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
Minutes

07/27/18
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?
CHAIRMAN VALENTINE: Motion by Bayne, seconded by Richards. Any discussion?

MR. BAYNE: Just, again, Mr. Chairman, that the minutes were well done by someone catching them over the air, telephonically. Thank you.

CHAIRMAN VALENTINE: Motion by Bayne, seconded by Richards. Any discussion?

MR. BAYNE: Second, Commissioner Brown. I'd like to ask each Commission member if they have received and had time to review a copy of the agenda, and if so, is there a motion to adopt this agenda?

MR. SHANKS: Make a motion to adopt the agenda.

MR. BROWN: Second, Commissioner Brown.

MR. BAYNE: I worried about that. I thought it prudent to congratulate our reporter on catching voices over a telephone -- over a conference call. That was a commendable piece of work on the minutes. I'm in favor of after approving the minutes.

CHAIRMAN VALENTINE: The agenda.

MR. BAYNE: The agenda, thank you. I'm on that too.

MS. VEST: I'm sorry, who made the motion?

MR. SHANKS: I made the motion, sorry.

MR. BAYNE: Oops.

MS. VEST: Who seconded it?

MR. BROWN: Second, Commissioner Brown.

MR. BAYNE: If we introduce ourselves as Commissioner So-and-So, that would help the court reporter immensely.

MS. VEST: Yes. Alan, make sure you identify yourself when you vote.

MR. ROUSSEAU: Yes, ma'am.

MS. VEST: Thank you.

CHAIRMAN VALENTINE: Any discussion on the agenda?

MR. BAYNE: No.

CHAIRMAN VALENTINE: All in favor say aye.

THE COMMISSION: Aye.

CHAIRMAN VALENTINE: All opposed? Motion carries.

Next item is the minutes, for approval of the minutes for the last Education Committee and Commission meeting. Has each Commission member received and had time to review the copy of these minutes, and if so, is there a motion to adopt these minutes?

MR. BAYNE: Yes, and I make that motion.

MR. RICHARDS: I second it.

Mr. Chair.

THE COMMISSION: Aye.

CHAIRMAN VALENTINE: All in favor say aye.

CHAIRMAN VALENTINE: Motion by Bayne, seconded by Richards. Any discussion?

MR. BAYNE: Just, again, Mr. Chairman, that the minutes were well done by someone catching them over the air, telephonically. Thank you.
25 decision to close is confirmed.

24 Complainant alleges they received a notice from Respondent asking for personal identification, including social security number, in order to receive a refund from a health plan. The Respondent is an agency that specializes in recovery of unclaimed property since 2002. Respondent sent notification to Complainant regarding unclaimed money, and if they wanted their assistance, they would need to provide certain information in order to proceed. Respondent forwarded this information to the Treasury Department, and upon an approval, the check is mailed directly to the customer, then Respondent sends an invoice for the fee. Recommendation is to close.

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

22 Second, Commissioner Brown. Respondent sent notification to Complainant regarding unclaimed money, and if they wanted their assistance, they would need to provide certain information in order to proceed. Respondent forwarded this information to the Treasury Department, and upon an approval, the check is mailed directly to the customer, then Respondent sends an invoice for the fee. Recommendation is to close.


20 CHAIRMAN VALENTINE: All opposed? Motion carries.

19 MR. HUFFMAN: Number 2, 2018037931.

18 MR. HUFFMAN: Right.

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

16 THE COMMISSION: Aye.

15 CHAIRMAN VALENTINE: All opposed? Motion carries.

14 MR. FLAIR: I'll second that.

13 Mr. Chairman. Larry Flair.

12 CHAIRMAN VALENTINE: Okay. We are asking anyone that needs to come to their place of business in Tennessee and we will assist you with this onboarding, if it's necessary. So we are asking for all private investigators that need assistance or someone from

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

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

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

8 CHAIRMAN VALENTINE: Okay.

7 Administrative matters, Executive Director Cody Vest.

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

5 Mr. Chairman.

4 Larry Flair.

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

2 MS. WILLIAMS: It's in the afternoon--

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8 We are asking anyone that needs to come to learn how to onboard their employees. We will have someone from your office that needs to come and sit down with us, there'll be several of us there with our computers to give all assistance. If that is not exactly what you need, you can contact me and we will come to your place of business in Tennessee and we will assist you with this onboarding, if it's necessary. So we are asking for all private investigators that need assistance or someone from

7 CHAIRMAN VALENTINE: We had our normal monthly meeting with Attorney General Counsel Ashley Thomas. We meet every month. I do meet with Mr. -- with our litigating attorney when we have questions about the legal report, but Ms. Thomas and I meet regularly.

