TENNESSEE PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
COMMISSION MEETING MINUTES

Date: Friday, February 5, 2016 9:30 A.M. CST

Place: Davy Crockett Tower
Conference Room 1-A
500 James Robertson Parkway
Nashville, TN 37243

Call To Order – **Minnie Lane, *Chairman***

Chair Lane called the meeting to order at 9:35 A.M. and the following business was transacted. Roll was called by Executive Director Cody Vest.

Commission Members Present:
Minnie Ann Lane, Chair
Walt Valentine, Vice Chairman
Paul David Brown, Jr.
Larry T. Flair, Sr.
William Rick Jones
Arthur G. (Jerry) Richards
Dr. Paul Ritch

Absent: Alan G. Rousseau
David W. Horton

Staff Members Present:
Cody Vest, Executive Director
Beth Smith Bell, Administrative Assistant RB3
Hanaa Manan, Administrative Assistant RB2
Toni Kerr, Administrative Assistant RB1
Phyllis Patrick, Administrative Assistant RB2
Ashley Thomas, Assistant General Counsel

Guests:

William Keck	Elizabeth Brown	Tim Mason
Scott Cothran	Charles Gravat	Jeffery Bilyeu

ELECTION OF OFFICERS

Commission Chair

Administrative Assistant Beth S. Bell called for nominations for Commission Chair.
Minnie Ann Lane was nominated by Dr. Paul Ritch, seconded by Walt Valentine.
MOTION was made by Larry Flair that *nominations cease*. Motion was seconded by David Brown.
MOTION CARRIED
Minnie Ann Lane elected Commission Chair by acclamation.

Commission Vice Chair
Administrative Assistant Beth S. Bell called for nominations for Commission Vice Chair.
Walt Valentine was nominated by Jerry Richards, seconded by Rick Jones.
MOTION was made by Dr. Paul Ritch that *nominations cease*. Motion was seconded by David Brown.
MOTION CARRIED
Walt Valentine elected Commission Vice Chair by acclamation.

ADOPTION ROBERTS RULES OF ORDER
MOTION was made by Larry Flair to *adopt Roberts Rules of Order*. Motion was seconded by Walt Valentine.
MOTION CARRIED

Executive Director congratulated Chair Minnie Ann Lane and Vice Chair Walt Valentine. Should any term expire, the officer would serve until Governor Haslam appoints someone and then elections would take place at that time.

AGENDA *(Attachment 1)*
MOTION was made by Walt Valentine to *adopt the agenda as proposed.* Motion seconded by Larry Flair.
MOTION CARRIED

MINUTES *(November 6, 2015 Commission Meeting)*
MOTION was made by Walt Valentine to *approve minutes of the November 6, 2015 Commission meeting, as written.* Motion seconded by David Brown.
MOTION CARRIED

Executive Director Vest requested a change in the agenda to accommodate this meeting running ahead of schedule to allow time for Assistant Commissioner Brian McCormack and Account Manager Bill Huddleston to arrive as scheduled. The Commission agreed.

LEGAL REPORT – ***Ashley Thomas, Assistant General Counsel***
[Ex A] Complaint Review

NEW CASES

1. **Case No.: 2015019991**
   Respondent: P. I. Company - Unlicensed

This complaint opened alleging unlicensed activity by Respondent. The complaint alleges that Respondent engaged in unlicensed private investigations activity, in violation of Tenn. Code Ann. § 62-26-204. Respondent is alleged to provide recovery services for unclaimed property and assets to the public. Respondent's company website purports to provide search, claim, and recovery services to individuals as well as companies and business. Neither the company nor the employees are licensed as private investigators.

Owner of Respondent Company states that he and a state representative met with another state agency approximately one (1) year ago about becoming an official locator in Tennessee and, during the meeting, the owner states he was informed that a private investigator license was not needed. Respondent stated that he believed that a private investigations license was not needed as the business was conducted under the exception of an employee working for an attorney. As of the date of this legal report, the qualifying agent for the company has passed both exams and the commission office is awaiting credit references and statement of affiliates in order to fully process the application for the qualifying agent and company.

Recommendation: Discussion by Commission regarding possible violation of Tenn. Code Ann. § 62-26-204.

Executive Director Cody Vest presented recent new information that a new QA had been identified by the company and that the named had passed the examination.

Commission: Determines to close and re-open if licensing is not accomplished.

MOTION was made by Walt Valentine to continue to the next meeting to ensure that the company would become licensed. AGC Ashley Thomas and ED Cody Vest explained that a license would not be approved with a pending matter. **MOTION** was withdrawn.

