

Tennessee Private Investigation and Polygraph Commission Meeting

MINUTES of the Tennessee Private Investigation and Polygraph Commission Meeting, held **March 23, 2018**, in Nashville Tennessee.

Walt Valentine

Walt Valentine, Chair

By phone

Paul David Brown Jr, Vice Chair

By Phone

Stuart W Bayne

By Phone

Larry T Flair, Sr.

By Phone

Robin Brewer Johnston

By Phone

William Rick Jones

By Phone

Arthur G (Jerry) Richards

By Phone

Alan G Rousseau

Absent

Douglas Shanks

PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

COMMISSION MEETING

March 23, 2018

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
COMMISSION MEETING
March 23, 2018
DAVY CROCKETT TOWER
500 JAMES ROBERTSON PARKWAY, ROOM 1A
NASHVILLE, TN 37243

TRANSCRIPT OF COMMISSION MEETING
Commencing at 9:30 a.m.

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A P P E A R A N C E S

COMMISSION MEMBERS
Walt Valentine, Chair
Paul David Brown, Jr., Vice-Chair
Larry T. Flair, Sr.
Jerry Richards
Alan G. Rousseau
Douglas Shanks
Stuart Bayne

ALSO PRESENT

Ashley Thomas, Staff Attorney
Stuart Huffman, Staff Attorney
Cody Vest, Executive Director
Shauna Balaszi, Administrative Assistant

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* * *

CHAIRMAN VALENTINE: Good morning, fellow
Commission members, staff members, and honored
guests, today's date is March 23, 2018, and it's
approximately 9:40 a.m. I'm Walt Valentine,
Commission Chair, I'll now call to order the meeting
of the Tennessee Private Investigation and Polygraph
Commission. Executive Director Cody Vest, please
call the roll.

MS. VEST: Thank you. Jerry Richards?
MR. RICHARDS: Here.
MS. VEST: Rick Jones?
MR. JONES: Here.
MS. VEST: Douglas Shanks?
MR. SHANKS: Here.
MS. VEST: Walt Valentine?
CHAIRMAN VALENTINE: Here.
MS. VEST: David Brown?
MR. BROWN: Here.
MS. VEST: Alan Rousseau?
MR. ROUSSEAU: Here.
MS. VEST: Larry Flair?
MR. FLAIR: Here.
MS. VEST: Stuart Bayne?
MR. BAYNE: Here.

1 MS. VEST: Robin Johnston? Let the
2 record show that Ms. Johnston is not present, but you
3 do have a quorum.

4 CHAIRMAN VALENTINE: Thank you. The next
5 item for approval is the agenda. I'd like to ask
6 each Commission member if they have received and had
7 time to review a copy of the agenda, and if so, is
8 there a motion to adopt this agenda.

9 MR. BROWN: Make a motion to adopt it.

10 MR. ROUSSEAU: Second.

11 CHAIRMAN VALENTINE: Any discussion? All
12 in favor?

13 THE COMMISSION: Aye.

14 CHAIRMAN VALENTINE: All opposed? The
15 motion carries. The next item on our agenda is the
16 approval of the minutes for the last education
17 committee and committee meeting. Has each Commission
18 member received and had time to review a copy of
19 these minutes, and if so, is there a motion to adopt
20 these minutes?

21 MR. ROUSSEAU: I so move.

22 MR. BAYNE: Second.

23 CHAIRMAN VALENTINE: Moved and seconded.
24 Any discussion? Hearing none. All in favor?

25 THE COMMISSION: Aye.

1 MS. HIGHTOWER: Okay.

2 MS. VEST: Ms. Hightower has asked to
3 appear before you today for you to review her
4 experience. For her company, she must have 2,000
5 hours of compensatable experience. And she has
6 submitted other documents that she wants you to
7 review in lieu of those 2,000 hours. It is quite a
8 bit there for you to review, so I'll give you a few
9 minutes.

10 THE COMMISSION: (Commission viewing
11 documents.)

12 MS. VEST: Do you need another iPad,
13 Mr. Bayne?

14 (Short break.)

15 MS. VEST: We are going to go back on
16 record. Even though our system is not working, we do
17 still have our court reporter, so we are going to go
18 back on record.

19 MR. ROUSSEAU: Mr. Brown -- oh, he
20 stepped out.

21 MS. VEST: He had to step out. So
22 everybody is reviewing Tammy Hightower's, is what we
23 are doing. She has submitted quite a few documents.
24 She's already passed the test for the private
25 investigator, I believe, and the company. She wants

1 CHAIRMAN VALENTINE: All opposed? Motion
2 carries. Next on our agenda is the legal report by
3 the staff attorney.

4 MR. HUFFMAN: There is no legal report.

5 CHAIRMAN VALENTINE: Thank you, sir. Do
6 we have anyone wanting to appear before the
7 Commission?

8 MS. VEST: The next one I'm going to run
9 down -- I am going to do that section, if you don't
10 mind.

11 CHAIRMAN VALENTINE: Okay.

12 MS. VEST: Mr. Chairman, yes, sir, we do
13 have an appearance, and I have already asked
14 Ms. Hightower to sign in. If you would look, she's
15 Exhibit A.

16 MR. BROWN: I need to recuse myself.

17 MS. VEST: Mr. Brown, you need to step
18 out into the hall. We have extra iPads, if you are
19 having difficulty with your iPads. Anyone else that
20 needs to recuse themselves?

21 (WHEREUPON, Mr. Brown stepped out into
22 the hall.)

23 MS. VEST: Ms. Hightower, if you give
24 them a few minutes, because you had a lot of material
25 for them to look over.

1 you to review her experience.

2 THE COMMISSION: (Commission viewing
3 documents.)

4 MS. VEST: Have the Commission members
5 had enough time to review?

6 MR. BAYNE: I have.

7 CHAIRMAN VALENTINE: Yes.

8 MS. VEST: Ms. Hightower, if you don't
9 mind, you can come over here and sit down, be more
10 comfortable, if you want to. You have to speak into
11 the microphone there. You have to stand up there
12 with your information. I'm sure they will have
13 questions for you. You need to push the speak
14 button, if you are going to speak.

15 MS. HIGHTOWER: All right.

16 MS. VEST: Commission, this is Ms. Tammy
17 Hightower.

18 MS. HIGHTOWER: Good morning.

19 THE COMMISSION: Good morning.

20 MS. HIGHTOWER: Makes you feel any
21 better, I spilled coffee on me trying to drive in
22 Nashville traffic this morning.

23 MR. BAYNE: It doesn't make Larry Flair
24 feel any better.

25 CHAIRMAN VALENTINE: Ms. Hightower, we

1 rejected your application previously, right?

2 MS. HIGHTOWER: It wasn't rejected, the
3 letter stated an appearance before the Board.

4 MS. VEST: You reviewed it and you've
5 asked her to appear.

6 CHAIRMAN VALENTINE: We wanted more
7 information from you.

8 MS. HIGHTOWER: Correct.

9 CHAIRMAN VALENTINE: And briefly tell us
10 about your investigative experience.

11 MS. HIGHTOWER: Well, I worked for the
12 federal government for 20 years.

13 MS. VEST: Ms. Hightower, you need to
14 speak into the microphone.

15 MS. HIGHTOWER: It's showing red.

16 MS. VEST: Pull it down, speak into it.

17 There you go, thank you.

18 MS. HIGHTOWER: I worked for the federal
19 government for 20 years, mostly handling disaster
20 programs, which detailed quite a bit of
21 investigations, especially on site, going through
22 contracts. Anyway, you don't just hand someone
23 \$100,000 and -- because they have a disaster. A lot
24 of investigations went into approving applications
25 for financial assistance.