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I'm talking yet or not, administration to see if they see some way that going to be want to just a moment. Does everyone have this budget on done the budget report. This year.

According to what the trend is showing ahead of time that you going to happen this year, and this looks like we have a down year now. Right now you are in negative $20,956.

Secondly, our Commission members, if you are in that neighborhood and would like to come, please do so at that time.

That's all I have for the monthly report.

MS. WILLIAMS: September 24th.

MS. VEST: September the 24th.

MR. BAYNE: Thank you.

MS. VEST: You will be getting -- we have not finalized it yet, I am just letting you know ahead of time that you will all be receiving correspondence on that, of course, at your place of business.

CHAIRMAN VALENTINE: Very good. The next item on the agenda is the education report.

MS. VEST: No, I'm still -- I think it's still me.

CHAIRMAN VALENTINE: Okay. We haven't done the budget report.

MS. VEST: Yes. Need to talk to you for just a moment. Does everyone have this budget on their iPads?

MR. BAYNE: Yes.

MS. VEST: This is just through the end of May. Our fiscal year changes in June -- I mean, it cuts off June the 30th; the new fiscal year starts July 1st. Every year we must end in a positive balance. I don't believe that's going to happen this year. I'm not overly concerned about talking with administration about being Sunset, because hopefully this is your ebb. Every year it's an up or down year, and this looks like we have a down year now.

Right now you are in negative $20,956.

According to what the trend is showing here, it's your net surplus or deficit, I don't believe we are going to be able to pull that out in one month. We have not seen in our office a flux of applications coming in, although this is not the renewal month for them to have a large number of renewals. So I do believe you will be ending in the red this year.

