
 23 the companies, the rate that we pay today -- to date,
 24 are we comparable with the other corresponding states
 25 or the other states surrounding Tennessee in the

1 industry, do you know by chance? Where I'm going
2 with this, where are we on the scale, are we in the
3 ballpark with these other states?

4 MS. VEST: I'm not going to be able to
5 speak about that today. I don't know the answer to
6 that. I have -- I do have some information here
7 where I have contacted other states, but it's
8 concerning their apprenticeship, I did not look to
9 see what the fees were. That is something that I can
10 do and get back with you. I can send you an e-mail,
11 give you an idea what the other states are doing.
12 But a lot of you have already -- have your license
13 for what, Alabama, maybe Kentucky, Georgia, so you
14 might already know what the fees are. But yes, I
15 will look that up.

16 When you talk about raising fees, you are
17 not talking about raising fees on the application; we
18 are talking about if we do raise fees, we are talking
19 about raising fees on the actual licensees, that
20 would be the renewal fees. We are already apparently
21 having difficulty getting people into your industry,
22 the last thing I think we probably would want to do
23 is raise the fee. It has to be done, it has to be
24 done, but I think we need to look at everything
25 first. So I need to get some of this information

1 together for you so I can present it to you, we can
2 make an intelligent decision on what to do next.

3 CHAIRMAN VALENTINE: Another alternative
4 would be to have every other meeting telephonic.

5 MS. VEST: Yes, sir. We meet six times a
6 year, we can do three telephonic and three in person,
7 one every other. There's ways we can do that.

8 CHAIRMAN VALENTINE: If that saves enough
9 money to balance the budget.

10 MS. VEST: I don't even know how much it
11 is. I'll have to look into how much your travel
12 expenses are and really what that would actually do
13 to the budget. I mean, if it's \$2,000, it's not
14 going to make a difference. If it's \$20,000, it
15 would make a difference, but it's not.

16 MR. SHANKS: Cody, I have been reviewing
17 and looking, and since the 2000 hours were added, a
18 lot of people are misunderstanding what that says.
19 Besides 2,000 hours, it also says, if they have
20 experience, that would count, or if they have
21 education. And those things would have to come
22 before us, but everybody, I think, is being told you
23 have got to have 2,000 hours to own a company. And
24 the issue I am seeing with myself or anybody else, we
25 do not want to hire somebody because of the

1 liability. I noticed in six years there's only been
2 ten polygraph examiners that came on. So that's
3 maybe two -- less than two a year. So I think the
4 2,000-hour requirement, people aren't understanding
5 that's just one option, you have got two other
6 options you could do. And I don't know how to
7 address that for people that are trying to get in the
8 field.

9 MS. VEST: But one thing -- we do talk
10 about this at our seminars, but whenever I give a
11 seminar, it's already private investigators there,
12 it's not the public that's there. So you already
13 know -- hopefully you already know what the
14 requirements are. We do get telephone calls, we do
15 get questions. That 2,000 hours, ever since that's
16 been in place, has been like a sore eye. I would be
17 quite frank with you.

18 Yes, there are other ways to get into
19 this profession. We have a staff member who talks to
20 the private investigators who is in the back of the
21 room, I believe Tiffany is. She knows the rules and
22 laws as good as I do or -- she does talk to people,
23 we do it all the time. Yes, sir, I have heard that a
24 lot. I will be sure to make a note of that and we
25 will discuss it again at the seminars, try to

1 clarify -- make sure the private investigators and
2 the company owners that are there understand. If we
3 get invited to the association meeting, that is
4 something I can talk about is the requirements for a
5 private very investigator, along with the
6 apprenticeship. That's something we can -- but
7 again, that's private investigators, that's not the
8 public.

9 MR. FLAIR: Madam Director, if you will.
10 Larry Flair. Is that a legislative deal, is that a
11 rule that this commission can change? I think we
12 actually voted that in several years ago.

13 MS. VEST: That's a statute. It is in
14 the statute.

15 MR. FLAIR: So the is a statute. O that
16 will have to go to the Hill to be changed, correct?

17 MS. VEST: Yes, sir.

18 MR. FLAIR: And we can't do that until
19 next July.

20 MS. VEST: Next session.

21 MR. FLAIR: Yeah, or February.

22 MS. VEST: September.

23 MS. THOMAS: Yeah.

24 MS. VEST: It's sometime maybe in
25 September. Late August, September.

1 MR. FLAIR: And help me with this, what's
2 the procedure for us to go to the Hill and ask for
3 that legislative to be changed; we have to get
4 somebody to sponsor it and things of that nature; is
5 that correct.

6 MS. THOMAS: That is one option. The
7 other is to submit a legislative proposal to our
8 administration, and if they decide to put that in
9 their packet to take to the governor, it will go as
10 part of the Department's bill, the Department of
11 Commerce and Insurance as a whole, but if that is not
12 done, then you'd have to find a sponsor on the Hill
13 to carry the bill.

14 MR. FLAIR: Can you address, please,
15 ma'am, what type of notification -- could we maybe
16 think on that during -- before our next meeting and
17 maybe get some feedback from the other Commissioners
18 or whatever, see if we want to go in that direction
19 as well?

20 MS. THOMAS: Absolutely. I'll talk to my
21 management to determine when those deadlines are for
22 me to prepare the proposal to submit for the
23 Department's bill, and I will let you all know at the
24 next meeting.

25 MR. FLAIR: Thank you.

1 MS. THOMAS: Absolutely.

2 MR. BAYNE: Question on this budget. Are
3 there -- going forward in FY-19, are there
4 expenditures that could go down? I frankly don't
5 know *Edison expenditures well enough to -- so would
6 ask you what that's about.

7 MS. VEST: Edison expenditures, that is
8 where all of our expenses, our expenses and your
9 expenses are coming out. We do have an increase it
10 looks like there in March, then went to April
11 increase, then we went down again in May. You can
12 tell the months that we don't have the board
13 meetings.

14 MR. BAYNE: Okay. Likely the May went
15 down because we were by phone.

16 MS. VEST: Mm-hmm.

17 MR. BAYNE: I see.

18 MS. VEST: I mean, you have basically one
19 staff member, besides us.

20 MR. BAYNE: Right.

21 MS. VEST: Then you have the
22 administrative costs, that is actually our cost, as
23 well as the 5th floor and the 11th floor. Those are
24 expenses above us. Legal looks like it's holding
25 pretty regular. Actually, it's gong down. Went up a

1 little bit, had something in May, but legal costs are
2 not that great. We don't do any field because we
3 don't have any investigators and I don't have
4 anything to investigate. That's when that would
5 happen. Customer service, that is something that is
6 brand new. That's the customer service -- that is
7 where when you make -- investigators or public makes
8 a telephone call, you go right straight into our
9 ZinDesk, which is customer service. You are aware
10 that you do not get someone in our office, you get
11 the ZinDesk; it's a call center. That may be some of
12 the problems that you addressed, Mr. Shanks. I will
13 talk with them about making sure they know what the
14 laws are when they speak to someone who wants to
15 become a private investigator.

