



PRIVATE PROBATION SERVICE COUNCIL
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243-1166
615-741-1831

**Meeting Minutes
November 3rd, 2017
First Floor Conference Room (1-B)
Davy Crockett Tower**

The Private Probation Services Council met on November 3, 2017 in Nashville, Tennessee, at the Davy Crockett Tower in the first floor conference room 1-B. Judge Lauderback, acting chair, called the meeting to order at 10:13 a.m. and the following business was transacted:

COUNCIL MEMBERS PRESENT

David Nimmo
Judge Mark J. Fishburn
Judge Hugh Harris Harvey (via teleconference)
Judge J. Klyne Lauderback (via teleconference)
Stancil Ford (via teleconference)

COUNCIL MEMBERS ABSENT

Judge John P. Hudson
Linda Byford

STAFF MEMBERS PRESENT

Roxana Gumucio, Glenn Kopchak, Cherrelle Hooper, Corey Wright

ROLL CALL & STATEMENT OF NECESSITY

Director Glenn Kopchak confirmed that notice of the meeting had been posted to the Private Probation Service Council website on October 24, 2017. Director Kopchak took a roll call and noted quorum. Recognizing the absence of a physical quorum, Director Kopchak also read the Statement of Necessity into the record.

ADOPT AGENDA

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

MINUTES

Upon review of the minutes from the previous meeting, Mr. Ford put forward a motion to accept as written, which Mr. Nimmo seconded. The motion passed by unanimous roll call vote, with Judges Fishburn, Lauderback, and Harvey abstaining due to their absence at the previous meeting.

DIRECTOR'S REPORT

Director Kopchak provided the Council with a detailed accounting of budget revenue and expenditures, to include line item and trend analysis. Director Kopchak spent some time focusing on "Administrative Cost Backs", in particular, which include the Commission share of the liquidation of all administrative cost backs from all the programs. The share is determined by licensing count, number of complaints, and budget plan which accounts for 0.38% for the Private Probation Service Council resulting in the \$668 noted on the expenditure sheet but not itemized for July out of 175,750 total expenses for all of the other programs in Regulatory Boards combined. Director Kopchak further noted that although most months reflect a net deficit, a quarterly spike in revenues exists

due to provider fees assessed per probationer on the case load list, resulting in a total net surplus each fiscal year.

Director Kopchak proposed the Private Probation Services Council 2018 meeting dates. After careful discussion, Judge Fishburn motioned that the 2018 meeting dates as presented be approved. Judge Harvey seconded. The motion was carried by unanimous roll call vote.

In regards to anonymous complaints, Director Kopchak noted that those complaints with no identifying information or those that lacked enough supporting information to warrant an investigation were never opened in the past. In order to conduct an accurate trend analysis, it has recently been decided that each of those will be opened, and then closed if no corroborating information is provided. After further discussion, the board gave Administration the authority to close anonymous complaints due to not enough information being received to investigate. Judge Fishburn made a motion to grant Administration discretionary authority to close anonymous complaints. Mr. Ford seconded. The motion was carried by unanimous roll call vote.

LEGAL REPORT

Cherrelle Hooper, staff attorney, provided the legislative update on HB0450. As introduced, it permits courts sentencing to probation persons convicted of Class C, D, and E felonies, rather than just Class E, to contract with private probation companies to provide probation services, and establishes minimum qualifications for the private probation companies in order to contract with the courts. The bill did not successfully pass both houses. As a result, it is no longer under consideration.

Corey Wright, Assistant General Counsel, presented the following case for review:

1) **PPSC-2017054621**

History: None

This is a consumer complaint alleging that a Defendant subject to probation with this Respondent was treated unfairly and subjected to a probation violation when she did nothing wrong and was in compliance. The Respondent provided documentation disputing the claims of the Complainant and provided proof of noncompliance with the terms of the probation which led to the probation violation. Respondent indicates that Complainant missed multiple scheduled appointments with her probation officer, failed a drug test for marijuana, and falsified her employment status. Defendant admitted to these violations of probation in court.

Recommendation: Closure

Decision: The Council accepted the recommendation of legal counsel.

NEW BUSINESS

Director Kopchak noted that there would be an election of officers at the next meeting as statutorily required, and then opened the floor for new business.

Having no further business, Mr. Ford made a motion to adjourn the meeting, and Mr. Nimmo seconded it. Judge Lauderback adjourned the meeting at 10:37 a.m.