



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

**Meeting Minutes
November 5, 2021
WebEx Meeting
Davy Crockett Tower**

The Private Probation Services Council met on November 5, 2021 via a WebEx Teleconference. The following business was transacted:

COUNCIL MEMBERS PRESENT: Judge Larry Logan, Judge Brody Kane, Judge Gary Starnes, Stacey Kelley and Michael Wright.

COUNCIL MEMBERS ABSENT: Judge Lynn Alexander

STAFF MEMBERS PRESENT: Roxana Gumucio, John Murphy, and Katie Long

CALL TO ORDER/ROLL CALL

Director Gumucio called the meeting to order at 10:06 a.m. and completed roll call.

NOTICE OF MEETING

Director Gumucio read the notice of meeting into the record as follows: "Notice of the November 5, 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, October 28, 2021."

STATEMENT OF NECESSITY

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

AGENDA

Judge Brody Kane motioned to adopt the agenda as adjusted, which Judge Gary Logan seconded. The motion passed unanimously by roll call vote.

AUGUST MINUTES

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

DIRECTORS REPORT

Budget

Director Gumucio presented the closing numbers for FY20-FY21. The Council finished the year with a deficit of \$29,029 and a final reserve of \$615,596. The program was not self-sufficient for the last two (2) years. There are 25 active private probation service companies. In 2016 that number was 38. The number of clients reported at the sunset hearing was 24,000. An analysis of the last three (3) quarterly provider reports shows an average of 15,000 clients on misdemeanor probation throughout the State. That signifies a loss of about \$27,000 each fiscal year.

Continued Education Ethics Course

Director Gumucio informed the Council that all active companies were sent an email with the information for the required ethics course. Several companies that renewed in September and have had their officers take the training. So far, all comments received have been positive.

LEGAL

Legal Report (presented by John Murphy)

1. PPSC-2021039011

DISCIPLINARY HISTORY:

- NONE

SUMMARY:

This matter was previously presented to the Council at its August 6, 2021 meeting as follows: This complaint was submitted anonymously. The Complainant alleges that the Respondent had promised to end a probation term early if the probationer would provide the Respondent with discounted landscaping rates. The complaint further alleges that the Respondent instructed the Complainant that they would be violated if they told anybody.

This complaint was sent for an investigation. In July 2021 a Field investigator attempted to interview Respondent; however, the Field investigator was informed that Respondent was in court for several days and unavailable to speak. The Field investigator then obtained a sworn written statement from Respondent denying all allegations of special treatment in exchange for personal favors. Further, the Field investigator obtained sworn statement from Respondent's supervisor stating that Respondent has never received any other such accusations or complaints and has been an exemplary employee.

The Field investigator did not uncover any further evidence of the allegations.

RECOMMENDATION: Close and Flag

DECISION: Request the Field Investigator to continue until there is an in-person meeting with the Respondent.

UPDATE:

An investigator conducted an in-person interview with the Respondent and their attorney on Monday, September 27, 2021. The investigator provided a copy of the anonymous complaint and questioned the Respondent on the nature of the complaint. The investigator asked why an anonymous complaint would be filed against her alleging serious violations of her duty as a probation officer. Respondent provided they had no idea why or who would submit such a complaint but denied any such offer as alleged in the complaint. The Respondent added that they only had one probationer receive a revocation in the last several months and it was due to a failed drug test, which Respondent had nothing to do with.

The investigator continued to question the Respondent on whether lawn care services had been provided to her property. The Respondent provided that there had been lawn care services provided to her property, but at the time the services were rendered, the Respondent did not know the identity of the company or individual. During the interview, the Respondent provided copies of a text message exchange between the Respondent's spouse and a lawn care company discussing a project to trim hedges and cut bushes. This exchange makes no mention of the Respondent. Additionally, the Respondent provided a digital receipt for a total project cost of \$250 from the same lawn care company dated May 29, 2021.

The investigator received an affidavit on Tuesday, September 28, 2021. The affidavit provided that the Respondent at no time engaged the services of any person to provide landscaping or brush removal, and that they had not engaged any probationer to provide services. Further, the Respondent states that their spouse had engaged a lawn care company to provide services, as evidenced in the text message exchange. The Respondent further stated that they were neither home when these services were performed, nor did they know the identity of the person performing the services.

NEW RECOMMENDATION: CLOSE AND FLAG.

DECISION: CONCUR WITH COUNSEL RECOMMENDATION.

ADJOURNMENT

There being no new business, Judge Brody Kane motioned to adjourn the meeting, which was seconded by Judge Gary Starnes. Director Gumucio adjourned the meeting at 10:21 a.m.