

Tennessee Private Investigation and Polygraph Commission Meeting

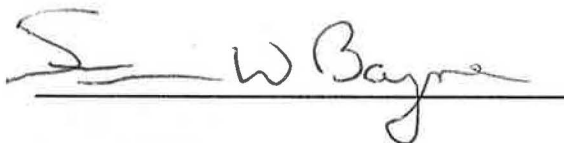
MINUTES of the Tennessee Private Investigation and Polygraph Commission Meeting, held **May 25, 2018**, in Nashville Tennessee.



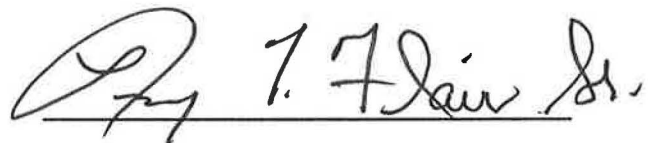
Walt Valentine, Chair



Paul David Brown Jr, Vice Chair



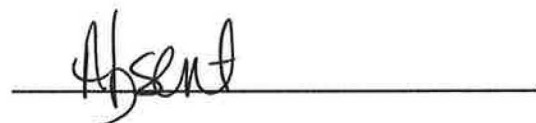
Stuart W Bayne



Larry T Flair, Sr.



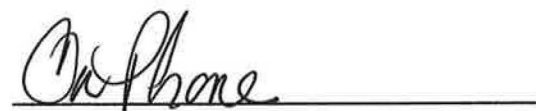
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William Rick Jones



Arthur G (Jerry) Richards



Alan G Rousseau



Douglas Shanks

PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

EDUCATION MEETING

May 25, 2018

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
EDUCATION COMMITTEE MEETING
May 25, 2018
DAVY CROCKETT TOWER
500 JAMES ROBERTSON PARKWAY, ROOM 1A
NASHVILLE, TN 37243

TRANSCRIPT OF EDUCATION COMMITTEE MEETING
Commencing at 9:00 a.m.

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A P P E A R A N C E S

EDUCATION COMMITTEE MEMBERS

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

ALSO PRESENT

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

* * *

CHAIRMAN VALENTINE: Good morning, Commission Members, Education Committee, the staff members, and guests. Today's date is May the 25th at approximately 9:20 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 role of the Education Committee.

MS. VEST: Larry Flair?

MR. FLAIR: Larry Flair is on the call, present.

MS. VEST: Walt Valentine?

CHAIRMAN VALENTINE: Walt Valentine's here.

MS. VEST: David Brown?

MR. BROWN: Here.

MS. VEST: Alan Rousseau?

MR. ROUSSEAU: Here.

MS. VEST: Stuart Bayne?

MR. BAYNE: Stuart Bayne, here.

MS. VEST: We have everyone present, Mr Chair.

CHAIRMAN VALENTINE: Have each of the Commission members received and had time to review

the copy of the education requests?

MR. FLAIR: Larry Flair has.

MR. BROWN: David Brown has.

MR. ROUSSEAU: Alan Rousseau has.

MS. VEST: Mr. Bayne?

MR. BAYNE: Stuart Bayne has, yes.

CHAIRMAN VALENTINE: Okay. Any discussion about these requests?

MS. VEST: If it's okay --

MR. ROUSSEAU: Alan Rousseau.

MS. VEST: Go ahead, Alan.

MR. ROUSSEAU: Go ahead. This is Alan Rousseau and I do have one question, but I'll wait, I guess, for you to go down the list.

MS. VEST: That's what I was going to say. Thank you. I think we probably need to call these out. The first course we had was National Association for Public Defense. It was 15 hours for an individual's continuing education. Do we have any questions about that course?

CHAIRMAN VALENTINE: No questions from Valentine.

MR. BROWN: Commissioner Brown's okay.

MR. ROUSSEAU: Alan Rousseau, okay.

MR. BAYNE: Stuart Bayne, no question.

1 MS. VEST: Walt -- I'm sorry, Larry?
 2 MR. FLAIR: Yes, ma'am, no questions.
 3 MS. VEST: No questions?
 4 MR. FLAIR: No questions, Larry Flair.
 5 MS. VEST: That one's okay. Move to the
 6 next one, it's Advanced Investigative Services
 7 Incorporated, 19 hours. Were there any questions
 8 about this course?
 9 MR. BAYNE: Stuart Bayne --
 10 MR. ROUSSEAU: Alan Rousseau.
 11 MS. VEST: Stuart, I heard you first,
 12 what was your --
 13 MR. BAYNE: This is Stuart Bayne,
 14 question, having reviewed the -- what appears to be a
 15 detailed description of the program, I see why the
 16 requestor has requested 19 hours; however, from my
 17 view of these three days of training, this is
 18 primarily how to install and market and test and
 19 maintain a suite of surveillance products, not
 20 surveillance training, per-se.
 21 CHAIRMAN VALENTINE: Commissioner
 22 Valentine concurs with that.
 23 MR. ROUSSEAU: Commissioner Rousseau
 24 concurs with that.
 25 MR. BROWN: And so does Commissioner