1 Local government for six years. Same
2 thing, mostly investigating deficiencies in water and
3 sewer and natural gas companies, deficiencies in
4 purchasing policies, and adherence to state statutes.
5 So most of what I am wanting to do is, rather as an
6 employee of the government, I was approached by
7 numerous people wanting to hire me to investigate
8 certain things within local governments, specifically
9 municipal and county, to ensure that certain people
10 were adhering to the policies and procedures and
11 regulations they were supposed to. So that's kind of
12 how this came about.

13 My husband was a private investigator, I
14 think for seven or eight years. His license is
15 retired. So I worked with him quite a bit. He
16 mostly did workmen's comp. Most of what my business
17 will be, if approved by this Board, is going to be in
18 finance.

19 I am also a certified municipal financial
20 officer in the State of Tennessee and a certified
21 reporter in the State of Tennessee. Local government
22 is something I know extremely well. Federal
23 government, 20 years of service there. I know their
24 regulations, their internal control manuals. And
25 when people started asking me to do research for them

1 to investigate certain things that were being done in
2 numerous local governments, mostly in west Tennessee,
3 I thought, well, this is something that I can make a
4 business out of. The industry itself always
5 interested me because of my husband who was in it for
6 so many years. But most of my business will be in
7 the financial arena, mostly local government.

8 CHAIRMAN VALENTINE: Any Commission
9 members have any other questions or comments for
10 Ms. Hightower?

11 MR. ROUSSEAU: No.

12 MS. VEST: I think she's here for you --
13 did everyone have the opportunity to review her
14 education in lieu of the 2,000 hours, which she has
15 been doing, that's what we are voting for, in lieu of
16 the 2,000 hours of compensatable investigative
17 experience, what she's been doing -- and mostly it's
18 education that you provided, wasn't it?

19 MS. HIGHTOWER: Or a combination of both.
20 I do have a Bachelors Degree in Business
21 Administration, Associates Degree in Accounting on
22 top of my state certifications.

23 MR. BAYNE: Baker University? Where is
24 Baker.

25 MS. HIGHTOWER: Flint, Michigan.

1 MR. BAYNE: Flint, Michigan. That's
2 quite a bit of education.

3 MR. SHANKS: I make a motion we just go
4 ahead and accept her experience, school and training,
5 degrees enough for the 2,000 hours that's needed,
6 probably well more.

7 MR. BAYNE: I second.

8 MR. JONES: I second.

9 CHAIRMAN VALENTINE: There's been a
10 motion and a second. Any discussion? All in favor
11 say aye?

12 THE COMMISSION: Aye.

13 CHAIRMAN VALENTINE: All opposed? Motion
14 carries.

15 MS. VEST: All right. So let me make
16 sure I have got the motion down, was that we are
17 going to be accepting Tammy Hightower's experience,
18 her education, in lieu of the 2,000 hours, and we
19 will be approving her for a private investigator
20 company license; is that correct?

21 MR. ROUSSEAU: Correct.

22 CHAIRMAN VALENTINE: Yes.

23 MR. BAYNE: Correct.

24 MS. VEST: All right, Ms. Hightower, I'm
25 sorry we brought you in for such a short period of

1 time and you had to witness our computer problem.
 2 MS. HIGHTOWER: That's okay. I enjoyed
 3 Nashville yesterday evening. Thank you very much.
 4 You all have a wonderful day.
 5 MR. BAYNE: Welcome to the profession.
 6 MS. VEST: You'll be hearing from us.
 7 MS. HIGHTOWER: Thank you.
 8 MS. VEST: Thank you so much for coming
 9 in.
 10 CHAIRMAN VALENTINE: Okay. Moving right
 11 along.
 12 MS. VEST: Let's let Mr. Brown come in,
 13 please. He's out in the hall. When you recuse
 14 yourselves, it is my policy that you will step out
 15 into the hall, that way we won't have any
 16 confrontation, any misunderstandings.
 17 (WHEREUPON, Mr. Brown rejoined the
 18 meeting.)
 19 MS. VEST: All right, Mr. Brown, thank
 20 you.
 21 MR. BROWN: I'm back.
 22 CHAIRMAN VALENTINE: For your
 23 information, Ms. Hightower was approved.
 24 MR. BROWN: Okay.
 25 CHAIRMAN VALENTINE: Next on our agenda

1 job that we are doing. And I wanted to thank Cody
 2 and the staff over here, because you all do an
 3 excellent job. We always felt that way, but it's
 4 nice to have a confirmation from the big boys.
 5 MS. VEST: Thank you, we appreciate that.
 6 We are going to be around for a while. And this is
 7 the same information as on the other month for you.
 8 All right. That being said, we will move
 9 right onto the budget. You are in a negative of
 10 \$14,932. So this morning I got on the computer,
 11 there are 51 polygraph examiners. We were carrying
 12 56 at my last count, but there's 51 as of this
 13 morning. You have got 1,084 private investigators.
 14 You have 515 companies. As of June the 30 of 2015,
 15 the total count of all three of those was 1,679. So
 16 you are staying pretty current.
 17 I believe what's happened, those that do
 18 drop out are being replaced by the ones that continue
 19 to renew, the new companies that are coming in or
 20 renewing. This is something that is not really too
 21 much of a concern at this moment. This is only -- if
 22 you look at it, it's January. We had to -- STS,
 23 which is our computer system that we are using, send
 24 in their quarterly bill and all professions have to
 25 pay their portion for the computer. Even if we did

1 is the administrative matters. Executive Director
 2 Cody Vest?
 3 MS. VEST: All right, thank you. I just
 4 have a few things here. We'll go to the monthly
 5 report. You have January and February. It does have
 6 all our professions on there, but you just want to go
 7 to the private investigators. We still do have, and
 8 appreciate, Mr. Rousseau with us since 2014, his
 9 expiration date. Mr. Shanks has been appointed, we
 10 do have his, and I believe you are out until 2021.
 11 Just an update there, your vice-chair
 12 David Brown and I attended the sunset hearing for the
 13 Private Investigation & Polygraph Commission on the
 14 Hill, and the Commission has been extended to 2024.
 15 MR. BROWN: Can I make a comment?
 16 MS. VEST: Yes, please.
 17 MR. BROWN: That was my first experience
 18 being on the Hill. Needless to say, it can be a
 19 little bit intimidating up there, particularly the
 20 way it started off. There were a bunch of other
 21 boards up there to be reviewed, and they were
 22 grilling them, they were asking them some good
 23 questions. But when it came time for us, they passed
 24 us, and then the chairman of the committee up there
 25 praised the PI Polygraph Commission director for the

