

**POLYGRAPH EXAMINERS ADVISORY BOARD
DRAFT MINUTES OF MEETING
JULY 18, 2011**

The Polygraph Examiners Advisory Board met on Monday, July 18, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Richmond, Virginia. The following Board members were present:

Sandra K. Baum, Chairman
John R. Patterson, Vice Chairman
Karl Holzbach
William Ingram

John E. McDowell was absent from the meeting.

Staff present for all or part of the meeting:

Gordon Dixon, Director
Mark Courtney, Deputy Director, LRD
Eric L. Olson, Executive Director
Adrienne Mayo, Regulatory Boards Administrator
Karen Bullock, Administrative Assistant
Earlyne Perkins, Legal Analyst

Vice Chairman, Sandra Baum called the meeting to order at 11:00 a.m.

Call To Order

Mr. Patterson offered a motion to approve the agenda. Mr. Ingram seconded the motion, which was approved unanimously. Members voting "Yes" were: Baum, Holzbach, Ingram and Patterson.

Approval of the Agenda

Mr. Patterson offered a motion to approve the April 29, 2010 meeting minutes. Mr. Ingram seconded the motion, which was approved unanimously. Members voting "Yes" were: Baum, Holzbach, Ingram and Patterson.

Approval of April 29, 2010 Meeting Minutes

There was no public comment.

Public Comment

In the matter of License Application File Number 2011-03760 Samuel Carson Gray, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference (IFF).

File Number **2011-03760** **Samuel Carson Gray** **Application**

Applicant Samuel Carson Gray appeared at the IFF. He attended the Board meeting and addressed the members.

Director, Gordon Dixon advised the members he knows the co-owner of the applicant therefore; he would not participate in the discussion or decision of this case. Director Dixon relegated authority to accept or reject the IFF Summary and the member's recommendation to the Deputy Director, Mark Courtney.

After discussion **Mr. Patterson** offered a motion to recommend denial of the application based on the nature and seriousness of the crimes and moral issues. Mr. Ingram seconded the motion, which was approved unanimously. Members voting "Yes" were: Baum, Holzbach, Ingram and Patterson.

After reviewing the record, Deputy Director, Mark Courtney overturned the board members recommendation to deny. Due to the rehabilitation efforts and length of time (23 years) Mr. Courtney accepted the recommendations contained in the IFF Summary and approved the application.

Director, Gordon Dixon asked the board members for nominations for a new chairman. **Mr. Holzbach** nominated Ms. Baum. After a brief discussion the members unanimously elected Ms. Baum as the new chairman. Members voting "Yes" were: Baum, Holzbach, Ingram and Patterson.

Election of Officers

Chairman Baum asked the board members for nominations for a new vice chairman. **Mr. Holzbach** nominated Mr. Patterson, seconded by **Mr. Ingram** and unanimously approved by the members. Members voting "Yes" were: Baum, Holzbach, Ingram and Patterson.

The board took a working lunch break to review examinations at 11:55 a.m. and resumed the meeting at 1:30 p.m.

Break

In the matter of License Application File Number 2011-04495 Kendall Wayne Shull, the board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference (IFF).

File Number
2011-04495
Kendall Wayne Shull
Application

Applicant Kendall Wayne Shull participated at the IFF by telephone. He did not attend the board meeting.

Director, Gordon Dixon resumed his authority to accept or reject the IFF Summary and/or member recommendations.

Legal Analyst Earlyne Perkins noted to the board an error referencing board Regulation 18 VAC 120-30-4. The correct regulation is 18 VAC 120-30-40.

After discussion **Mr. Patterson** offered a motion to accept the recommendations contained in the summary to deny the application. **Mr. Ingram** seconded the motion, which was approved unanimously. Members voting "Yes" were: Baum, Holzbach, Ingram and Patterson.

After reviewing the record, Director, Gordon Dixon approved the board members recommendation and denied the application.

By a unanimous vote, the board approved January 19, April 26, July 19 and October 18, 2012 meeting and examination schedule. Members voting "Yes" were: Baum, Holzbach, Ingram and Patterson.

Board and Examinations
Schedule for 2012

Director Dixon reminded the board members when their term expires they are to serve until they receive an official notice of their release.

Old Business

Chairman Baum congratulated the polygraph examiner candidates on passing their examination and welcomed them to the profession.

Examination Candidates

Examination Update

New Business

Regulatory Boards Administrator, Adrienne Mayo shared with the Board a memo from Sharon M. Sweet, Director, Office of Education and Examinations regarding the examination. The Department contracted with PSI Services, LLC (PSI), for the development of the written part of the Polygraph Examiner Examination which was administered for the first time on July 18, 2011. The Polygraph Examiners Examination is a two part examination. Part 1 is the

written exam which is developed by PSI and administered by the DPOR examination staff. Part 2 is the chart interpretation and case analysis which is administered by the board, or its representative.

After discussion **Mr. Patterson** offered a motion recommending continuing the two part examination. **Mr. Holzbach** seconded the motion, which was approved unanimously. Members voting "Yes" were: Baum, Holzbach, Ingram and Patterson.

Director, Gordon Dixon approved the board members recommendation to continue administrating the Polygraph Examiners Examination as a two part examination.

Regulatory Update

Board staff, Ms. Mayo informed the board members that the proposed regulations remain at the Governor's office awaiting review.

Examination Review

Chairman Baum shared with members of the board that she recently served on the Examination Review Committee. She shared concern regarding the committee's removal of questions involving the use of analog equipment from the examination. Ms. Baum advised the board that the machine is still being used. Mr. Holzbach and Mr. Patterson also shared this concern. The members requested Director Dixon's consideration to return analog questions to the examination. After further discussion Director Dixon asked Ms. Baum to gather more information to report to him on this matter.

Member Vacancies

Ms. Mayo shared that there are three vacancies on the board, two civilian and one law enforcement and if the members know of anyone interested in serving to contact her.

The next Board meeting will be Thursday, October 20, 2011.

Next Board meeting

Travel vouchers and conflict of interest forms were completed by all the board members present.

Completion of Paperwork

Chairman Baum made a motion to adjourn the meeting at 2:27 pm and Mr. Holzbach seconded the motion, which was approved unanimously. Members voting "Yes" were: Baum, Holzbach, Ingram and Patterson.

Adjourn

Sandra K. Baum, Chairman

Date

Gordon Dixon, Director

Date