

**POLYGRAPH EXAMINERS ADVISORY BOARD MEETING  
MINUTES**

The Polygraph Examiners Advisory Board met on Thursday, February 02, 2023 at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Richmond, Virginia.

The following members of the Advisory Board were present:

Michael E Lovely, Chairman  
John T Orr, Vice Chairman  
Heather Brown  
George D Grant

The following members of the Advisory Board were not present:

Karl Holzbach,

Board Counsel, Elizabeth Peay was present during the meeting.

Staff present for all or part of the meeting:

Mitch Melis, Director  
Kishore Thota, Chief Deputy Director  
Marjorie King, Executive Director  
Mary Charity, Licensing Supervisor  
Stephanie Keuther, Administrative Coordinator  
Rhonda Starr, Examination Coordinator  
Deborah Ogram, Examination Specialist

APPROVED

Mr. Lovely, Chairman called the meeting to order at 10:07 a.m.

Call to Order

A motion was made by Mr. Orr seconded by Mr. Grant to approve the Draft Agenda of February 2, 2023

Approval of the Agenda

The motion was approved with a vote of 4-0-0 Ayes: Lovely, Orr, Brown, and Grant.  
Nays: None Abstained: None Absent: Holzbach.

A motion was made by Mr. Orr seconded by Ms. Brown to approve the Minutes of October 6, 2022 as presented.

Approval of  
Draft Minutes

The motion was approved with a vote of 4-0-0 Ayes: Lovely, Orr, Brown, and Grant.  
Nays: None Abstained: None Absent: Holzbach.

Public Comment

Mr. Lovely, Chairman opened the Public Comment section of the meeting. With no one wishing to come forward Mr. Lovely, Chairman closed the Public Comment section of the meeting.

Public Comment

Old Business

There was none.

Old Business

New Business

**NCTC Polygraph Internship Program review for substantial equivalency**

Marjorie King, Executive Director, informed the Board of NCTC's Polygraph Internship Program and requested the Board to review their internship and determine if it's substantially equivalent to Virginia's required internship.

New Business

**Polygraph Internship Program**

After discussion, a motion was made by Mr. Orr and seconded by Ms. Brown that the Advisory Board recommends the NCTC Internship Program is not substantially equivalent to Virginia's required internship.

The motion was approved with a vote of 4-0-0 Ayes: Lovely, Orr, Brown, and Grant.  
Nays: None Abstained: None Absent: Holzbach.

**Eye Detect**

**Eye Detect**

Mitch Melis, Director, informed the Board the 2022 Code of Virginia Title 54.1 - Professions and Occupations Chapter 18 - Polygraph Examiners

**§ 54.1-1805. Instrument to be used**

A. Each polygraph examiner shall use an instrument that records permanently and simultaneously the subject's cardiovascular and respiratory patterns as minimum standards, but such an instrument may record additional physiological changes pertinent to the determination of truthfulness.

B. 1. The use of any other detection device that does not meet the instrumentation requirements set forth in subsection A shall be approved by the Director. The Director shall approve such other detection device only when the data collected by such device is deemed to be reliable and valid in detecting deception or verifying truth, based upon the preponderance of available scientific evidence. The voluntary, written consent of any individual to be tested using a detection device approved pursuant to this subsection shall be obtained prior to the administration of any such test or questioning using the device.

2. Any such approved device shall be subject to regulations promulgated by the Director regarding its use in the Commonwealth.

3. The Director shall establish standards of practice related to the use of any such other detection device approved pursuant to this subsection.

After discussion, the Board agreed there is not a preponderance of evidence. No action was taken at this time.

**Proposed language for Standards of Practice and Conduct**

Marjorie King, Executive Director informed the Board the public comment section for the NOIRA to review and amend the Standards of Practice and Conduct closed on January 4, 2023. Ms. King, informed the Board comment had been received indicating that changes to the Virginia Freedom of Information Act will require amendments to the Regulations, with regards to copies of polygraph reports being made available to the public.

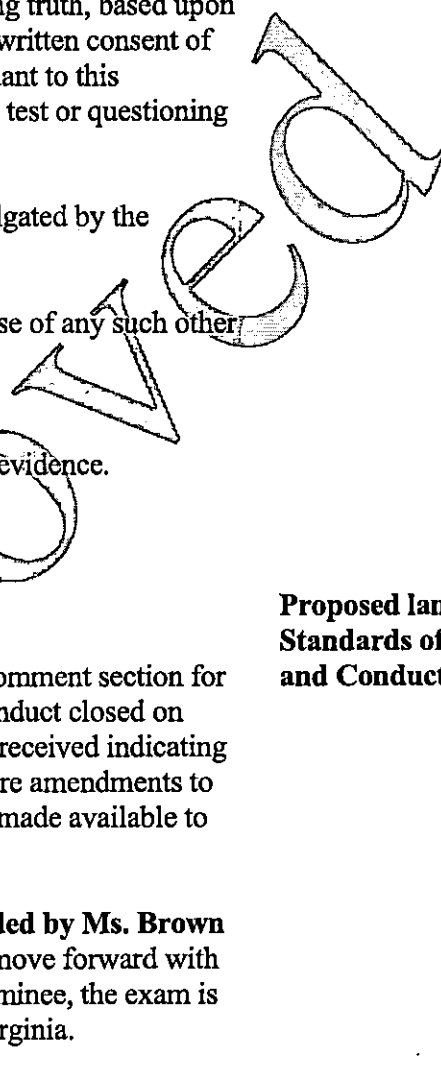
After discussion, a motion was made by Mr. Lovely and seconded by Ms. Brown that the Advisory Board recommends to the Director of DPOR to move forward with the proposed language, that the examiners shall disclose to the examinee, the exam is subject to disclosure under Title 2.2 –Chapter 37 of the Code of Virginia.