1 end in a negative balance at the end of the year, one
 2 year would not sunset us. But I am going to try to
 3 watch this very closely, that's why I am looking at
 4 the number of private investigators.
 5 Like I said, to me it looks like it's
 6 staying pretty even, from '15 to '18, the number of
 7 investigators that you are having in the companies
 8 and any trends that might be going. I don't know
 9 personally, so I'd have to ask you, what could we
 10 possibly do to get more people into this industry?
 11 **A lot of private -- a lot of work is**
 12 **being done on computers nowadays, instead of hiring**
 13 **private investigators. So what I am going to do is**
 14 **try to watch the trends, watch the number of private**
 15 **investigators that we have and see if there's**
 16 **something in that -- how it's going down. And I will**
 17 **be watching the budget very closely.**
 18 **I have already talked to Carter Lawrence**
 19 **about this That you met this morning, Assistant**
 20 **Commissioner, my concerns about us being in a**
 21 **negative balance. So he's aware of it, so we will be**
 22 **monitoring this every month. Do you have any**
 23 **questions for me?**
 24 MR. RICHARDS: I think one of the
 25 problems with getting people into the industry is

1 that a lot of people that have company polygraph or
2 private investigation companies, don't want to intern
3 anybody because of liability. I think we have
4 discussed that before.

5 MS. VEST: Yes, sir. There is -- that
6 has been a discussion with legislation on the Hill
7 also about the apprenticeship, but your program has
8 an apprenticeship. But the problem is, and we hear
9 it every single day, I cannot find anyone that will
10 apprentice me, will not let me put my apprenticeship
11 with their program. Whether it's competition -- I
12 don't really know what the answer is.

13 But your program was first developed to
14 allow the apprenticeship; this was for the person to
15 come in, learn the profession. Now if you
16 remember -- some of you, years ago, it was that an
17 apprentice could be in his car -- I am going to say
18 he -- could be in his car, you'd be in your car, and
19 as long as you were in communication that this
20 individual could ask for assistance or ask what needs
21 to be done, it was approved. But now you have
22 changed the apprenticeship to where they actually
23 have to be with this person all the time. They
24 cannot go out and work on their own.

25 I think it's something we need to look

1 at. I think we need to look at other states. I can
2 come back to you and tell you what these other states
3 are doing with their apprenticeship, but that's
4 already there. It's not being utilized. So you are
5 right, that's exactly what it is. Some companies
6 just don't want to apprentice someone, for whatever
7 the reason.

8 MR. FLAIR: Madam Chairman {sic}, if I
9 may, Chairman, make -- Madam Director, on my company,
10 that's exactly why I don't let anybody come in,
11 because I have to be with them. And if I'm going to
12 be with them, I can't get any compensation through my
13 clients for two of us, and why do I want to have that
14 responsibility. That's the way I, as running my
15 business, look at it.

16 The other thing is this. I don't see a
17 problem with a particular company being responsible,
18 but again, having to have that for 2,000 hours is --
19 and my question, please, is this a legislative from
20 the Hill that needs to be changed or we as board
21 members -- and counselor may have to answer that or
22 you can.

23 MS. VEST: Well, I'm not real sure
24 exactly what your question is. The 2,000 hours is
25 only for company owner, nothing do with a PI. The PI

1 just makes application, takes the exam, passes the
2 background check, has company affiliation, we give a
3 license. It's the company individual that has to
4 have the 2,000 hours to open a company. So it's not
5 a private investigator, that's not keeping them from
6 being a private investigator.

7 MR. FLAIR: No, but they are required to
8 have a certain amount of on-the-job training
9 through --

10 MS. VEST: No, sir, not in this statute.
11 Whatever you do within your company to train that
12 individual is up to you. They can do it two ways to
13 become a private investigator. They can hire on you
14 as an apprentice, the apprenticeship is good for six
15 months, that give gives you time to train the
16 individual. We get a letter from you that says I am
17 training Mr. Smith. And whenever you feel he's ready
18 to become an investigator within that six-month
19 period, you send me a letter that says his
20 apprenticeship has ended. And if he's passed the
21 test, passed the background check, we upgrade him to
22 a private investigator and affiliate him with your
23 company. That's all they need to do.

24 MR. FLAIR: Thank you.

25 MS. VEST: Uh-huh.

1 MR. BAYNE: Interestingly I heard that in
2 the TPIA seminar I attended last Saturday that --
3 since that 2,000 hours was required.

4 MS. VEST: There's a misunderstanding.
5 The 2,000 hours is just for the company.

6 MR. BAYNE: Apparently, yes.

7 MS. THOMAS: You're correct.

8 MS. VEST: Yes, sir, that's something --
9 okay, there's something I need to -- make a note of
10 that, if you would, Shauna, the seminar, I need to
11 touch on that. Because that is not true. That's not
12 the first time we have heard that, but that's only
13 for, like, Ms. Hightower, she had to have the 2,000
14 hours or you approve her experience, has nothing to
15 do with the private investigator. So maybe if you
16 would, kind of look at the laws and the rules, kind
17 of think again, and maybe we need to look at the
18 apprenticeship again.

19 CHAIRMAN VALENTINE: Would you like to
20 send that out to us, the apprenticeship rules?

21 MS. VEST: We can do that. I'll send you
22 an e-mail blast.

23 CHAIRMAN VALENTINE: Yeah, an e-mail
24 blast of that and we'll look at that and bring it up
25 at the next meeting.

1 MR. BAYNE: I think that's reasonable,
2 yeah.

3 MR. SHANKS: So did the Commission put
4 the internship that we have to be with the intern or
5 is that a state law.

6 MS. VEST: Yes, sir. You did it, it's a
7 rule.

8 MS. THOMAS: It's in the rules under Part
9 II of the apprenticeship rules. The Commission has
10 defined direct supervision. It says, shall mean in
11 the direct physical presence of a licensed
12 investigator. So that is something that you all have
13 the authority to look at and maybe change a little
14 bit because it's a rule and not a statute.

15 MR. FLAIR: Again, that can come from
16 this Commission, it does not have to come from the
17 Hill in a legislative matter.

18 MS. THOMAS: That's correct.

19 MS. VEST: But it would have to be done
20 in a rulemaking hearing or proposed rules. It's not
21 something we can decide right now to change, there's
22 a procedure we'd have to use.

23 MR. FLAIR: Okay.

24 MS. VEST: Any other questions on that?
25 But thank you, Stuart, I'm glad to hear that, because

1 investigator, such as the gentleman in the back named
2 Brad, and suggested perhaps one day you could get
3 licensed, it's -- I think so. I think we all
4 encourage -- because we are getting older, aren't we?

5 MS. VEST: I started to. I started to
6 tell you -- I am going to go ahead and tell you,
7 don't be taking my staff. He'd have to move onto
8 another profession, he wouldn't be allowed to work
9 with us.

10 Okay, we'll move right along.

11 Legislative update, you had one little thing.

12 MS. THOMAS: Yes, just one. As you know,
13 there was the sunset hearings for the different
14 boards. The PI Commission was extended until June of
15 2024. That's been filed under Public Chapter number
16 516, and that was the only legislation affecting your
17 Commission this year.