If you end in red two years, we are subject to Sunset. We have to look at different things. Increasing fees is not something I really want to talk about. I don't know if we are at that point yet or not, I'll need to speak with our administration to see if they see some way that I am going to be able to pull this out. If we don't have.
industry, do you know by chance? Where I'm going
with this, where are we on the scale, are we in the
ballpark with these other states?
MS. VEST: I'm not going to be able to
speak about that today. I don't know the answer to
that. I have -- I do have some information here
where I have contacted other states, but it's
concerning their apprenticeship, I did not look to
see what the fees were. That is something that I can
do and get back with you. I can send you an e-mail,
give you an idea what the other states are doing.
But a lot of you have already -- have your license
for what, Alabama, maybe Kentucky, Georgia, so you
might already know what the fees are. But yes, I
will look that up.
When you talk about raising fees, you are
talking about raising fees on the application; we
are talking about if we do raise fees, we are talking
about raising fees on the actual licensees, that
would be the renewal fees. We are already apparently
having difficulty getting people into your industry,
the last thing I think we probably would want to do
is raise the fee. It has to be done, it has to be
done, but I think we need to look at everything
first. So I need to get some of this information
together for you so I can present it to you, we can
make an intelligent decision on what to do next.
CHAIRMAN VALENTINE: Another alternative
would be to have every other meeting telephonic.
MS. VEST: Yes, sir. We meet six times a
year, we can do three telephonic and three in person,
one every other. There's ways we can do that.
CHAIRMAN VALENTINE: If that saves enough
money to balance the budget.
MS. VEST: I don't even know how much it
is. I'll have to look into how much your travel
depenses are and really what that would actually do
unto the budget. I mean, if it's $2,000, it's not
going to make a difference. If it's $20,000, it
would make a difference, but it's not.
MR. SHANKS: Cody, I have been reviewing
and looking, and since the 2,000 hours were added, a
lot of people are misunderstanding what that says.
Besides 2,000 hours, it also says, if they have
experience, that would count, or if they have
education. And those things would have to come
before us, but everybody, I think, is being told you
have got to have 2,000 hours to own a company. And
the issue I am seeing with myself or anybody else, we
do not want to hire somebody because of the
liability. I noticed in six years there's only been
ten polygraph examiners that came on. So that's
maybe two -- less than two a year. So I think the
2,000-hour requirement, people aren't understanding
that's just one option, you have got two other
options you could do. And I don't know how to
address that for people that are trying to get in the
field.
MS. VEST: But one thing -- we do talk
about this at our seminars, but whenever I give a
seminar, it's already private investigators there,
it's not the public that's there. So you already
know -- hopefully you already know what the
requirements are. We do get telephone calls, we do
get questions. That 2,000 hours, ever since that's
been in place, has been like a sore eye. I would be
quite frank with you.
Yes, there are other ways to get into
this profession. We have a staff member who talks to
the private investigators who is in the back of the
room, I believe Tiffany is. She knows the rules and
laws as good as I do or -- she does talk to people,
we do it all the time. Yes, sir, I have heard that a
lot. I will be sure to make a note of that and we
will discuss it again at the seminars, try to
clarify -- make sure the private investigators and
the company owners that are there understand. If we
ger invited to the association meeting, that is
something I can talk about is the requirements for a
private very investigator, along with the
apprenticeship. That's something we can -- but
again, that's private investigators, that's not the
public.
MR. FLAIR: Madam Director, if you will.
Larry Flair. Is that a legislative deal, is that a
rule that this commission can change? I think we
actually voted that in several years ago.
MS. VEST: That's a statute. It is in
the statute.
MR. FLAIR: So the is a statute. O that
will have to go to the Hill to be changed, correct?
MS. VEST: Yes, sir.
MR. FLAIR: And we can't do that until
next July.
MS. VEST: Next session.
MR. FLAIR: Yeah, or February.
MS. VEST: September.
MS. THOMAS: Yeah.
MS. VEST: It's sometime maybe in
September. Late August, September.
MR. FLAIR: And help me with this, what's the procedure for us to go to the Hill and ask for

MR. BAYNE: Question on this budget. Are there any expenditures that could go down?

MS. VEST: Edison expenditures, that is actually our cost, as we have discussed.

MR. BAYNE: Right.

MS. VEST: Okay. Okay. The May went down because we were by phone. Legal costs are

MS. VEST: Edison expenditures, that is where when you make a telephone call, you go right straight into our call center.

MS. VEST: Edison expenditures, that is something that is not that great. We don't do any field because we happen. Customer service - that's something that is happening.

MS. FLAIR: That's one option. The other is to submit a legislative proposal to our

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I 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 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
I think what we are saying is, I want to go to work, I want to learn to be a private investigator, I come to you, you hire me, now -- so you are going to be training me, but instead of my being in your presence continually and you having to charge your customer for two private investigators, or however that works, I can be in my car in Memphis and you can be here in Nashville, as long as I am in contact with my supervisor or whomever, if I do have questions.

That's the only other way I know that can happen.

But you are the private investigators, you'll have to tell us how to word it, if you wanted to change that. One of the things about that, as well, and it's the other side of the coin, if you are a competent owner of that company, you are not going to put someone in a position, hopefully, that they are going to get out and stumble their toe -- or stump their toe or do something improper. But in the same token, it's not necessarily that you have to be right with them. I think the company owner should be abreast of everything the actions and what their investigator, if you will, their associate is affiliated with and -- but there's some things that they could do in their home, computer search and things of that nature, and -- or go by and pick up and serve papers and things of that nature.

Again, I think in my case, I'm -- I don't have that problem on my staff, but -- all of my people, I feel, are very competent. But I think that some of the owners would attest to saying that, well, I have to be careful. And I don't know how we can get that across. Again, I don't know if we change the rules. It may come up to legal if we have a lot of complaints across the state, and I think we need to consider that before we make a decision on changing that rule, but --

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

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

MS. VEST: Less work. That could be.