1 MR. BAYNE: Stuart Bayne here. Again,
 2 Cody, my review of the course description suggests
 3 that it is -- the overwhelming majority of 19 hours
 4 is dedicated to the installation, marketing,
 5 maintenance, and use of a suite of products, and
 6 therefore, not truly the training that is being
 7 requested for approval.
 8 MS. VEST: All right, then I am going to
 9 ask the Chair, are we denying this? It sounds to me
 10 like it's been denied.
 11 CHAIRMAN VALENTINE: Do I hear a motion
 12 to deny?
 13 MR. BROWN: Commissioner Brown makes a
 14 motion to deny.
 15 MR. BAYNE: Second, Bayne.
 16 CHAIRMAN VALENTINE: Okay. It's been
 17 moved and seconded that we deny the education request
 18 for Alibi Security Advanced Investigative Services
 19 Incorporated.
 20 MS. VEST: All right. I'll take the
 21 rollcall. Larry Flair?
 22 MR. FLAIR: I vote that we deny.
 23 MS. VEST: Walt Valentine?
 24 CHAIRMAN VALENTINE: Deny.
 25 MS. VEST: David Brown?

1 Brown.
 2 CHAIRMAN VALENTINE: Do I hear --
 3 MR. FLAIR: Larry Flair.
 4 CHAIRMAN VALENTINE: Go ahead, Mr. Flair.
 5 MR. FLAIR: I'm sorry, Chairman. Larry
 6 Flair concurs with that. Also, just for the record,
 7 Larry Flair would like to make it documented that it
 8 appears that there's certain devices within this
 9 training that I don't feel would be applicable to our
 10 state because it's illegal, in my opinion. And I
 11 don't know if the other Commissioners feel that way
 12 or not, or if they addressed it, but on the bird dog
 13 -- I call them bird dogs, tracking devices, I don't
 14 know if we need to go any further. There may be a
 15 motion on the floor to not accept this one, and if
 16 not, I'm -- if it's time for a motion, I'd like to
 17 make a motion at this time not to accept this one at
 18 this time with that review.
 19 MS. VEST: Larry, we are not ready for a
 20 motion yet.
 21 MR. FLAIR: Okay.
 22 MS. VEST: I believe so far we do have
 23 the consensus. I show Larry, Walt, David, Alan --
 24 how about you, Stuart, what was your opinion of this
 25 course?

1 MR. BROWN: Deny.
 2 MS. VEST: Alan Rousseau?
 3 MR. ROUSSEAU: Deny.
 4 MS. VEST: Stuart Bayne?
 5 MR. BAYNE: Deny.
 6 CHAIRMAN VALENTINE: It is denied.
 7 MS. VEST: It is denied. All right. So
 8 the next course that we have is Law Enforcement
 9 Innovation Center, I-N-N-O-V-A-T-I-O-N Center, Stop
 10 Domestic Violence. We didn't have any hours listed.
 11 MR. BROWN: I saw that and I was worried
 12 about that.
 13 MS. VEST: Who spoke?
 14 MR. BROWN: David brown.
 15 MR. ROUSSEAU: Alan Rousseau. I have a
 16 question for the chair or the executive director.
 17 This institution is on our approval list, would it be
 18 appropriate to just -- since they are on our approval
 19 list, to approve the courses? However, they do need
 20 to give us the times of the courses. Is that
 21 appropriate?
 22 CHAIRMAN VALENTINE: You mean the number
 23 of hours?
 24 MR. ROUSSEAU: Yes, once they give us the
 25 number of hours. All I saw in there was Tuesday and

1 Friday 9:00 a.m. to 5:00 p.m., they did not break
2 down the hours for each training.

3 CHAIRMAN VALENTINE: Right.

4 MR. ROUSSEAU: Would that be appropriate
5 to approve the courses, pending them getting us the
6 number of hours for each course?

7 MS. VEST: Well, I wouldn't -- as
8 executive director, I wouldn't have a problem with
9 that. This is actually -- I thought it was -- if you
10 looked at the paperwork, more geared to law
11 enforcement. But we do accept that now, that anybody
12 can attend these courses. If it's all day, would you
13 just automatically give it an eight hours?

14 MR. ROUSSEAU: Alan Rousseau. I would
15 suggest that. And they are also asking to replace --
16 to remove some of the other courses and these are
17 updated courses to take their place. That didn't
18 come out right. They are asking us to remove some
19 courses and replace them if we approve the new list
20 of courses.

21 MR. BAYNE: Stuart Bayne speaking.
22 Stuart Bayne says Alan may be speaking about the PI
23 Education programs, not the UT Law Enforcement
24 Innovation Center; am I correct or incorrect?

25 MR. ROUSSEAU: Alan Rousseau. You are

1 correct, I withdraw that.

2 MR. BAYNE: Well then Stuart Bayne would
3 speak up on this Law Enforcement Innovation Center.
4 While it appears, based on the page, we have little
5 information on the details, other than the title of
6 the course and the subset or subsections, and we have
7 the bios of the instructors, those are all good
8 information, but in the absence of more detail -- it
9 does appear that there are topics that would fit
10 within the realm of our industry, but 32 hours would
11 not -- I would be uncomfortable with anything
12 resembling that.