18 MS. VEST: That's the one that Mr. Brown
19 and I went to.

20 CHAIRMAN VALENTINE: And is the budget
21 continued on?

22 MS. THOMAS: As far as I know, yes.

23 MS. VEST: Yes, we are finished with the
24 budget.

25 CHAIRMAN VALENTINE: I mean, is the

1 when I do the seminar, I'll touch on that. Because
2 we'll have private investigators there, and there'll
3 probably be company owners with the individuals to
4 help them on board and everything and we need to make
5 sure that's clarified.

6 MR. BAYNE: You mentioned something,
7 Cody, you mentioned possibility of exploring
8 transient surrounding states? It's an interesting
9 idea.

10 MS. VEST: Yes, sir, I'll look into that.
11 I'll bring you back a report at our next meeting.

12 MR. BAYNE: Perhaps the transient
13 licensees are being shown in other states as well.

14 CHAIRMAN VALENTINE: Perhaps you could
15 send that to us in an e-mail, also.

16 MS. VEST: Well, we won't have anything
17 to talk about at the next meeting. I am never for a
18 lack of words, I have to admit.

19 CHAIRMAN VALENTINE: I haven't notice
20 that.

21 MS. VEST: The filter doesn't work every
22 day, but communication's not a problem. All right,
23 we'll do that for you.

24 MR. BAYNE: Personally, I'd kind of tell
25 everybody I interact with, who I could view as an

1 budget continued on until 2024?

2 MS. VEST: The budget? Yes, you have a
3 budget as long as you have a commission, yes, sir.
4 Okay, well, we do have a couple other things here on
5 the agenda. Application review. These two, I
6 believe, are polygraph. I did call Mr. Richards and
7 talked with him. I certainly appreciate that.
8 Sometimes I get questions and I don't -- not really
9 sure of and I do call different Commission members.
10 I try not to call always the same ones, unless you
11 are in that profession. But with Mr. Richards, he is
12 our polygraph expert.

13 We want to look at the first application
14 review, would be Exhibit A, Rusty Borden.

15 MS. THOMAS: B-O-R-D-E-N.

16 MS. VEST: Rusty, R-U-S-T-Y. I will give
17 you a little rundown of this. The Alcoa Police
18 Department bought equipment, apparently had this
19 gentleman trained as a polygrapher before he got a
20 license to do so. I need for you to look at this
21 and -- according to the information he has provided,
22 he does not qualify, if I'm correct on that,
23 Mr. Richards.

24 I did talk to Mr. Richards about this,
25 and I thought the best thing, of course, before we

1 make a decision, we must bring it to the Board. So I
2 will defer, if it's okay, to Mr. Richards, if you
3 have any questions about what he would need to do.
4 Mr. Richards?

5 MR. RICHARDS: I don't know Rusty
6 personally, but I know his reputation. He's an
7 outstanding officer on the Alcoa Police Department.
8 He's had previous experience on the Blount County
9 Sheriffs Department. He's had a ton of training.
10 He's well regarded. The Department has spent a lot
11 of money training him, buying equipment, but he
12 didn't read the law before he went to the school. He
13 does not have any college credits. He's never
14 attended a single college class. And I really
15 sympathize with him and his Department, but the fact
16 remains that the law says that he's got to have two
17 years of college credits.

18 Now, I have encouraged him to try to find
19 a school that will give him some credit for his
20 police experience, the polygraph school, and all the
21 classes that he's taken, and then to go ahead and
22 take some more credits, some classes, to get his
23 necessary number of hours. And he says that he's
24 going to do that. But to approve him, I think
25 would -- it would cause a detrimental effect on the

1 profession and the credibility of the profession.

2 MS. VEST: You can kind of look for
3 yourself, it's on your iPads, the information that he
4 gave. I -- like Mr. Richards, I'm sympathetic to the
5 police department who has spent thousands of dollars,
6 but this polygraph law is very specific, it does not
7 leave really any room for discussion, I don't think.

8 MR. RICHARDS: I don't think it does
9 either. And I think that we'd be setting a bad
10 precedent, if his was approved. And also I fault the
11 school. Because that school down in Atlanta, they
12 train a lot of Tennessee examiners, they know what
13 the qualifications were or are, and they apparently
14 didn't mention it to him. So he went down there
15 without reading the law and they didn't mention to
16 him that he's not going to be able to get a Tennessee
17 license.

18 CHAIRMAN VALENTINE: One question, this
19 American International Statute of Polygraph is an
20 approved --

21 MR. RICHARDS: It's approved by the APA.

22 MR. ROUSSEAU: Mr. Chairman, I have a
23 question to the director. He's passed the exam the,
24 Tennessee exam.

25 MS. VEST: Yes.

1 MR. ROUSSEAU: Is there a time limit on
2 when he has to receive his polygraph certification
3 from the state? Does he have time to try to work
4 this out?

5 MS. VEST: Before making new application?

6 MR. ROUSSEAU: Yes.

7 MS. VEST: The computer will close out
8 his application within six months.

9 MR. ROUSSEAU: So he's got --

10 MS. VEST: He's got 120 days or 125,
11 whatever that works out to be.

12 MR. RICHARDS: But in his case, he's not
13 found a school.

14 MS. VEST: Yes, so -- it might take him
15 quite a while to do this, wouldn't you think,
16 Mr. Richards.

17 MR. RICHARDS: I would think so. He
18 hasn't found a school that will give him credit yet.
19 He hasn't gone that far, so it's going to be a while.

20 MS. VEST: His application will be
21 closed, if you deny the application. He'll be
22 required to reapply. But no, he's already taken the
23 exam and it would still be good.

24 MR. ROUSSEAU: Okay, that was my
25 question.

1 MS. VEST: If that was the question you
2 were asking. The other information would still say
3 the same.

4 MR. ROUSSEAU: Actually, we have no
5 authority to accept his application.

6 MS. VEST: That's why I called
7 Mr. Richards.

8 MR. SHANKS: So how many months does he
9 have left? Did I miss that?

10 MS. VEST: I have it here, just as soon
11 as I can find a date on it.

12 CHAIRMAN VALENTINE: Does the six months
13 start when he applied?

14 MS. VEST: It's already started.

15 CHAIRMAN VALENTINE: It doesn't start
16 when we approve or disapprove.

17 MS. VEST: No, it's already started.

18 Well, he was doing the internship, it was notarized
19 December the 1st of 2017. So we have had it for a
20 while.

21 MR. ROUSSEAU: He's got until June,
22 roughly. June, July.

23 MS. VEST: He's apparently not going to
24 be probably able to get all that, so I would say we
25 are going to deny it -- I know we are going to deny

1 the application. I am going to tell him he would
 2 need to follow Mr. Richards's instructions, if that's
 3 what we are doing. The application will be closed.
 4 I need for him -- once he obtains this information,
 5 to contact me. At that time we'll determine how much
 6 time had been in between, see if the application
 7 could be reopened. But I'm not -- we are not going
 8 to hold this application open a year or anything of
 9 this nature. I mean, the computer will automatically
 10 close it after, like I said, the six months. But the
 11 other information that he gave us, his exam and his
 12 certificates and everything, will be used out of this
 13 application, he won't have to do anything else, but
 14 provide us with his college.