Now that -- I think we have already talked about that too at another meeting, now that people can sit at home, get on their computer and do most -- let me rephrase that. They can maybe do some of the stuff that you can do without a license.

1 think what we are saying is, I want to go to work, I want to learn to be a private investigator, I come to you, you hire me, now -- so you are going to be training me, but instead of my being in your presence continually and you having to charge your customer for two private investigators, or however that works, I can be in my car in Memphis and you can be here in Nashville, as long as I am in contact with my supervisor or whomever, if I do have questions.

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Now that -- I think we have already talked about that too at another meeting, now that people can sit at home, get on their computer and do most -- let me rephrase that. They can maybe do some of the stuff that you can do without a license.
CHAIRMAN VALENTINE: Can Ashley do what Stuart is doing?
MS. THOMAS: That's -- that's a decision that is actually above the both of us. You know, we are assigned programs and assigned duties. Right now, I think the way they separate it, again, so that Stuart has the case from beginning to end, so he's not replicating work that I would maybe do if I had the complaint.

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

MS. VEST: Okay.

CHAIRMAN VALENTINE: So why do we have two attorneys, if we don't have any complaints?
MS. VEST: That is something I will --
MR. BROWN: About time someone asked that question.

CHAIRMAN VALENTINE: Why do we have two attorneys, if we don't have any complaints? I'll explain only.

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

MS. VEST: That's fine, that's what we are here for. I need everybody's opinion. I have a matter of record.

MS. VEST: We'll come back and investigate that. But you -- we are not getting them.

MR. FLAIR: That was a matter of record.

MS. VEST: Well, I'll explain only way I know how to explain it. Administration said -- the Office of Commissioner, she is with us every single day, and I talk to her every single day. Believe me. Of course, she is an attorney for all the programs, so we talk constantly. They had changed up, from what I understand legal -- and I'm sure Stuart could probably explain it better than I can, but Stuart now gets the complaint, he works the complaint, he brings the complaint to you. And then if it needs to go to a formal, he has the complaint. He's worked the whole complaint, he knows what the complaint's about.

Some of the problems we were experiencing was Ashley and I would talk about it, we'd see stuff, then we would hand that over to the litigator attorney would see it, then wait, I need more stuff to talk about trial, I need an investigation. It just drug it out just way too long. And if you noticed your complaints are being handled or processed in less than a 180 days. There were some that we had for several years when we were still working -- but that was my impression, that's why we are doing that. Legal can tell you better about it than I can.

MS. THOMAS: That's correct.
CHAIRMAN VALENTINE: So ours is $3800, and theirs is probably a similar amount. So if we have 27 boards at $3800 a piece, that's a big piece of change for just somebody to answer the phone.

MS. VEST: That is something that administration would have to come down and explain to you a little bit --

CHAIRMAN VALENTINE: Bring them down here.

MS. VEST: Okay.

MR. BROWN: Is that prorated amount to every regulatory board the same?

MS. VEST: I am going say yes, but I really don't know.

MR. BROWN: That's wrong, anyway --

MS. VEST: That don't sound like enough money to me to manage the people they would have in the call center. It is something the State has decided to go to the call center.

CHAIRMAN VALENTINE: Just because the State decides it, doesn't mean it's right, though.

We'll be glad to discuss that with them. Each month it's a different figure, so I figure that it's based on the number of calls --

MS. VEST: Number of telephone calls,

yes, sir. It's based on the number of calls.

CHAIRMAN VALENTINE: Okay.

MS. VEST: I don't want to -- some of this, I just don't know how to answer correctly.

Some of it is out of my hands. I am told we have a call center, here's the people, you are going to train them. We do our best to do that. But yes, sir, I will ask the administration to come down and pay us a visit. Probably won't be this meeting.

CHAIRMAN VALENTINE: Hope not.

MR. BAYNE: Stuart Bayne.

MS. VEST: To explain the budget, someone who can explain it better than I can. Yes, Mr. Bayne.

