



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

**Meeting Minutes**  
**August 6, 2021**  
**WebEx Meeting**  
**Davy Crockett Tower**

The Private Probation Services Council met on August 6, 2021 via a WebEx Teleconference. The following business was transacted:

**COUNCIL MEMBERS PRESENT:** Judge Larry Logan, Judge Lynn E. Alexander, Judge Gary Starnes, Stacey Kelley and Michael Wright.

**COUNCIL MEMBERS ABSENT:** Judge Brody Kane

**STAFF MEMBERS PRESENT:** Roxana Gumucio, Pamela Spicer, John Murphy, and Katie Long

**CALL TO ORDER/ROLL CALL**

Director Gumucio called the meeting to order at 10:05 a.m. and completed roll call.

**NOTICE OF MEETING**

Director Gumucio read the notice of meeting into the record as follows: "Notice of the August 6, 2021 meeting of the Private Probation Services Council was posted to the Private Probation Service Council website since November 1, 2019; additionally, this month's agenda has been posted on the website since Thursday, July 29, 2021."

**STATEMENT OF NECESSITY**

Mr. John Murphy read the Statement of Necessity into the record. Judge Logan motioned to accept it as written, which Judge Alexander seconded. The motion passed unanimously by roll call vote.

**AGENDA**

Judge Logan motioned to adopt the agenda as adjusted, which Judge Alexander seconded. The motion passed unanimously by roll call vote.

**MAY MINUTES**

Upon review of the minutes from the May meeting, Judge Logan motioned to approve the minutes as written. This was seconded by Ms. Kelley. The motion passed unanimously by roll call vote.

## **DIRECTORS REPORT**

### ***Budget***

Director Gumucio presented the revenue and expenditures as of May 2021.

### ***2022 Meeting Dates***

Director Gumucio informed the Council of the selected 2022 dates. Judge Logan motioned to approve the minutes as written. This was seconded by Judge Starnes. The motion passed unanimously by roll call vote.

### ***Elections of Officers***

Mr. Wright motioned for Judge Logan to maintain the Chair position and Judge Alexander to maintain the Vice Chair position. This was seconded by Judge Starnes. The motion passed unanimously by roll call vote.

### ***Continued Education Ethics Course***

Director Gumucio informed the Council that James Group Consulting completed the 2-hour ethics course. Both she and Director Kopchak reviewed the course material and the quizzes. Judge Alexander shared her thoughts and congratulated the company on a training course very well done. The training link will be emailed to all active Private Probation Service Companies for their officers to take the ethics training in the next renewal cycle.

## **LEGAL**

### ***Legal Report (presented by John Murphy)***

#### **1. PPSC-2021039011**

#### **Disciplinary History:**

- None

#### **Summary:**

This complaint was submitted anonymously. The Complainant alleges that the Respondent had promised to end a probation term early if the probationer would provide the Respondent with discounted landscaping rates. The complaint further alleges that the Respondent instructed the Complainant that they would be violated if they told anybody.

This complaint was sent for an investigation. In July 2021 a Field investigator attempted to interview Respondent; however, the Field investigator was informed that Respondent was in court for several days and unavailable to speak. The Field investigator then obtained a sworn written statement from Respondent denying all allegations of special treatment in exchange for personal favors. Further, the Field investigator obtained sworn statement from Respondent's supervisor stating that Respondent has never received any other such accusations or complaints and has been an exemplary employee.

The Field investigator did not uncover any further evidence of the allegations.

**Recommendation:** Close and Flag

**Decision:** Request the Field Investigator to continue until there is an in-person meeting with the Respondent.

## 2. PPSC-2021009361

### Disciplinary History:

- None

### Summary:

This is an administrative complaint. In December 2019 the Respondent attempted to reinstate but failed to follow up with information needed. The Respondent's reinstatement did not get approved because they did not provide the requirements or follow up and the Respondent never indicated or implied they were operating. The Respondent did not follow up until December 2020. At this time the Respondent worked through pending items to reinstate. The Respondent again, never indicated that they were operating, just that they wanted to reinstate.

The Respondent's 2019 application and the pending documents a year later all appeared to be attempts to reinstate. The office received the training for officers in January 2021, which prompted confusion over the 2020 training dates. The Respondent was emailed on January 27, 2021 and they responded that they did not realize that they expired and that it was an oversight. During all this time the Respondent failed to provide 2018, 2019, and 2020 quarterly fees and reports. Due to the volume of clients the Respondent oversees it was determined that the company needed to be active and a complaint was opened.

The Respondent responded to the complaint and indicated that the failure to be in compliance was an oversight. The Respondent has since paid the twelve (12) past due quarter reports and fees for 2018, 2019 and 2020. The Respondent has not paid any of the late fees for submitting the quarterly reports late.

**Recommendation:** To be discussed

**Decision:** Authorization for a formal hearing. Authorization for a \$54,000.00 civil penalty. Letter informing District Attorney and Judge regarding violations.

**UPDATE:** The Respondent sent a letter indicating that they are unable to pay the total amount. The Respondent has requested that the Council reconsider the amount of the civil penalty. The Supervising Judge has also sent in a letter of support. The Supervising Judge provides they've had extensive conversations about the Respondent's circumstances and finances. Further, the Supervising Judge believes that should the \$54,000.00 civil penalty stand, it would have a devastating impact to their court and their community. The Supervising Judge has made a recommendation to the Council that the Respondent pay

\$500 a month for a period of 24 months, and if the Respondent has fully complied with the terms and maintains no new sanctions, the remaining balance of the civil penalty be waived.

**Recommendation:** To be discussed

**Decision:** Authorization for a formal hearing. Authorization for a \$54,000.00 civil penalty via a Consent Order. Respondent to pay \$1,000 a month for a period of 24 months, and should no new violations occur, and no payments missed, the remaining balance of the civil penalty will be waived.

### 3. PPSC-2021007461

#### Disciplinary History:

- None

#### Summary:

This complaint was submitted by an Assistant Public Defender for Smith County alleging unprofessional conduct by the Respondent. Specifically, the complainant alleges that the Respondent is unresponsive and unreasonably delays all requests for in person, electronic, or telephone requests. Additionally, the complaint alleges that the Respondent gives the false impression of their authority to individuals by testifying that they relay and negotiate in plea offers with attorneys. The complaint alleges that the Respondent is biased and interested in their financial gain at the expense of vulnerable probationers.

This complaint was sent for an investigation. In March 2021 a Field investigator interviewed and obtained documents from the various parties involved in this matter. The investigation shows that the Respondent claims to be acting in accordance with Courts orders and directives, as well as the governing statute and rules when processing individuals assigned to them by the courts. Per the investigation this claim appears to be corroborated by the documents provided and by the correspondence received from the Smith County General Sessions Judge. No violations were found.

**Recommendation:** Closure

**Decision:** Investigation further into Potential Violations

**UPDATE:** The probation company the Respondent works for is no longer active; therefore, the Respondent is no longer listed as an officer. Documentation was provided indicating that the Respondent is currently being investigated by the District Attorney, Attorney General's Office, and the Tennessee Bureau of Investigation.

**Recommendation:** Close and Flag

**Decision:** Place complaint in litigation monitoring pending further information discovered during law enforcement investigations.

#### ADJOURNMENT

There being no new business, Judge Logan motioned to adjourn the meeting, which was seconded by Judge Starnes. Director Gumucio adjourned the meeting at 11:09 a.m.