

**POLYGRAPH EXAMINERS ADVISORY BOARD MEETING
MINUTES**

The Polygraph Examiners Advisory Board met on Tuesday, July 18, 2023 at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Richmond, Virginia.

The following members of the Advisory Board were present:

Michael E Lovely, Chair
John T Orr, Vice Chair
Heather Brown
George D Grant
Karl Holzbach

The following members of the Advisory Board were not present:

Board Counsel, Elizabeth Peay was not present during the meeting.

Staff present for all or part of the meeting:

Mitch Melis, Director
Steve Kirschner, Deputy Director
Marjorie King, Executive Director
Mary Charity, Licensing Supervisor
Joe Haughwout, Regulatory Affairs Manager
Stephanie Keuther, Administrative Coordinator
Rhonda Starr, Examination Coordinator
Deborah Ogram, Examination Specialist

Mr. Lovely, Chair called the meeting to order at 10:00 a.m.

Call to Order

A motion was made by Mr. Orr seconded by Ms. Brown to approve the Draft Agenda of July 18, 2023

Approval of the Agenda

The motion was approved with a vote of 5-0-0 Ayes: Lovely, Orr, Brown, Holzbach and Grant. Nays: None Abstained: None Absent: None

A motion was made by Mr. Grant seconded by Mr. Orr to approve the Minutes of February 2, 2023 as presented.

Approval of
Draft Minutes

The motion was approved with a vote of 5-0-0 Ayes: Lovely, Orr, Brown, Holzbach and Grant. Nays: None Abstained: None Absent: None

Public Comment

Public Comment

Mr. Lovely, Chair opened the Public Comment section of the meeting.

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

Old Business

There was none.

Old Business

New Business

New Business

Computer Voice Stress Analyzer (CVSA)

**Computer Voice
Stress Analyzer (CVSA)**

Marjorie King, Executive Director, informed the Board in March of 2023 Board staff attended a demonstration for Computer Voice Stress Analyzer (CVSA). CVSA software programs are designed to measure changes in voice patterns caused by the stress, or the physical effort, of trying to hide deceptive responses. CVSA programs interpret changes in vocal patterns and indicate on a graph whether the subject is being "deceptive" or "truthful." Ms. King informed the Board a general notice of public comment was completed.

Mitch Melis, Director informed the Board staff engaged and solicited as much data and public comment as they could.

APPROVED

Recess

Mr. Lovely, Chair called a recess to the meeting at 10:45 AM
Mr. Lovely, Chair called the meeting back to order at 11:04 AM

Recess

After discussion, a motion was made by Mr. Holzbach and seconded by Mr. Grant based on a review of the public comments, the presentation by the CVSA manufacturer, NITV Federal Services, a review of the current scientific evidence, and independent research by individual board members, the Board recommends that the Director not approve CVSA as a deception detection or truth detection device. The preponderance of the current scientific literature indicates that CVSA does not collect reliable and valid data on detecting deception and verifying truthfulness, which was confirmed during NITV’s inconsistent demonstration of the product. The Board is willing to accept new scientific evidence of CVSA’s reliability.

The motion was approved with a vote of 5-0-0 Ayes: Lovely, Orr, Brown, Holzbach and Grant. Nays: None Abstained: None Absent: None

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 continued the line by line review of the Polygraph Regulations.

After discussion a motion was made by Mr. Holzbach seconded by Ms. Brown for filing of a Notice of Intended Regulatory Action in order to commence a review of the regulations in order to comply with the General Regulatory Reduction initiative.

The motion was approved with a vote of 5-0-0 Ayes: Lovely, Orr, Brown, Holzbach and Grant. Nays: None Abstained: None Absent: None

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.

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

Introductory of Exam Candidates

Completion of Paperwork

Mr. Lovely adjourned the Polygraph Examiners Advisory Board Meeting at 2:15 p.m.

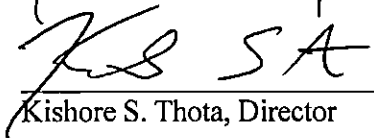
Adjourn

The next Board meeting is scheduled for Thursday, October 5, 2023 at 10:00 am.



Michael Lovely, Chair

01/09/24
Date



Kishore S. Thota, Director

01/09/24
Date

Approved

**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: 07/18/2023

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

July 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: 07/18/2023

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:

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- I did not participate in the transaction.

6. Signature of Board Member:


Signature

July 18, 2023
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: DPOR/Polygraph Examiners Advisory Board
(Name of Board)

4. Meeting/IFF Date: 07/18/2023

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July 18, 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: 07/18/2023

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.


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(Agenda Item)

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 I did not participate in the transaction.

6. Signature of Board Member:


Signature

July 18, 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: 07/18/2023

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.
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July 18, 2023
Date