16 We have asked that, Mr. Richards, if they
17 want to talk to someone concerning a polygraph, that
18 they come straight into our office. We have so few
19 polygraph -- I'm sorry, so many -- very few
20 examiners, excuse me, and I always have to pull the
21 book out and go down line by line by line. If I do
22 have any difficulty, I do call Mr. Richards on that.
23 That's a little bit harder to teach someone to do
24 when you maybe have one call every six, seven months
25 or something of that nature. I will talk with them

1 about coming and sitting with us again, having what
2 they a call pod, they have three or four people that
3 do just my professions in that pod, so we try to get
4 just those specific people over to our office and sit
5 down and try to train them, like I would someone that
6 was working in my office, to answer those questions.

7 If you have our telephone numbers, you
8 might want to keep them. We don't have calls ringing
9 at the desk any more. Everything, except for mine or
10 for Mark, Amy, Shauna, and, I think, Tiffany -- some
11 you have Tiffany's number, everything else has to go
12 through the call center.

13 As far as the budget is concerned, I have
14 been looking at it month after month after month, I
15 have discussed this with administration. I don't
16 know what to tell you to say that we can pull this
17 out next year. We had the same number of
18 investigators, but I will look at it and I will get
19 back with you more on this and the changes that we
20 can possibly make. You want me to check with the
21 other states and see if we are comparable with other
22 states, what their fees are, we can -- I'll do that.
23 And we'll just start at the bottom and work up, see
24 what we can do with the budget.

25 We hold down expenses all we can hold

1 down. The only thing I have any control over is
 2 supplies.
 3 CHAIRMAN VALENTINE: Is what?
 4 MS. VEST: Supplies. Pens for the
 5 office.
 6 MS. WILLIAMS: Paper.
 7 MS. VEST: Just whatever we particularly
 8 need in the office. That's the only thing I can hold
 9 down. If I need a toner for the printer, I just got
 10 to have one, but that's the only thing my office has
 11 control over, and we buy our own. I go to Sam's and
 12 I buy them by the case.
 13 MR. BROWN: Do you track the
 14 applications, Cody?
 15 MS. VEST: Do I track the applications?
 16 MR. BROWN: On a monthly basis in terms
 17 of the numbers that are coming in.
 18 MS. VEST: Every now and then I will take
 19 a look at them. That's what I've been telling you at
 20 the last several meetings, there are no new
 21 investigators coming in.
 22 MR. BROWN: That's what I thought.
 23 MS. VEST: I talked to you about the
 24 apprenticeship. I guess I can go ahead, if you want
 25 me go ahead and discuss that little piece, since we

1 are doing the budget. I wasn't able to get a hold of
 2 Alabama at all. Georgia, they don't have an
 3 apprenticeship. Kentucky said no. North Carolina
 4 says they call them associates, and they have to have
 5 3,000 hours. Arkansas said no. Delaware said no.
 6 Indiana, no. Missouri said no, but they have to have
 7 two years experience, and they are called an
 8 employee. Nevada said no, but you have to have five
 9 years or else 10,000 hours of full-time experience.
 10 North Carolina calls the apprentices associates, and
 11 you have to have 3,000 hours.
 12 I told you last time one of the
 13 Commission members asked me about that, so I did
 14 contact these other states to see about the
 15 apprenticeship. Some of them -- I think they call
 16 them associates, instead of apprenticeships, but not
 17 all the states have apprentices. I don't know how
 18 else you are going to bring people into the industry.
 19 I mean, unless somebody just wakes up one day and
 20 sees TV and says I want to be a private investigator
 21 and calls us.
 22 We will be going to -- Mark Amick and I
 23 are going in September to a workshop for the public,
 24 and we are going to have a booth. It's going to be
 25 for all our professions, and we are going to be

1 talking about private investigations, along with
 2 alarms, along with polygraph. We don't really get
 3 into polygraph too much because most of that -- we do
 4 know most of that is law enforcement. But anybody
 5 that wants to know, I'll be glad to talk with them.
 6 The word's going to go out that we are going to be
 7 there for the public for anybody that wants to talk
 8 to us about one of our professions. The other
 9 professions are going to be there as well,
 10 Contractors Board, cosmetology, the boards are going
 11 to be there. It's going to be open to the public and
 12 that's what we are there for. Come talk to us, see
 13 if you want to get into this profession; how can I
 14 help you do that; how can I help you get on the
 15 website, if you have questions. Then the question
 16 they are going to ask me is how do I get a job. I
 17 cannot get a license unless I am affiliated with a
 18 company. I just am going to have to call around and
 19 see if somebody is willing to hire them. Well, hire
 20 them as what? They are not a private investigator
 21 yet, unless they have the experience. So they would
 22 have to be an apprenticeship. So I am -- don't know
 23 what to tell them.
 24 You go on the internet, you fill out the
 25 application, you pay all that money, you go take that

1 test, you do the fingerprints, you can't get this
 2 license without a company affiliation, so somebody's
 3 got to hire them. So I am open for any suggestions
 4 because I'm the one with your face out there that
 5 they are going to be talking to, and I am going to
 6 try to encourage people to try to get into the
 7 industry.
 8 MR. FLAIR: If I can, Madam Chairman
 9 {sic}, Larry Flair. Being a company owner, it's
 10 difficult -- and this is my -- it's difficult for an
 11 owner of the company to take someone underneath their
 12 colors and -- if they don't have experience, because
 13 you, the owner, from what I understand, has to be in
 14 the presence of that individual, okay?
 15 MS. VEST: We talked about that and about
 16 the possibility of changing that.
 17 MR. FLAIR: Right. And that's where I
 18 was going with this. It may be something the
 19 Commission might want to address. Again, if you
 20 will, is that a legislative statute?
 21 MS. THOMAS: That's a rule.
 22 MR. FLAIR: So we can change that on this
 23 level, correct?
 24 MS. THOMAS: Yes.
 25 MS. VEST: Yes. Okay. So simply, I

1 think what we are saying is, I want to go to work, I
 2 want to learn to be a private investigator, I come to
 3 you, you hire me, now -- so you are going to be
 4 training me, but instead of my being in your presence
 5 constantly and you having to charge your customer for
 6 two private investigators, or however that works, I
 7 can be in my car in Memphis and you can be here in
 8 Nashville, as long as I am in contact with my
 9 supervisor or whomever, if I do have questions.
 10 That's the only other way I know that can happen.
 11 But you are the private investigators, you'll have to
 12 tell us how to word it, if you wanted to change that.

13 MR. FLAIR: Again, Larry Flair. One of
 14 the things about that, as well, and it's the other
 15 side of the coin, if you are a competent owner of
 16 that company, you are not going to put someone in a
 17 position, hopefully, that they are going to get out
 18 and stumble their toe -- or stump their toe or do
 19 something improper. But in the same token, it's not
 20 necessarily that you have to be right with them. I
 21 think the company owner should be abreast of
 22 everything of the actions and what their
 23 investigator, if you will, their associate is
 24 affiliated with and -- but there's some things that
 25 they could do in their home, computer search and

1 things of that nature, and -- or go by and pick up
 2 and serve papers and things of that nature.
 3 Again, I think in my case, I'm -- I don't
 4 have that problem on my staff, but -- all of my
 5 people, I feel, are very competent. But I think that
 6 some of the owners would attest to saying that, well,
 7 I have to be careful. And I don't know how we can
 8 get that across. Again, I don't know if we change
 9 the rules. It may come up to legal if we have a lot
 10 of complaints across the state, and I think we need
 11 to consider that before we make a decision on
 12 changing that rule, but --

13 MS. VEST: Let me ask you, what has
 14 prohibited people from getting in the industry? We
 15 did have people -- new applications, they have
 16 stopped coming in. So what has happened to the
 17 industry?