13 The Law Enforcement Innovation Center and
14 their -- which is associated with the University of
15 the Tennessee, which is the institute of public
16 service, which I am a little familiar, ought to have
17 courses on our approved list. But aside from that, I
18 personally would have a problem requesting more than
19 12 to 16 hours of credit associated with this.

20 MS. VEST: Director Vest here. That's
21 what I was going to ask the committee. Would it not
22 be -- they need 12 hours for renewal. After looking
23 at that material and who it's from and your topic
24 page, would it not cover at least 12 hours?

25 MR. BROWN: I would think so.

1 Commissioner Brown. I think so.

2 CHAIRMAN VALENTINE: The literature shows
3 that it was Tuesday through Friday from 9:00 a.m.
4 through 5:00 p.m. So therefore I think that the
5 12 hours would be covered there, if the committee is
6 willing to grant them 12 hours without re-contacting
7 them.

8 MR. BAYNE: Stuart Bayne would concur.

9 MS. VEST: All right. Stuart's
10 concurred. Alan, what's your opinion?
11 Mr. Rousseau? Are you still with us? David, are you
12 with us?

13 MR. ROUSSEAU: I'm sorry, Alan Rousseau,
14 I concur.

15 MS. VEST: David?

16 MR. BROWN: Yes, ma'am, I concur.

17 MS. VEST: Walt made the motion. Larry,
18 how about you.

19 MR. FLAIR: I concur as well, Ms. Cody.

20 CHAIRMAN VALENTINE: I move that we list
21 12 hours for the Law Enforcement Invasion Center,
22 Stop Domestic Violence course. Do a hear a second?

23 MR. BROWN: I second, Commissioner Brown.

24 MS. VEST: I'm sorry, I didn't get that
25 myself. Who made the motion?

1 CHAIRMAN VALENTINE: I made the motion.

2 MS. VEST: Who is going to make the
3 motion?

4 CHAIRMAN VALENTINE: The Chairman cannot
5 make the motion, so somebody else needs to do that.

6 MS. VEST: Mr. Brown, did you not make
7 the motion?

8 MR. BROWN: Yes, ma'am, I made the
9 motion.

10 MS. VEST: Then Mr. Rousseau, didn't you
11 second it?

12 MR. ROUSSEAU: Yes.

13 MS. VEST: Let's go from there. All in
14 favor?

15 CHAIRMAN VALENTINE: All in favor say
16 aye.

17 THE COMMISSION: Aye.

18 CHAIRMAN VALENTINE: We have four ayes,
19 so I presume that's all of us. I concur also, aye.
20 So that's passed.

21 MS. VEST: Now what we did not do is the
22 first one, we approved it, the National Association
23 for Public Defense, but we did not make a motion. So
24 would someone please -- you did approve the course,
25 would someone make the motion?

1 MR. BROWN: Commissioner Brown makes a
2 motion we approve that one, Domestic Stop.
3 CHAIRMAN VALENTINE: The National
4 Association for Public Defense?
5 MR. BROWN: Yeah.
6 CHAIRMAN VALENTINE: 15 hours.
7 MR. BROWN: Yes.
8 CHAIRMAN VALENTINE: Okay. Do I hear a
9 second?
10 MR. BAYNE: Bayne seconds.
11 CHAIRMAN VALENTINE: Okay. Any
12 discussion? All in favor, say aye.
13 THE COMMISSION: Aye.
14 MS. VEST: We'll have to do a rollcall,
15 since we are on the phone.
16 CHAIRMAN VALENTINE: Okay. Rollcall.
17 MS. VEST: Larry Flair?
18 MR. FLAIR: Aye.
19 MS. VEST: Walt Valentine?
20 CHAIRMAN VALENTINE: Aye.
21 MS. VEST: David Brown?
22 MR. BROWN: Aye.
23 MS. VEST: Alan Rousseau?
24 MR. ROUSSEAU: Aye.
25 MS. VEST: Stuart Bayne?

1 MR. BAYNE: Aye.
2 CHAIRMAN VALENTINE: Okay. The motion
3 passed.
4 MS. VEST: I believe that's all I have
5 Mr. Chair, for the --
6 MS. BALASZI: We have PI Education.
7 MS. VEST: All right. All right the next
8 part is all under PI Education, they want to add
9 these courses to their -- they are approved, but they
10 do want to add these courses. The first one is
11 Understanding Homeland Security and Terrorism, for
12 two hours; next one is Managing for Excellence, Best
13 Practice for Recruiting the Dream Team, for eight
14 hours; the next one is Surveillance Strategies for
15 Success, for eight hours; and the last one is Finding
16 People, Skiptracing from Start to Finish, 12 hours.
17 MR. ROUSSEAU: This is Alan Rousseau --
18 MR. FLAIR: Mr. Chairman, Larry Flair
19 here.
20 CHAIRMAN VALENTINE: Yes, sir.
21 MR. FLAIR: Can we discuss this before we
22 do any voting on it or whatever?
23 CHAIRMAN VALENTINE: Yes.
24 MR. FLAIR: I have an issue with this
25 situation.

