



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

**Meeting Minutes**  
**May 7, 2021**  
**WebEx Meeting**  
**Davy Crockett Tower**

The Private Probation Services Council met on May 7, 2021 via a WebEx Teleconference. The following business was transacted:

**COUNCIL MEMBERS PRESENT:** Judge Larry Logan, Judge Lynn E. Alexander, Judge Brody Kane, Judge Gary Starnes, and Michael Wright.

**COUNCIL MEMBERS ABSENT:** Stacey Kelley

**STAFF MEMBERS PRESENT:** Roxana Gumucio, Elizabeth Bendell, Katie Long, and Angela Nelson

**CALL TO ORDER/ROLL CALL**

Director Gumucio called the meeting to order at 10:03 a.m. and completed roll call.

**NOTICE OF MEETING**

Director Gumucio read the notice of meeting into the record as follows: "Notice of the May 7, 2021 meeting of the Private Probation Services Council was posted to the Private Probation Service Council website since November 1, 2019; additionally, this month's agenda has been posted on the website since Thursday, April 29, 2021."

**STATEMENT OF NECESSITY**

Ms. Bendell read the Statement of Necessity into the record. Judge Starnes motioned to accept it as written, which Judge Logan seconded. The motion passed unanimously by roll call vote.

**AGENDA**

Judge Starnes motioned to adopt the agenda as written, which Judge Logan seconded. The motion passed unanimously by roll call vote.

**NOVEMBER MINUTES**

Upon review of the minutes from the November meeting, Judge Starnes motioned to approve the minutes as written. This was seconded by Judge Alexander. The motion passed unanimously by roll call vote.

## **DIRECTORS REPORT**

### ***Robert's Rules of Law***

Director Gumucio stated that the Council would need to practice Robert's Rules of Law for their meetings. Judge Starnes motioned to adopt this practice, which Judge Logan seconded. The motion passed unanimously by roll call vote.

### ***Budget***

Director Gumucio presented the revenue and expenditures as of March 2021.

### ***Sunset Update***

Director Gumucio informed the Council that the Sunset Hearing in front of Government Operation Committee on February 22<sup>nd</sup> was virtual with Judge Alexander participating. The Private Probation Services Council is extended until June 2025.

### ***Continued Education Ethics Course***

Director Gumucio informed the Council that James Group Consulting has the contract to put together a 2-hour ethics course. The session will be online and available to the private probation services companies, so all officers complete that training in the next renewal cycle.

## **LEGAL**

### ***Legal Report (presented by Elizabeth Bendell)***

#### **1. PPSC-2021009361**

Disciplinary History:

- None

#### **Summary:**

This is an administrative complaint. In December 2019 the Respondent attempted to reinstate but failed to follow up with information needed. The Respondent's reinstatement did not get approved because they did not provide the requirements or follow up and the Respondent never indicated or implied, they were operating. The Respondent did not follow up until December 2020. At this time the Respondent worked through pending items to reinstate. The Respondent again, never indicated that they were operating, just that they wanted to reinstate.

The Respondent's 2019 application and the pending documents a year later all appeared to be attempts to reinstate. The office received the training for officers in January 2021, which prompted confusion over the 2020 training dates. The Respondent was emailed on January 27, 2021 and they responded that they did not realize that they expired and that it was an oversight. During all this time the Respondent failed to provide 2018, 2019, and 2020 quarterly fees and reports. Due to the volume of clients the Respondent oversees it was determined that the company needed to be active and a complaint was opened.

The Respondent responded to the complaint and indicated that the failure to be in compliance was an oversight. The Respondent has since paid the twelve (12) past due quarter reports and fees for 2018, 2019 and 2020. The Respondent has not paid any of the late fees for submitting the quarterly reports late.

**Recommendation:** To be discussed

**Decision:** Authorization for a formal hearing. Authorization for a \$54,000.00 civil penalty. Letter informing District Attorney and Judge regarding violations.

## 2. PPSC-2021007461

Disciplinary History:

- None

### Summary:

This complaint was submitted by an Assistant Public Defender for Smith County alleging unprofessional conduct by the Respondent. Specifically, the complainant alleges that the Respondent is unresponsive and unreasonably delays all requests for in person, electronic, or telephone requests. Additionally, the complaint alleges that the Respondent gives the false impression of their authority to individuals by testifying that they relay and negotiate in plea offers with attorneys. The complaint alleges that the Respondent is biased and interested in their financial gain at the expense of vulnerable probationers.

This complaint was sent for an investigation. In March 2021 a Field investigator interviewed and obtained documents from the various parties involved in this matter. The investigation shows that the Respondent claims to be acting in accordance with Courts orders and directives, as well as the governing statute and rules when processing individuals assigned to them by the courts. Per the investigation this claim appears to be corroborated by the documents provided and by the correspondence received from the Smith County General Sessions Judge. No violations were found.

**Recommendation:** Closure

**Decision:** Investigation further into Potential Violations

### ***Complaint Process for Non-Compliance***

Director Gumucio informed the Council that there have been issues related to companies not following the requirements for license renewal. The non-compliance has resulted in administrative staff having to reach out to these companies continually, only to receive no response. Director Gumucio asked the Council for their recommendations on how to handle these situations. The Council discussed the options and determined that an administrative complaint should be opened, which would notify the companies that they have sixty (60) days to submit the required items and the assessment of a civil penalty in the amount of \$500. If the company complies within that timeframe, the complaint would be closed. If the company does not comply with the requirements and civil penalty, it would result in the suspension of their license and the complaint to be presented to the Council.

Judge Starnes motioned to accept this as the process for non-compliance, which Judge Logan seconded. The motion passed unanimously by roll call vote.

***\*Judge Kane exited the meeting at 11:03 a.m.\****

### ***Rules Update***

Ms. Bendell reviewed the rule changes that the Council approved at the previous meeting. The first change reduces the late fees for those entities who do not renew their licenses on time to be consistent with the law. The second change eliminates the additional five (5) cent fee for every ten (10) days the quarterly provider fee is late. Ms. Bendell informed the Council that the rules have been approved by the Governor's office and they are headed to the Attorney General's office for review.

### **NEW BUSINESS/ADJOURNMENT**

#### ***Mandatory Bond Form***

Director Gumucio informed the Council that one of the recommendations from the audit suggested that every company utilize the Tennessee Performance Bond form that is cited in the statute. Director Gumucio stated that this has not been current practice, but that it will begin with the August renewal cycle. Companies will be informed in advance by letter that this document will be required and that it is available on the Council's website.

### **ADJOURNMENT**

Judge Starnes motioned to adjourn the meeting, which was seconded by Judge Logan. Director Gumucio adjourned the meeting at 11:07 a.m.