MR. BAYNE: Well, I have been listening, and I am of the mind, as Larry Flair, that this Commission is needed; that I would stand as not afraid to raise fees, if it was necessary. I pay them myself. I would suggest that we -- the Commission, come armed on September 21 with some paths forward, and we would ask -- I would ask you, if I may, Mr. Chairman, to arm the Commission with trend numbers, track records, that can help us move this Commission forward into next year, next fiscal year, end in FY-19 in June -- end in the positive.
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 I 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 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 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.
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<tr>
<td>1 MR. FLAIR: -- Larry Flair.</td>
<td>1 the education requirements?</td>
<td>1 MR. BROWN: Looks good.</td>
<td>1 expired status.</td>
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<td>2 CHAIRMAN VALENTINE: Motion and second.</td>
<td>2 MS. THOMAS: Well, if the continuing</td>
<td>2 MS. VEST: Let's get it think -- did Alan</td>
<td>2 MS. THOMAS: Right.</td>
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<td>3 Any discussion? All in favor say aye.</td>
<td>3 education's not completed, then they are submitting</td>
<td>3 get one?</td>
<td>3 MR. FLAIR: And then when they applied --</td>
</tr>
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<td>4 THE COMMISSION: Aye.</td>
<td>4 an incomplete renewal application that wouldn't be</td>
<td>4 MR. ROUSSEAU: No, I didn't.</td>
<td>4 and it's 90 days, not 30.</td>
</tr>
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<td>5 CHAIRMAN VALENTINE: All opposed? Motion</td>
<td>5 approved. And failure to renew your application,</td>
<td>5 MS. WILLIAMS: Tell him I'll e-mail it to</td>
<td>5 MS. THOMAS: Yes.</td>
</tr>
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<td>6 carries. Unfinished business. Any unfinished</td>
<td>6 they would have to reapply and start all over.</td>
<td>6 him.</td>
<td>6 MS. VEST: It's 30 days? I'm wrong, it's</td>
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<td>7 business?</td>
<td>7 going to be suspended once they --</td>
<td>7 Do we need to read this into the record?</td>
<td>7 30 days. We stand corrected, it's 30 days. I gave</td>
</tr>
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<td>8 MS. VEST: Yes, we do, we have some</td>
<td>8 CHAIRMAN VALENTINE: So their license is</td>
<td>8 MS. THOMAS: No.</td>
<td>8 her wrong information, excuse me, it is 30 days for</td>
</tr>
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<td>9 unfinished business. This is going to be the letter.</td>
<td>9 going to be suspended once they --</td>
<td>9 MS. VEST: Just give the Commission</td>
<td>9 this program.</td>
</tr>
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<td>10 MS. THOMAS: Yes. At the last meeting</td>
<td>10 CHAIRMAN VALENTINE: It's expired.</td>
<td>11 members a moment to read it. It's on their iPads,</td>
<td>10 CHAIRMAN VALENTINE: So they have 30 days</td>
</tr>
<tr>
<td>11 the Commission asked me to prepare a letter to send</td>
<td>11 and its 90 days, not 30.</td>
<td>12 it's the first time they have seen it.</td>
<td>11 after their license expires to take the education</td>
</tr>
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<td>12 to all the licensees and the investigation companies</td>
<td>12 MR. FLAIR: Chairman Valentine, Larry</td>
<td>13 MR. FLAIR: This is pretty much stating</td>
<td>12 requirement and submit it.</td>
</tr>
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<td>13 just to reiterate to them that the continuing</td>
<td>14 Flair. I have a question. Can we discuss it now?</td>
<td>14 what we addressed last meeting. And the penalty for</td>
<td>13 MS. VEST: And pay a late fee.</td>
</tr>
<tr>
<td>14 education needed to be completed before they</td>
<td>15 CHAIRMAN VALENTINE: Yes.</td>
<td>15 not having this done, it just says as a rule that</td>
<td>14 MS. THOMAS: It's not necessarily to</td>
</tr>
<tr>
<td>15 submitted a renewal application. I believe Cody's</td>
<td>16 MS. VEST: Yes.</td>
<td>16 they are not going to be able to apply unless it's</td>
<td>15 complete the continuing education, it is to complete</td>
</tr>
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<td>16 staff had been receiving renewal applications and</td>
<td>17 MR. FLAIR: What?</td>
<td>17 done, correct?</td>
<td>16 whatever is holding their renewal application up. It</td>
</tr>
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<td>17 then would have to come to the Commission and ask</td>
<td>18 CHAIRMAN VALENTINE: Yes.</td>
<td>18 what we addressed last meeting. And the penalty for</td>
<td>17 could be a number of things. If they fail to submit</td>
</tr>
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<td>18 them to approve the continuing education after. So</td>
<td>19 MS. Thomas: So they could stand for</td>
<td>19 not having this done, it just says as a rule that</td>
<td>18 something to us that they are required to submit,</td>
</tr>
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<td>19 we are trying to send out this letter to kind of stop</td>
<td>20 90 days and not do it, but they couldn't practice</td>
<td>20 they have 30 days to do that. So it's not solely the</td>
<td>19 they have 30 days to do that. So it's not solely the</td>
</tr>
<tr>
