

Report on the
Polygraph Examiners Board
Montgomery, Alabama



**Department of
Examiners of Public Accounts**

50 North Ripley Street, Room 3201
P.O. Box 302251
Montgomery, Alabama 36130-2251
www.examiners.alabama.gov

Rachel Laurie Riddle, Chief Examiner

State of Alabama
Department of
Examiners of Public Accounts

Telephone (334) 242-9200
FAX (334) 242-1775

Rachel Laurie Riddle
Chief Examiner

Mailing Address:
P.O. Box 302251
Montgomery, AL 36130-2251

Location:
Gordon Persons Building
50 North Ripley Street, Room 3201
Montgomery, AL 36104-3833

June 20, 2018

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Polygraph Examiners Board in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Polygraph Examiners Board, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Rachel Laurie Riddle
Chief Examiner

Examiner
Gerald Dedon

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PROFILE

Purpose/Authority

The Polygraph Examiners Board was created by Act No. 2056, Acts of Alabama 1971 setting forth qualification standards for polygraph examiners and minimum instrumentation requirements for polygraph examinations. The Board issues licenses to qualified applicants and enforces statutes, rules, and regulations governing polygraph examiners. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-25-1 through 34-25-36.

The following legislation was passed since the last sunset review of this agency:

Act No. 189, Acts of Alabama 2016 amended the *Code of Alabama 1975*, Section 34-25-22 requiring an applicant to provide two sets of fingerprints to the Board of Polygraph Examiners to forward to the State Bureau of Investigations for a state and national background check of the applicant; to require an applicant to give written consent to release the results of the background checks to the Board of Polygraph Examiners; and to require the applicant to bear the costs of the back ground checks. The Act is included in the codification presented in the appendix of this report.

<u>Characteristics</u>	
Members and Selection	Appointed by the Governor <ul style="list-style-type: none">• Five voting members• Two advisory consultants – non-voting members Any vacancy in an unexpired term shall be filled by appointment of the Governor with the advice and consent of the Senate, for the unexpired term. <i>Code of Alabama 1975</i> , Section 34-25-4(a)
Term	Four year staggered terms. No term limits. <i>Code of Alabama 1975</i> , Section 34-25-4(a)

Qualifications	<p>Voting members must meet the following criteria:</p> <ul style="list-style-type: none"> • Citizen of the United States • Resident of the state for at least two years prior to appointment • Engaged for a period of four consecutive years in their profession as polygraph examiners prior to appointment • Engaged at the time of appointment as an active polygraph examiner • No board members may be employed by the same person or agency. • Three governmental polygraph examiners • Two commercial polygraph examiners <p><i>Code of Alabama 1975</i>, Section 34-25-4(a)</p> <p>The statutes give the Board the ability to set qualifications for the advisory consultants.</p> <p>Advisory consultants:</p> <ul style="list-style-type: none"> • One must be an attorney licensed to practice law in Alabama • One must be a qualified psychologist or psychiatrist <p><i>Administrative Rule</i> 740-X-2-.02</p>
Racial Representation	<p>No statutory requirement</p> <p>Two black voting members serving One black advisory consultant serving</p>
Geographical Representation	<p>No statutory requirement</p>
Consumer Representation	<p>No statutory requirement</p> <p>No consumer members serving.</p>
Other Representation	<p>The Governor shall select those persons who appointments, to the extent possible, ensure that the membership of the board is inclusive and reflects the racial, gender, urban/rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975</i>, Section 34-25-4(a)</p>