15 MR. ROUSSEAU: Mr. Chairman, for the
 16 record, I move that we do not approve his application
 17 at this time.

18 CHAIRMAN VALENTINE: Is a second to this
 19 motion?

20 MR. BROWN: Second.

21 CHAIRMAN VALENTINE: Any discussion?
 22 All --

23 MR. BAYNE: I would only ask -- it's a
 24 tangential, but I would only ask that -- are there
 25 not postsecondary educational institutions that can

1 sure I understood.

2 MS. VEST: You only do a background
 3 check. But anyway, then we would just get the
 4 college. We would have everything we need for that.
 5 Now, gentleman, when I say that, I don't mean that
 6 five years from now. Within a reasonable length of
 7 time.

8 MR. SHANKS: It would have to be an
 9 accredited college, not just a school online that you
 10 can become a preacher for \$35.

11 MS. THOMAS: That's set forth in the
 12 statute, regional or local accreditation committee.

13 MR. SHANKS: So he'll need to know that.

14 MR. RICHARDS: The law says, hold a
 15 baccalaureate degree from a college or university
 16 accredited by a recognized regional or local
 17 accreditation committee.

18 MR. SHANKS: Okay. Make sure he knows
 19 that.

20 MS. VEST: All right.

21 CHAIRMAN VALENTINE: Any further
 22 discussion? All in favor?

23 THE COMMISSION: Aye.

24 CHAIRMAN VALENTINE: All opposed? Motion
 25 carries.

1 review an adult life's body of work?

2 MR. RICHARDS: That's what he's trying to
 3 do.

4 MR. BAYNE: That's what he's trying to
 5 do, okay.

6 CHAIRMAN VALENTINE: He's going to do
 7 that.

8 MR. BAYNE: I wish him well in doing
 9 that. I hope he finds success in that. I'll be all
 10 in favor of his finding that path, but I must stand
 11 by the rules. Discussion over for me.

12 CHAIRMAN VALENTINE: There's online
 13 schools, too.

14 MR. FLAIR: Excuse me, Mr. Chairman,
 15 under discussion, if in fact this comes back to this
 16 Board, it's part of record of all of this. And did
 17 you not -- Ms. Cody, did you not say that he would
 18 not have to go through and supply us with all this
 19 other stuff --

20 MS. VEST: What he would have to do is he
 21 would have to make application again, he's going to
 22 have to pay the fee again, but the information that
 23 he has provided us, we looked at it, all that other
 24 information we can get from his other file.

25 MR. FLAIR: Okay. I just wanted to make

1 MS. VEST: The motion was to deny the
 2 application, correct?

3 CHAIRMAN VALENTINE: Yes, it was.

4 MS. VEST: All right, your next
 5 application for review would be Exhibit B, and it is
 6 also a polygraph.

7 CHAIRMAN VALENTINE: What's the issue
 8 with this one?

9 MS. VEST: If you will read this, you
 10 would see -- you can see that this gentleman here is
 11 with the police department and he has -- has not had
 12 enough polygraph exams. I believe they have to have
 13 50. This gentleman here has only had like 39, if I'm
 14 not mistaken.

15 CHAIRMAN VALENTINE: Is he with the
 16 highway patrol?

17 MR. FLAIR: Is that Robert Johnson?

18 MS. VEST: Yes, it's Robert Johnson.
 19 Yes, sir. If you would -- Commission would look,
 20 it's from the Tennessee Bureau of Investigation,
 21 Mr. Barnhill, special agent with the TBI. He
 22 apparently is with the Tennessee highway patrol, he
 23 has completed 39 of the 50 required examinations, and
 24 they are asking for an extension for that. And it is
 25 available in the statute under Internship

1 62.27.111(b). It talks about extending the
 2 apprenticeship for a period of six months.
 3 MR. SHANKS: I make a motion we extend
 4 it.
 5 MR. JONES: I'll second.
 6 CHAIRMAN VALENTINE: Moved and seconded
 7 to extend this for six months. Any discussion? All
 8 in favor?
 9 THE COMMISSION: Aye.
 10 CHAIRMAN VALENTINE: All opposed? Motion
 11 carries.
 12 MS. VEST: Very good. Thank you. That
 13 was your application review. Correspondence. I
 14 don't have any correspondence today. I believe we
 15 can go down, if it's okay with you, Mr. Chairman, to
 16 the Education Committee.
 17 CHAIRMAN VALENTINE: Okay.
 18 MS. VEST: The Education Committee met
 19 earlier this morning. You want to go ahead with
 20 that, that would be fine.
 21 CHAIRMAN VALENTINE: Okay. Do we have a
 22 motion to approve the education report?
 23 MR. SHANKS: I make a motion to approve
 24 it.
 25 MR. ROUSSEAU: Second.

1 MR. RICHARDS: One question.
 2 CHAIRMAN VALENTINE: Okay.
 3 MR. RICHARDS: Last year Ashley was able
 4 to get some good changes made in the polygraph rules,
 5 but we had some changes that we wanted made in the
 6 law as well. What's the status of that?
 7 MS. THOMAS: So when the Commission makes
 8 that suggestion, what I do is I draw that up and I
 9 submit it as part of the Commissioner's packet. The
 10 Commissioner will then pick and choose which ones
 11 that she wants to have sponsored on the Hill, and I
 12 don't believe any of ours were selected to go on the
 13 Hill.
 14 MR. RICHARDS: So they are not going to
 15 go this year then?
 16 MS. THOMAS: No, sir.
 17 MR. RICHARDS: So our only recourse then
 18 is to try to get a sponsor?
 19 MS. THOMAS: Yes, sir, from the Hill.
 20 Yes, sir. Again, we can try to put that up again
 21 next year and see if that gets put in the
 22 administration bill, but that's all we can do from
 23 this end is make those suggestions and requests, and
 24 if they are selected, they'll let us know and we'll
 25 move through the process that way. But if they are

1 CHAIRMAN VALENTINE: And we are approving
 2 all of the candidates?
 3 MS. VEST: Yes, sir, you are approving
 4 the course for Charles Blackwood, Mark C-A-U-D-E-L,
 5 Tennessee of Professional Investigation, TPIA, and
 6 Mr. Timothy Reece, R-E-E-C-E.
 7 CHAIRMAN VALENTINE: Any discussion? All
 8 in favor?
 9 THE COMMISSION: Aye.
 10 CHAIRMAN VALENTINE: All opposed? Motion
 11 carries.
 12 MS. VEST: All of those were approved.
 13 All right.
 14 CHAIRMAN VALENTINE: Unfinished business?
 15 MS. VEST: I don't believe I have any
 16 unfinished business.
 17 CHAIRMAN VALENTINE: Any new business?
 18 MS. VEST: I don't have any new business.
 19 CHAIRMAN VALENTINE: Continuing education
 20 participation forum. Do we have anybody appearing
 21 for that? Seeing none.
 22 MS. VEST: I ain't seeing none.
 23 CHAIRMAN VALENTINE: Do we have a motion
 24 to adjourn?
 25 MR. ROUSSEAU: Mr. Chairman --