1 CHAIRMAN VALENTINE: Yes, go ahead.
2 MR. FLAIR: Okay. A couple of my people
3 that work for my company took a little seminar on
4 Successful Background Investigations yesterday; and
5 in doing so, it was a complete -- very, very
6 unprofessional -- they were cursing, and -- I mean,
7 it was just really crazy. And it's a taped type
8 thing that introduces this company. I have already
9 made a call, not as a commissioner by any means of
10 course, but as a company owner, and tried to contact
11 with Mr. Humphrey who is over it.
12 I understand -- I did some research on
13 it, it's located out on West End Avenue there in
14 Nashville. And I have no idea about what's been
15 approved or what has not in the past, but I just
16 wanted to bring it to the commissioners' attention.
17 And in fact, I think you can probably go on the
18 webinar, it was put out for public, at no cost,
19 yesterday at 1 o'clock Central Standard Time on the
20 Internet.
21 And Madam Chairman -- I'm sorry,
22 Mr. Chairman and Ms. Cody and the rest of the
23 commissioners, I am telling you, it was really,
24 really embarrassing. I got a couple females in the
25 audience, and I had to shut the webinar down, that's

1 how bad it was. So just to enlighten you gentlemen.
2 I don't know if Mr. Humphrey's the owner, who I think
3 is correct, I tried to reach out to them and not
4 received a call back. But I would like to bring up
5 to all of us that we may want to put this on hold
6 until we can get some other action from them. And I
7 have nothing else to comment. We can move on.
8 MS. VEST: Director Vest here. The PI --
9 I do understand your concern there, Larry. The PI
10 Education has been approved for years. This is
11 usually -- this is online courses. I believe we can
12 probably -- if it's okay, we can probably approve the
13 courses, especially for the PIs that are coming up
14 for renewal, and then after you, if you wish to do
15 so, contact this gentleman, give us a follow-up,
16 maybe at the next meeting. I would have to check
17 with legal to see where our -- if -- I guess the
18 Commission, they can vote to remove these people from
19 our continuing education, but I believe we would
20 probably need to do some more research before we
21 consider that.
22 MR. FLAIR: Okay. Larry Flair here. I
23 am in total agreement with that. I don't have a
24 problem with voting "yes" and approve everything
25 that's in front of us. I also would need

1 clarification from the Chair or from Ms. Cody, as a
2 private investigative company owner, I feel like I'd
3 be completely under the rules of me reaching out to
4 them and not get into the bill. But as a
5 commissioner, I'm not sure about the Sunshine Law,
6 the fact I address this as a commissioner. I would
7 feel more comfortable by addressing this as an owner
8 of the company, and then if the Commission saw fit,
9 let me report back to the Commission and get the
10 facts on this.

11 It may be just a one-time deal that they
12 hired an outside contractor and he's just really
13 gotten under the radar and they don't know about it.
14 That's the reason I reached out to the company this
15 morning, but I hadn't gotten a response back. I was
16 hoping I did before this came up.

17 MS. VEST: Okay, Larry, I appreciate
18 that. Yes, sir, as long as you make it quite clear
19 that you are talking with them as a PI owner and not
20 as a commissioner member.

21 MR. FLAIR: Okay. That's -- I feel
22 comfortable with that, but I just wanted to make sure
23 for the record that that's what we address and that's
24 what I will do, unless directed otherwise by legal.

25 CHAIRMAN VALENTINE: Okay. Any further

1 discussion on PI Education four courses?

2 MR. BAYNE: Stuart Bayne has a question.
3 The -- do I understand, Larry, that the webinar to
4 which you are referring was not, in particular, an
5 online or a training program; is that correct, sir?

6 MR. FLAIR: That is correct. Larry Flair
7 here. That is correct. What -- what it amounted to,
8 it had all the colors of this particular company, and
9 this person got online and was introducing this
10 company at a background training to teach the PIs how
11 to do background checks successfully. And -- but it
12 was under the colors of this company. And as I
13 eluded to a few moments ago, this may be a deal where
14 it just got under the radar of this company. I have
15 heard nothing but great things about this company
16 over the years I have been involved, and that's what
17 surprised me.

18 MS. VEST: Okay.

19 MR. FLAIR: That particular --

20 MR. BAYNE: Stuart Bayne has no further
21 questions.

22 MS. VEST: Thank you.

23 CHAIRMAN VALENTINE: Any further
24 discussion --

25 MS. VEST: Larry, are any of these

1 courses the ones that you are talking about?

2 MR. FLAIR: No, that's what I was getting
3 ready to say, Ms. Cody. Flair here again. That
4 particular course that was involved yesterday is none
5 of the ones that's in front of us, but the company
6 is. So I would -- can I make a motion? Do we have a
7 motion on the floor, Mr. Chairman?

8 CHAIRMAN VALENTINE: We do not.

9 MR. FLAIR: Okay. If it's not out of
10 order I'd like to make a motion we accept the ones in
11 front of us, and we have already put on the record
12 about the other issues that I had.

13 CHAIRMAN VALENTINE: Okay. Do I hear a
14 second?

15 MR. BAYNE: Again, Stuart Bayne seconds.

16 CHAIRMAN VALENTINE: Okay. Any further
17 discussion? Hearing none, we'll call the rollcall
18 for the vote.

19 MS. VEST: Larry Flair?

20 MR. FLAIR: I vote we accept.

21 MS. VEST: Walt Valentine?

22 CHAIRMAN VALENTINE: Accept.

23 MS. VEST: David Brown?

24 MR. BROWN: Accept.

25 MS. VEST: Alan Rousseau?

1 MR. ROUSSEAU: Accept.

2 MS. VEST: Stuart Bayne?

3 MR. BAYNE: I accept.

4 MS. VEST: Got all ayes there,
5 Mr. Chairman.

6 CHAIRMAN VALENTINE: Very good. That --
7 do we have anything further for the education
8 committee?

9 MS. VEST: I don't have anything, no,
10 sir, we are ready. We can go right into the board
11 meeting, once we get everybody online.

