



PRIVATE PROBATION SERVICE COUNCIL
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243-1166
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**Meeting Minutes
December 2nd, 2016
First Floor Conference Room (1-B)
Davy Crockett Tower**

The Private Probation Services Council met on December 2, 2016, in Nashville, Tennessee, at the Davy Crockett Tower in the first floor conference room 1-B. Judge Craft, acting chair, called the meeting to order at 10:00 a.m. and the following business was transacted:

COUNCIL MEMBERS PRESENT

Judge Chris Craft
Judge John P. Hudson
David Nimmo
Judge J. Klyne Lauderback (via teleconference)
Linda Byford (via teleconference)
Judge Hugh Harris Harvey (via teleconference)
Stancil Ford (via teleconference)

COUNCIL MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

Roxana Gumucio, Cherelle Hooper, Cody Kemmer

ROLL CALL & STATEMENT OF NECESSITY

Director Roxana Gumucio took a roll call and established all members as present. At this point Judge Craft, recognizing the absence of a physical quorum, read the Statement of Necessity into the record. Director Gumucio confirmed that notice of the meeting had been posted to the Private Probation Service Council website on November 23, 2016.

ADOPT AGENDA

Mr. Stancil Ford made a motion to adopt the agenda as written. This was seconded by Judge Lauderback. The motion passed unanimously by roll call voice vote.

MINUTES

Upon review of the minutes from the previous meeting, Judge Craft noticed a potential error in the language of the legal report. He recommended that since the change was purely grammatical the minutes be adopted, and the change could be made later. Judge Lauderback put forward a motion to that effect, which Mr. Nimmo seconded. The motion passed by unanimous voice vote.

LEGAL REPORT

Mr. Mark Green, co-chief counsel for the regulatory boards division, introduced the board's new attorney, Ms. Cherelle Hooper. He also provided an overview of recent restructuring within the legal department, so that two additional attorneys would be providing support in any of the Council's litigation efforts.

1. 2016055961 Probation Officer

The complaint was filed by a consumer who alleges that Probation Officer uses her position as a probation officer to threaten and intimidate children regarding their parenting time preferences. Complainant alleges Probation Officer showed up to court for her visitation modification hearing in her probation uniform to intimidate the children and did not cooperate with a DCS investigation.

In her response, Respondent Probation Officer, a probation and parole officer with the Tennessee Department of Correction, states she is not licensed by the Tennessee Private Probation Services Council and denies the allegation she failed to cooperate with DCS.

Legal confirmed that Probation Officer is an employee for the Tennessee Board of Parole and is not licensed as a private probation officer in Tennessee.

History: None

Recommendation: Close

Decision: Judge Lauderback made a motion to accept counsel's recommendation to close. This was seconded by Mr. Ford. The motion carried unanimously by roll call vote.

DIRECTOR'S REPORT

Director Gumucio provided the Council with a new projected budget and current expenses. She then provided an update on the changes to the fee structure that had been recently approved, including the new forms available and notification being sent to licensees.

Director Gumucio offered a suggested list of meeting dates for 2017. Mr. Nimmo made a motion to adopt them as suggested, which Judge Lauderback seconded. The motion was passed by unanimous roll call voice vote. Dates approved: February 3rd, May 5th, August 4th, and November 3rd.

NEW BUSINESS

Ms. Hooper provided an update regarding the Rules of Professional Conduct that had been recently adopted. The General Assembly's Joint Operations Committee had requested further definition on some of the terms regarding conduct that could potentially result in discipline. Judge Craft opened a brief discussion of what might be considered hostile or disrespectful conduct, but ultimately the Council concluded that the Office of Attorney General should have the opportunity to offer its opinion on the definitions, and the Council could review their recommendations. The Council agreed to defer until they heard back from the AG, hopefully by the next meeting.

Finally, Director Gumucio offered a suggestion based on her experience working with some of her other professional boards: the possibility that renewals could be moved to an audited assessment of insurance and education in an effort to streamline the renewal process. The Council asked how that would be implemented specific to the PPSC, and the potential concerns that could arise. Judge Craft concluded that the Council would likely need to continue at the current level of regulation, and were they in the future to continue to explore this as an option, they would need to ensure the process was fair and that discipline could be enforced in the event of violation.

Having no further business, Judge Lauderback made a motion to adjourn the meeting and Mr. Ford seconded it. Judge Craft adjourned the meeting at 10:42 a.m.