Compensation	<p>Board members and advisory consultants are compensated \$100 per day for attendance at regular or special board meetings, only for actual days of meetings.</p> <p>The Board may approve the payment for a board member when authorized by the Board to perform certain other duties of the Board when not in formal, regular, or special session.</p> <p>Travel and per diem as provided for state employees.</p> <p><i>Code of Alabama 1975</i>, Section 34-25-5(d)(e)</p>																														
<u>Operations</u>																															
Administrator	<p>Joan Beck, Administrative Secretary Part-time, hourly retired state employee Annual salary in FY 2017 was \$5,041.23</p> <p><i>Code of Alabama 1975</i>, Section 34-25-4(b)</p>																														
Location	<p>301 South Ripley Street Montgomery, AL 36104 Office Hours: Monday and Tuesday 11:00 – 5:00</p>																														
Examinations	<p>Exams are administered and graded by the Board. Exams are given twice a year, more if necessary at the State Troopers Association Building in Montgomery.</p> <table border="1" data-bbox="646 1245 1417 1472"> <thead> <tr> <th colspan="5">Pass/Fail Results by Fiscal Year</th> </tr> <tr> <th>Year</th> <th>Tested</th> <th>Passed</th> <th>Failed</th> <th>% Passing</th> </tr> </thead> <tbody> <tr> <td>2014</td> <td>4</td> <td>4</td> <td>0</td> <td>100%</td> </tr> <tr> <td>2015</td> <td>2</td> <td>2</td> <td>0</td> <td>100%</td> </tr> <tr> <td>2016</td> <td>4</td> <td>4</td> <td>0</td> <td>100%</td> </tr> <tr> <td>2016</td> <td>10</td> <td>8</td> <td>2</td> <td>80%</td> </tr> </tbody> </table> <p><i>Code of Alabama 1975</i>, Section 34-25-21(a)(7)</p> <p><i>Source:</i> Board Chairman</p> <p>According to the Polygraph Examiners website and the American Polygraph Association website, there are no approved or APA Accredited schools for Polygraph Examiners in Alabama.</p>	Pass/Fail Results by Fiscal Year					Year	Tested	Passed	Failed	% Passing	2014	4	4	0	100%	2015	2	2	0	100%	2016	4	4	0	100%	2016	10	8	2	80%
Pass/Fail Results by Fiscal Year																															
Year	Tested	Passed	Failed	% Passing																											
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2016	10	8	2	80%																											

Licensees	113 licensees as of February 7, 2018 <i>Source:</i> Administrative Secretary
Licensee Demographics	Data not collected
Reciprocity	<p>An individual who is a polygraph examiner licensed under the laws of another state or territory of the United States may be issued a license without examination by the board, in its discretion, upon payment of the appropriate fees and the production of satisfactory proof that:</p> <ul style="list-style-type: none"> • At least 21 years of age; • Citizen of the United States; • Of good moral character; • The requirements for the licensing of polygraph examiners in such particular state or territory of the United States were at the date of the applicant's licensing therein substantially equivalent to the requirements now in force in this state; • The applicant had lawfully engaged in the administration of polygraph examinations under the laws of such state or territory for at least two years prior to the application for license hereunder; • Such other state or territory grants similar reciprocity to license holders of this state; and • Complied with Section 34-25-23. <p>The Board has reciprocal agreements with Tennessee, Mississippi, Arkansas, Louisiana, South Carolina, and Virginia.</p> <p><i>Code of Alabama 1975</i>, Section 34-25-24 <i>Source:</i> Administrative Secretary</p>
Renewals	<p>Annually, prior to October 1 Two month grace period \$50 late fee if renewed December 1 through June 1 Online renewal is not available</p> <p><i>Code of Alabama 1975</i>, Section 34-25-29(a) <i>Administrative Rule</i> 740-X-3-.07(3)</p>
Continuing Education	<p>12 hours annually</p> <p><i>Code of Alabama 1975</i>, Section 34-25-29(b) <i>Administrative Rule</i> 740-X-3-.16</p>

