

**TENNESSEE
PRIVATE PROBATION SERVICES COUNCIL
MINUTES**

DATE: September 5, 2014

PLACE: Conference Room 1-B, Davy Crockett Tower
500 James Robertson Parkway
Nashville, Tennessee

PRESENT: Board Members – via telephone
Judge Chris Craft, Chairman
Judge Hugh Harvey
Judge John Hudson
Stancil Ford

ABSENT: Judge J. Klyne Lauderback
Veronica Thornton
Dena McCollough

PRESENT: Staff Members –
Kimberly Whaley, Director of Licensing
Ellery Richardson, Assistant General Counsel
Eljay Elia – Paralegal
Visitors –
Erica Downey

Call to Order – Chairman Craft called the meeting to order at 10:00 a.m. and the following business was transacted:

Roll Call – Ms. Whaley called the roll.

PRESENT: Judge Chris Craft
Judge Hugh Harvey
Judge John Hudson
Stancil Ford

ABSENT: Judge J. Klyne Lauderback
Veronica Thornton
Dena McCollough

STATEMENT OF NECESSITY Chairman Craft read the following statement:

According to T.C.A. 8-44-108(b)(2), "If a physical quorum is not present at the location of a meeting of a governing body, then in order for a quorum of members to participate by electronic or other means of communication, the governing body must make a determination that a necessity exists. Such determination, and a recitation of the facts and circumstances on which it was based, must be included in the minutes of the meeting." Furthermore, T.C.A. 8-44-108(a)(3) defines a necessity as, "matters to be considered by the governing body at the meeting require timely action by the body, that physical presence by a quorum of the members is not practical within the period of time requiring action, and that participation by a quorum of the members by electronic or other means of communication is necessary."

This is the regularly scheduled meeting for the Private Probation Services Council. The purpose of today's meeting via teleconference is to discuss the legal report and other normal business. There are a few complaints that will require the Council's action before the next Council meeting in December. It is in the best interest of the Council and all the parties to have complaints resolved quickly. Waiting until the December meeting is unnecessary and puts parties at a disadvantage by waiting three more months to have a proposed resolution to the complaint.

While the Council needs to address these issues, the physical presence of a quorum of the members is not possible at this time, due to members' schedules and the expense of traveling. Therefore, the Council has determined that it is necessary to allow participation by teleconference.

Statement of Necessity -- Due to the impossibility of having a quorum of members physically present, and the need to address the legal report and other regular business in a timely manner, the Council believes a necessity exists that requires this meeting be held by teleconference.

Mr. Ford made the motion to adopt the statement of necessity, seconded by Judge Hudson.

Roll Call Vote:

For
Judge Chris Craft
Judge John Hudson
Judge Hugh Harvey
Stancil Ford

MOTION CARRIED

Notice Given -- Ms. Whaley then read the following notice for the record:

This meeting's date, time and location have been posted on the Tennessee Private Probation Services Council's website. The agenda for this month's meeting has been posted on the Council's website since August 29, 2014, and this meeting has been noticed on the tn.gov public meeting calendar.

Agenda -- Judge Hudson made a motion to adopt the agenda, seconded by Mr. Ford.

Roll Call Vote:

For

Judge Chris Craft
Judge John Hudson
Judge Hugh Harvey
Stancil Ford

MOTION CARRIED

Minutes – The Council reviewed the minutes and noted a few changes. Judge Hudson made a motion to approve the minutes of June 6, 2014 as corrected, seconded by Mr. Ford.

Roll Call Vote:

For
Judge Chris Craft
Judge John Hudson
Judge Hugh Harvey
Stancil Ford

MOTION CARRIED

LEGAL REPORT- ELLERY RICHARDSON, ASSISTANT GENERAL

1) 2014014561 Correctional Counseling & Probation Services

Complaint alleges that Respondent is conducting unlicensed activity. Complaint states that Respondent has a court liaison signing clients up for counseling and probation.

Respondent states that they do not supervise probationers and does not contract with any court. Respondent provides counseling services for individuals that are on supervised probation with another entity. Respondent does not collect probation fees, restitution payments, or make recommendations to the court. The probation entity refers individuals to Respondent for counseling services. Respondent is licensed with the state to provide non-residential substance abuse treatment and to operate a DUI school.