18 CHAIRMAN VALENTINE: I think there's less
 19 work for private investigators.

20 MS. VEST: Less work. That could be.
 21 Now that -- I think we have already talked about that
 22 too at another meeting, now that people can sit at
 23 home, get on their computer and do most -- let me
 24 rephrase that. They can maybe do some of the stuff
 25 that you can do without a license.

1 MR. BROWN: There's a lot of databases
 2 out there and stuff that are advertising now that you
 3 can get into for \$29 and supposedly get -- I don't
 4 know.

5 MS. VEST: Let me ask the question that I
 6 am going to be asked, really. Why do we need the
 7 Private Investigation Commission?

8 MR. BROWN: I knew you were going there.

9 MS. VEST: Well, I am going to get --
 10 these are the questions I get asked on the Hill.

11 MR. BROWN: I think it's a legitimate
 12 question, very legitimate question.

13 MS. VEST: If it is changing that
 14 drastically, we are not getting new people in the
 15 industry, we don't have complaints, why are we here?

16 MR. FLAIR: Madam Chairman {sic}, Larry
 17 Flair. I think it would be -- I think it would be
 18 -- definitely need a commission over this, and the
 19 reason being is to -- I don't like the words "police
 20 our industry," but in essence that's pretty much --
 21 that falls on our plate. Now -- and please don't
 22 take that incorrect what I'm saying. Not that a
 23 director -- and I know you are very competent Madam
 24 Chairman -- Director, I'm sorry, that you are very
 25 competent to do that, but at the same token, the vast

1 quantity of the industry across the state, I think,
 2 needs to be -- have a commission governing that to
 3 safeguard, to a certain degree.

4 Now, I am very much, like Jerry said -- I
 5 mean, the industry is changing, everything is cyber
 6 this, cyber that, cyber that. I think there's a lot
 7 going on in our state that a lot of people aren't
 8 complying to the rules and the laws. Because there's
 9 a lot of people out there doing a lot of cyber stuff
 10 and they are working for more than one client, more
 11 than one attorney. Now, I don't know of any
 12 directly, because if did, I'd report them.

13 MS. VEST: That's the only way I would
 14 know how to do anything, if you reported it.

15 MR. FLAIR: Exactly. And maybe I'm going
 16 around in circles here, but I think it's a need for a
 17 commission. Now as far as the meetings, every
 18 quarter or every six months or once a month or things
 19 of that nature, that's something I think that this
 20 Commission should take advice from the Director. But
 21 if the people on the Hill want to know why there's a
 22 PI Commission, I think the answer should be that
 23 somebody needs to police it, and whomever would be
 24 better than somebody of our caliber because we are
 25 either company owners or PIs. Except, what, we

1 got -- don't we have one civilian position?

2 MS. VEST: Yes, Alan Rousseau is your
3 public member, yes.

4 MR. FLAIR: I mean, that would be my
5 response as an owner of a company, and it's also as a
6 Commissioner.

7 MS. VEST: Okay. When I get asked --
8 okay, I understand that, and I will speak on your
9 behalf and say that. And then they'll come back and
10 say, first of all, you don't have any money to keep
11 this commission running. Okay, I agree. Second thing
12 is you are paying for attorneys, and you don't even
13 have any complaints. Who is complaining? I'm not
14 getting complaints. If you know somebody or somebody
15 out there that knows somebody that is breaking the
16 law, then, yeah, tell us about it, and we'll
17 investigate that. But you -- we are not getting
18 them.

19 CHAIRMAN VALENTINE: So why do we have
20 two attorneys, if we don't have any complaints?

21 MS. VEST: That is something I will --

22 MR. BROWN: About time someone asked that
23 question.

24 MR. FLAIR: That was a matter of record.

25 MS. VEST: Well, I'll explain only way I

1 CHAIRMAN VALENTINE: Can Ashley do what
2 Stuart is doing?

3 MS. THOMAS: That's -- that's a decision
4 that is actually above the both of us. You know, we
5 are assigned programs and assigned duties. Right
6 now, I think the way they separate it, again, so that
7 Stuart has the case from beginning to end, so he's
8 not replicating work that I would maybe do if I had
9 the complaint.

10 MR. BROWN: I hear where you are coming
11 from. I tend to want to keep the Commission, but I
12 don't want to lose \$20,000 a year for the taxpayers.
13 That's not good. Think we have to try to some way
14 get these applications increased.

15 MS. VEST: Okay.

16 CHAIRMAN VALENTINE: I don't see us as a
17 Board being able to do anything in that area. I
18 myself -- Walt Valentine. I wouldn't hire another
19 investigator, no matter what their qualifications
20 were or who they were. You know, I am just not
21 interested. And I am not going to have an
22 apprentice, you know, it's more trouble than it's
23 worth. My opinion.

24 MS. VEST: That's fine, that's what we
25 are here for. I need everybody's opinion. I have

1 know how to explain it. Administration said -- I
2 have an attorney, Ashley Thomas, she is the -- your
3 Board attorney, she is with us every single day, and
4 I talk to her every single day. Believe me. Of
5 course, she's an attorney for all the programs, so we
6 talk constantly. They had changed up, from what I
7 understand legal -- and I'm sure Stuart could
8 probably explain it better than I can, but Stuart now
9 gets the complaint, he works the complaint, he brings
10 the complaint to you. And then if it needs to go to
11 a formal, he has the complaint. He's worked the
12 whole complaint, he knows what the complaint's about.
13 Some of the problems we were experiencing
14 was Ashley and I would talk about it, we'd see stuff,
15 then we would hand that over to the litigator
16 attorney would see it, then wait, I need more stuff
17 to take this to trial, I need an investigation. It
18 just drug it out just way too long. And if you
19 noticed your complaints are being handled or
20 processed in less than a 180 days. There were some
21 that we had for several years when we were still
22 working -- but that was my impression, that's why we
23 are doing that. Legal can tell you better about it
24 than I can.

25 MS. THOMAS: That's correct.

1 got to go to administration and I have to say this is
2 what the Commission feels. And if you feel
3 differently than that or have some ways for me to do
4 this, that's what I am here for.

5 CHAIRMAN VALENTINE: I had another
6 question. The customer service center, why do we
7 have that? You know, that's going to that phone bank
8 instead of coming directly to your phones.

9 MS. VEST: Yes, sir, that is something --
10 again, that's administration. I'd have to have
11 someone come down, they'd probably explain it a
12 little better than I could. It's for -- all the
13 programs go to the call center, all 27 regulatory
14 boards. Every program has changed. Now they have it
15 all going to one area, which is the call center.