Employees	One part-time retired state employee
Immigration	E-Verify – Compliant SAVE – Partially compliant
Legal Counsel	Brian J. Williams, legal advisory consultant member, also provides legal services for the Board.
Subpoena Power	Yes - both persons and records. <i>Code of Alabama 1975</i> , Section 34-25-34(b)
Internet Presence	http://www.polygraph.alabama.gov <ul style="list-style-type: none"> • Home Page • Law* • Rules and Regulations • Consumer Information • Equipment • Board Members* • License Annual Renewal Form • Schools Recognized by the APEB • Upcoming Events* <p>*Outdated information. See Significant Issue 2018-01</p>
Attended Board Member Training	No one attended the last Board Member Training held in 2014
<u>Financial</u>	
Source of Funds	Licensing fees, fines and penalties.
State Treasury	Yes - Special Revenue Fund 0410 <i>Code of Alabama 1975</i> , Section 34-25-5(c)
Required Distributions	No required distributions.
Unused Funds	The Board retains unused funds at fiscal year-end. <i>Code of Alabama 1975</i> , Section 34-25-5(c)

SIGNIFICANT ISSUES

Significant Issue 2018-01 - The Board has not updated its website to reflect current information.

- The Polygraph Examiners Law on the website does not reflect the changes made by Act No. 189, Acts of Alabama 2016 requiring applicants to provide fingerprints for background checks.
- The websites upcoming events tab lists Polygraph Examiner seminars that took place in 2015 and 2016. There are no seminars listed for 2017 or 2018.
- A board member appointed in March 2016 has not been added to the Board member listing on the website.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

Finding 2016-02:

The Board has not updated the Board member information on the Secretary of State’s website to reflect the current terms of appointments for three members, and two members’ names, dates of appointment, terms of appointment and expiration dates are not included on the website. Additionally, the Board has not posted a notice of vacancy for one member whose term expired in November 2016.

The *Code of Alabama 1975*, Section 36-14-17(b)(1) states, “By December 4, 2006, the chair of an existing board or the appointing authority for the members of a newly created board shall provide the Secretary of State, in an electronic format prepared and distributed by the Secretary of State, the following data pertaining to the board:

c. The date of appointment, term of appointment, and expiration date of the term of appointment of each appointee.”

The *Code of Alabama 1975*, Section 36-14-17(d) states, “The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy scheduled to occur on the board as a result of the expiration of a term at least 45 days before the vacancy occurs. The chair of an existing board shall give electronic notification to the Secretary of State of each vacancy occurring as a result of a newly created board position and of every other vacancy occurring for any reason other than the expiration of a term as soon as possible and in any case within 15 days after the occurrence of the vacancy.”

Not posting timely and accurate information on the website diminishes the public’s ability to be aware of vacancies on the Board should they wish to be considered for service on the Board.

Recommendation:

The Board should provide all required data pertaining to the Board to the Secretary of State’s website as required by law.

Current Status 2018

Unresolved. The Board members current terms of appointment are accurate on the Secretary of State's website however, the names, dates of appointment, and expiration dates of the consultant appointees have not been posted to the Secretary of State's website. In addition, vacancy notices have not been posted on the Secretary of State's website for four members whose terms have expired. One consultant member's term expired November 30, 2016; two voting board members and one consultant member's terms expired November 30, 2017.

Finding 2013-01

The Board is not in compliance with requirements of the Beason-Hammon Alabama Taxpayer and Citizen Protection Act (Alabama Immigration statute) to withhold licensure from applicants who do not demonstrate that they are either United States Citizens or legally present in the United States. The Board is not requiring new applicants or current licenses to provide proof of citizenship/legal alien status on initial applications or renewal applications. The Board has not completed enrollment in the Federal, Systematic Alien Verification for Entitlement (SAVE) program used to verify documentation presented by non-citizen applicants.

