

**TENNESSEE
PRIVATE PROBATION SERVICES COUNCIL
MINUTES
(TELECONFERENCE)**

DATE: November 9, 2012

PLACE: 2nd Floor Conference Room- Andrew Johnson Tower
710 James Robertson Parkway
Nashville, Tennessee

PRESENT: Board Members –
Judge Chris Craft, Chairman
Judge J. Klyné Lauderback, Vice-Chairman
Judge Hugh Harvey
Judge John Hudson
Sidney Chism
Veronica Thornton

ABSENT: Dena McCollough

PRESENT: Staff Members -
Donna Hancock, Executive Director
Susan Lockhart, Executive Assistant
Benton McDonough, Assistant General Counsel

Call to Order –Chairman Craft called the teleconference meeting to order at 10:01 a.m. and the following business was transacted:

Ms. Hancock called the roll. Four (4) members were present at roll call. Judge Hudson and Mr. Harvey joined the meeting shortly after the teleconference began. Ms. McCollough was absent.

Chairman Craft advised the Council they must vote on the necessity of holding the meeting via teleconference before any business could be discussed.

Judge Hudson joined the meeting at 10:04 a.m.

A roll call vote for the necessity statement as follows was taken, “In order to carry out the responsibilities of the Tennessee Private Probation Services Council, which 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, the council deems this meeting a necessity. The official business of this governing body is time sensitive and a physical presence by a quorum of the members is not practical within the period of time requiring action. Therefore, it is necessary to convene this governing body via teleconference.”

(All approved – Chairman Craft, Judge Lauderback, Judge Hudson, Mr. Chism and Ms. Thornton.) **MOTION CARRIED.**

Judge Harvey joined the meeting at 10:07 a.m.

Agenda – Mr. Chism made a motion to adopt the agenda, seconded by Judge Lauderback. **MOTION CARRIED.** (Roll Call Vote, All Approved – Chairman Craft, Judge Lauderback, Judge Hudson, Judge Harvey, Mr. Chism and Ms. Thornton). **MOTION CARRIED.**

Minutes – Judge Lauderback made a motion to approve the minutes of June 1, 2012, seconded by Mr. Chism. (Roll Call Vote – Chairman Craft, Judge Lauderback, and Judge Harvey voted to approve the minutes. Judge Hudson, Mr. Chism and Ms. Thornton abstained from the vote as they were not present at the June 1st meeting). **MOTION CARRIED.**

LEGAL REPORT – BENTON MCDONOUGH, ASSISTANT GENERAL COUNCIL

Mr. McDonough presented the following Legal Report for the Council's consideration:

1) 2012012861

Complaint:

- The council commenced the complaint process in this matter, upon receiving verification from the criminal court clerk's office that the Respondent failed to file quarterly reports with the clerk's office.
- The Davidson County Criminal Court Clerk informed the Council that the Respondent failed to provide quarterly reports to the clerk's office.

Response:

- Respondent states that they have never provided probation services for Davidson County.
- The director of this company states that they have been in their current position since 2006, and they have never provided private probation services to this court system.

History:

- No prior complaints.

Recommendation:

- Dismiss.

Judge Lauderback made a motion to accept Legal's recommendation, seconded by Judge Hudson. (Roll Call Vote, All Approved – Chairman Craft, Judge Lauderback, Judge Hudson, Judge Harvey, Mr. Chism and Ms. Thornton). **MOTION CARRIED.**

2) 2012012891

Complaint:

- The council commenced the complaint process in this matter, upon receiving verification from the criminal court clerk's office that the Respondent failed to file quarterly reports with the clerk's office.

Response:

- Respondent apologized for the reports being filed late for the first quarter.
- Respondent states that they were in the process of preparing the report to file with the court, but their office was destroyed by fire on April 16, 2012.
- The fire destroyed most of the records and computers, but they did file a report on June 13, 2012.
- NOTE: The Complainant states that they did receive the appropriate quarterly report from the Respondent on June 13, 2012, and they believe the Respondent has fulfilled the requirements for quarterly reports.

History:

- No prior complaints.

Recommendation:

- Letter of Warning.

Judge Lauderback made a motion to accept Legal's recommendation, seconded by Judge Harvey. (Roll Call Vote, All Approved – Chairman Craft, Judge Lauderback, Judge Hudson, Judge Harvey, Mr. Chism and Ms. Thornton). **MOTION CARRIED.**

3) 2012012871

4)

Complaint:

- The council commenced the complaint process in this matter, upon receiving verification from the criminal court clerk's office that the Respondent failed to file quarterly reports with the clerk's office.