16 CHAIRMAN VALENTINE: They have 27 times
17 \$3800, that's a lot of money.

18 MS. VEST: No, it's 27 -- I'm sorry, Mr.
19 Chairman, it's 27 regulatory boards. All the
20 regulatory boards are going in there, and all the
21 fees --

22 CHAIRMAN VALENTINE: But each one of the
23 boards has a fee for that customer service center,
24 right?

25 MS. VEST: Yes.

1 CHAIRMAN VALENTINE: So ours is \$3800,
 2 and theirs is probably a similar amount. So if we
 3 have 27 boards at \$3800 a piece, that's a big piece
 4 of change for just somebody to answer the phone.
 5 MS. VEST: That is something that
 6 administration would have to come down and explain to
 7 you a little bit --
 8 CHAIRMAN VALENTINE: Bring them down
 9 here.
 10 MS. VEST: Okay.
 11 MR. BROWN: Is that prorated amount to
 12 every regulatory board the same?
 13 MS. VEST: I am going say yes, but I
 14 really don't know.
 15 MR. BROWN: That's wrong, anyway --
 16 MS. VEST: That don't sound like enough
 17 money to me to manage the people they would have in
 18 the call center. It is something the State has
 19 decided to go to the call center.
 20 CHAIRMAN VALENTINE: Just because the
 21 State decides it, doesn't mean it's right, though.
 22 We'll be glad to discuss that with them. Each month
 23 it's a different figure, so I figure that it's based
 24 on the number of calls --
 25 MS. VEST: Number of telephone calls,

1 yes, sir. It's based on the number of calls.
 2 CHAIRMAN VALENTINE: Okay.
 3 MS. VEST: I don't want to -- some of
 4 this, I just don't know how to answer correctly.
 5 Some of it is out of my hands. I am told we have a
 6 call center, here's the people, you are going to
 7 train them. We do our best to do that. But yes,
 8 sir, I will ask the administration to come down and
 9 pay us a visit. Probably won't be this meeting.
 10 CHAIRMAN VALENTINE: Hope not.
 11 MR. BAYNE: Stuart Bayne.
 12 MS. VEST: To explain the budget, someone
 13 who can explain it better than I can. Yes,
 14 Mr. Bayne.
 15 MR. BAYNE: Well, I have been listening,
 16 and I am of the mind, as Larry Flair, that this
 17 Commission is needed; that I would stand as not
 18 afraid to raise fees, if it was necessary. I pay
 19 them myself. I would suggest that we -- the
 20 Commission, come armed on September 21 with some
 21 paths forward, and we would ask -- I would ask you,
 22 if I may, Mr. Chairman, to arm the Commission with
 23 trend numbers, track records, that can help us move
 24 this Commission forward into next year, next fiscal
 25 year, end in FY-19 in June -- end in the positive.

1 MS. VEST: That sounds good, Mr. Bayne, I
 2 appreciate that. I will look into that. You are not
 3 going to end in a positive until we get more people
 4 coming into this industry or the fees go up.
 5 MR. BAYNE: I'm working on that,
 6 Ms. Director. I'm working on that.
 7 MS. VEST: One or the other. Now you say
 8 "trends," where am I going to get these trends? What
 9 trends are in the industry? I have contacted other
 10 states --
 11 MR. BAYNE: Rising and -- the trends in
 12 licenses across the State of Tennessee.
 13 MS. VEST: Okay. Yes, sir, I can tell
 14 you how many open -- hopefully I should be able to
 15 tell you how many we had five years ago compared to
 16 now, what the fees were before we had the fee
 17 increase.
 18 MR. BAYNE: And when were the fees last
 19 changed. Ballpark it.
 20 MS. VEST: Have we even raised fees since
 21 '93?
 22 MR. FLAIR: It hasn't been -- Madam
 23 Chairman, Larry Flair. To my knowledge, it hasn't
 24 been since '04. It had to be before that. I don't
 25 think we had it since '04.

1 MS. VEST: It has been a long time.
 2 CHAIRMAN VALENTINE: Since '99.
 3 MR. BAYNE: Well, then I think that's
 4 quite a good track record for a state that's
 5 finally -- that's discovering itself in the red on
 6 the profession --
 7 CHAIRMAN VALENTINE: 20 years at least.
 8 MR. BAYNE: -- not having changed any
 9 freeze in umpty-ump years.
 10 MS. VEST: Looks like it might be '03.
 11 MS. THOMAS: License fees will be
 12 November of 2006.
 13 MR. BAYNE: So it's been 12 years. Bayne
 14 here. That's a long time without raising anything.
 15 MS. VEST: Okay. I think what I am
 16 hearing, you would like several options here, and one
 17 of them -- I probably need to try to figure out how
 18 much to -- if we decide that's what we need to do is
 19 raise fees, I just don't want to throw a number out
 20 there, we are going to have to think about this
 21 logically, see what the fee increase would be. I
 22 want you to know, personally, I think it's renewals
 23 that we are talking about, not applications.
 24 MR. BAYNE: Bayne here. I concur.
 25 Renewals we are talking about -- I'm talking about,

1 yes.

2 CHAIRMAN VALENTINE: Yeah.

3 MS. VEST: That's all the private
4 investigators, that's not the people coming into the
5 industry.

6 MR. BAYNE: And being licensed in North
7 Carolina, I'll let you know what I find out about
8 North Carolina. It's been a while.

9 CHAIRMAN VALENTINE: We need to know how
10 much each increase would provide to the Commission.
11 You know, if we increase it 25 or 50 or \$100 a year.

12 MS. VEST: Right, that's what I'm going
13 to do. That's how I'm going to do it.

14 CHAIRMAN VALENTINE: Okay.

15 MR. FLAIR: Madam Chair, Larry Flair
16 again. Do we have electronic contact to each
17 license? We don't do that, we have electronic
18 contact -- e-mails to all the companies, I know, but
19 do we have a roster that would have an e-mail address
20 for every PI?

21 MS. VEST: Only if they provided the
22 e-mail address. We are trying to get e-mail
23 addresses, because that's how we want to correspond
24 in the future with everybody, electronically. We are
25 going to talk a little bit later about the letter,

1 was the number, so yes, I'll get with our IT
2 department and start asking for some of this
3 information. But as private investigators, you see
4 anything out there or you know anything from these
5 other states, just drop me a line, call me, or send
6 me an e-mail, and I'll add it to my list. We'll just
7 keep grabbing and going. Any other questions on
8 that?

9 MR. BAYNE: Yes. Stuart, again. Just
10 the idea that we should be prepared to discuss this
11 more with identifying concrete paths forward in
12 September.

13 MS. VEST: Yes, and I would like
14 everybody's opinion on that, if you don't mind.

15 MR. BAYNE: Yes, of course.

16 MS. VEST: We need this as a whole. Just
17 lay it out there and let's see if we can find out
18 what's going on, how we can fix this, how we can
19 change it, what we need to do. Let's just do it as a
20 Commission and move forward.

21 If you don't have anything else on that,
22 the legislative update, I don't believe we have any.
23 Application review, there are not any -- there's not
24 anything on the application review. We don't have
25 any correspondence either.

1 and it will be sent out to all the companies and all
2 the private investigators themselves, and we want to
3 do it electronically. But there are some that don't
4 have or didn't give it to us, when they have been
5 with us so long. And people have a tendency for some
6 reason to change that e-mail address. But yes,
7 that's what we are trying to do. Every time we see a
8 new application come in, we do put down their address
9 so we can contact them electronically.

10 Remember, everything comes to the
11 company, the qualifying agent. Only thing that
12 actually goes to the investigators themselves is a
13 criminal record that you would not see. But you have
14 asked us to develop a letter, which we will talk
15 about a little bit later, and it will be going out to
16 the private investigators as well.

17 MR. BAYNE: Stuart. I would also
18 indicate -- ask you to look at the renewals over the
19 last -- no more than four years, if you can take a
20 look at them. You should be able to look at them by
21 month or by quarter, to get a sense of that as well.
22 That would be another -- another variable.