The *Code of Alabama 1975*, Section 34-25-21 (a) of the Board's licensing law requires that as a prerequisite to licensure, applicants must be either citizens of the United States or legally present in the United States with appropriate documentation from the federal government. More specifically, Section 31-13-29(c) (1) of the Alabama Immigration Statute requires that, "Any person entering into a public records transaction or attempting to enter into a public records transaction with this state or a political subdivision of this state shall be required to demonstrate his or her United States citizenship, as provided in subsection (g), or his or her lawful presence in the United States, as provided in subdivision (10) of Section 31-13-3. An alien's lawful presence in the United States may be verified through the Systematic Alien Verification for Entitlements (SAVE) program operated by the Department of Homeland Security, or by other verification with the Department of Homeland Security pursuant to 8 U.S.C. § 1373(c)."

Recommendation

The Board should require applicants for initial licensure or renewal to provide copies of the documents specified in the *Code of Alabama 1975*, Section 31-13-29(g), prior to issuing a license. The Board should continue to pursue enrollment in the SAVE program.

Current Status 2018

Partially Resolved - The Board has enrolled in the SAVE program and requires applicants to verify if they are United States citizens by submitting a driver's license or another form of identification. However, the Board has not revised its new application forms to include a provision for an applicant that answers no when asked if they are a United States citizen. If an applicant replies they are not a U. S. Citizen, there is no requirement on the application to demonstrate that they are legally present in the United States and to provide the appropriate documentation from the federal government.

Finding 2011-02

The Board by administrative rule made optional a requirement for licensure that is mandatory by law. The Board's Administrative Rule 740-X-4-.01 (a) states, "The internship license program will be open to those applicants for a polygraph examiner's license whom the Board determines require additional training in polygraphy before they will be able to demonstrate sufficient competency to be issued a regular polygraph examiner's license.

The *Code of Alabama 1975*, Section 34-25-21 (a) states, "A person is qualified to receive a license as an examiner: ... (6) Who is a graduate of a polygraph examiners' course approved by the Board and has satisfactorily completed not less than six months of internship training".

Recommendation

The Board should amend its administrative rules so as not to conflict with the statutory requirement of not less than six months of qualified internship as a condition for licensure.

Current Status 2018

The Board still has not amended their administrative rule to remove this conflict.

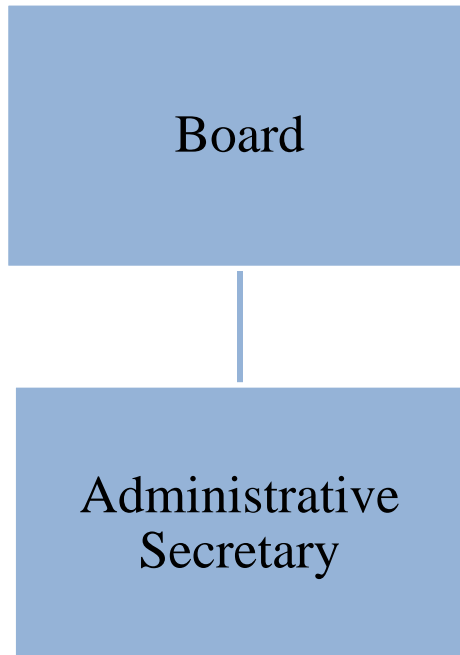
Finding 2011-02

The Board's complaint procedures may not be legally defensible. According to the Board's administrative secretary, all board members participate in the investigations of complaints and also in administrative hearings against licensed polygraph examiners. The policy of having the same board members participate both in investigations of complaints and in the resulting disciplinary hearing process could result in successful allegations of bias. According to the administrative secretary, the board will attend disciplinary hearings as observers only, letting the hearing officer make the final decision. This does not appear to be in accordance with the law, which names only the board as authorized to levy disciplinary measures. We find nothing in the statutes that authorizes transfer of this authority to a hearing officer.

Current Status 2018:

According to the Administrative Secretary the board continues to investigate and process complaints in the same manner.

ORGANIZATION



PERSONNEL

The Board employs one white female, a retired state employee who works part-time as the administrative secretary. Her annual salary for FY 2017 was \$5,041.23.