The motion was approved with a vote of 4-0-0 Ayes: Lovely, Orr, Brown, and Grant. Nays: None Abstained: None Absent: Holzbach.

A motion was made by Lovely and seconded by Ms. Brown to add a guidance document for examiners to be aware of the change in Regulations for FOIA.

The motion was approved with a vote of 4-0-0 Ayes: Lovely, Orr, Brown, and Grant. Nays: None Abstained: None Absent: Holzbach.

Recess



**Proposed language for Standards of Practice and Conduct**

Mr. Lovely, Chairman called a recess to the meeting at 11:10 AM  
Mr. Lovely, Chairman called the meeting back to order at 11:15 AM

**Recess**

**Regulatory Review**

Marjorie King, Executive Director informed the Board in accordance with Executive Directive One and current statutory requirements, the Board will continue the line by line review of the Polygraph Examiners Regulations to determine if they currently meet those requirements or should be amended or removed.

The Board started the line by line review of the Regulations. No action was taken at this time and will continue into the next meeting on April 13, 2023.

**Regulatory Review**

**Introductory of Exam Candidates**

Board members and staff congratulated the polygraph examiner candidates on passing their examination and welcomed them to the profession. The Board members encouraged the candidates to participate in continuing education, keep pressing forward and enjoy their profession.

**Introductory of Exam Candidates**

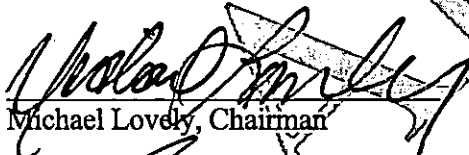
Travel vouchers and conflict of interest forms were completed by all the board members present and submitted to Stephanie Keuther for processing.

Mr. Lovely adjourned the Polygraph Examiners Advisory Board Meeting at 2:30 p.m.

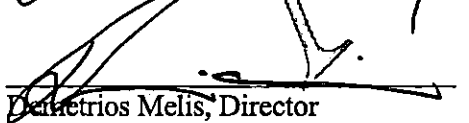
**Completion of Paperwork**

The next Board meeting is scheduled for Thursday, April 13, 2023 at 10:00 am.

**Adjourn**

  
Michael Lovely, Chairman

07/18/23  
Date

  
Demetrios Melis, Director

07/18/2023  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name Heather Brown  
(Name of Board Member)
2. Title: Board Member
3. Agency. DPOR/Polygraph Examiners Advisory Board  
(Name of Board)

4. Meeting/IFF Date: 02/02/2023

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting.

Yes - If yes, please answer the following questions.

A. \_\_\_\_\_  
(Agenda Item)

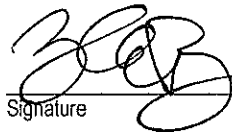
B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

- D.  I am able to participate in this transaction fairly, objectively, and in the public interest.      or  
 I did not participate in the transaction.

6. Signature of Board Member:

  
Signature

February 2, 2023  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name John Orr  
(Name of Board Member)
2. Title: Board Member
3. Agency. DPOR/Polygraph Examiners Advisory Board  
(Name of Board)

4. Meeting/IFF Date: 02/02/2023

5. Do you have a personal interest in the following transaction?

- No; I do not have a personal interest in any transactions taken at this meeting.  
 Yes - If yes, please answer the following questions.

A. \_\_\_\_\_  
(Agenda Item)


B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

- D.  I am able to participate in this transaction fairly, objectively, and in the public interest.      or  
 I did not participate in the transaction.

6. Signature of Board Member:

  
Signature

February 2, 2023  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name George Grant  
(Name of Board Member)
2. Title: Board Member
3. Agency: DPOR/Polygraph Examiners Advisory Board  
(Name of Board)
4. Meeting/IFF Date: 02/02/2023

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
- Yes - If yes, please answer the following questions.

A. \_\_\_\_\_  
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D.  I am able to participate in this transaction fairly, objectively, and in the public interest.      or
- I did not participate in the transaction.

6. Signature of Board Member:

George D. Grant  
Signature

February 2, 2023  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name Michael Lovely  
(Name of Board Member)

2. Title: Board Member

3. Agency: DPOR/Polygraph Examiners Advisory Board  
(Name of Board)

4. Meeting/IFF Date: 02/02/2023

5. Do you have a personal interest in the following transaction?

- No; I **do not** have a personal interest in any transactions taken at this meeting.
- Yes - If yes, please answer the following questions.

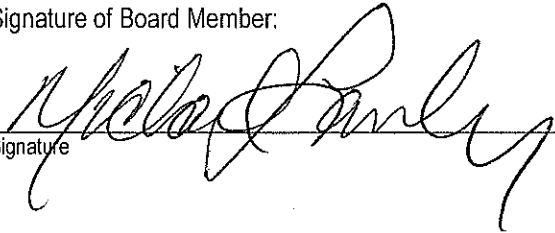
A. \_\_\_\_\_  
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D.  I am able to participate in this transaction fairly, objectively, and in the public interest.      or
- I did not participate in the transaction.

6. Signature of Board Member:

  
Signature

February 2, 2023  
Date