23 CHAIRMAN VALENTINE: Another trend.

24 MR. BAYNE: Right.

25 MS. VEST: Another trend, okay. Next one

1 Mr. Rousseau, you still with us.

2 MR. ROUSSEAU: Yes, ma'am, I am.

3 MS. VEST: Good, thank you. We didn't
4 hear you --

5 MR. BROWN: He was asleep.

6 MR. ROUSSEAU: I wasn't asleep, I had my
7 moot button on.

8 MS. VEST: Mr. Rousseau is our public
9 member, he chose not to speak on this subject.
10 That's fine. The Education Committee, the education
11 review. I'll go ahead, Mr. Chairman, and tell you
12 that all of those were approved at the Education
13 Committee.

14 CHAIRMAN VALENTINE: Yes, all eight of
15 them were approved.

16 MS. VEST: Without going into the names.
17 I think the next thing that you look at is what we
18 are going to do is some unfinished business.

19 CHAIRMAN VALENTINE: Do we need a motion
20 for the education --

21 MS. VEST: I'm sorry, you are correct.

22 CHAIRMAN VALENTINE: Okay. Do we have a
23 motion to approve the education report?

24 MR. FLAIR: I'll make that motion --

25 MR. BROWN: Second, Commissioner Brown.

1 MR. FLAIR: -- Larry Flair.
 2 CHAIRMAN VALENTINE: Motion and second.
 3 Any discussion? All in favor say aye.
 4 THE COMMISSION: Aye.
 5 CHAIRMAN VALENTINE: All opposed? Motion
 6 carries. Unfinished business. Any unfinished
 7 business?
 8 MS. VEST: Yes, we do, we have some
 9 unfinished business. This is going to be the letter.
 10 MS. THOMAS: Yes. At the last meeting
 11 the Commission asked me to prepare a letter to send
 12 to all the licensees and the investigation companies
 13 just to reiterate to them that the continuing
 14 education needed to be completed before they
 15 submitted a renewal application. I believe Cody's
 16 staff had been receiving renewal applications and
 17 then would have to come to the Commission and ask
 18 them to approve the continuing education after. So
 19 we are trying to send out this letter to kind of stop
 20 that from happening. And I'll take any feedback you
 21 all have about the letter now.
 22 THE COMMISSION: (Commission viewing
 23 document.)
 24 CHAIRMAN VALENTINE: Any discussion on
 25 the letter?

1 the education requirements?
 2 MS. THOMAS: Well, if the continuing
 3 education's not completed, then they are submitting
 4 an incomplete renewal application that wouldn't be
 5 approved. And failure to renew your application,
 6 they would have to reapply and start all over.
 7 MR. FLAIR: And if you will --
 8 CHAIRMAN VALENTINE: So their license is
 9 going to be suspended once they --
 10 MS. THOMAS: It would be expired.
 11 CHAIRMAN VALENTINE: It's expired.
 12 MR. FLAIR: Larry Flair. Isn't there a
 13 day -- I think there's an area of 30 days?
 14 MS. THOMAS: Are you talking about the
 15 grace period.
 16 MR. FLAIR: Yes.
 17 MS. THOMAS: I believe it's a three-month
 18 grace period.
 19 MR. FLAIR: 90 days.
 20 MS. THOMAS: Yes.
 21 MR. FLAIR: So they could stand for
 22 90 days and not do it, but they couldn't practice
 23 legally.
 24 MS. THOMAS: Right.
 25 MR. FLAIR: Because they would be in

1 MR. BROWN: Looks good.
 2 MS. VEST: Let's get I think -- did Alan
 3 get one?
 4 MR. ROUSSEAU: No, I didn't.
 5 MS. WILLIAMS: Tell him I'll e-mail it to
 6 him.
 7 MS. VEST: We will e-mail that to you.
 8 Do we need to read this into the record?
 9 MS. THOMAS: No.
 10 MS. VEST: Just give the Commission
 11 members a moment to read it. It's on their iPads,
 12 it's the first time they have seen it.
 13 MR. FLAIR: Chairman Valentine, Larry
 14 Flair. I have a question. Can we discuss it now?
 15 CHAIRMAN VALENTINE: Yes.
 16 MS. VEST: Yes.
 17 MR. FLAIR: This is pretty much stating
 18 what we addressed last meeting. And the penalty for
 19 not having this done, it just says as a rule that
 20 they are not going to be able to apply unless it's
 21 done, correct?
 22 MS. THOMAS: Right.
 23 MR. FLAIR: Okay.
 24 CHAIRMAN VALENTINE: So they can wait for
 25 a period of time after their license expires to take

1 expired status.
 2 MS. THOMAS: Right.
 3 MR. FLAIR: And then when they applied --
 4 and it's 90 days, not 30.
 5 MS. THOMAS: Yes.
 6 MS. VEST: It's 30 days? I'm wrong, it's
 7 30 days. We stand corrected, it's 30 days. I gave
 8 her wrong information, excuse me, it is 30 days for
 9 this program.
 10 CHAIRMAN VALENTINE: So they have 30 days
 11 after their license expires to take the education
 12 requirement and submit it.
 13 MS. VEST: And pay a late fee.
 14 MS. THOMAS: It's not necessarily to
 15 complete the continuing education, it is to complete
 16 whatever is holding their renewal application up. It
 17 could be a number of things. If they fail to submit
 18 something to us that they are required to submit,
 19 they have 30 days to do that. So it's not solely the
 20 continuing education, that is one part of it that
 21 would stop Cody from renewing that application.
 22 CHAIRMAN VALENTINE: That's what we are
 23 concerned with here is just the continuing education.
 24 MS. THOMAS: Right.
 25 MR. FLAIR: I make a motion,

1 Mr. Chairman, Larry Flair, that we accept the letter
 2 as is, and if it needs to be read into the record,
 3 read it, if not, submit the copy of it and issue it.
 4 MS. BREWER: I'll second it.
 5 CHAIRMAN VALENTINE: Robin seconds.
 6 Okay. Any further discussion?
 7 MR. BAYNE: Yes. Stuart Bayne. We
 8 understand that when the licensee receives this
 9 letter, the licensee is going to say -- going to read
 10 it and say -- it says, "The licensee will not be
 11 eligible until the continuing ed. Is completed and
 12 submitted." Do -- does the Commission understand
 13 that when someone comes forward after being late and
 14 they didn't get their CEUs done, Commission's going
 15 to be prepared to say, "Nope, you didn't get it done,
 16 we are not renewing it, it's not being renewed"?
 17 Just want to make it clear that the letter says --
 18 MS. THOMAS: Right.
 19 MR. BAYNE: It's almost as if it's not --
 20 it's not an encouragement, it's a -- here's the line.
 21 CHAIRMAN VALENTINE: And that line is
 22 30 days.
 23 MS. THOMAS: Correct. That's the --
 24 CHAIRMAN VALENTINE: And if they don't
 25 have it completed by then, their license is --