12 (WHEREUPON, the foregoing proceedings
13 were concluded at 9:38 a.m.)
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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION

COMMISSION MEETING

May 25, 2018

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PRIVATE INVESTIGATION AND POLYGRAPH COMMISSION
COMMISSION MEETING
May 25, 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 - by telephone
- Larry T. Flair, Sr. - by telephone
- Jerry Richards - by telephone
- Alan G. Rousseau - by telephone
- Robin Brewer - by telephone
- Stuart Bayne - by telephone
- Rick Jones - by Telephone

ALSO PRESENT

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

* * *

CHAIRMAN VALENTINE: Good morning fellow Commission members and staff members. Today's date is May the 25th at 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: Stuart Bayne?
- MR. BAYNE: Stuart Bayne, here.
- MS. VEST: David Brown?
- MR. BROWN: Here.
- MS. VEST: Larry Flair?
- MR. FLAIR: Larry Flair, present.
- MS. VEST: Robin Brewer?
- MS. BREWER: Here.
- MS. VEST: Rick Jones? Jerry Richards?
- MR. RICHARDS: Here.
- MS. VEST: Alan Rousseau?
- MR. ROUSSEAU: Here.
- MS. VEST: Doug Shanks? Walt Valentine?
- CHAIRMAN VALENTINE: Here.
- MS. VEST: All right. Let the record show that Doug Shanks is not present and Rick Jones. You do have a quorum.

1 CHAIRMAN VALENTINE: Okay. The next item
 2 for approval is the agenda. I'd like to ask each
 3 Commission member if they have received and had time
 4 to review a copy of the agenda, and if so, is there a
 5 motion to adopt this agenda.
 6 MR. BROWN: Mr. Chairman, Commissioner
 7 Brown, I make a motion we adopt the agenda.
 8 MR. FLAIR: Larry Flair here, I second
 9 it.
 10 CHAIRMAN VALENTINE: Okay. Any
 11 discussion? Okay. Director Vest, would you call the
 12 roll?
 13 MS. VEST: Stuart Bayne?
 14 MR. BAYNE: I concur.
 15 MS. VEST: David Brown?
 16 MR. BROWN: Yes.
 17 MS. VEST: Larry Flair?
 18 MR. FLAIR: Larry Flair, yes.
 19 MS. VEST: Robin Brewer?
 20 MS. BREWER: Yes.
 21 MS. VEST: Jerry Richards?
 22 MR. RICHARDS: Yes.
 23 MS. VEST: Alan Rousseau?
 24 MR. ROUSSEAU: Yes.
 25 MS. VEST: Walt Valentine?

1 was based. Further, Tennessee Code Annotated
 2 8-44-108(a)(3) defines necessity as "matters to be
 3 considered by the governing body at that meeting
 4 require timely action by the body, the physical
 5 presence by a quorum of the members is not practical
 6 within the period of time requiring action, and that
 7 participation by a quorum of the members by
 8 electronic or other means of communication is
 9 necessary." This -- again, this is the regularly
 10 scheduled meeting of the Tennessee Private
 11 Investigation and Polygraph Commission. The purpose
 12 of this meeting with members attending by
 13 teleconference is to discuss the agenda as posted and
 14 voted on to the Commission website. Thank you.
 15 CHAIRMAN VALENTINE: All right, our next
 16 item are the minutes. The approval of the minutes
 17 for the last Education Committee and Commission
 18 meeting. Has each Commission member received and had
 19 time to review the copy of these minutes, and if so,
 20 is there a motion to adopt these minutes?
 21 MR. FLAIR: Larry Flair --
 22 MR. ROUSSEAU: Rousseau, motion to adopt.
 23 MR. FLAIR: Larry Flair seconds it.
 24 MS. VEST: So that was Alan Rousseau
 25 that made the motion?

1 CHAIRMAN VALENTINE: Yes. Motion
 2 carries.
 3 MS. VEST: Before you go any further,
 4 Mr. Chairman, our attorney needs to read some
 5 information into the record.
 6 CHAIRMAN VALENTINE: Okay.
 7 MS. THOMAS: Good morning, everybody. I
 8 am just going to read the statement of necessity into
 9 the record. This is the regularly scheduled meeting
 10 of the Tennessee Private Investigation and Polygraph
 11 Commission, which is taking place in Conference Room
 12 1-A of Davy Crockett Tower in Nashville, Tennessee.
 13 Notice of this meeting was posted to the Commission
 14 website on May 18, 2018. As there is not a physical
 15 quorum present, a statement of necessity will be read
 16 into the record and filed with the Tennessee
 17 Secretary of State as required by statute. Pursuant
 18 to Tennessee Code Annotated 8-44-108(b)(2) which
 19 states "if a physical quorum is not present at the
 20 location of a meeting of a governing body, then in
 21 order for a quorum of members to participate by
 22 electronic or other means of communication, the
 23 governing body must make a determination that a
 24 necessity exists." That determination must include a
 25 recitation of the facts and circumstances on which it