MOTION was made by Walt Valentine to *close the case, but that the case would be reopened if licensing was not accomplished.* Motion seconded by Larry Flair.

MOTION CARRIED

2. **20150216961**

Respondent: P. I. Company
Issued: 07/29/1993
Expiration Date: 07/31/2017

This complaint opened alleging that Respondent failed to notify the Commission of the termination of a private investigator, PI #5565, within thirty (30) days of termination, in violation of Tenn. Comp. R. & Regs. 1175-01-.06. The PI termination date was July 1, 2014 and the Commission office received notice of termination on July 2, 2015. Respondent states that PI #5565 last worked for the company on July 1, 2014; however, the private investigator remained affiliated with the company through the submission of the June 30, 2015 renewal form. Respondent states that PI #5565 had worked on an "on-call" basis since October 2013 due to downsizing and lack of available work. Respondent states that the private investigator could work for the company at any point through the expiration of his license, being June 30, 2015. It was for that reason Respondent did not submit a termination notice until July 2, 2015.

Recommendation: Close, as there appears to be no violation by Respondent.

Commission: Concurs.

MOTION was made by Dr. Paul Ritch to *concur with the recommendation of counsel and Close.* Motion seconded by Jerry Richards.

MOTION CARRIED

3. **20150220681**

Respondent: P. I. Company
Issued: 09/24/2009
Expiration Date: 02/28/2018

This complaint opened alleging misconduct by Respondent. The complaint makes allegations that individuals unrelated to Respondent Company have made threats and used intimidation against Complainant. Complainant filed the instant complaint against Respondent and stated that she "found some of the people through [Respondent's] Facebook." Through an affidavit, Respondent denies ever meeting Complainant. Respondent also denies having provided personally or through employees investigative services for or concerning Complainant or any of the parties named in the complaint.

Recommendation: Close, as there appears to be no violation by Respondent. Respondent appears as an ancillary name in Complainant's allegation.

Commission: Concurs.

MOTION was made by Walt Valentine to *concur with the recommendation of counsel and Close.* Motion seconded by Rick Jones.

MOTION CARRIED

CASES FOR RE-PRESENT

1. Case No.: 2015008091

Respondent: P. I. Company - Unlicensed

This consumer complaint alleged unlicensed activity by Respondent. At its August 2015 meeting, the Commission concluded that Respondent's violations constituted grounds for civil penalties and assessed a civil penalty of one thousand dollars ($1,000.00) for violation of Tenn. Code Ann. § 62-26-204(a). In pursuing a consent order, the legal division has been unable to locate the Respondent. There have been multiple attempts to reach the Respondent at three (3) different addresses, all resulting in returned mail. The legal division does not believe any further efforts would result in locating the Respondent. Further, there has been no additional evidence of unlicensed practice by Respondent.

Revised Recommendation: Close as Respondent cannot be located.

Commission: Concurs.

MOTION was made by David Brown to *concur with the recommendation of counsel and Close.* Motion seconded by Larry Flair.

MOTION CARRIED

ADMINISTRATIVE MATTERS – Cody Vest, Executive Director

[Ex B] Regulatory Boards Disciplinary Action Reports

Executive Director Vest presented the disciplinary action reports for November and December, 2015 and January, 2016.

[Ex C] Monthly Reports

Executive Director Vest advised that we are temporarily experiencing difficulty extracting numbers from the new system. Executive Director Vest reports no legislative contacts, no media contacts, nor industry contacts. Executive Director Vest noted that there remains a vacancy on the Board, and that the member with the expired term continues to serve until the Governor appoints a new member. Monthly meetings occur including Executive Director with Account

Manager and Assistant General Counsel. Reports indicate that no complaint information was available due to the new system.

Budget Review
Assistant Commissioner Brian McCormack presented the budget review for fiscal year 2015-2016, and indicated that the expenditures reported were $150,610, and revenue reported was $202,766, which left a positive year end balance of $49,167. Expenditures were consistent and administrative costs had reduced in the past year. Assistant Commissioner McCormack reported that with a balance of $372,006, the financial health of the Commission is in good shape.

The Commission had no questions regarding the budget review.

