



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

Meeting Minutes
August 3rd, 2018
First Floor Conference Room (1-B)
Davy Crockett Tower

The Private Probation Services Council met on August 3, 2018 in Nashville, Tennessee, at the Davy Crockett Tower in the first floor conference room 1-B. Director Kopchak called the meeting to order at 10:00 a.m. and the following business was transacted:

COUNCIL MEMBERS PRESENT

Judge Lynn E. Alexander
Linda D. Byford (via teleconference)
Stancil Ford (via teleconference)
Judge Larry Logan
David Nimmo
Judge Gary Starnes (via teleconference)

COUNCIL MEMBERS ABSENT

Judge Brody Kane

STAFF MEMBERS PRESENT

Glenn Kopchak, Cherrelle Hooper

ROLL CALL & STATEMENT OF NECESSITY

Director Glenn Kopchak confirmed that notice of the meeting had been posted to the Private Probation Service Council website on July 25, 2018. Director Kopchak took a roll call and noted quorum. Recognizing the absence of a physical quorum, Director Kopchak also read the Statement of Necessity into the record.

ADOPT AGENDA

Mr. Nimmo made a motion to adopt the agenda as written. This was seconded by Mr. Ford. The motion passed unanimously by roll call vote.

MINUTES

Upon review of the minutes from the previous meeting, Mr. Nimmo put forward a motion to accept as written, which Mr. Ford seconded. The motion passed by unanimous roll call vote.

DIRECTOR'S REPORT

Director Kopchak provided the Council with a detailed accounting of budget revenue and expenditures, to include line item and trend analysis. Director Kopchak spent some time focusing on "Administrative Cost Backs", in particular, which include the Commission share of the liquidation of all administrative cost backs from all the programs. The share is determined by licensing count, number of complaints, and budget plan which accounts for 0.18% for the Private Probation Service Council (PPSC) vs. 16% for Cosmetology & Barber (C&B) which result in \$488 for PPSC vs. \$43,378 for C&B. Additionally, Regulatory Boards Admin has the same account as Edison and if an item is expensed in Admin, that would be a cost back expense to the program. Director Kopchak also noted

spikes in revenue on August 20, 2017, November 20, 2017, February 20, 2018 and May 20, 2018. These spikes are the result of quarterly provider fees that is paid by the private entity to the Council. Lastly for budget, Director Kopchak directed attention to the reserve balance for FY16/17. Director Kopchak related that the reserve balance must be self-sustaining. There is the balance of avoiding a net deficit for each year, all the while not building up reserves either. There is no specific formula given to strike that balance other than to control expenditures and monitor revenues for possible fee reductions; however, it was noted that legislative guidance is provided during public Sunset Hearings.

Director Kopchak proposed the Private Probation Services Council 2019 meeting dates. After careful discussion, Judge Logan motioned that the 2019 meeting dates as presented be approved. Judge Alexander seconded. The motion was carried by unanimous roll call vote.

LEGAL REPORT

Cherrelle Hooper, Staff Attorney, provided a summary of HB2248/SB2465, referred to as the "Fresh Start Act", which generally speaking will not allow for denying an applicant for licensure due to a felony unrelated to the license for which the applicant applied. In addition, HB2386/SB2603 revises law regarding venue for review of contested cases under the Uniform Administrative Procedures Act. Lastly, HB2437/SN1573 requires agencies, when statutorily required to hold a public hearing as part of their rulemaking process, to make copies of the rule available in redline form to persons in attendance at the hearing.

Cherrelle Hooper, Staff Attorney, presented the following cases for review:

1) **PPSC-2018013651**

History:

- 2010002551– Closed with Letter of Caution
- 2012012871– Dismissed

This is a consumer complaint alleging Respondent violated him for not paying for his anger management class. In response, Respondent indicates Complainant was violated two (2) times (October 28, 2014 and April 7, 2015) after he stopped reporting to his probation officer, failed to pay his fines and court costs, and failed to attend the court ordered Anger Management classes.

Recommendation: Close.

Decision: The Council accepted the recommendation of legal counsel.

2) **PPSC-2018025211**

History:

- None

This is a consumer complaint alleging misconduct from Respondent regarding procedures enforced upon his fiancé, who is currently incarcerated. Specifically, the Complainant alleges his fiancé was incarcerated for failure to comply with Respondent's recommendations, which he claims were impossible for one person to be in compliance with. He also claims there were issues with a drug test, which he believes the Respondent mishandled. In response to these allegations, Respondent indicates the fiancé is serving a sentence on its Community Corrections Program (felony alternative

supervision program), not private probation. This was confirmed with both Respondent and the court. The court's Order demonstrated the fiancé pled guilty to felony charges and her sentence was suspended to community corrections.

Per Tenn. Code Ann. § 16-3-902:

The purpose of the council is to ensure that uniform professional and contract standards are practiced and maintained by private corporations, enterprises and entities engaged in rendering general misdemeanor probation supervision, counseling and collection services to the courts.

Tenn. Code Ann. § 16-3-902. Because this complaint involves felony supervision, this Council does not have jurisdiction over the complaint.

Recommendation: Close with referral to Tennessee Department of Corrections.

Decision: The Council accepted the recommendation of legal counsel.

3) **PPSC-2018034511**

History:

- None

4) **PPSC-2018034491**

History:

- 2012022391 – Dismissed

A consumer wrote to the Council inquiring as to where Respondents' profits go because, in his opinion, he has seen "nothing but a revolving door". He claims everyone goes on probation time after time. He also claims Respondent # 1 is owned by a human resource agency and Respondent # 2 is owned by a judge, which he believes is a conflict of interest. He added that he believes the State should run all probations.

Respondent # 1 PPSC 2018034511: Respondent # 1 is a non-profit human resource agency. As such, it is governed by the Tennessee Human Resource Agency Act of 1973, which, in pertinent part, provides:

(a) It is hereby declared that the agencies created pursuant to this chapter shall be a body, politic and corporate, and shall be public and governmental bodies acting as agencies and instrumentalities of the creating and participating counties and cities, and such agencies are declared to be for a public and governmental purpose and a matter of public necessity.

Tenn. Code Ann. § 13-26-105. Because of this, this Council does not have jurisdiction over this complaint.

Respondent # 2 PPSC 2018034491: In response, Respondent # 2 indicates it is not owned by anyone; it is a non-profit. Respondent # 2 also indicates there are no current or former judges on the board at this time, nor are there any family members of judges on the board at this time. In response to

the "revolving door" allegation, Respondent # 2 indicates it is within the discretion of the sentencing judge to determine how a sentence should be served. Respondent # 2 added that if a judge determines probation through it is an appropriate measure to meet the goals of sentencing, then that is what the judge will order.

Recommendation: Close PPSC-2018034511 & PPSC-2018034491.

Decision: The Council accepted the recommendation of legal counsel.

NEW BUSINESS

Director Kopchak noted in order to satisfy the requirements of TCA 16-3-906, a vote must be conducted this year to elect a Chair and Vice Chair. Mr. Ford made a motion to nominate and accept Judge Logan as Chair and Judge Alexander as Vice Chair. This motion was seconded by Mr. Nimmo. The motion passed unanimously by roll call vote.

Having no further business, Mr. Ford made a motion to adjourn the meeting, and Judge Logan seconded it. The motion passed unanimously by roll call vote. Director Kopchak adjourned the meeting at 10:40 a.m.