1 MR. ROUSSEAU: Yes.
 2 CHAIRMAN VALENTINE: And Larry Flair
 3 seconded it. Any discussion? Director Vest, would
 4 you call the roll?
 5 MS. VEST: Stuart Bayne?
 6 MR. BAYNE: Yes.
 7 MS. VEST: David Brown? Mr. Brown?
 8 Larry Flair?
 9 MR. FLAIR: Larry Flair says yes.
 10 MR. BROWN: Executive Vest, Commissioner
 11 Brown, yes.
 12 MS. VEST: Robin Brewer?
 13 MS. BREWER: Yes.
 14 MS. VEST: Jerry Richards?
 15 MR. RICHARDS: Yes.
 16 MS. VEST: Alan Rousseau?
 17 MR. ROUSSEAU: Yes.
 18 MS. VEST: Walt Valentine?
 19 CHAIRMAN VALENTINE: Yes. Motion
 20 carries. Next on our agenda is the legal report. Do
 21 we have a legal report for this time?
 22 MS. THOMAS: We do not have a legal
 23 report for this meeting.
 24 CHAIRMAN VALENTINE: Okay. Next on the
 25 agenda are appearances. Do we have anyone wanting to

1 appear before the Commission?

2 MS. VEST: No, sir, I don't have anyone
3 scheduled.

4 CHAIRMAN VALENTINE: Okay. Moving right
5 along. Administrative matters, Executive Director
6 Cody Vest.

7 MS. VEST: All right. Thank you,
8 Mr. Chair. We have sent out the reports for March
9 and April, and I'll go directly to the PIs, because
10 they are both the same. It still shows there there's
11 one Commission member vacancy, and that's
12 Mr. Rousseau. Other than that, I did have a monthly
13 meeting with the Assistant General Counsel Ashley
14 Thomas, which we have every month, so that's all I
15 had on that.

16 Then we have the budget review. We sent
17 this out to you. It looks like in the month of March
18 of this year, we had a total of \$500, to the good.
19 So we are getting there. Applications. I don't have
20 any applications to review. We don't have any
21 correspondence. So my section is complete, unless
22 there's any questions.

23 MR. BAYNE: Stuart Bayne, question.

24 MS. VEST: Yes, sir.

25 MR. BAYNE: Stuart here. Stuart had two

1 questions -- comments. Curiosity with the April
2 regulatory board report, two complaints opened, one
3 closed. I was -- without asking or requesting
4 detail, I noted that one complaint apparently is not
5 closed, so we may hear more about that downstream,
6 hey?

7 MS. VEST: Yes, sir, there's one that we
8 are still investigating that I'm aware of.

9 MR. BAYNE: Thank you. Stuart, again.
10 Second question. Concerning the budget review, I
11 noticed in the meeting minutes, which were great, by
12 the way, on Page 16 you, Cody Vest mentioned that you
13 would be watching the trends associated with numbers,
14 and I wonder if sometime going forward you could
15 let -- let the Commission know on your -- what you
16 discover.

17 MS. VEST: I can do that. With the
18 budget, we usually have an up year and a down year,
19 or else it takes what they refer to as an ebb. And I
20 believe that's what we are in is the ebb. We are not
21 alarmed by this. Like I said before, even if we do
22 end up in a negative balance, there's no chance of
23 being sunset because it's based on two years. But
24 yes, as I would see any type of trend, I will bring
25 it to the board. I do not see a rush of new

1 applications at all. What we are seeing are people
2 renewing, but I don't see that many coming into the
3 profession. I can tell you that much right now. But
4 yes, as we see any of that, I will bring that to your
5 attention.

6 MR. BAYNE: Stuart says thank you.

7 MR. JONES: Rick Jones here finally.

8 MS. VEST: All right, Mr. Jones, you are
9 here. All right. Let the record show that
10 Mr. Jones -- Rick Jones has called in and joined the
11 Commission meeting.

12 CHAIRMAN VALENTINE: Okay. Anything
13 further under administrative matters?

14 MS. VEST: No, sir, that's all I have.

15 CHAIRMAN VALENTINE: Next will be the
16 education report. Executive Director Cody Vest?

17 MS. VEST: Yes, the committee did meet
18 and the committee voted to approve the National
19 Association for Public Defense, it denied the
20 Advanced Investigative Services course, and it
21 approved the Law Enforcement Innovation Center, Stop
22 Domestic Violence, and it also approved the four
23 courses for the PI Education. That's all I have on
24 that.

25 CHAIRMAN VALENTINE: Do I hear a motion

1 to approve?