History: no prior complaints.

Recommendation: Close.

Motion: Judge Hudson made a motion to approve recommendation, seconded by Mr. Ford.

Roll Call Vote:

For
Judge Chris Craft
Judge John Hudson
Judge Hugh Harvey

Stancil Ford

MOTION CARRIED

2) 2014017001 Abuse Intervention with Life Skills

Complaint alleges that Respondent is conducting unlicensed activity. Complaint gives a copy of Respondent's intake form, which has "Order of Probation" at the top and provides for a judge to order the defendant to attend Respondent's classes, signed by the judge.

Respondent states that they do not supervise probationers, contract with the court, or operate as an official office of the court system, and they never intend to present themselves as such. They have changed the form in question for clarity. Respondent is willing to make additional changes if the Council wishes to make it even clearer that Respondent does not supervise probationers.

Respondent offers batterer intervention classes. Judges can sentence defendants to take classes, and the Rules and Standards of Probation applies.

History: one prior complaint dismissed – unlicensed activity – unlicensed entity

Recommendation: Close with a letter of information informing Respondent that according to the laws and regulations, if a court assigns probationers directly to Respondent, then Respondent needs to be registered as a private probation company.

Motion: Mr. Ford made a motion to approve recommendation, seconded by Judge Hudson.

Roll Call Vote:

For

Judge Chris Craft

Judge John Hudson

Judge Hugh Harvey

Stancil Ford

MOTION CARRIED

3) 2014013981 Alternative Correctional Services

Complaint alleges that the owner of Respondent gave campaign contributions to the judge of the court the private entity provides services for. An officer also contributed. Additionally, the owner contributed signs to a candidate for the clerk of courts office; the candidate is a government employee.

Violation: Rule 1177-02-.04 [Conflict of Interest]: "No private entity that provides probation services may give or offer to give anything of value to a governmental employee."

Respondent states that the individuals who made the contributions are not owners. In fact, shortly after these contributions, both individuals left Respondent and started a separate company. These contributions did not benefit Respondent in any way; in fact, since these individuals started a competitor company, if these contributions had any effect, it would have been to injure Respondent for the other company's benefit.

Additional Information: Complainant contacted the staff and informed them that she meant to file the complaint against this other company the individuals started. That case has been opened but it is still being investigated.

History: no prior complaints.

Recommendation: Close.

Motion: Judge Hudson made a motion to approve recommendation, seconded by Judge Harvey.

Roll Call Vote:

For

Judge Chris Craft

Judge John Hudson

Judge Hugh Harvey

Stancil Ford

MOTION CARRIED

ADMINISTRATIVE REPORT – KIMBERLY WHALEY

2015 Meeting Dates – Ms. Whaley presented the council the 2015 meeting dates. Judge Hudson made a motion to approve the 2015 meeting date, seconded by Judge Harvey.

Roll Call Vote:

For

Judge Chris Craft

Judge John Hudson

Judge Hugh Harvey

Stancil Ford

MOTION CARRIED

Officer Election – Judge Craft opened the floor for nominations for Chairman. Judge Craft volunteered to continue to serve as chairman. Judge Hudson made a motion to elect Judge Craft Chairman, seconded by Mr. Ford

Roll Call Vote:

For

Judge John Hudson
Judge Hugh Harvey
Stancil Ford

Abstained

Judge Chris Craft

MOTION CARRIED

The floor was opened for nominations for Vice Chairman. Judge Hudson nominated Judge Lauderback, seconded by Mr. Ford.

Roll Call Vote:

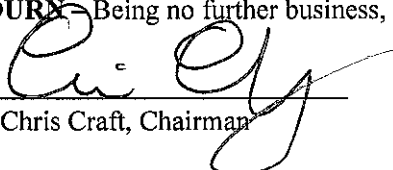
For

Judge Chris Craft
Judge John Hudson
Judge Hugh Harvey
Stancil Ford

MOTION CARRIED

NEW BUSINESS – There was no unfinished or new business to discuss.

ADJOURN – Being no further business, the meeting adjourned at 11:19 a.m.



Judge Chris Craft, Chairman

J. Klyne Lauderback, Vice Chairman