

POLYGRAPH EXAMINERS ADVISORY BOARD MEETING
Approved Minutes

The Polygraph Examiners Advisory Board met on Thursday, **April 11, 2019**, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Richmond, Virginia.

The following members of the Advisory Board were present:

Karl Holzbach, Vice Chair
William (Vic) Ingram
Stephen T Oliver

The following members of the Advisory Board were not present:

Brett Feinstein
George D Grant
John T Orr
Michael E Lovely
John Patterson (resigned)

Staff present for all or part of the meeting:

Mary Broz-Vaughan, Acting Director
Eric L. Olson, Executive Director
Elizabeth Peay, Assistant Attorney General
Marjorie King, Regulatory Boards Administrator
Stephanie Keuther, Administrative Assistant
Rhonda Starr, Examination Coordinator
Shannon Webster, Director of Exams

Mr. Holzbach, Vice Chairman called the meeting to order at 11:00 a.m.

Call To Order

Mr. Ingram made a motion to approve the Agenda as presented. Mr. Oliver seconded the motion. The motion was approved with a vote of 3-0-0 **AYES:** Ingram, Oliver, and Holzbach. **Nays:** None **Abstained:** None **Absent:** Patterson, Feinstein, Grant, Orr, and Lovely

Approval of the Agenda

Mr. Ingram made a motion to approve the Minutes of October 22, 2015 as presented. Mr. Oliver seconded the motion. The motion was approved with a vote of 3-0-0 **AYES:** Ingram, Oliver, and Holzbach. **Nays:** None **Abstained:** None **Absent:** Patterson, Feinstein, Grant, Orr, and Lovely.

Approval of October 22, 2015 Meeting Minutes

There was none.

Public Comment

Old Business

Examination Questions Discussion – APA Guidelines

Mr. Holzbach, Vice Chairman, asked for an update regarding the placement on limiting questions on pre-employment examinations (18 VAC 50-30-220 C), which had been discussed previously. The board discussed the various types of examinations and recommendations for question limitations in place by the American Polygraph Association and DACA (formally DOD-PI), and the advantages of those recommendations. The Board asked staff for guidance as to how to proceed with implementing their regulations.

Examination Questions Discussion – APA Guidelines

Ms. Broz-Vaughan, Acting Director explained that, in this instance, a guidance document may best serve the purpose intended by the Board. She explained the guidance document procedures to the Board, including the inclusion of a public comment period, but indicated that it would be a good first step.

Mr. Oliver made a motion to direct staff to draft a guidance document for presentation at the next meeting. Mr. Ingram seconded the motion. The motion was approved with a vote of 3-0-0 **AYES:** Ingram, Oliver, and Holzbach. **Nays:** None **Abstained:** None **Absent:** Patterson, Feinstein, Grant, Orr, and Lovely.

New Business

Election of Officers

Mr. Olson, Executive Director Notified the Board that the Chairman, Mr. Patterson had resigned as he is now retired and that it would be appropriate to conduct an election of new officers.

Election of Officers

Mr. Holzbach turned over the chairmanship to **Ms. King, Regulatory Boards Administrator**, for the purposes of presiding of the election of officers.

A motion was made by Mr. Ingram to nominate Mr. Holzbach as Chairman. The motion was approved with a vote of 2-0-1. **AYES:** Ingram, and Oliver. **Nays:** None **Abstained:** Holzbach. **Absent:** Patterson, Feinstein, Grant, Orr, and Lovely.

Mr. Oliver made a motion to nominate Mr. Ingram as Vice Chairman. The motion was approved with a vote of 2-0-1. **AYES:** Holzbach and Oliver. **Nays:** None **Abstained:** Ingram. **Absent:** Patterson, Feinstein, Grant, Orr, and Lovely

Ms. King returned the chairmanship to **Mr. Holzbach.**

Regulatory Review – Reinstatement Period

Mr. Olson brought to the Board's attention a situation involving a licensee that had inadvertently allowed their license to lapse and, after six months, had permanently lost the licensing, requiring that the individual apply as a new examiner and successfully complete the licensing examination. **Mr. Ingram** provided additional information about the individual and the situation, requesting that the Board review their current regulations.

Mr. Olson, Executive Director, provided the Board with information regarding the reinstatement regulations and procedures in place with other programs at DPOR and suggested that the Board could extend the reinstatement period while, at the same time, move to a two year license. This would be a much less burdensome requirement than what is currently in place. This would require that the Director commence the regulatory review process to amend those applicable sections regarding renewal and reinstatement.

