

POLYGRAPH EXAMINERS ADVISORY BOARD

MINUTES OF MEETING

NOVEMBER 21, 2003

The Polygraph Examiners Advisory Board met on Thursday, November 21, 2003 at the Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. The following Board members were present:

Gary M. Jenkins
Darryl DeBow
Denise Likens
Paul K. Minor
Barry M. Colvert
A. W. Omohundro

Bernard Levin, and Thomas H. Roberts were absent from the meeting.

Staff present for all or part of the meeting was:

Louise Fontaine Ware, Director
Karen O'Neal, Director of Regulatory Programs
Eric L. Olson, Executive Director
Kimberly Freiberger, Regulatory Boards Administrator
Sheila Watkins, Administrative Assistant

Jenkins called the meeting to order at 10:02 AM.

Call to Order

DeBow offered a motion to approve the agenda. Colvert seconded the motion which was unanimously approved by members: DeBow, Jenkins, Minor, Likens, Omohundro and Colvert.

Approval of Agenda

Introduced new board members DeBow and Levin

Introduction of New Board Members

Public Comment Period: No public comments were made and no members of the public were present.

Public Comment Period

Likens offered a motion to approve the 2004 meeting schedule, as written. Meetings were proposed to be held in Conference Room 4 West at 10:00 am on the following days: March 4, 2004; June 3, 2004; and September 2, 2004. DeBow seconded the motion which was unanimously approved by members: DeBow, Likens, Jenkins, Minor, Omohundro and Colvert.

Approval of 2004 Meeting Schedule

Direct deposit travel voucher forms were previously filled-out and turned in by the presiding Board Members. Questions were answered regarding the new procedure to receive electronic payment for the submission of travel vouchers.

Collection of Paperwork – Direct Deposit Forms

The Board reviewed the application of the Virginia School of Polygraph located at 203 Loudoun Street, S.W. Leesburg, VA 20176 for their polygraph program to be approved as meeting the educational requirements set forth in the regulations. DeBow reported that T.D. O'Mally, Inspector from the American Polygraph Association, has already conducted the physical inspection of the school and the certificate of inspection document is being prepared.

School Approval Review

On a motion by Colvert, seconded by Omohundro, the Board unanimously voted to approve the application, contingent on the Board receiving the official certification document that the school has successfully passed inspection. Members voting yes were: Omohundro, Jenkins, Likens Minor, and Colvert. DeBow did not vote due to conflict of interest.

The chairman, Jenkins, stated that he had read the report and commended the staff on an excellent study and recognized them for their work. He stated that he expected the report to be used nationwide.

Presentation of the completed BPOR Board study regarding the utility and validity of the voice stress analyzers

Louise Ware, Director, discussed the results of the study and confirmed that the BPOR Board, upon conclusion of the study, recommended to her not to approve the use of voice stress analyzer equipment in Virginia at this time. The Director confirmed her decision to follow this recommendation and acknowledged that legislature will be reviewing the bill again in 2004.

Omohundro spoke on his experience with the voice stress analyzer and tried to keep an open mind about its use.

The Board discussed the issue of how the agency was going to

enforce the non-use of the voice stress analyzer equipment in Virginia. It was decided that this issue would be revisited when a complaint was filed by a citizen of the commonwealth or the agency was informed by an outside source that the equipment was being used illegally in Virginia. Ware stated that all future leads involving allegations of the use of this equipment in the Commonwealth of Virginia would be followed-up by the enforcement division of the agency.

DeBow motioned to accept the BPOR Board study and the motion was seconded by Colvert. The Board unanimously voted to approve the study, as written. Members voting yes were: Omohundro, Jenkins, Likens, Minor, Colvert and Mr. DeBow.

Likens made a motion to Ware, the agency Director, that the Polygraph Examiner Advisory Board official position, after reviewing the study, concurs with the study recommendation and that they that voice stress analyzer equipment not be used in the Commonwealth of Virginia at this time. The motion was seconded by Omohundro. The Board unanimously voted to approve the motion, as stated. Members voting yes were: Omohundro, Jenkins, Likens, Minor, Colvert and Mr. DeBow.

The presiding Board Members turned in their conflict of interest forms and reported, in writing, changes to staff regarding their contact information for the public and private rosters.

Old Business

DeBow made a motion to have Ware and staff start the review process of the current Polygraph regulations. Likens seconded the motion and the Board unanimously voted to approve the motion, as stated. Members voting yes were: Omohundro, Jenkins, Likens, Minor, Colvert and Mr. DeBow.

Olson addressed the Board about the written requirement of submission of fingerprint cards, as it is currently written on the polygraph application and the regulations, and reminded the Board that as of July 1, 2003 the VA state police were no longer processing the fingerprint cards for verification of criminal records of applicants. DeBow made a motion to replace the requirement that applicants submit their fingerprint cards with a requirement of the applicants to submit a copy of a Virginia CCRE (Central Criminal Records Exchange) dated no later than 30 days of the application date. Colvert seconded the motion and the Board unanimously voted to approve the motion, as stated. Members

voting yes were: Omohundro, Jenkins, Likens, Minor, Colvert and Mr. DeBow.

Likens addressed the Board about the polygraph examination questions. She suggested that a sub-committee be formed in the up-coming months to review the current polygraph examination questions in order to ensure that the questions are still current with the regulations and use of new technology of the polygraph equipment. The sub-committee would be responsible for presenting recommendations for changes to the full Board for approval before any changes could be made to the examination.

New Business

The next Polygraph Advisory Meeting will be March 4, 2004 at 10 am.

Update of Schedule

With no further business before the Board, Colvert moved to adjourn the meeting at 12 Noon. Minor seconded the motion which was then unanimously approved by members: Jenkins, Likens, Minor, Colvert, DeBow and Omohundro.

Adjourned at 12 Noon

Gary M. Jenkins, Chair

Louise F. Ware, Secretary

COPY TESTE:

Custodian of Records