



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

**Meeting Minutes
February 2, 2024
Teams Meeting
Davy Crockett Tower**

The Private Probation Services Council met on February 2, 2024, via a Teams Teleconference. The following business was transacted:

COUNCIL MEMBERS PRESENT: Judge Brody Kane, Judge Teresa Nelson, Judge Jason Hudson, Judge Joel Perry, Baker Ring and Michael Wright.

COUNCIL MEMBERS ABSENT: Stacey Kelley

STAFF MEMBERS PRESENT: Roxana Gumucio, Michael Underhill, and Katie Long.

CALL TO ORDER/ROLL CALL

Director Gumucio called the meeting to order at 10:00 a.m. and completed roll call.

Ms. Gumucio explained that a member of the public may provide comments as they relate to the agenda. This opportunity is added at the end under new business.

NOTICE OF MEETING

Director Gumucio read the notice of meeting into the record as follows: "Notice of the February 2, 2024, meeting of the Private Probation Services Council was posted to the Private Probation Service Council website since August 15, 2023, additionally, this month's agenda has been posted on the website since Friday, January 26, 2024."

STATEMENT OF NECESSITY

Mr. Michael Underhill read the Statement of Necessity into the record. Judge Kane motioned to accept it as written, which Judge Perry seconded. The motion passed unanimously by roll call vote.

Director Gumucio introduced newly appointed Commissioner Baker Ring to the council.

AGENDA

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

NOVEMBER MINUTES

Upon review of the minutes from the August meeting, Judge Nelson motioned to approve the minutes as written. This was seconded by Judge Kane. The motion passed unanimously by roll call vote.

DIRECTORS REPORT

Robert's Rules of Order

Director Gumucio stated that the Council would need to adopt following Robert's Rules of Order for their meetings. Judge Kane motioned to adopt this practice; Judge Nelson seconded. The motion passed unanimously by roll call vote.

Elections of Officers

Director Gumucio stated that the Council would need to vote on a Chair and Vice Chair for 2024. Judge Hudson motioned to nominate Judge Kane as Chair which Judge Perry seconded. The motion passed unanimously by roll call vote. Judge Perry motioned to nominate Judge Nelson as Vice Chair; Judge Kane seconded. The motion passed unanimously by roll call vote.

Budget

Director Gumucio presented the financial numbers as of November 2023 showing the program added a surplus of \$ 4,757 for fiscal year 23-24. This puts the reserve balance at \$609,741.

LEGAL

Legal Report (presented by Michel Underhill)---

1. PPSC-2023032581

DISCIPLINARY HISTORY:

NONE

SUMMARY:

This 7-2-23 complaint alleges unprofessional conduct of the probation officer during an in-person urine drug screen for an alleged non-drug offense. Specifically, the probation officer watched as the probationer attempted to provide a urine sample in the bathroom, and when the probationer could not provide a sample, the probation officer requested the probationer drop his pants to his ankles. Further, the probation officer informed the probationer he would have an officer search the probationer for a clean sample receptacle. In order to avoid an altercation, the probationer left the office. This resulted in the probation officer initiating an arrest warrant regarding the probationer. The probationer is of the opinion the probation officer's conduct regarding the urine sample was unethical and unprofessional. Additionally, the probationer alleges his probation appointments have been moved up in an alleged attempt to procure extra

probation payments from the petitioner. The probationer provides no attached evidence in support of his allegations.

The Respondent probation officer agrees that the complainant probationer came in to the office for his monthly appointment where an on-site urine drug screen was to be performed. The probation officer informed the probationer that he would have to actively observe the performance of the urine sample so that a device to falsify the urine screen would not be utilized. The probation officer requested the probationer drop his pants, which the probationer did, but continued to put his back to the probation officer, and the probation officer informed the probationer that an officer would need to come to perform a search of the probationer. Probationer provided a small sample of urine, pulled up his pants, and proceeded to leave the probation officer's office. The limited urine sample did come back positive for methamphetamine and a proper arrest warrant was procured for the probationer's arrest due to the violation. The probationer's monthly appointments were regularly scheduled for the end of each month and were not an attempt to get extra money out of the probationer.

These allegations do not fall within the codes of professional conduct enumerated in Tenn. Comp. Rules & Regs. section 1177-02-.04, and as such, are outside the authority of the Council.

RECOMMENDATION: Closure.

DECISION: APPROVED.

2. PPSC-2023044401

DISCIPLINARY HISTORY:

NONE

SUMMARY:

This 9-12-23 administrative complaint alleges Respondent has failed to file August 2023 quarterly report and fee as mandated in Tenn. Comp. Rules & Regs. section 1177-01-.08 (Quarterly Provider Fee) by August 20, 2023. The Respondent has replied that they would have same in the mail as soon as possible.

RECOMMENDATION: Letter of Warning (Quarterly Provider Form and Fee to be provided by August 20, 2023 as stated in subsection [b]).

DECISION: APPROVED.

3. PPSC-2023060541

DISCIPLINARY HISTORY:

NONE

SUMMARY:

This 11-27-23 probationer complaint alleges Respondent probation officer lied in court regarding the probationer not paying fines by a date certain when probationer was advised by Respondent to wait to the next court date. Respondent is an employee of the Tennessee Human Resource Agency which is a federally funded entity and not a private for-profit probation service entity which falls outside the authority of the Council.

RECOMMENDATION: CLOSURE.

DECISION: APPROVED.

4. PPSC-2023064221

DISCIPLINARY HISTORY:

NONE

SUMMARY:

This 12-19-23 administrative complaint alleges Respondent has failed to file November 2023 quarterly report and fee as mandated in Tenn. Comp. Rules & Regs. section 1177-01-.08 (Quarterly Provider Fee) by November 20, 2023.

RECOMMENDATION: Letter of Warning (Quarterly Provider Form and Fee to be provided by August 20, 2023 as stated in subsection [b]).

DECISION: APPROVED.

5. PPSC-2023064231

DISCIPLINARY HISTORY:

PLEASE SEE ITEM #2 ABOVE.

SUMMARY:

This 12-19--23 administrative complaint alleges Respondent filed the November 2023 quarterly report and fee as mandated in Tenn. Comp. Rules & Regs. section 1177-01-.08 (Quarterly Provider Fee) late as it was due on November 20, 2023 and received on November 27, 2023.

This is the Respondent's second offense for providing the quarterly report and fee after its due date.

RECOMMENDATION: Authorize formal hearing. Authorize settlement by consent order for the civil penalty of \$500.00 (which is within the range of a Level II violation of civil penalties.)

DECISION: APPROVED.

Judge Perry motioned acceptance, which was seconded by Judge Hudson. The motion passed unanimously by roll call vote.

NEW BUSINESS

Director Gumucio asked if anyone in the public, participating remotely using Teams, had comments as they relate to the agenda. There were no comments provided.

ADJOURNMENT

There being no new business, Judge Perry motioned to adjourn the meeting; Judge Kane seconded. Director Gumucio adjourned the meeting at 10:18 a.m.