A motion was made by Mr. Ingram to have the director begin action for the regulatory review. Mr. Oliver seconded the motion. The motion was approved with a vote of 3-0-0. **AYES:** Ingram, Oliver, and Holzbach. **Nays:** None **Abstained:** None **Absent:** Patterson, Feinstein, Grant, Orr, and Lovely.

Shannon Webster, Director of Exams notified the Board that the scenarios portion of the polygraph exam had been in place for several years and needed to be reviewed in order to keep the examination psychometrically valid. She recommended that the Board hold a special exam workshop meeting to develop new scenarios.

Mr. Olson, Executive Director recommended that the Board combine the workshop with their next meeting, scheduled for Thursday July 18, 2019, and include it as a part of the agenda, just going into closed session to work on the scenarios. The Director agreed and it will be implemented.

Alternative Truth Detection Device/Oculomotor Test for Deception

Mr. Ingram, Board member left the meeting to review the exam candidates test results. The candidate had a family emergency he needed to leave for.

The Board reviewed the information submitted by Dr. Anita Schlank regarding the Ocular-Motor Deception Test and her request to have the method approved for use in Virginia as an Alternative Truth Detection Device.

The Board indicated that the theory was promising but had several concerns: 1) lack of sufficient test data where jeopardy is attached to the answers, 2) insufficient identification of situations where the method could not be used and speculation that it would be a significant number, 3) side-by-side comparisons to traditional polygraph examinations, 4) insufficient scientific evidence that the method is reliable enough outside the lab.

After much discussion about the Alternative Truth Detection Device/Oculomotor Test for Deception Ms. Broz-Vaughan noted to the Board that the statute requires scientific evidence. With this particular method there has not been sufficient scientific evidence and it will not be approved for use in Virginia at this time.

Candidates

The exam candidate was not recognized at this time. He had to leave after his exam due to a family emergency.

The next Polygraph Examination will be administered on **July 18, 2019** at 9:00 am. The next Board meeting is scheduled for Thursday, **July 18, 2019** at 11:00 am.

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

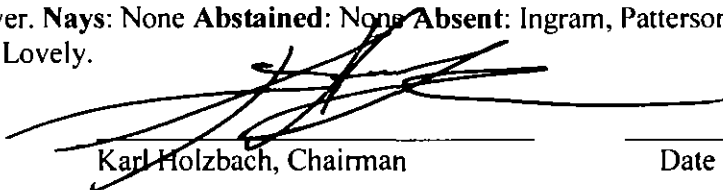
Mr. Holzbach motioned to adjourn the meeting at 12:30 pm. **Mr. Oliver** seconded the motion. **The motion was approved with a vote of 2-0-0. AYES:** Holzbach, and Oliver. **Nays:** None **Abstained:** None **Absent:** Ingram, Patterson, Feinstein, Grant, Orr, and Lovely.

Examination Candidates

Next Board meeting

Completion of Paperwork

Adjourn


Karl Holzbach, Chairman Date 7/18/19


Mary Broz-Vaughan, Acting Director Date 7/18/19

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

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

1. Name: Stephen T Oliver
(Name of Board Member)
2. Title: Board Member
3. Agency: Polygraph Examiners Advisory Board
(Name of Board)
4. Meeting/IFF Date: April 11, 2019
5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

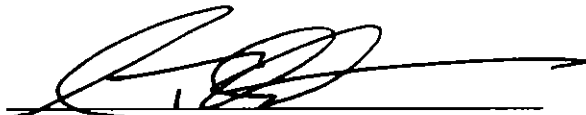
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I **do not** have a personal interested in any transactions taken at this meeting.



Signature

April 11, 2019
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Karl Holzbach
(Name of Board Member)
2. Title: Board Member
3. Agency: Polygraph Examiners Advisory Board
(Name of Board)
4. Meeting/IFF Date: April 11, 2019
5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

6. I **do not** have a personal interested in any transactions taken at this meeting.


Signature

April 11, 2019
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: William V. Ingram
(Name of Board Member)
2. Title: Board Member
3. Agency: Polygraph Examiners Advisory Board
(Name of Board)
4. Meeting/IFF Date: April 11, 2019
5. I have a personal interest in the following transaction:

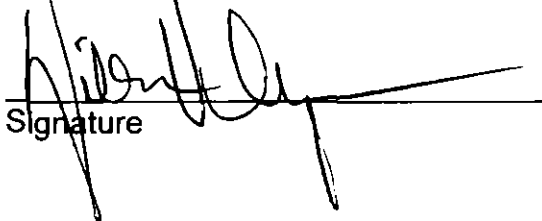
(Agenda Item)

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

6. I do not have a personal interested in any transactions taken at this meeting.


Signature

April 11, 2019
Date