



PRIVATE PROBATION SERVICE
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March 11th, 2016
Minutes
First Floor Conference Room (1-B)
Davy Crockett Tower

The Private Probation Services Council met on March 11th, 2016, in Nashville, Tennessee, at the Davy Crockett Tower in the first floor conference room. Director Nikole Avers, sitting in for Chairman Craft who attended by teleconference, called the meeting to order at 10:00 a.m. and the following business was transacted.

COUNCIL MEMBERS PRESENT

Veronica Thornton
Judge Chris Craft (by teleconference)
Judge J. Klyne Lauderback (by teleconference)
Judge John P. Hudson (by teleconference)
Judge Hugh Harris Harvey (by teleconference)
Stancil Ford (by teleconference)
Linda Byford (by teleconference)

COUNCIL MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

Nikole Avers, Mark Green, Dennis O'Brien

Director Nikole Avers took a roll call of the members present and read the public meeting statement into the record which indicated the agenda was posted to the Private Probation Services Council website on February 23rd, 2016.

DETERMINATION OF NECESSITY

Director Avers read the Determination of Necessity into the record since some board members were attending by teleconference.

ADOPT AGENDA

Judge Lauderback made a motion to adopt the agenda. It was seconded by Judge Craft. The motion passed unanimously by roll call vote.

ROBERT'S RULES OF ORDER

Vote: Judge Lauderback made a motion to accept Robert's Rules of Order, which was seconded by Mr. Ford. The motion passed unanimously by roll call vote.

ELECTION OF OFFICERS

Chairman

Vote: Judge Lauderback made a motion to nominate Judge Christopher Craft as the next Chairman. This was seconded by Mr. Ford. The motion passed unanimously by roll call vote.

Vice Chairman

Vote: Judge Hudson made a motion to nominate Judge J. Klyne Lauderback as the next Vice Chairman. This was seconded by Judge Craft. The motion passed unanimously by roll call vote.

MINUTES

Judge Hudson requested that two amendments be made to the December meeting minutes.

Vote: Judge Craft made a motion to accept the minutes as amended. This was seconded by Mr. Ford. The motion carried unanimously by roll call vote.

LEGAL REPORT

Mr. Green presented the legal report as follows:

1) 2016006321

Complainant alleged that an individual was attempting to administer probation with extortion, and exploitation of illegal documents. The Respondent is not a licensee of the council. The complainant appeared to indicated this person was a public probation officer. This matter was referred to the appropriate agency, who in turn communicated that the Respondent was not a public probation officer. The Respondent could not be located via telephone and no address was given. There is no sufficient information in order to determine the facts of the issue or whether a violation occurred.

Violation: None. There is currently no rule allowing us to intervene in a harassment or retaliation situation.

History: No prior complaints.

Recommendation: Close

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

2) 20150216411

Complainant alleged that Respondent private probation company/officer threatened and required Complainant's son to return to jail after being conditionally released in order to seek mental health care. An investigation was conducted. The investigation found that the Complainant's son was released from jail on Sept. 24, 2015 and was to report for mental health treatment immediately and if not able to do so, to contact the probation officer. After release, the Complainant called indicated her son could not be checked into the facility until Sept. 29, 2015. The Respondent then called the judge to determine clarification of the Order. The Respondent named the judge and indicated the judge stated his Order was that if the Complainant's son could not immediately check into a facility, that he needed to return to jail until he could be checked into the facility so that he was not a danger to himself. The Respondent relayed this information to the Complainant's mother who was upset by this. The Respondent received a call back later from Complainant stating her son attempted to hurt himself and they were at the crisis center. Respondent stated that Complainant's son needed to go back to jail after leaving the crisis center. Respondent contacted the judge again who stated the best placed for Complainant's son was back in jail until he could go to the mental health center.

History: None

Recommendation: Close. No violation found.

Vote: Judge Craft made a motion to accept counsel's recommendation to close. This was seconded by Judge Hudson. The motion carried unanimously by roll call vote.

RULE MAKING HEARING

Director Avers took roll call and received confirmation from all members present at the meeting that they had received and read all the Rulemaking and other documents in advance.

Mr. Green then read the Notice of Rulemaking Hearing, the Economic Impact Statement with counsel's proposed responses and the Regulatory Flexibility Act with counsel's proposed responses into the record.

LETTER FROM CRAIG TURNER

Director Avers read a letter on a rule change recommendation from Craig Turner, General Manager for Correctional Services Incorporated dba Tennessee Correctional Services into the record. In his letter, Mr. Turner requested that members of the Board consider changes to the rule on Uniform Contract Standards on court ordered fees and restitution for handling court ordered Community service.

Judge Craft requested that Director Avers respond in writing that this matter would be handled by the legislature at a later date as it was part of the rules that were not being amended at this time, and further requested that the members not discuss this in case they were called upon to discuss/vote on this matter by statute.

Ms. Thornton added that such matters were best left to the legislature who could change that law if necessary. Judge Lauderback agreed with Ms. Thornton, adding that this was not part of the Council's current business on hand.

Mr. Green also reminded the members not to comment on current legislation but refer all such matters to the board staff and legal.

Vote: Judge Lauderback made a motion to accept the amended language as written for the Rulemaking Hearing in Section One. This was seconded by Judge Craft. The motion carried unanimously by roll call vote.

Vote: Judge Craft made a motion that Section Two be treated as a whole and that the amended language for the Rulemaking Hearing in that section be accepted as written. This was seconded by Judge Lauderback. The motion carried unanimously by roll call vote.

Vote: Judge Craft made a motion to accept the language and responses as crafted for the Economic Impact Statement. This was seconded by Judge Lauderback. The motion carried unanimously by roll call vote.

Vote: Judge Lauderback made a motion to accept the language and responses as crafted for the Regulatory Flexibility Analysis. This was seconded by Judge Craft. The motion carried unanimously by roll call vote.

DIRECTOR'S REPORT

Director Avers presented the current licensee counts and the year to date budget numbers. There were no legislative updates to report.

Having no further business, Judge Craft adjourned the meeting at 10:52 a.m.