1 MS. THOMAS: It's expired and they have
 2 to reapply.
 3 MR. BAYNE: So to finish my thought, if
 4 they are late and they have got 30 days, there's lots
 5 of training out there that they can get.
 6 CHAIRMAN VALENTINE: Yes.
 7 MR. BAYNE: And they can get it. And
 8 then they need to complete it, they need to have
 9 record of completion, and then they have to submit
 10 it.
 11 MS. THOMAS: Right.
 12 MR. BAYNE: If they are 31 days after --
 13 MS. THOMAS: If they are at day 31, the
 14 rule and law says that they cannot renew that
 15 license, they will have to reapply.
 16 MR. BAYNE: Does the Commission -- go
 17 ahead.
 18 MR. SHANKS: Doug Shanks. Basically, my
 19 opinion, you have two years to get your training in.
 20 If you are too lazy to get it before it expires the
 21 month before it expires, then you should be expired
 22 and go through all the things to get back in.
 23 Because it's your responsibility. So it's not the
 24 Commission's to deal with and baby them and get them
 25 their license. If you want your license -- you know,

1 I am going to training this year, and I just renewed
 2 this month. So training's good. So there shouldn't
 3 be an issue.
 4 MR. BAYNE: And I'm -- this is Stuart. I
 5 am not suggesting that I think there are any issues
 6 with this letter, I am suggesting that we, the
 7 Commission, need to be aware that --
 8 MR. BROWN: I'm totally aware of it and
 9 I'm behind it.
 10 MR. BAYNE: Okay, Bayne's out.
 11 MS. VEST: Okay, let me go back to the
 12 meeting that we had. The problem we were
 13 experiencing is that they were -- I had to bring to
 14 you continuing education that Johnny took that wasn't
 15 on the course list and I couldn't approve it, whether
 16 he was coming up -- going to be expired or not, which
 17 he took it four months ago, whatever, just now
 18 submitted it. And I think that's what the problem we
 19 were experiencing was they came to us and said I have
 20 taken this, but it's not in the norm, and I went
 21 ahead and took it. Now I want the Commission to read
 22 it and grant me this renewal based on what I have
 23 given you.
 24 I don't think we have been having a big
 25 problem with people renewing and getting their

1 continuing education, what we were having difficulty
 2 with was individuals who decide to take something,
 3 may I say, off the wall, just not on the actual
 4 course list. I don't have the authority to approve
 5 that, so it has to come to you. In the meantime,
 6 they have expired. So we only meet every other
 7 month, so if they expired last month, that was the
 8 end of their 30 days, they have a problem because I
 9 had to bring it to you. Then I go back -- and you
 10 say it was approved and everything's okay, I go back
 11 and open them up. It's just a technicality there.
 12 So I just want you to understand what the
 13 problem was. The problem was people taking the
 14 courses before they get approved. And that's what
 15 this letter is -- first line, the second paragraph
 16 says, "You have to take your continuing education
 17 before you are expired." You don't bring it back to
 18 us and the Commission looks at it. Now, there are
 19 going to be extenuating circumstances, and I am going
 20 to be bringing things to you, I am aware of that, but
 21 hopefully that will be out of the norm, just some
 22 odds.
 23 MR. BROWN: Seems there were a lot coming
 24 in at the last minute, and that's what we are trying
 25 to get around. And we are professionals, this is a

1 professional organization, licensing. You know, you
 2 attorneys the same way, they have to be sure their
 3 CEs are met, or CLEs, before their license expires.
 4 MS. THOMAS: Correct.
 5 MR. BROWN: I mean, we are aware we are
 6 adults and I understand some that wait for the last
 7 minute, but it was putting a lot of burden on the
 8 staff that was unnecessary. That's the reason I was
 9 talking about trying to generate this letter.
 10 CHAIRMAN VALENTINE: Anything else for
 11 the Education Committee?
 12 MR. FLAIR: I have called a question on
 13 the motion, I believe.
 14 MR. BROWN: We haven't voted on it yet.
 15 MR. FLAIR: It was under discussion.
 16 MS. VEST: Okay. You have the letter and
 17 we are getting ready to vote on it. And I love our
 18 legal staff to death, but as a public -- what did
 19 that letter just tell me? I read it, and I do
 20 understand it, I just thought -- we wanted something
 21 that said, "You need to get your continuing education
 22 in here before you expire, the Board does not want to
 23 see all this after you have already taken the course
 24 and didn't ask ahead of time if it was going to be
 25 approved." So as long as we all understand it's

1 no, it's not approved?
 2 MR. FLAIR: Larry Flair, Chairman. It
 3 spells it out in the letter, okay? All right, now,
 4 if someone says, well, I want to go in front of
 5 Board, they have got steps that they can come and
 6 they can appear, but I don't think you or your staff
 7 should have to go through this over and over and over
 8 again. I just -- and I don't want to it discouraging
 9 other people to renew their license by any means, but
 10 I am in the same boat, I think, that Commissioner
 11 Jerry eluded to, where we are professionals and, you
 12 know, it's in bold, it's in writing, it's in plain
 13 English, and if they are not responsible enough to
 14 take care of this situation, I'm not sure if I want
 15 them in the profession as a Commissioner or as a
 16 fellow owner.
 17 It's just -- you know, I know we had one
 18 circumstance where we had a gentleman who was out of
 19 country. And it was brought to the Board, and I
 20 think the Commission used common sense, it should
 21 have been applied and we okayed it. But, again, this
 22 repetitious of extra work for you and your staff, I
 23 don't agree with it. You got two years to do it.
 24 CHAIRMAN VALENTINE: If the education
 25 they took is not approved, then it's not approved.

1 basically that second -- I think it's the second
 2 paragraph that we are talking about, and the private
 3 investigators are going to understand -- what do you
 4 want me to do if they don't?
 5 MR. ROUSSEAU: Mr. Chairman, Alan
 6 Rousseau.
 7 MS. VEST: Yes, Mr. Rousseau.
 8 MR. ROUSSEAU: Would it be possible -- in
 9 the second paragraph I see that the "before" is
 10 highlighted or in bold. Would it be helpful to
 11 highlight that whole sentence?
 12 MS. THOMAS: I can do that.
 13 MR. ROUSSEAU: That is a suggestion, not
 14 a recommendation.
 15 MS. VEST: Everybody knows legal wrote
 16 this, I don't even talk like this. Which is great,
 17 that's what we are supposed to do, they are supposed
 18 today write it. No, that's fine, I like that
 19 suggestion of bolding the whole sentence. I just
 20 want you to tell me what I'm going to do when the
 21 individual comes to me and says, I got this
 22 continuing education -- I want you to approve this
 23 continuing education, I got in New York and I went
 24 ahead and took it before it got approved by the
 25 Commission; do I still wring that to you or do I say

1 MR. FLAIR: It says it in the letter, if
 2 you will.
 3 MR. BAYNE: Stuart Bayne. Ms. Vest, you
 4 asked what's this letter tell me. There's two
 5 things.
 6 MS. VEST: Okay.
 7 MR. BAYNE: The continuing education must
 8 be an approved course under the Commission -- under
 9 the State, and it needs to be completed before the
 10 renewal application is submitted. Is that correct,
 11 are those the two conditions?
 12 MS. THOMAS: That's correct.
 13 MS. VEST: That's all in the second
 14 paragraph. We are talking about the second
 15 paragraph.
 16 MR. BAYNE: Right. Right. I agree with
 17 Mr. Shanks, I'm -- we are big people, we are adults,
 18 we need to an act like it.
 19 MS. BREWER: We're not -- I'm sorry.
 20 MR. SHANKS: I'm seeing what Cody is
 21 saying. Say, for example, somebody found a class, we
 22 hadn't heard of it, we haven't approved it, they are
 23 turning in their renewal, so we might need to put
 24 some wording in that before taking a class, it needs
 25 to be approved -- I don't know, before the