[Ex D] Correspondence Review
Executive Director Vest presented correspondence dated January 16, 2016 from Thomas P. Hamm at Hamm Investigations regarding the request to approve continuing education credits for an employee, Candy S. Kellcr, who had completed the education six (6) days before she was licensed. Administrative Assistant Beth Bell informed the Commission about the situation surrounding this request. The employee took the course prior to the examination being in place and while she wouldn't be eligible to be given credit without a license, the owner thought that the quality of the course was such that he was willing to request that the Commission accept this course as continuing education. The course is an approved course and the individual would have been licensed had the examination been available. The individual became licensed as soon as the examination became available.
MOTION was made by Larry Flair to *approve the request.* Motion seconded by Rick Jones.
MOTION CARRIED Chair Minnie Lane abstained

[Ex E] Legislative Update HB1474
Executive Director Vest presented HB1474 concerning motor vehicles, particularly automobiles owned or leased by licensed private investigators or private investigation companies. This bill would lift the current restrictions regarding the darkness of the tint on the windows opened up Title 62. As of February 4, the bill is still moving in the legislature, it has passed and is on the calendar for the Rules Committee.

[Ex F] Alabama Reciprocal Agreement
Administrative Assistant Beth Bell presented the draft agreement with modifications from Alabama. She explained that this was a standard agreement except the number of days allowed to provide services in the visitor state, and that there is no affiliation with a company required in Alabama. The agreement as drafted would allow thirty (30) days per agency per case originating in Alabama. Anyone convicted of a felony would not be eligible to operate in the other state. The Commission discussed possible scenarios and whether terminations would have to come before the board.

The Commission was advised that any agreements could be rescinded should the agreement become cumbersome to Tennessee.

MOTION was made by Walt Valentine to *approve the agreement.* Motion seconded by Rick Jones.
MOTION CARRIED

MOTION was made by Dr. Paul Ritch to give the Executive Director Vest the authority to terminate the Alabama agreement should she find it cumbersome. Motion was seconded by Walt Valentine.
MOTION CARRIED.

Polygraph Examiner Intern Application Review
[Ex G] Breeden, Donald Matthew F#103
MOTION was made by Larry Flair to *approve the intern application for Breeden.* Motion was seconded by David Brown.
MOTION CARRIED

[Ex H] Doyle, David Andrew F#102
MOTION was made by Jerry Richards to *approve the intern application for Doyle.* Motion was seconded by Larry Flair.
MOTION CARRIED

Discussion was held regarding possible approval of Polygraph Intern applications by Executive Director Vest, and not holding the applications to present to the Commission for approval. Unless staff sees a need to bring before the Commission, staff will approve the applications.
MOTION was made by Jerry Richards to *discontinue the review of Polygraph Examiner Intern Applications by the Commission.* Motion was seconded by Dr. Paul Ritch.
MOTION CARRIED.

[Ex I] Education Review
Administrative Assistant Beth Bell presented a review of the meeting that occurred immediately prior to Commission meeting. Education Committee Members: Minnie Ann Lane, David W. Horton, Dr. Paul A. Ritch, Alan G. Rousseau and Walt Valentine. Education Committee meeting held at 9:00 A.M. on Friday, February 5, 2016, David Horton and Alan Rousseau absent. Ms. Bell indicated that the education committee recommendation on all of the courses submitted had been to approve. Ms. Bell also noted that Education Committee members had discussed approval of the examination item review to meet continuing education requirements for subject matter experts.

Kingsbury, Sarah E. **The Gulf Region Advocacy Center** Mitigation Bootcamp June 7-9, 2015	**PI-7759** **12 Hours**
Scott, Bryan R. **Forensic Genealogy Institute** Council for the Advancement of Forensic Genealogy June 7-9, 2015	**PI-7350** **12 Hours**

Hembree, Terry **Polygraph-58**
Qverity, Inc. **24 Hours**
Detection of Deception, Critical Interviewing, Red Envelope Live Exercise, and Non Coercive Interrogation
February 18-20, 2014

Rick C. Mullinax **12 Hours**
How to Prepare, Outline, and Write Investigation Reports for Insurance Companies, Attorneys, Civil Cases and Court Testimony

Kansas Association of Licensed Investigators
IMARC Conference
February 25-26, 2016

Leading Edge Legal Ed
Rules of Service: Sabbath Laws **2 Hours**
Ethics for Legal Professionals: Theory and Practice **2 Hours**

William Clifton and Peggy Booth Free Seminars
Speakers: Don Moore "Accident Reconstruction" **3 Hours** **March 23, 2016**
Bill Dean "Computer Forensics **3 Hours** **March 30, 2016**

Tennessee Association of Professional Process Servers
T.A.P.P.S 2016 Annual Convention **6 Hours**
March 26, 2016

Tennessee Professional Investigators Association (TPIA)
2016 Continuing Education Program March 26, 2016 **6 Hours**

MOTION was made by Larry Flair to *approve the courses as presented based on the committee recommendation.* Motion seconded by David Brown
MOTION CARRIED

Examination Item Review
MOTION was made by Walt Valentine to approve eight (8) hours of continuing education for subject matter experts who had worked on the examination item review. Motion was seconded by Dr. Paul Ritch. Chair Minnie Lane abstained.
MOTION CARRIED.