2 MR. BROWN: Commissioner Brown, motion to
3 approve the education report.

4 MR. BAYNE: Stuart Bayne seconds.

5 CHAIRMAN VALENTINE: Any discussion?
6 Director Vest, would you call the role.

7 MS. VEST: Stuart Bayne?

8 MR. BAYNE: Yes.

9 MS. VEST: David brown?

10 MR. BROWN: Yes.

11 MS. VEST: Larry Flair?

12 MR. FLAIR: Larry votes yes.

13 MS. VEST: Robin Brewer?

14 MS. BREWER: Yes.

15 MS. VEST: Rick Jones?

16 MR. JONES: Yes.

17 MS. VEST: Jerry Richards?

18 MR. RICHARDS: Yes.

19 CHAIRMAN VALENTINE: Alan Rousseau?

20 MR. ROUSSEAU: Yes.

21 MS. VEST: Walt Valentine?

22 CHAIRMAN VALENTINE: Yes. Motion
23 carries. Do we have any unfinished business?

24 MS. VEST: Yes, I had one thing. I was
25 asked about sending a letter out to private

1 investigators to tell them that they need to have
 2 their courses approved in advance. While I am still
 3 working with that letter with the staff attorney, I
 4 am asking you, though -- or making a statement, then
 5 I'll ask the question, all correspondence for private
 6 investigators go to the private investigation
 7 company. I am asking your permission to send this
 8 letter also out to each individual private
 9 investigator, that way they'll get one at their
 10 company and they'll get one at their home address so
 11 there won't be any misunderstanding. And I also need
 12 for you to explain to me if someone takes a course
 13 that's not approved in advance, what I am supposed to
 14 do at that point? Any thoughts on that, Commission
 15 members?

16 MR. FLAIR: Commissioner Flair. I have
 17 got a thought on it, Ms. Cody.

18 MS. VEST: All right, sir.

19 MR. FLAIR: I'd like to concur that
 20 that's a great idea to both go to the company and the
 21 PI. I think it'll be the proper legal thing to do.
 22 Of course, legal would have to advise me on that, but
 23 that way you cover all bases. I don't think we
 24 should -- I think we ought to -- if someone does this
 25 prior to the mailing, then I think we ought to handle

1 it as we have in the past, but after -- by the next
 2 meeting of this Commission, I think it ought to make
 3 a rule go into effect. I don't know if -- I don't
 4 know if -- you wouldn't have to go back to the Hill
 5 and get that approved and put into the law, would
 6 you?

7 MS. VEST: It's put into the law, yes,
 8 sir, but not for a rule.

9 MR. FLAIR: Okay. So in essence, the
 10 board can make that rule and then direct you, and
 11 then if we are advised by legal that there's
 12 something that's improper about it, then we can take
 13 it up at that time, could we not?

14 MS. VEST: Yes, sir, I believe that would
 15 be fine. Now if I can hear from the other members as
 16 well, is that something that we want to consider
 17 putting -- of course, I believe it would have to be
 18 put into a rule.

19 MR. BROWN: This is Commissioner Brown.
 20 We talked about this before. We ended up saying it
 21 was more of an encouragement than a deterrent or
 22 punishment, that we want them to try to do this, be
 23 aware of this or not.

24 MS. VEST: Yes, sir.

25 MR. BROWN: My concern is the staff --

1 you all get inundated with these things in the last
 2 minute when their license is about to expire and they
 3 want you to rush through it, that I don't think is
 4 fair. This letter, I think, would give notice this
 5 class is available to them, take it in advance and
 6 ask for it in advance. I don't think we can sit here
 7 say we are not going to approve it because you didn't
 8 comply with the letter. I don't know, I think that
 9 would be too harsh.

10 MS. VEST: I think what you are saying is
 11 you want me to send a letter out encouraging all
 12 private investigators to please have their continuing
 13 education courses approved before they take the
 14 actual course, but if they don't, just like we have
 15 in the past, I would bring it to the board, just like
 16 I do now -- I mean, to the Commission, like I do now,
 17 and then you can vote on that. I can do that. And
 18 if we see this as a serious problem, I think we can
 19 look at it again at a later time.

20 MR. BROWN: Revisit it again. I agree
 21 with you then.

22 MS. VEST: Do I have comments from the
 23 other board members -- Commission members?

24 MR. BAYNE: Stuart Bayne, no comments,
 25 other than concurring with what I am hearing.

1 MR. ROUSSEAU: Alan Rousseau, I'm
 2 concurring with the process.

3 CHAIRMAN VALENTINE: Director Vest, could
 4 you keep track of how many request approval after
 5 they have taken the course and -- when they just
 6 needed their license, to renew it? Or is that --

7 MS. VEST: Mr. Chair, about the only way
 8 I can do that is by what has being presented --
 9 probably could in the sense it would have to be
 10 presented to the Commission for approval, if it's
 11 after their renewal period. So I believe there's a
 12 way that I could do that, yes.

13 CHAIRMAN VALENTINE: Okay, good. That
 14 would be helpful for us to see whether we needed to
 15 take a stronger measure or just encourage them to
 16 take the courses that are approved.

