

**POLYGRAPH EXAMINERS ADVISORY BOARD
MINUTES OF MEETING
JANUARY 11, 2007**

The Polygraph Examiners Advisory Board met on Thursday, January 11, 2007, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. The following Board members were present:

Paul Minor, Chairman
Denise Likens, Vice Chairman
Sandra Baum
Bernard Levin
John E. McDowell
A. W. Omohundro

Barry Colvert and Elizabeth Wildhack were absent from the meeting.

Staff present for all or part of the meeting:

Jay W. DeBoer, Director
Karen O'Neal, Deputy Director
Eric L. Olson, Executive Director
Kevin Hoeft, Regulatory Boards Administrator
Karen Kenney, Administrative Assistant
Sharon Sweet, Education & Examinations

Chairman Minor called the meeting to order at 11:30 a.m.

Call to Order

Dr. Levin offered a motion to approve the agenda. Mr. Omohundro seconded the motion, which was approved unanimously.

**Approval of
Agenda**

Dr. Levin offered a motion to approve the Board's October 26, 2006, meeting minutes. Sgt. Likens seconded the motion, which was approved unanimously.

**Approval of
October 26, 2006,
Meeting Minutes**

There was no public comment.

**Public
Comment**

Chairman Minor informed the Board that two candidates are sitting for the licensure examination today.

**Examination of
License
Candidates**

Sharon Sweet informed the Board that its examination vendor, Professional Credential Services, Inc. (PCS), performed an item analysis of the June and October 2006 administrations of the new Polygraph Examiner License Examination's written portion.

**Polygraph
Examiner License
Examination
Questions' Review**

A total of 35 questions were reviewed: eighteen from the October test, thirteen from the June test, and four questions which

appeared on both tests. A small number of these questions were incorrectly keyed. Corrections were made to the test question item bank, and new test forms were provided to the Board for its December 2006 examinations administration.

Ms. Sweet also informed the Board that examination candidates' pass rate is 83% since the Board's new examination was implemented in December 2005.

Kevin Hoeft informed the Board that the final general amendments to the Board's current regulations have been approved by the Secretary of Commerce and Trade and have been forwarded to the Governor's Office for final review.

Regulatory Review Update

The Director and Board reviewed for final approval the proposed fee increases to the Board's current regulations. Dr. Levin offered a motion to recommend that the Director approve fee increases as final. Sgt. Likens seconded the motion, which was approved unanimously. The Director approved these regulations as final.

The following Old Business was addressed

Old Business

Kevin Hoeft advised the Board that staff contacted 27 other states to determine their continuing education requirements for polygraph examiner license renewal. Nine states have continuing education requirements for polygraph examiner license renewal, nine do not have continuing education requirements, and nine states either do not issue a polygraph examiner license or failed to return staff calls.

Continuing Education Requirements in Other States

During discussion, the Board concluded that the low number of complaints against its licensees and the requirement for a statutory change to require continuing education for polygraph examiners weigh against initiating continuing education as a condition for license renewal.

Dr. Levin offered a motion to add all Polygraph Examiner and Polygraph Examiner Intern licensees to the Board's Public Participation Guidelines Notification List so that all licensees will be apprised of any statutory or regulatory changes that affect their profession. Sgt. Likens seconded the motion, which was approved unanimously.

The Board discussed the limits on sexual activities questions that may be asked by polygraph examiners for law enforcement pre-employment Pretest Interview and Test Questions and reviewed a letter seeking guidance on this issue from Sergeant Vernon Lee White of the Chesapeake Sheriff's Office.

Limits on Sexual Activities Questions Asked by Polygraph Examiners

After discussion, the Board recommended that the Director reply by letter to Sgt White informing him that federal and state law exempts local governments, including law enforcement agencies, from being prohibited to ask sexual activities questions during pre-employment interviews.

The following New Business was addressed.

Board Executive Director Eric Olson was appointed by Governor Kaine to serve on the Commission on Sexual Violence

Mr. Olson informed the Board of Commission business, specifically concerning administering polygraph examinations to sexual violence victims as a prerequisite for conducting an investigation. Several states have prohibited the administration of polygraph examinations to such victims. Mr. Olson will keep the Board apprised of the Commission's work on this subject

After a motion by Mr. Omohundro, seconded by Dr. Levin, the Board voted unanimously to commend the service of Board Past Chairman Gary Jenkins by presenting him with a resolution at the Board's next meeting on April 5, 2007.

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

Sgt. Likens made a motion to adjourn the meeting at 12:50 p.m. Dr. Levin seconded the motion, which was approved unanimously.

New Business

**Governor's
Commission on
Sexual Violence
related to
Polygraph
Examinations**

**Resolution
Commending Past
Chairman Gary
Jenkins**

**Completion of
Paperwork**

Adjourn



Paul K. Minor, Chairman

10/4/2007
Date



Jay W. DeBoer, Secretary

10/4/2007
Date

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

1. Name: Sandra Baum
2. Title: Member – Polygraph Board
3. Agency: Department of Professional & Occupational Regulation
4. Transaction. POLYGRAPH EXAMINATIONS
5. Nature of Personal Interest Affected by Transaction:

None

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Franklin Security Systems (does not affect)

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Sandra K. Baum
Signature

January 11, 2007
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Dr. Bernard Levin
2. Title: Member – Polygraph Board
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: POLYGRAPH EXAMINATIONS
5. Nature of Personal Interest Affected by Transaction:

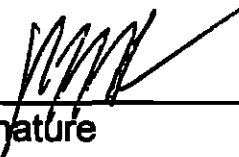
N/A

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Law Enforcement

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

January 11, 2007
Date

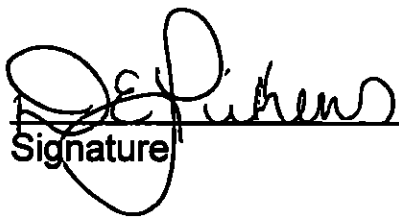
**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Denise Likens
2. Title: Member – Polygraph Board
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: POLYGRAPH EXAMINATIONS
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

January 11, 2007
Date

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

1. Name: John "Ed" McDowell
2. Title: Member – Polygraph Board
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: POLYGRAPH EXAMINATIONS
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

January 11, 2007
Date

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

1. Name: **Paul Minor**
2. Title **Member – Polygraph Board**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction: **POLYGRAPH EXAMINATIONS**
5. Nature of Personal Interest Affected by Transaction:

None

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

None

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

(Paul K. Minor
Signature

January 11, 2007
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: **A. W. Omohundro**
2. Title: **Member – Polygraph Board**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction: **POLYGRAPH EXAMINATIONS**
5. Nature of Personal Interest Affected by Transaction:

NONE

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

NONE

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

A. W. Omohundro
Signature

January 11, 2007
Date