



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

**Board Meeting Minutes for June 3, 2016  
First Floor Conference Room 1-B  
Davy Crockett Tower**

The Tennessee Private Probation Services Council met on June 3, 2016 in the first floor conference room of Davy Crockett Tower in Nashville, Tennessee.

Judge Craft called the meeting to order at 10:01 a.m. and the following business was transacted:

**BOARD MEMBERS PRESENT:** Judge Chris Craft, David Nimmo, Judge J. Klyne Lauderback (teleconference), Linda D. Byford (teleconference), Stancil Ford (teleconference), Judge Hugh Harris Harvey (teleconference).

**BOARD MEMBERS ABSENT:** Judge Hudson

**STAFF MEMBERS PRESENT:** Nikole Avers, Cody Kemmer, Benjamin Glover.

**ROLL CALL**

Judge Craft called the meeting to order and Director Avers took roll call to establish quorum.

**STATEMENT OF NECESSITY**

Judge Craft established voice vote procedure to accommodate those members appearing via teleconference by reading the Statement of Necessity into record. This was accepted by a motion from Judge Lauderback which was seconded by Stancil Ford. The motion passed unanimously.

**NOTICE OF THE MEETING**

Director Avers then read notice of the meeting into record as follows: "Notice of the June 3, 2016 meeting of the Private Probation Service Council was posted to the Private Probation Service Council website on May 25, 2016."

The Council welcomed its newest member, David Nimmo, who works as an attorney and private probation officer in Cookeville, TN.

**AGENDA**

Judge Lauderback motioned to adopt the agenda as written, this motion was seconded by Mr. Nimmo and passed by unanimous roll call vote.

**MINUTES**

Mr. Ford made a motion to approve the minutes from the board's previous meeting in March. This motion was seconded by Judge Lauderback. The motion was put to vote with two abstentions. As Judge

Craft and Mr. Nimmo had not been present at the previous meeting, neither felt they could approve the meeting minutes. The remainder of the board approved the minutes unanimously by roll call vote.

## **LEGAL REPORT**

### **1. 20150221221 (Company)**

On or about November 2, 2015, Molina Healthcare, Inc. purchased Respondent's parent company. At that time, Respondent held various contracts to provide probation services to courts in Tennessee pursuant to its valid license. On or about November 17, 2015, the Private Probation Services Council notified Respondent that the Council had opened a Complaint against Respondent's registration based on reports in a newspaper article. On January 25, 2016, because of its purchase by Molina Healthcare, Inc., Respondent obtained an amended certificate of authority from the TN Secretary of State's office changing its name. After purchasing Respondent, Molina Healthcare, Inc. decided to stop providing private probation services in Tennessee and in all other states where Respondent operated. Each of Respondent's probation services contracts in Tennessee provided specific notice requirements for the termination of services under the contract. On March 31, 2016, Respondent ceased providing probation services in all counties of Tennessee except for Cannon County, in which its contractual obligation with the County runs until August 1, 2016. Cannon County plans to assume responsibility for providing probation services from Respondent on July 1, 2016. Respondent has held license # 73 in good standing since the Council first issued the license. The Council has not previously made any findings of misconduct against Respondent. Respondent has cooperated fully and in good faith with the Council regarding the Complaint.

**History:** 201201286 - Dismissed

**Recommendation:** Consent Order for Voluntary Surrender of license except for retaining the property right of such license to conduct activities as a private probation services company in Cannon County, Tennessee until the earlier of the bi-lateral termination of its contract, which is expected on July 1, 2016, or August 1, 2016. After such time, all license rights shall extinguish. Respondent agrees to notify the Council of any such bi-lateral termination occurring prior to August 1, 2016, within 5 business days of such occurrence and Authorization for a hearing.

**Decision:** Judge Lauderback made a motion to accept the decision of counsel, which was seconded by Judge Harvey. The motion passed by unanimous roll call vote.

### **2. 201602341 (Officer)**

Complainant alleges that an individual violated a probationer due to greed. Complainant states that she and the probationer moved out of county after receiving permission from his officer. Complainant claims that she and the probationer tried to contact the officer multiple times for check in even leaving voicemails, to no avail. Respondent states that he never approved call in appointments for the probationer; in fact he scheduled his appointments to coincide with his counseling dates. Complainant states that after numerous phone calls and unreturned voicemails a violation of probation was issued for not keeping in contact. Respondent stated that probationer did not report after September 30, 2015 and he filed a violation of probation on February 1, 2016. Respondent also states that in the 2 years the probation has been on probation he had only paid \$140 toward his court costs and probation fees.

**History:** None.

**Recommendation:** Close.

**Decision:** Judge Lauderback again made motion to accept counsel's decision. This was also seconded by Judge Hudson. The motion passed by unanimous roll call vote.

### **DIRECTORS REPORT**

Director Avers reviewed the Council's expenditures and projected budget. Next she apprised the Council of the recently completed legislative session, specifically the passage of SB 2469 HB 2201, or "Right to Earn a Living Act." This new law creates requirements that subject regulatory agencies to an annual review of their licensure procedures.

Director Avers advised the Council of its abilities to suggest legislation for the next session. She provided a list of necessary criteria that would meet the new guidelines.

### **NEW BUSINESS**

There being no other new business, Mr. Ford made a motion to end the day's meeting which was seconded by Judge Lauderback. The motion passed by unanimous roll call vote and Judge Craft concluded the meeting at 10:23 a.m.