Legal Counsel

Legal services are provided by Brian J. Williams a private attorney who also serves as the Board's legal advisory consultant member.

PERFORMANCE CHARACTERISTICS

Number of Persons per Licensee in Alabama and Surrounding States

	Population (estimate)*	Number of Licensees	Persons Per Licensee
Alabama	4,878,747	113	43,175
Florida	20,984,400	**	-
Georgia	10,429,379	**	-
Mississippi	2,984,100	***	-
Tennessee	6,715,984	43	156,186
*Source: U.S. Census Bureau, July 2017 Population Estimates ** Florida and Georgia do not license polygraph examiners ***Information not available			

Operating Disbursements per Licensee (FY 2017) – \$123.80

Fines/Penalties as a % of Operating Receipts (FY 2017) – 0%

Notification of Board Decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules.

COMPLAINT HANDLING

The Board's *Administrative Rule* 740-X-6 provides the procedures for documentation, receipt, and investigation of complaints against licensees. According to the Administrative Secretary, no complaints have been filed with the Board for the past four years.

Initial Contact/Documentation	Complaints or charges against a licensee must be in writing, submitted to the Board on a form prescribed by the Board, signed and notarized. Anyone can file a complaint, including Board members and staff. The complainant is notified by letter that the complaint was received. Each Board member and consultant is sent a copy of the complaint for review.
Anonymous Complaints Accepted	No
Negotiated Settlements	Yes
Investigative Process and Probable Cause Determination	If the Board determines an investigation is required, the accused examiner is asked to furnish

	<p>information the Board needs to complete their investigation.</p> <p>A Board meeting is held where the merits of the complaint are discussed and a decision is made as to whether there is probable cause and if further investigation is required.</p> <p>All Board members participate in administrative hearings against a licensee.</p>
Notification of Resolution to the Complainant	Complainants are notified by mail of the Board's resolution of the complaint.

Source: Administrative Secretary

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The Board does not coordinate regulation, licensing, or permitting with any other state or federal agency.

FINANCIAL INFORMATION

Source of funds – Licensing fees, fines and penalties

Fund

The Board operates from Special Revenue Fund 0410 in the State Treasury, authorized by the *Code of Alabama 1975*, Section 34-25-5(c). Year-end balances are retained for the Board's continuous use, subject to appropriations.

Schedule of Fees

Fee Type/Purpose	Statutory Authority	Amount Authorized	Amount Collected
Examination Application	34-26-26 (1)	\$150	\$150
Original Polygraph Licensure	34-26-26 (2)	\$100	\$100
Internship License	34-26-26 (3)	\$100	\$100
Duplicate License	34-26-26 (4)	\$20	\$20
Renewal License	34-26-26 (5)	\$100	\$100
Extension or Renewal of Internship License	34-26-26 (6)	\$100	\$100
Duplicate Internship License Fee	34-26-26 (7)	\$20	\$20
Late Fee*	34-26-29 (a)	Set by Board	\$50