<td>20 that from happening. And I'll take any feedback you</td>
<td>21 legally.</td>
<td>20 continuing education, that is one part of it that</td>
<td>21 continuing education, that is one part of it that</td>
</tr>
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<td>21 all have about the letter now.</td>
<td>22 MS. THOMAS: Right.</td>
<td>21 would stop Cody from renewing that application.</td>
<td>21 would stop Cody from renewing that application.</td>
</tr>
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<td>22 THE COMMISSION: (Commission viewing</td>
<td>23 MR. FLAIR: Because they would be in</td>
<td>22 CHAIRMAN VALENTINE: That's what we are</td>
<td></td>
</tr>
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<td>23 document.)</td>
<td>24 the letter?</td>
<td>23 concerned with here is just the continuing education.</td>
<td>22 MR. FLAIR: I make a motion,</td>
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<td>24 CHAIRMAN VALENTINE: Any discussion on</td>
<td>25</td>
<td>24 MS. THOMAS: Right.</td>
<td>23 CHAIRMAN VALENTINE: That's what we are</td>
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<td>25 the letter?</td>
<td></td>
<td>25 MR. FLAIR: Okay.</td>
<td>23 concerned with here is just the continuing education.</td>
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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 understand that when the licensee receives this letter, the licensee is going to say -- going to read it and say -- it says, "The licensee will not be eligible until the continuing ed. Is completed and submitted." Do -- does the Commission understand that when someone comes forward after being late and they didn't get their CEUs done, Commission's going to be prepared to say, "Nope, you didn't get it done, we are not renewing it, it's not being renewed"?
8 Just want to make it clear that the letter says --
9 MS. THOMAS: Right.
10 MR. BAYNE: It's almost as if it's not --
11 it's not an encouragement, it's a -- here's the line.
12 CHAIRMAN VALENTINE: And that line is 22 30 days.
13 MS. THOMAS: Correct. That's the --
14 CHAIRMAN VALENTINE: And if they don't have it completed by then, their license is
15 24 25
16 MS. THOMAS: It's expired and they have to reapply.
17 MR. BAYNE: So to finish my thought, if they are late and they have got 30 days, there's lots of training out there that they can get.
18 CHAIRMAN VALENTINE: Yes.
19 MR. BAYNE: And they can get it. And then they need to complete it, they need to have record of completion, and then they have to submit it.
20 MS. THOMAS: Right.
21 MR. BAYNE: If they are 31 days after --
22 MS. THOMAS: If they are at day 31, the rule and law says that they cannot renew that license, they will have to reapply.
23 MR. BAYNE: Does the Commission -- go ahead.
24 MR. SHANKS: Doug Shanks. Basically, my opinion, you have two years to get your training in.
25 If you are too lazy to get it before it expires the month before it expires, then you should be expired and go through all the things to get back in.
26 Because it's your responsibility. So it's not the Commission's to deal with and baby them and get them their license. If you want your license -- you know,
27 I am going to training this year, and I just renewed this month. So training's good. So there shouldn't be an issue.
28 MR. BAYNE: And I'm -- this is Stuart. I am not suggesting that I think there are any issues with this letter, I am suggesting that we, the Commission, need to be aware that --
29 MR. BROWN: I'm totally aware of it and I'm behind it.
30 MR. BAYNE: Okay, Bayne's out.
31 MS. VEST: Okay, let me go back to the meeting that we had. The problem we were experiencing is that they were -- I had to bring to you continuing education that Johnny took that wasn't on the course list and I couldn't approve it, whether he was experiencing was they came to us and said I have taken this, but it's not in the norm, and I went ahead and took it. Now I want the Commission to read it and grant me this renewal based on what I have given you.
32 I don't think we have been having a big problem with people renewing and getting their
33 continuing education, what we were having difficulty with was individuals who decide to take something, may I say, off the wall, just not on the actual course list. I don't have the authority to approve that, so it has to come to you. In the meantime, they have expired. So we only meet every other month, so if they expired last month, that was the end of their 30 days, they have a problem because I had to bring it to you. Then I go back -- and you say it was approved and everything's okay, I go back and open them up. It's just a technicality there.
34 So I just want you to understand what the problem was. The problem was people taking the courses before they get approved. And that's what this letter is -- first line, the second paragraph says, "You have to take your continuing education before you are expired." You don't bring it back to us and the Commission looks at it. Now, there are going to be extenuating circumstances, and I am going to be bringing things to you, I am aware of that, but hopefully that will be out of the norm, just some odds.
35 MR. BROWN: Seems there were a lot coming in at the last minute, and that's what we are trying to get around. And we are professionals, this is a
professional organization, licensing. You know, you
attorneys the same way, they have to be sure their
CEs are met, or CLEs, before their license expires.