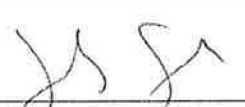
1 not, we have to try to find a sponsor on the Hill for
 2 it. I think that's probably our only recourse.
 3 MS. VEST: Their recourse.
 4 MS. THOMAS: Their recourse.
 5 MR. SHANKS: Because my understanding,
 6 talking to people, the only way a person can be a
 7 polygraph examiner now is be in law enforcement
 8 because of the 50 exams they have to attend.
 9 MS. VEST: That's not exactly true. They
 10 may -- I'll let Mr. Richards answer that.
 11 MR. RICHARDS: They have to have the 50
 12 exams, and it's extremely difficult for a private
 13 examiner to get those 50 exams because a lot of the
 14 police departments that have examiners won't intern a
 15 private examiner, and so it's just hard to do.
 16 And -- there's just not that many polygraph tests
 17 being done in Tennessee.
 18 MS. VEST: Ashley just reminded me, those
 19 50 exams are in the rules. Is that something that --
 20 well, I believe you used to have more than 50 exams,
 21 we reduced it down to 50 exams.
 22 MR. RICHARDS: I thought it was 60 at one
 23 time.
 24 MS. VEST: Yes, it was more. We have
 25 reduced it down. Is that something we need to take a

1 look at?
 2 MR. RICHARDS: I don't think so.
 3 MR. FLAIR: You do or do not?
 4 MR. RICHARDS: I do not.
 5 MS. VEST: Even with the new technology?
 6 MR. RICHARDS: Makes no difference, it's
 7 the experience.
 8 MR. BAYNE: So there's really no other
 9 way, except through law enforcement, reasonably?
 10 MR. RICHARDS: You can go to another
 11 examiner, another private examiner, and try to get
 12 your 50 tests that way, but there's not that many
 13 tests in Tennessee. And an examiner doesn't want to
 14 -- a lot of them, me included, don't want to do that.
 15 MR. BAYNE: Understood.
 16 MR. FLAIR: What about a private entity,
 17 such as, you know, Shoney's that run polygraph exams
 18 -- I'm sorry, run polygraph tests for their new
 19 hires, would that --
 20 MR. RICHARDS: You don't do that any
 21 more.
 22 MR. FLAIR: They just don't do it?
 23 MR. RICHARDS: Preemployment for private
 24 industry is out the window. Yeah, you don't do that
 25 any more. Now certain professions like armored guard


1 in favor?
 2 THE COMMISSION: Aye.
 3 CHAIRMAN VALENTINE: All opposed? Motion
 4 carries. We are adjourned.
 5 (WHEREUPON, the foregoing proceedings
 6 were concluded at 10:30 a.m.)
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1 services, they can do it, but not Shoney's.
 2 CHAIRMAN VALENTINE: Yes, sir.
 3 MR. ROUSSEAU: For the record, I'd like
 4 to acknowledge our past chair person, Chairman Minnie
 5 Lane -- Chairperson Minnie Lane in attendance. Thank
 6 you.
 7 MS. VEST: Oh, gosh, you all want to
 8 recognize Ms. Minnie here. We appreciate her being
 9 down here with us, certainly do. And everything that
 10 she has done for this Commission, we certainly
 11 appreciate that as well. We hope she continues
 12 participating with us.
 13 MR. BAYNE: I would add a comment. I
 14 witnessed a rather great moment in which a board
 15 member of the Tennessee Professional Investigators
 16 Association awarded Ms. Lane a lifetime achievement
 17 award on March 17th in the afternoon. It was a great
 18 moment.
 19 MR. BROWN: But your life is not over
 20 yet, you have a ways to go.
 21 CHAIRMAN VALENTINE: Any further
 22 comments? Do we hear a motion to adjourn?
 23 MR. ROUSSEAU: I move that we adjourn.
 24 MR. BROWN: Second.
 25 CHAIRMAN VALENTINE: Any discussion? All

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

EDUCATION MEETING

March 23, 2018

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
EDUCATION COMMITTEE MEETING
March 23, 2018
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NASHVILLE, TN 37243

TRANSCRIPT OF EDUCATION COMMITTEE MEETING
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A P P E A R A N C E S

EDUCATION COMMITTEE MEMBERS

- Paul David Brown, Jr.
- Alan G. Rousseau
- Larry T. Flair, Sr.
- Walt Valentine
- Stuart Bayne

ALSO PRESENT

- Ashley Thomas, Staff Attorney
- Cody Vest, Executive Director
- Shauna Balaszi, Administrative Assistant

* * *

MS. VEST: I believe we are ready to start the Education Committee meeting. I believe everything was sent out to the committee.

MS. BALASZI: Everything, but the certificates.

CHAIRMAN VALENTINE: All the certificates are on here, though.

MS. VEST: Oh, they are? Well, let's take a look at the very first one we have was a Charles R. Blackwood, B-L-A-C-K-W-O-O-D, Basic Introduction to Fingerprint Evidence - Tools and Equipment. It's asking for eight hours of individual continuing education. And he's on there again for Crime Scene and Technical Polygraph class; he wanted eight hours for individual continuing education.

Was there any discussion on those? Has everybody had an opportunity to look at those that's on the committee?

MR. BAYNE: Yes.

MR. ROUSSEAU: I have no problem.

MS. VEST: What is your opinion?

MR. BAYNE: I had no problem with it either.

MS. VEST: How about the next one is

University of Cincinnati, Computer Criminology: Cybercrime and Digital Security. This is a Marc C-A-U-D-E-L requesting 12 hours of continuing education. And the TPIA, how you pronounce that, TPIA for the 2018 continuing education seminar March 17, 2018. I believe -- I brought this back to you because I believe they are automatic. Whenever I do receive requests from the association, those are automatic, I'd like to let you know there's been a seminar, and I do understand it was well attended.

CHAIRMAN VALENTINE: That was for 12 hours.

MS. VEST: Yes, for 12 hours. It was for 12 hours, okay.

MR. ROUSSEAU: I do have a question about the University of Cincinnati. The fact that it was college credits, have we accepted college credits?

MS. VEST: You have in the past.

MR. FLAIR: I think it was done on an individual basis, wasn't it, Ms. Cody?

MS. VEST: Yes.

MR. ROUSSEAU: Okay.

MR. BAYNE: It's also in line with the rules that college credits, college courses, can be accepted.

1 MR. ROUSSEAU: Okay.
 2 MS. VEST: Thank you, Mr. Bayne. I am
 3 going to stop right there. So are we going to
 4 approve all these when we go into the full Commission
 5 or are they going to be approved by the Education
 6 Committee?
 7 THE COMMISSION: (Nodding head
 8 affirmatively.)
 9 MS. VEST: We'll make a note of that,
 10 Mr. Valentine, all of those will be approved.
 11 CHAIRMAN VALENTINE: Okay.
 12 MS. VEST: We are going to go down -- I
 13 broke this out a little bit because this next one is
 14 a Timothy M. Reece, R-E-E-C-E. As you see, he took a
 15 good -- I'm not even going to try to read all these
 16 classes out loud. He took a lot of classes. From
 17 what I understand, these are computer-based classes,
 18 or home-study type classes. And he already took them
 19 before they were approved. They all have -- I think
 20 they are fraud classes. We have approved fraud
 21 education in the past. So what does the committee
 22 think about this one?
 23 MR. ROUSSEAU: I'm agreeable.
 24 MR. BAYNE: I went to the National
 25 Registry of CPE sponsors and attempted to look for