1 Commission, if it's not on the -- already on the list
 2 or something. Does that make sense?
 3 MR. ROUSSEAU: Mr. Chairman, Alan
 4 Rousseau again. That's why I made the suggestion to
 5 highlight that first sentence in the first paragraph
 6 that says "required 12 hours of approved continuing
 7 education before submission."
 8 MS. VEST: Okay. How about if that's
 9 what we bold, if we say -- it says, "require 12 hours
 10 of," and then we bold approved "continuing education
 11 before submission," would that -- is that what you
 12 are talking about, Mr. Rousseau?
 13 MR. ROUSSEAU: Yes. Yes, ma'am.
 14 Actually, I would highlight the whole thing.
 15 MS. VEST: We don't have a problem with
 16 that; we can do that.
 17 MR. FLAIR: Mr. Chairman, Larry Flair. I
 18 was the one that made the motion. I'll amend the
 19 motion to what Madam Director just said about
 20 highlighting the entire sentence.
 21 CHAIRMAN VALENTINE: Any further
 22 discussion?
 23 MS. BREWER: I want some clarification on
 24 something, please. We are not saying that they can't
 25 take continuing education that has not been approved

1 can take the course.
 2 MR. BROWN: I second Larry Flair's
 3 amended motion.
 4 CHAIRMAN VALENTINE: Okay, it's been
 5 seconded -- proposed and amended. All those in favor
 6 of the amendment, please say aye.
 7 THE COMMISSION: Aye.
 8 CHAIRMAN VALENTINE: All opposed? So now
 9 we vote on the whole -- the amended version of this
 10 letter. All those in favor say aye.
 11 THE COMMISSION: Aye.
 12 CHAIRMAN VALENTINE: All opposed? Motion
 13 carries. Both motions carry. So are we finished
 14 with the education report now? Let's go to
 15 unfinished business.
 16 MS. VEST: That was our unfinished
 17 business. And the other thing that I have, we had
 18 already discussed when I talked to you about the
 19 other states, what I found out about the
 20 apprenticeship of the other states. That was going
 21 to be the rest of my unfinished business. So I don't
 22 have any more unfinished business.
 23 CHAIRMAN VALENTINE: Okay. Do we have
 24 any new business?
 25 MR. FLAIR: I got one quick question. I

1 if they bring it before the Board for approval prior
 2 to --
 3 MS. VEST: Expiration.
 4 MS. BREWER: -- expiration.
 5 MR. BAYNE: Prior to their renewal.
 6 MS. VEST: Yes.
 7 MR. BROWN: For example, if they took it
 8 a year into their two-year renewal period, submit it
 9 then, give the Board a chance to approve it.
 10 MS. VEST: Okay. When we do our seminar
 11 in September, I am going to have this letter with me
 12 in case we do have any questions with private
 13 investigators, and I will discuss it with the private
 14 investigators at that time as well. Because that
 15 is -- we are talking about private investigators, we
 16 are talking about the renewal, we don't want to
 17 penalize somebody because they took an excellent
 18 course, they just didn't take it in the right
 19 timeframe. But then, again, the statute says you
 20 have to have it done before you expire, and that's
 21 what we are trying to encourage everybody to do, to
 22 get the continuing education in here. If it's
 23 something that's not on the course list, you get it
 24 in here in advance of taking the course so the
 25 Commission can look at it and approve it, then you

1 don't know if it follows this. In my opinion, it
 2 needs to be addressed to counsel. As a Commissioner,
 3 and I reach out to different companies across the
 4 state, if I do that in a private capacity as the
 5 owner of my company to find out their feeling about
 6 raising fees or not, as long as I don't act and make
 7 sure that -- they are clear that I am not doing it in
 8 a Commissioner's capacity, is there anything wrong
 9 with that -- of your opinion of that by me doing
 10 that?
 11 MS. THOMAS: Not in my opinion. I think
 12 that's fine as long as you make it clear that you are
 13 asking just as a company owner and not necessarily as
 14 a Commission member.
 15 MR. FLAIR: And for the record, the
 16 reason that I would do that is to get a feel across
 17 the state of what each company owner might feel about
 18 where they would go or not go on raising the fees, is
 19 where I'm coming from.
 20 MS. THOMAS: I would just stress that you
 21 are not asking as a Commission member.
 22 MR. FLAIR: Thank you. I have nothing
 23 further, thank you.
 24 MS. VEST: Well, if you did talk to
 25 another state and you can simply ask on their website

1 whatever it is for the section that talks to the
2 fees, send that to me, and I can go out and do all
3 that research for you.

4 MR. FLAIR: Yes, ma'am, thank you.

5 MS. VEST: I can do that that's what I am
6 going to do.

7 CHAIRMAN VALENTINE: Any other new
8 business?

9 MS. VEST: Yes, sir, we do have two new
10 boards -- two more new staff members, Jeff Winfree
11 and a Carrie Neblett. I think Jeff is in the room.
12 You want to stand up, Jeff? He just started with us
13 two weeks ago.

14 MR. WINFREE: Two weeks.

15 MS. VEST: He's a former state employee,
16 we are glad to have him back. And I don't believe
17 Carrie's is the audience, but that does put us at
18 being fully staffed.

19 MR. BAYNE: And Mr. Jeff's role?

20 MS. VEST: You don't think I know that,
21 but I do. He's -- everyone is administrative
22 assistant. He was hired for a specific expertise, he
23 would be helping me with developing reports, doing
24 these spreadsheets that we were talking about doing,
25 trying to figure out the trends and the fees from the

1 other states and doing the graphs. And that's --
2 that's what he was hired. But right now he's
3 learning the profession and he's keying the
4 applications and the renewals. I asked him to come
5 down, Ms. Carrie must be busy with a phone call or
6 whatever, to sit in with the Commission meeting see
7 what we do, see the Commission members, and I expect
8 him to be a big help to us going forward.

9 MR. BAYNE: Great.

10 MS. VEST: But everybody that's hired,
11 come into the office, they must sit down must learn
12 how to key, must learn the professions, we stick them
13 on a profession. Right now I believe he's working
14 with private and protective services, it's one of our
15 quickest ones to learn. Once you have learned that
16 and learned how to maneuver with our new computer
17 system, it's easier to go over to the other
18 professions.

19 Right now the only one that you have
20 actually keying in your private protection work is
21 Tiffany in the back. She does an excellent job
22 there. She does other professions as well, not just
23 private investigators. Right now we have been
24 dealing with polygraph examiner, we have been
25 learning that program a little bit better. And that

1 application is not on the internet. We will be
2 looking at that. We are going to revise that
3 application, there's so very few of them with this
4 new system going on. We apparently neglected to do
5 that, but, Mr. Richards, we are going to be working
6 on a polygraph application and make sure it gets
7 exactly the way it's supposed to be. That's a very,
8 very old application. That's all I have, unless you
9 have anything else for me.

10 MR. FLAIR: Madam Director, didn't we
11 have a name change on your staff too?

12 MS. VEST: Just when I learned to
13 pronounce Balaszi, and listen, that was not easy with
14 this accent, she goes and changes it to Williams.