MS. THOMAS: Correct.

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.

CHAIRMAN VALENTINE: Anything else for
11 the Education Committee?

MR. FLAIR: I have called a question on
13 the motion, I believe.

MR. BROWN: We haven't voted on it yet.

MR. FLAIR: It was under discussion.

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

basically that second -- I think it's the second
paragraph that we are talking about, and the private
investigators are going to understand -- what do you
want me to do if they don't?

MR. ROUSSEAU: Mr. Chairman, Alan
Rousseau.

MS. VEST: Yes, Mr. Rousseau.

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?

MS. THOMAS: I can do that.

MR. ROUSSEAU: That is a suggestion, not
14 a recommendation.

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
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

no, it's not approved?

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.

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.

CHAIRMAN VALENTINE: If the education
25 they took is not approved, then it's not approved.
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, "required 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 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 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.
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 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

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MR. FLAIR: Yes, ma'am, thank you.
MS. VEST: I can do that that's what I am going to do.

CHAIRMAN VALENTINE: Any other new business?

MS. VEST: Yes, sir, we do have two new boards -- two more new staff members, Jeff Winfree and a Carrie Neblett. I think Jeff is in the room.

You want to stand up, Jeff? He just started with us two weeks ago.

MR. WINFREE: Two weeks.

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

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

MS. VEST: You don't think I know that, but I do. He's -- everyone is administrative assistant. He was hired for a specific expertise, he would be helping me with developing reports, doing these spreadsheets that we were talking about doing, trying to figure out the trends and the fees from the other states and doing the graphs. And that's -- that's what he was hired. But right now he's learning the profession and he's keying the applications and the renewals. I asked him to come down, Ms. Carrie must be busy with a phone call or whatever, to sit in with the Commission meeting see what we do, see the Commission members, and I expect him to be a big help to us going forward.

MR. BAYNE: Great.

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

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

CHAIRMAN VALENTINE: The next item is a new system going on. We apparently neglected to do that, but, Mr. Richards, we are going to be working on a polygraph application and make sure it gets exactly the way it's supposed to be. That's a very, very old application. That's all I have, unless you have anything else for me.

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

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

MR. BROWN: That's a tough one.

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

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

MR. FLAIR: Congratulations,

Ms. Williams.

MS. WILLIAMS: Thank you very much.

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

MS. VEST: No, we do not.
REPORTER’S CERTIFICATE

STATE OF TENNESSEE
COUNTY OF SUMNER

I, JENNY CHECUGA, Licensed Court Reporter, with offices in Nashville, Tennessee, hereby certify that I reported the foregoing Commission Meeting by machine shorthand to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me.