1 MR. BAYNE: All right, I'm amendable.
 2 MS. VEST: Just give me a second here, I
 3 just want to make sure.
 4 MR. BAYNE: Yep, I see them.
 5 MS. VEST: Okay.
 6 MR. BROWN: I guess my problem is, we
 7 have a web page up there saying these are the classes
 8 that are approved or not approved, and we keep
 9 getting these things after the fact.
 10 MR. BAYNE: I find that an issue too.
 11 MR. BROWN: That's my problem. You guys
 12 have enough to do without having to --
 13 MS. VEST: We are going to look to see
 14 when this gentleman expires. You are absolutely
 15 correct. This is what I tell people when they call
 16 into us, we have it on the internet, you need to go
 17 out there, look at the courses that have been
 18 approved. If you want to take something that's not
 19 on the course list, you need to send it to us so I
 20 can get it to the Education Committee, but you do
 21 need to realize we only meet every other month, so
 22 sometimes that causes a little problem.
 23 MR. BROWN: I can understand from time to
 24 time, but it seems a lot of times we get these things
 25 after the fact that we are trying to -- approving

1 Engagement in Learning Innovation. I didn't find
 2 anything. I didn't find the courses. So perhaps I'm
 3 not looking in the correct location. As I recall
 4 Shauna's e-mail to Mr. Reece was she was going to
 5 request certificates from him.
 6 MS. VEST: That's what's on your iPad,
 7 yes, sir.
 8 MR. BAYNE: On the iPad, great.
 9 MS. VEST: We just didn't have time to
 10 send them out to you, but they are on the iPads now.
 11 Have you all had an opportunity to maybe look at
 12 those? Let's give Mr. Bayne an opportunity here.
 13 MR. BAYNE: Yeah, I've seen all these,
 14 these certificates.
 15 MR. BROWN: The certificates are there
 16 too. They weren't in the original mailing that we
 17 got. The certificates weren't with the mailing that
 18 we got, they are here with this one.
 19 MR. FLAIR: I'm confused. Is this a
 20 certificate?
 21 MR. ROUSSEAU: This is. They are in the
 22 back.
 23 MS. VEST: I have them, Mr. Bayne, if
 24 you'd like to see them actually printed out, I do
 25 have them.

1 these things, that everybody else has been following
 2 procedures that we have established. I know there's
 3 exceptions, but --
 4 MS. VEST: Hold on just a minute, we want
 5 to make sure. Okay. In this case, for Mr. Reece,
 6 his expiration date has already passed. He was -- he
 7 expires February the 28th of '18. So he's in his
 8 grace period. So if these courses are not approved,
 9 he would have to take something rather quickly for
 10 the end of the month.
 11 MR. BROWN: I don't have a problem with
 12 him, it's just waiting until the 11th hour. He
 13 should be responsible enough to --
 14 MS. VEST: Maybe this should be a topic
 15 at one of the association meetings, continuing
 16 education and getting your -- I can talk to the
 17 association when they have their meetings to get this
 18 continuing education in here in advance. The board
 19 meetings are posted on the website in advance, it's
 20 out there for the entire year, so they know when we
 21 are going to be meeting. I can do that; I can talk
 22 to both associations. We will be having a seminar in
 23 Memphis, I will discuss that at the seminar as well,
 24 next week.
 25 CHAIRMAN VALENTINE: I did notice that he

1 took these courses in November and December.

2 MS. VEST: Yes, but we just got these.

3 CHAIRMAN VALENTINE: But he didn't tell
4 us about it.

5 MS. VEST: Yeah. He will be required --
6 if you approve this, he, of course, will be required
7 to pay his late fee.

8 MR. BROWN: I don't have a problem with
9 the classes, just the procedure that we seem to be --
10 the rut we seem to be getting into. About 90 percent
11 of the folks here, we do it timely and we go to the
12 website, see what we need to take or cannot take, if
13 there's an exception, we can ask, but we try to do it
14 ahead of time.

15 MS. VEST: Correct. You have a solution
16 for me here, other than to talk to the association?
17 And let's start there, see if we can't get in line
18 here. As we talk to people, we tell them, just what
19 I said, it's on the internet, you need to look it up,
20 make sure it's an approved course, or get it in here
21 in advance to get the Board to approve. Because I
22 don't approve these in house, they have to be
23 approved by you.

24 CHAIRMAN VALENTINE: A lot of these
25 people don't belong to one of the three

1 organizations.

2 MS. VEST: So maybe -- okay. Like I say,
3 we are going to a seminar that I am having in
4 Memphis.

5 MR. BAYNE: When?

6 MR. ROUSSEAU: Tuesday.

7 MS. VEST: I guess it's really not part
8 of the Education Committee, but we'll go ahead and
9 discuss it since it has to do with education. If you
10 did not get a personal phone call from someone in my
11 office, there's something wrong with your telephone
12 numbers. This seminar is being held in Memphis at
13 the Great Hall in Germantown. Every profession that
14 I help regulate has been invited. PIs are in the
15 afternoon?

16 MS. BALASZI: Yes, this is for Memphis.

17 MS. VEST: Just the Memphis area. It'd
18 be like Alan -- who else is from Memphis? If you
19 didn't get one, we need to check on that. There will
20 be a seminar in Nashville, Chattanooga, and Pigeon
21 Forge or Gatlinburg or Knoxville, somewhere in the
22 east later on in the year. We have invited -- going
23 to invite all professions. We are having a one-day
24 seminar. We have alarms -- alarms and PI are in the
25 morning. Contract security companies, guards and

1 locksmiths are afternoon seminars. So this is
2 something I will be talking to at the seminar.

3 But the seminar is designed for you to
4 bring your computer devices that you are working on
5 and the people that are in your office to learn how
6 to onboard, if you are having difficulties with our
7 computer system. We thought the best thing to do is
8 say, here we are, let us help you do this, if you are
9 having difficulty. If they are still having
10 difficulty, then I will take company by company. If
11 we need to, we will come to your company and help you
12 learn how to do this. This is how important it is
13 that you get these applications online. But I
14 digress with that.

15 MR. BAYNE: Well, regarding the education
16 and the question or concern David brings to the
17 table, I concur, I think that's a drift that ought
18 not to continue. The manner in which PIs and
19 polygraph examiners can be contacted, do we not have
20 the capability to issue and perhaps catch 90,
21 99 percent of the folks with e-mail?

22 MS. VEST: And do what? They get a
23 renewal notice three months in advance.

24 MR. BAYNE: Reminding them.

25 MS. VEST: No, sir. They get a renewal

1 notice three months in advance, all our professions.

2 MR. BAYNE: But I am talking about
3 training; I am talking about the requirement to get
4 the training in prior to the actual training.

5 MS. VEST: Well, are you talking about me
6 doing a mass mail out to all private investigators
7 and say, hey, you need to get your continuing
8 education in advance if you are a renewal?

9 MR. BAYNE: I am raising the question,
10 how do we communicate sufficiently with our
11 licensees, on that question.

12 MS. VEST: The only way we are doing it
13 in our office is sending the renewal notice. It says
14 on the renewal notice, if I'm not mistaken, you must
15 have your CPEs in. Well, it used to. Mr. Bayne,
16 your question, I would have to look at the renewal.
17 We changed it since it went onto the computer system.
18 But if that's something that we want to talk about, I
19 can do a mass -- but on a regular basis? No, sir, I
20 don't think I have the staff or the money to do that.