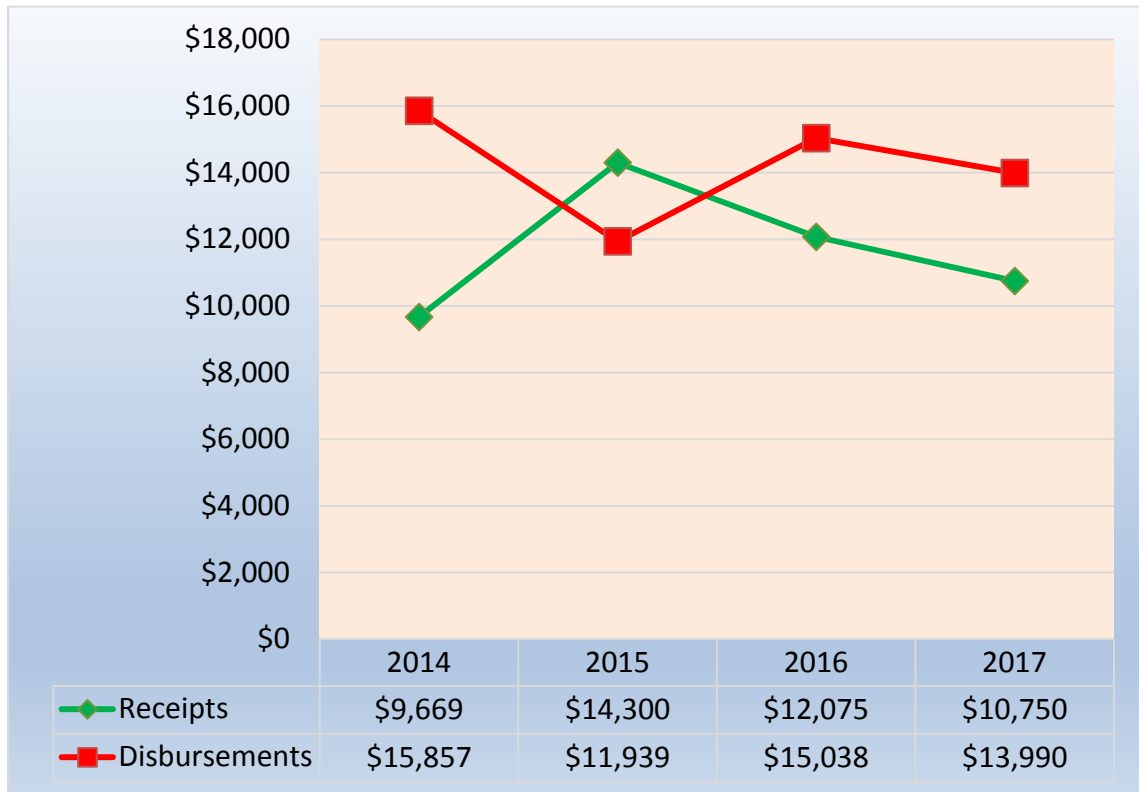
*Set by *Administrative Rule* 740-X-3-.07(3)(a)

Schedule of Receipts, Disbursements, and Balances

October 1, 2013 through September 30, 2017

	2016 - 17	2015 - 16	2014 - 15	2013 - 14
<u>Receipts</u>				
Licenses and Permits	\$ 10,750.00	\$ 12,075.00	\$ 14,300.00	\$ 9,668.53
<u>Disbursements</u>				
Personnel Costs	7,041.23	6,838.88	5,901.54	6,097.04
Employee Benefits	538.66	523.17	677.47	3,138.43
Travel-In-State	3,109.86	3,885.90	2,253.14	2,936.48
Repairs and Maintenance	-	-	-	285.00
Rentals and Leases	390.70	403.84	417.81	331.15
Utilities and Communications	205.71	250.06	231.36	436.41
Professional Services	1,831.79	2,121.46	1,491.93	1,493.41
Supplies, Materials, and Operating Expenses	872.00	1,014.38	965.33	1,139.07
Total	<u>13,989.95</u>	<u>15,037.69</u>	<u>11,938.58</u>	<u>15,856.99</u>
Excess (Deficiency) of Receipts over Disbursements	(3,239.95)	(2,962.69)	2,361.42	(6,188.46)
Cash Balance at Beginning of Year	<u>30,556.13</u>	<u>34,393.82</u>	<u>32,032.40</u>	<u>38,220.86</u>
Cash Balance at End of Year	27,316.18	31,431.13	34,393.82	32,032.40
Reserved for Year End Obligations	<u>(7,729.00)</u>	<u>(1,285.39)</u>	<u>(1,793.50)</u>	<u>(1,316.32)</u>
Unobligated Cash Balance at Year End	<u>\$ 19,587.18</u>	<u>\$ 30,145.74</u>	<u>\$ 32,600.32</u>	<u>\$ 30,716.08</u>