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

EDUCATION MEETING

July 27, 2018

Elite Reporting Services
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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 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 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.
Page 5

Mr. Bayne: I have no problem with it.

Chairman Valentine: Their September the 8th class in Nashville.

Mr. Brown: No problem.

Chairman Valentine: All right. Mr. Chairman, you want to take a vote?

Chairman Valentine: Okay. All of the committee members have had a chance to listen to the additional committee applications. Any discussion?

Would you like to vote for these all at once or individually?

Mr. Bayne: All at once is good.

Mr. Brown: I make a motion we accept all of them in.

Mr. Bayne: Second.

Chairman Valentine: Move and seconded to accept all of the education requests. All in favor say aye.

The Commission: Aye.

Chairman Valentine: All opposed? It passed.

Ms. Vest: I believe, Mr. Chairman, that's the end of our Education Committee, unless someone has anything else they want to discuss with education.

Chairman Valentine: Nothing else that I know of.

Ms. Vest: You want to go ahead and adjourn then?

Chairman Valentine: Do I hear a motion to adjourn?

Mr. Bayne: Move to adjourn.

Mr. Brown: Second.

Chairman Valentine: All in favor say aye.

The Commission: Aye.

Chairman Valentine: All opposed? We are adjourned.

(WHEREUPON, the proceedings were adjourned at 9:16 a.m.)

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Mr. Flair: Yes, I'm sorry, I agree with it.

Ms. Vest: The next one, National Investigative Training Academy, Field Notes Training for the Investigator, they are requesting four hours.

Mr. Brown, were you shaking your head?

Mr. Brown: No problems. They are on our list, aren't they?

Ms. Vest: This is for something a little bit more.

Mr. Flair: I have no problem with it.

Mr. Bayne: I have reviewed that training and no problem with it.

Chairman Valentine: It's fine with me.

Ms. Vest: National Investigative Training, it's the same one, but it's a different one for Effective Communication for the Investigator.

Well, the next -- let's just do it this way. They want four hours for the Effective Communication for the Investigator.

Mr. Brown: No problem.

Chairman Valentine: Fine with me.

Mr. Flair: I have no problem.

Mr. Bayne: I agree.

Ms. Vest: All right. The same -- Training Academy is doing -- wants six hours for their Bomb Threat Awareness Training for the Investigator.

Mr. Brown: No problem.

Chairman Valentine: Fine with me.

Mr. Flair: I agree.

Ms. Vest: Next one is the Academy again --

Ms. Vest: Thank you. They want that one for six hours, Improvised Explosive Device Awareness Training for the Investigator.

Chairman Valentine: Okay by me.

Mr. Brown: Same here.

Mr. Bayne: Same here.

Ms. Vest: Last one for the Academy is going to be Crowd Control Training for the Investigator for six hours.

Mr. Brown: No problem.

Chairman Valentine: Fine with me.

Mr. Flair: I have no problem with it either.

Mr. Bayne: I'm good with it.

Ms. Vest: I believe the last one we have is NRTS, their September the 8th class in Nashville.

They are going to be holding, and they want six hours credit.

Mr. Brown: No problem.

Chairman Valentine: No problem.

Mr. Flair: I have no problem with it.

Mr. Bayne: Concur.

Ms. Vest: Why six hours, was my question. Is that the length of the course for that day, is that -- apparently it's going to be the whole day.

Mr. Brown: That's the indication I got looking at it. That's what I assumed was happening when I looked at the program.

Ms. Vest: All right. Mr. Chairman, you want to take a vote?

Chairman Valentine: Okay. All of the committee members have had a chance to listen to the additional committee applications. Any discussion?

Would you like to vote for these all at once or individually?

Mr. Bayne: All at once is good.

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Chairman Valentine: Nothing else that I know of.

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Mr. Bayne: Move to adjourn.

Mr. Brown: Second.

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The Commission: Aye.

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I, JENNY CHECUGA, Licensed Court Reporter, with offices in Nashville, Tennessee, hereby certify that I reported the foregoing Education Committee Meeting by machine shorthand to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me.

I further certify that I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome of the proceedings.

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