17 MS. VEST: All right. We have a new
 18 member there.

19 CHAIRMAN VALENTINE: Robin Brewer.

20 MS. VEST: Robin Brewer. Ms. Brewer,
 21 what is your opinion, I have not heard from you?

22 MS. BREWER: I concur.

23 MS. VEST: Well, I want to just make sure
 24 get Mr. Shanks in here. Mr. Richards, I didn't hear
 25 from you either.

1 MR. RICHARDS: I agree as well.
 2 MS. VEST: Mr. Flair?
 3 MR. FLAIR: Yes, ma'am.
 4 MS. VEST: Okay. I just wanted to make
 5 sure that I covered all our Commission members. As
 6 far as the unfinished business, that's all I had,
 7 Mr. Chairman.
 8 MR. BAYNE: Stuart Bayne would like the
 9 floor for just a minute relative to our discussion in
 10 March on the misunderstandings or misperceptions on
 11 apprenticeship -- on the apprenticeship program we
 12 have built in. The -- Page 18 in the minutes
 13 suggests that Cody could find out what other states
 14 are doing with their apprenticeship, if any. I think
 15 that is a great idea. And I wonder in your -- in the
 16 meetings you all did in the field, or meeting you did
 17 in the field, if -- what kind of feedback you got
 18 relative to anything concerning apprenticeship. I'm
 19 done.
 20 MS. VEST: All right. Director Vest
 21 here. Yes, we are still working on the
 22 apprenticeship. I have already contacted three
 23 states, and I am trying to cover all the different
 24 states. For instance, Alabama, they are almost
 25 identical to our apprenticeship because we work with

1 Alabama to get theirs. So I knew what theirs were.
 2 As far as the seminars, we will be having another
 3 seminar in June in Chattanooga. The one that I had
 4 in Memphis, I didn't have but maybe three PIs show
 5 up, so there was no conversation about
 6 apprenticeships. I'm hoping I do have more. The
 7 next one, like I say, is in Chattanooga, so all PIs
 8 are being invited, along with the alarm people and
 9 all our other staff that we regulate.
 10 MR. BAYNE: Stuart Bayne says thank you.
 11 CHAIRMAN VALENTINE: Do we have any new
 12 business?
 13 MS. VEST: Yes, we do. If you would look
 14 at your schedules, you know our board meeting is
 15 scheduled for July the 20th, we would like to move
 16 that to July the 27th.
 17 MR. BAYNE: Stuart Bayne has no issue.
 18 CHAIRMAN VALENTINE: Any questions about
 19 that?
 20 MR. JONES: Commissioner Jones here. I
 21 hate to mention this, but I'm scheduled to be out of
 22 town that week for the National Hockey League.
 23 MS. VEST: That's one, okay. What about
 24 our other Commission members? I need to get a tally
 25 on that to make sure I have a quorum.

1 MS. BREWER: Robin Brewer, I can be
 2 there.
 3 MR. ROUSSEAU: Alan Rousseau, can --
 4 Alan Rousseau, can you give me the date you want to
 5 change it, again, to, please?
 6 MS. VEST: To July the 27th.
 7 MR. ROUSSEAU: That would be fine with
 8 me.
 9 MS. VEST: Jerry, I think I heard you
 10 speak?
 11 MR. RICHARDS: Yes, I don't have any
 12 conflict.
 13 CHAIRMAN VALENTINE: Okay.
 14 MS. VEST: Well, if that's okay with the
 15 Commission, we would say that we will be moving it
 16 from July the 20th to July the 27th. One of our
 17 staff members is getting married, along with some
 18 other --
 19 MR. ROUSSEAU: Congratulations, staff
 20 member.
 21 MS. VEST: That's Shauna that -- you
 22 know, Shauna Balaszi is getting married in Las Vegas
 23 that particular week. So she's going to pay for
 24 everybody to go. We are joking, obviously. I really
 25 do appreciate the Commission understanding. We do

1 have other things that are going on in the office and
 2 we certainly appreciate you allowing us to change
 3 that to the next week.
 4 CHAIRMAN VALENTINE: Okay. Any other new
 5 business?
 6 MS. VEST: I have none, Chairman.
 7 CHAIRMAN VALENTINE: Continuing education
 8 participation forum, do we have anyone appearing for
 9 that?
 10 MS. VEST: We had no one to sign up.
 11 CHAIRMAN VALENTINE: Hearing none. The
 12 next item on the agenda is adjournment. Do I hear a
 13 motion to adjourn?
 14 MR. FLAIR: Larry Flair makes that
 15 motion.
 16 CHAIRMAN VALENTINE: Do I hear a second?
 17 MR. RICHARDS: Jerry Richards seconds it.
 18 CHAIRMAN VALENTINE: All in favor?
 19 THE COMMISSION: Aye.
 20 CHAIRMAN VALENTINE: Call the roll,
 21 Director Vest.
 22 MS. VEST: Stuart Bayne?
 23 MR. BAYNE: Aye.
 24 MS. VEST: David Brown?
 25 MR. BROWN: Aye.

1 MS. VEST: Larry Flair?
 2 MR. FLAIR: Aye.
 3 MS. VEST: Robin Brewer?
 4 MS. BREWER: Aye.
 5 MS. VEST: Rick Jones?
 6 MR. JONES: Aye.
 7 MS. VEST: Jerry Richards?
 8 MR. RICHARDS: Aye.
 9 MS. VEST: Alan Rousseau?
 10 MR. ROUSSEAU: Aye.
 11 MS. VEST: Walt Valentine?
 12 CHAIRMAN VALENTINE: Aye. Motion
 13 carries, we are adjourned.
 14 (WHEREUPON, the foregoing proceedings
 15 were concluded at 10:02 a.m.)
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