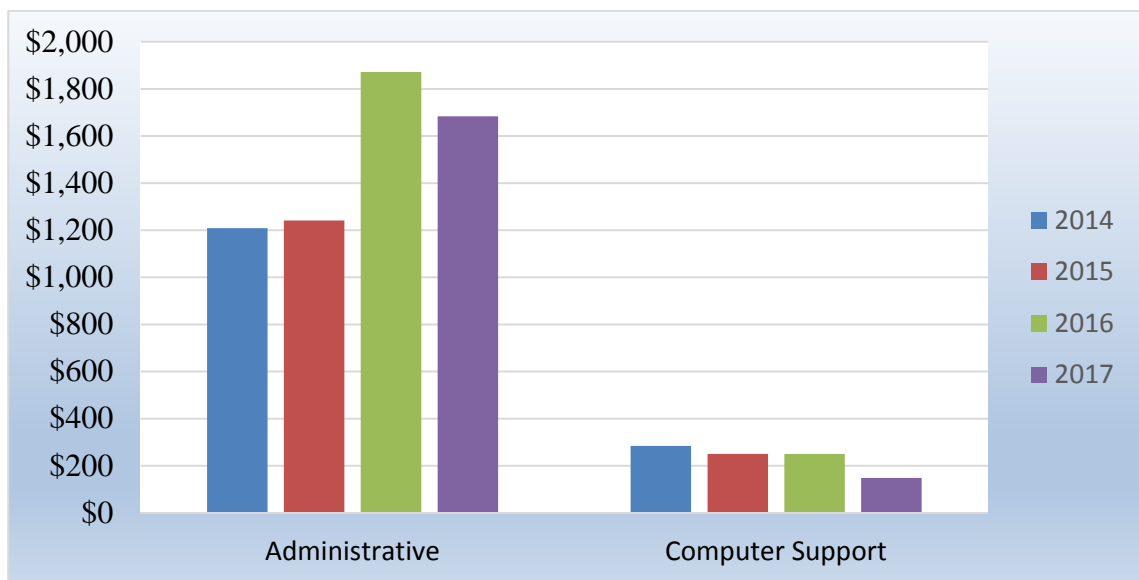
Operating Receipts vs. Operating Disbursements (Chart)



<u>SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS*</u>				
As of September 30				
Type of Service	FY 2014	FY 2015	FY 2016	FY 2017
Computer Support	\$284.32	\$250.28	\$249.97	\$148.16
Administrative	\$1,209.09	\$1,241.65	\$1,871.49	\$1,683.63
Total	\$1,493.41	\$1,491.93	\$2,121.46	\$1,831.79

*A detailed schedule of professional service disbursements by vendor is presented in the appendices of this report.

Professional Service Disbursement Chart



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all seven members of the Board of Polygraph Examiners requesting participation in our survey. Two participated in the survey.

1. What are the most significant issues currently facing the Polygraph Examiners Board and how is the board addressing these issues?

Board Member #1 – “Lack of proper funding through license fees. We are seeking a law allowing an increase in fees for the first time in twenty five years.”

Board Member #2 – “Modernization”

2. What changes to the board’s laws are needed?

Board Member #1 – “The board’s make up.”

Board Member #2 – “More avenues for CEU credit”

3. Is the Board adequately funded?

Yes	1	50.00%
No	1	50.00%

Board Member #1 – “We need to be allowed to increase the fees.”

4. Does the Board receive regular reports on operations from the chief administrative officer?

Yes	1	50.00%
No	1	50.00%

5. Is the Board adequately staffed?

Yes	2	100.00%
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6. Has the Board experienced any significant changes to its operations?

No	2	100.00%
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7. Does the Board plan any significant changes to its operations?