21 MR. BAYNE: All right.

22 MS. VEST: When I'm already doing it.

23 CHAIRMAN VALENTINE: Can you send them an
24 e-mail?

25 MS. VEST: If they are on the e-mail

1 list. We have asked everybody to sign up for Notify.
 2 But remember, it's not the private investigator, it's
 3 the company owner. It goes back to the qualifying,
 4 it goes to the company, it goes to the private
 5 investigator. You are responsible, the company
 6 owners are, or the qualifying agents are. So if
 7 you've got some of your staff -- all of them have to
 8 be affiliated with the company. So if you've got
 9 some of your staff that's doing this and not getting
 10 their continuing education, probably need to talk
 11 with them, other individuals.
 12 CHAIRMAN VALENTINE: Do you have e-mail
 13 communication with all the companies?
 14 MS. VEST: Yes -- I'm not going to say
 15 yes. We have the capability of putting your e-mail
 16 address, if you give it to us, on the system. And we
 17 do go through Notify. That's how we notified
 18 everyone about the seminars. And instead of doing a
 19 mass mailing, we called personally. We spent one day
 20 and a half doing nothing but calling companies and
 21 telling them what we need to do to try to help them
 22 -- or going to do. So yes, sir, if I have an e-mail
 23 address, we can do a blast for an e-mail. But are
 24 you talking one every month, once a year, just right
 25 now to kind of remind them?

1 CHAIRMAN VALENTINE: Just get everybody
 2 on board and say we are not going to approve these
 3 after the fact.
 4 MR. BAYNE: As a fact, we are going to
 5 follow the rules.
 6 MS. VEST: Yes, sir, I do agree, but we
 7 might -- you might not want to tie yourself down that
 8 tight. There may be some extenuating circumstances.
 9 And if you are asking me, the extenuating
 10 circumstances are the ones I need to bring to you.
 11 If you are telling me, Cody -- you look at this
 12 course and he took it after he's expired, then tell
 13 him no, he cannot -- it's not acceptable. Because
 14 then he has an expired license, has 30 days or he has
 15 to reapply, however that works with the companies,
 16 and bring you the ones that are exceptions. Are you
 17 looking at talking to the whole Commission and doing
 18 it as a blanket and say that anybody who has not done
 19 this at the right time does not get approved? You
 20 have to tell me what you want me to do. I'm here for
 21 you; you tell me how you want me to handle it. Then
 22 we'll talk to the attorney when she comes in and see
 23 if it's legal, make sure we are doing everything
 24 right.
 25 MR. BAYNE: We need to figure out a way

1 to put on notice companies, licensees, and qualifying
 2 agents who -- that the rules need to be followed.
 3 MS. VEST: The only way you are going to
 4 do that, Mr. Bayne, is deny these. And once the word
 5 gets out that we are not going to accept these,
 6 they're going to change it. That's a little hard
 7 now.
 8 MR. BAYNE: That's true.
 9 MS. VEST: When they have to -- if
 10 they're at their expiration date, like this gentleman
 11 that we are talking about, he only has until the end
 12 of the month to get his continuing education, that's
 13 only -- because yours is only 30 days, and then he
 14 has to reapply.
 15 MR. BAYNE: This is Mr. Reece, right?
 16 MS. VEST: Yes, sir. Or anyone that's
 17 put in that environment.
 18 MR. JONES: Cody, if I'm not mistaken,
 19 this is his first renewal, isn't it?
 20 MS. VEST: We'll look. Just a moment,
 21 Mr. Jones. Yes, it is. Okay. The answer to your
 22 question is yes, this is his first renewal. And no,
 23 it's not on the renewal, because it is a -- the
 24 renewals are generic, so it fits all the regulatory
 25 boards. I can talk with our IT people and see if I

1 can get something put out as a blast on our site, on
 2 the PI website, that says, don't forget you have to
 3 have your courses approved, whatever the terminology
 4 that the attorney approves. We can try that.
 5 MR. BROWN: I'd rather encourage, rather
 6 than penalize.
 7 MR. BAYNE: Me too.
 8 MR. JONES: I think I would as well. And
 9 I want to add, at my first renewal, I had the same
 10 issue about, approximately, 16 years ago. I don't
 11 think it's emphasized enough, the importance of that,
 12 and I was faced with a situation where at the 11th
 13 hour I was submitting class -- or certificates for
 14 work I had already completed, but yet I wasn't fully
 15 aware of how many hours it had to be, you know,
 16 da-da-da.
 17 MS. VEST: I understand, and I appreciate
 18 that, but also let me explain to you my side of that.
 19 If you had to take the exam, that is a question on
 20 the exam.
 21 MR. JONES: Absolutely.
 22 MS. VEST: So I am trying to cover
 23 everything. Okay. So I will -- if it's what the
 24 committee would like for me to do, I'll talk with our
 25 IT people, see if we can put something out on the

1 website about having their continuing education
2 approved before their expiration date, because it has
3 to come before the Board.

4 MR. BAYNE: "Before" being underlined,
5 emphasized in some way.

6 MS. VEST: Right.

7 MR. BAYNE: And when renewal notices are
8 sent out, that information is also included, I take
9 it.

10 MS. VEST: No, sir, we just determined
11 that was not -- it used to. We used to have the
12 information, even how much you had to pay and
13 everything, but now it is a generic renewal. But I
14 will talk to Carter, see if there's some way -- what
15 we can do about that. He was just in here.

16 MR. FLAIR: Madam Director, not
17 necessarily the name of the company, but is
18 Mr. Reece, is he the owner of this particular
19 company?

20 MS. VEST: I believe this is his company.

21 MR. FLAIR: That he's affiliated with?
22 And for the rest of the Board members, if you will
23 note, he did attempt to take these classes or was
24 certificated back 60 days prior to his expiration.

25 So it appears to me that he was attempting to get his

1 (WHEREUPON, the foregoing proceedings
2 were concluded at 9:25 a.m.)
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1 courses in a timely manner; I don't know if it just
2 slipped off his agenda or whatever to submit them.
3 If he's the owner of the company, then he should
4 know, but -- my personal experience, I could see
5 where some of this stuff could happen.

6 MS. VEST: Yes, sir. We noticed that,
7 that he did take the courses before he expired.
8 Something's happened, he did not get them to us. So
9 these circumstances are somewhat different, it's not
10 like he didn't take them. He could have had
11 extenuating circumstances, I did not talk to him
12 about that.

13 CHAIRMAN VALENTINE: He did take more
14 courses than he needed to.

15 MR. BAYNE: I noticed that as well.

16 MS. VEST: Apparently he's a fraud
17 examiner as well. He's a CPE, yes.

18 MR. BAYNE: I like the concept of
19 encouraging, rather than penalizing. I would move to
20 accept this -- Mr. Reece.

21 MR. ROUSSEAU: Second.

22 MS. VEST: Okay. So we'll approve that.
23 So if you make a notation of that, Mr. Chairman, so
24 whenever we go into session. That was all that we
25 had on the continuing education.

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4 COUNTY OF SUMNER

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LCR #153 - Expires: 6/30/2018

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