Response:

- Respondent states that they do not provide any services to the General Sessions Court Clerk who claimed they did not file quarterly reports.
- Therefore, Respondent states that they have no obligation to prove that report to that entity.

History:

- No prior complaints.

Recommendation:

- Dismiss.
- Judge Lauderback made a motion to accept Legal's recommendation, seconded by Judge Harvey. (Roll Call Vote, All Approved – Chairman Craft, Judge Lauderback, Judge Hudson, Judge Harvey, Mr. Chism and Ms. Thornton). **MOTION CARRIED.**

5) 2012012881

Complaint:

- The council commenced the complaint process in this matter, upon receiving verification from the criminal court clerk's office that they have not received any quarterly reports from any probation company.
- The clerk also stated that they no longer use this entity for private probation services.

Response:

- Respondent states that they have not provided private probation services in this court in several years.
- Because no services are rendered through this Respondent, they state that they are not responsible for quarterly reports.

History:

- No prior complaints.

Recommendation:

- Dismiss.

Judge Lauderback made a motion to accept Legal's recommendation, seconded by Judge Harvey. (Roll Call Vote, All Approved – Chairman Craft, Judge Lauderback, Judge Hudson, Judge Harvey, Mr. Chism and Ms. Thornton). **MOTION CARRIED.**

6) 2012012901

Complaint:

- The council commenced the complaint process in this matter, upon receiving verification from the criminal court clerk's office that the Respondent failed to file quarterly reports with the clerk's office.

Response:

- Respondent states that they do not provide probation services to this court.
- The Court uses the services of another private probation company.

History:

- No prior complaints.

Recommendation:

- Dismiss.

Judge Lauderback made a motion to accept Legal's recommendation, seconded by Judge Harvey. (Roll Call Vote, All Approved – Chairman Craft, Judge Lauderback, Judge Hudson, Judge Harvey, Mr. Chism and Ms. Thornton). **MOTION CARRIED**

Complaint Comparison Report – Ms. Hancock presented a report of the complaints currently pending to those open during the same time the previous year.

Monthly Budget Report – Ms. Hancock presented a budget report including a comparison of the last four (4) fiscal years; a summary of the cost-back charges for FY 2011/2012; a summary and comparison of the current year-to-date revenue receipts to the previous three (3) fiscal years; and a summary and comparison of the current year-to-date expenditures to the previous three (3) fiscal years. Judge Lauderback inquired about the increase in expenditures for State Professional Services. Ms. Hancock advised she would research the matter and report back to the Council.

Meeting Dates for 2013 – Ms. Hancock presented a proposed meeting schedule for 2013. After some discussion, Judge Hudson made a motion to approve the schedule as amended, seconded by Judge Lauderback. (Roll Call vote, all approved – Chairman Craft, Judge Lauderback, Judge Hudson, Judge Harvey, Mr. Chism and Ms. Thornton). **MOTION CARRIED**

HB2830 Update – Ms. Hancock presented an email from the Tennessee Department of Correction's General Counsel advising the Department does not plan on implementing this Act (HB2830) until after the first of the year and they will not move forward on implementation without including the Council.

NBC News Story – Ms. Hancock presented a copy of a recent news story regarding private probation practices in Georgia. She advised the company mentioned in the article is not licensed as a Private Probation Company in Tennessee and only wanted to make the Council aware of the article.

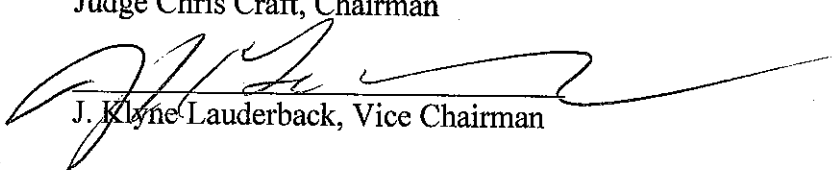
UNFINISHED / NEW BUSINESS –

Due to a lack of business to be presented, Judge Hudson made a motion to cancel the meeting scheduled for December 7, 2012. The motion was seconded by Judge Lauderback. (Roll Call vote, all approved – Chairman Craft, Judge Lauderback, Judge Hudson, Judge Harvey, Mr. Chism and Ms. Thornton).

ADJOURN -

Being no further business, the meeting adjourned at 10:50 a.m.

Judge Chris Craft, Chairman



J. Klyne Lauderback, Vice Chairman