UNFINISHED BUSINESS
Chair Lane called for Unfinished Business.
Assistant General Counsel Ashley Thomas advised that new rules regarding fingerprinting went into effect on February 2, 2016. Executive Director Vest advised that MorphoTrust has

convenient centers for fingerprinting and must have locations within 50 miles of any applicant in Tennessee.

NEW BUSINESS

Chair Lane called for New Business.

Continuing Education Rules – Open to the Public

In response to the Commission's concern about whether a new rule needed to be drafted to allow discretion to approve or not approve courses not available to the public. Assistant General Counsel Ashley Thomas recommended new rules not be drafted. Tennessee Comprehensive Rules and Regulations 1175-.02.03(1) already addresses this process. Assistant General Counsel Thomas encouraged the Commission to review the rule and to consider the burden on applicants that may be required to take courses for employment. She suggested that individual files should be reviewed to ensure that the course would fill the requirement for job competency, and not whether attendance was limited.

CONTINUING EDUCATION PARTICIPANT FORUM

There were no participants.

MOTION was made by Larry Flair *to adjourn the February 5, 2016 meeting of the Tennessee Private Investigation and Polygraph Commission.* Motion seconded by Jerry Richards.
MOTION CARRIED

MEETING ADJOURNED 10:53 AM

Minutes prepared by Phyllis Patrick, Administrative Assistant

MINUTES of the Tennessee Private Investigation and Polygraph Commission Meeting held **February 5, 2016,** in Nashville, Tennessee.

Minnie Ann Lane, Chair

Walt Valentine, Vice Chair

Paul David Brown, Jr.

Larry T. Flair, Sr.

absent
David W. Horton

William Rick Jones

Arthur G. (Jerry) Richards

Dr. Paul Ritch

absent
Alan G. Rousseau

Notice of re-scheduled January 22, 2016 meeting of the Tennessee Private Investigation and Polygraph Commission posted to the Commission website on January 20, 2016. New meeting date **Friday, February 5, 2016**.

State of Tennessee
Department of Commerce and Insurance
Private Investigation and Polygraph Commission
500 James Robertson Parkway
Davy Crockett Tower
Nashville, Tennessee 37243-1167
Telephone: 615.741.4827 Fax: 615.532.2965
Website: http://www.tn.gov/commerce/section/private-investigation-polygraph

AGENDA

Private Investigation and Polygraph Commission
NOTICE OF COMMISSION MEETING
Davy Crockett Tower – Conference Room 1-A
500 James Robertson Parkway
Nashville, TN 37243

Friday, February 5, 2016

9:00 A.M. CST **Education Committee Meeting**

9:30 A.M. CST **Call To Order – Commission Meeting**
Minnie Ann Lane, Commission Chair
Roll Call - Cody Vest, Executive Director
Election of Officers
Adoption Roberts Rules of Order
Agenda (Review/Adopt)
Minutes 11/06/2015 Commission Meeting (Review/Approve)

10:00 A.M. CST **Budget Review – Brian McCormack, Assistant Commissioner**
Bill Huddleston, Accounting Manager

Legal Report – Ashley Thomas, Assistant General Counsel
[Ex A] Complaint Review

Administrative Matters – Cody Vest, Executive Director
[Ex B] Regulatory Boards Disciplinary Action Reports
[Ex C] Regulatory Boards Monthly Reports
[Ex D] Correspondence Review
Thomas P. Ham, Keller continuing education request
[Ex E] Legislative Update
[Ex F] Alabama Reciprocal Agreement

Polygraph Examiner Intern Application Review
[Ex G] Breeden, Donald Matthew F#103
[Ex H] Doyle, David Andrew F#102

Education Report - Beth Smith Bell, Administrative Assistant
[Ex I] Education Review

Unfinished Business
New Business
Continuing Education Participant Forum
Review questions submitted by participants during Commission Meeting
Adjournment

The listed order of items and times on the agenda are subject to change, as the Commission reserves the right to move to the next agenda items due to cancelations or deferrals.

Commission meetings will be conducted by permitting participation of the Commission members by electronic or other means of communication if necessary. Any member participation by electronic means shall be audible to the public at the location specified above. The Department of Commerce and Insurance is committed to principles of equal access. If you need assistance with attending this meeting due to a disability please contact the Department's ADA Coordinator at 615.741.0481