15 MR. BROWN: That's a tough one.

16 MS. VEST: I said, finally, I'm not the
17 last person at the end.

18 MS. WILLIAMS: I'm the last person now.

19 MR. FLAIR: Congratulations,

20 Ms. Williams.

21 MS. WILLIAMS: Thank you very much.

22 CHAIRMAN VALENTINE: If there's no
23 further new business, do we have any continuing
24 education participant forum?

25 MS. VEST: No, we do not.

1 CHAIRMAN VALENTINE: The next item is a
2 adjournment. Do I hear a motion to adjourn.

3 MR. BROWN: You have a motion to adjourn,
4 Mr. Chairman.

5 CHAIRMAN VALENTINE: Do I have a second?

6 MS. BREWER: Second.

7 CHAIRMAN VALENTINE: Any further
8 discussion? All opposed? All in favor?

9 THE COMMISSION: Aye.

10 CHAIRMAN VALENTINE: We are adjourned.

11 (WHEREUPON, the foregoing proceedings
12 were concluded at 10:48 a.m.)

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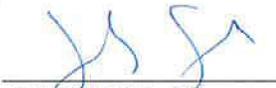
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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

EDUCATION MEETING

July 27, 2018

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
EDUCATION COMMITTEE MEETING
July 27, 2018
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NASHVILLE, TN 37243

TRANSCRIPT OF EDUCATION COMMITTEE MEETING
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* * *
CHAIRMAN VALENTINE: We have the Education Committee meeting.
MS. VEST: Okay.
CHAIRMAN VALENTINE: Call the role, please.
MS. VEST: I'll just do the role, okay.
Mr. Brown?
MR. BROWN: Here.
MS. VEST: Mr. Flair?
MR. FLAIR: Here.
MS. VEST: Mr. Rousseau? Mr. Valentine?
CHAIRMAN VALENTINE: Here.
MS. VEST: Mr. Bayne?
MR. BAYNE: Bayne.
MS. VEST: Let the record show everybody is here except for Alan Rousseau.
CHAIRMAN VALENTINE: Do we have any education requests?
MS. VEST: Yes, we do. Did everybody that's on the Commission get their packet?
MR. BROWN: Yes, ma'am.
MS. VEST: All right. If it's okay with you, I'll just call them off. You can discuss them and then it's up to the Chair if you'd like to vote

A P P E A R A N C E S

EDUCATION COMMITTEE MEMBERS

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

ALSO PRESENT

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

for them all individually or together.
The first one we have is the Gulf Region Advocacy Center, Grace Migration Boot Camp wants 12 hours of individual -- all these are continuing education, excuse me. 12 hours of continuing education. Did anybody have an opportunity to look that one over?
MR. BROWN: Yes.
CHAIRMAN VALENTINE: Yes.
MR. BAYNE: Yes.
MS. VEST: Any discussion?
MR. BAYNE: Not on my part.
CHAIRMAN VALENTINE: No.
MS. VEST: So does the committee agree that -- for the 12 hours, is what I'm asking.
MR. BAYNE: Yes.
MS. VEST: Okay. There's no discussion, we'll move onto the American Bar Association Conference. Workers' Compensation Mid-Winter conference, 12 hours credit.
MR. BROWN: I have no problem with it.
MR. BAYNE: Neither do I.
CHAIRMAN VALENTINE: It's fine with me.
MS. VEST: All right. Mr. Flair, I didn't hear you.

1 MR. FLAIR: Yes, I'm sorry, I agree with
 2 it.
 3 MS. VEST: The next one, National
 4 Investigative Training Academy, Field Notes Training
 5 for the Investigator, they are requesting four hours.
 6 Mr. Brown, were you shaking your head?
 7 MR. BROWN: No problems. They are on our
 8 list anyway, aren't they?
 9 MS. VEST: This is for something a little
 10 bit more.
 11 MR. FLAIR: I have no problem with it.
 12 MR. BAYNE: I have reviewed that training
 13 and no problem with it.
 14 CHAIRMAN VALENTINE: It's fine with me.
 15 MS. VEST: National Investigative
 16 Training, it's the same one, but it's a different one
 17 for Effective Communication for the Investigator.
 18 Well, the next -- let's just do it this way. They
 19 want four hours for the Effective Communication for
 20 the Investigator.
 21 MR. BROWN: No problem.
 22 CHAIRMAN VALENTINE: Fine with me.
 23 MR. FLAIR: I have no problem.
 24 MR. BAYNE: I agree.
 25 MS. VEST: All right. The same --

1 Training Academy is doing -- wants six hours for
 2 their Bomb Threat Awareness Training for the
 3 Investigator.
 4 MR. BROWN: No problem.
 5 CHAIRMAN VALENTINE: Fine with me.
 6 MR. FLAIR: I agree.
 7 MS. VEST: Next one is the Academy
 8 again --
 9 MR. BAYNE: I agree, by the way.
 10 MS. VEST: Thank you. They want that one
 11 for six hours, Improvised Explosive Device Awareness
 12 Training for the Investigator.
 13 CHAIRMAN VALENTINE: Okay by me.
 14 MR. BROWN: Same here.
 15 MR. BAYNE: Same here.
 16 MS. VEST: Last one for the Academy is
 17 going to be Crowd Control Training for the
 18 Investigator for six hours.
 19 MR. BROWN: No problem.
 20 CHAIRMAN VALENTINE: Fine with me.
 21 MR. FLAIR: I have no problem with it
 22 either.
 23 MR. BAYNE: I'm good with it.
 24 MS. VEST: I believe the last one we have
 25 is NRTS, their September the 8th class in Nashville

1 that they are going to be holding, and they want six
 2 hours credit.
 3 MR. BROWN: No problem.
 4 CHAIRMAN VALENTINE: No problem.
 5 MR. FLAIR: I have no problem with it.
 6 MR. BAYNE: Concur.
 7 MS. VEST: Why six hours, was my
 8 question. Is that the length of the course for that
 9 day, is that -- apparently it's going to be the whole
 10 day.
 11 MR. BROWN: That's the indication I got
 12 looking at it. That's what I assumed was happening
 13 when I looked at the program.
 14 MS. VEST: All right. Mr. Chairman, you
 15 want to take a vote?
 16 CHAIRMAN VALENTINE: Okay. All of the
 17 committee members have had a chance to listen to the
 18 additional committee applications. Any discussion?
 19 Would you like to vote for these all at once or
 20 individually?
 21 MR. BAYNE: All at once is good.
 22 MR. BROWN: I make a motion we accept all
 23 of them in.
 24 MR. BAYNE: Second.
 25 CHAIRMAN VALENTINE: Move and seconded to

1 accept all of the education requests. All in favor
 2 say aye.
 3 THE COMMISSION: Aye.
 4 CHAIRMAN VALENTINE: All opposed? It
 5 passed.
 6 MS. VEST: I believe, Mr. Chairman,
 7 that's the end of our Education Committee, unless
 8 someone has anything else they want to discuss with
 9 education.
 10 CHAIRMAN VALENTINE: Nothing else that I
 11 know of.
 12 MS. VEST: You want to go ahead and
 13 adjourn then?
 14 CHAIRMAN VALENTINE: Do I hear a motion
 15 to adjourn?
 16 MR. BAYNE: Move to adjourn.
 17 MR. BROWN: Second.
 18 CHAIRMAN VALENTINE: All in favor say
 19 aye.
 20 THE COMMISSION: Aye.
 21 CHAIRMAN VALENTINE: All opposed? We are
 22 adjourned.
 23 (WHEREUPON, the proceedings were
 24 adjourned at 9:16 a.m.)
 25

REPORTER'S CERTIFICATE

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