No	2	100.00%
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Licensee Questionnaire

A letter was sent to all one hundred and thirteen licensees requesting their participation in our survey. Forty-one participated in the survey. The percentages, where shown, are based on the number who responded to the questionnaire.

1. Do you think regulation of your profession by the Polygraph Examiners Board is necessary to protect the public welfare?

Yes	40	97.56%
No	1	2.44%

Respondent #6 – “In its current state, no. Certain members are not practicing polygraph examiners per rule requirement; being licensed and conducting exams is two different things. Questionable as to whether certain board members have attended training sessions in several years. How can one oversee our profession with a lack of knowledge of current trends? Members are picked politically not by qualifications.

Respondent #29 – “I absolutely agree that the practice of Polygraph/Detection of Deception should be regulated by a State Board.”

Respondent #31 – “It is a rare individual who does everything correctly of their own accord. Most people fair better within the knowledge that their conduct could be questioned.”

Respondent #38 – “This profession should be regulated as it has the potential to do great harm if those admitted cannot meet at least minimum standards.”

2. Do the laws, regulations, or policies administered by the Board constitute an unnecessary restriction on the practice of your profession?

Yes	4	9.76%
No	37	90.24%

Respondent #6 – “The purpose of obtaining 12 CEU’s annually is a good idea. The problem is at the annual conference put on by the AL Polygraph Association one does not have to attend the training classes to get credit. We would be better off to discontinue CEU if we are not going to verify attendance. Free alcohol, gambling and fun can be a part of seminar but should not supersede training class attendance. The board is aware of this.”

Respondent #15 – “Internship after completion of course of study & examination.”

Respondent #29 – “I do think that the laws, rules, and policies should be updated to modern practices.”

Respondent #34 – “At one time the number of test an examiner could do per day was ten. Then the board lowered it to seven, then six. I think ten is the correct number.”

Respondent #38 – “I do think there should be a review of the rules and regulations and they should be updated to meet today’s needs.”

3. Do you think any of the Board’s requirements are irrelevant to the competent practice of your profession?

Yes	4	9.76%
No	37	90.24%

Respondent #4 – “The licensing exam is antiquated. It is not relevant to the current polygraph profession and must be rewritten.”

Respondent #6 – “Rules and regulations are not enforced equally. A specific example is a state polygraph examiner conducted an exam on a possible homicide and was not licensed. No fear.”

Respondent #15 – “Paper submission of license renewal documentation.”

Respondent #31 – “The entry level test needs to be updated unless it has been changed since 2011.”

4. Are you adequately informed by the Board of changes to and interpretations of Board positions, policies, rules, and laws?

Yes	34	82.93%
No	7	17.07%

Respondent #6 – “Never hear anything from the board; the website has not been updated for several years.”

Respondent #17 – “There could be a better flow of information, such as current members or when new members are installed.”

Respondent #38 – “Members are never updated on any information unless it is done at the Polygraph Conference in October of every year.”

5. Has the Board performed you licensing and renewal in a timely manner?

Yes	40	97.56%
No	1	2.44%

Respondent #6 – “Under the circumstances, [REDACTED] [REDACTED] does a good job. It is difficult to get a question answered in a timely manner other than renewal time.”

6. What do you think is the most significant issue(s) currently facing you profession and what is the Board doing to address the issue(s)?

Respondent #1 – “Currently there are no issues regarding my position with polygraph.”

Respondent #2 – “N/A”

Respondent #3 – “No answer.”

Respondent #4 – “No answer.”

Respondent #5 – “Changing case laws across the nation pertaining to polygraph. The board keeps us up to date.”

Respondent #6 – “The use of Voice Stress Instruments and using the polygraph to obtain confessions – not to find the truth.”

Respondent #7 – “No answer.”

Respondent #8 – “None that I can think of.”

Respondent #9 – “Investigating and testing applicants for polygraph license. Investigating complaints. Requiring continuing education annually for license renewal.”

Respondent #10 – “The use of VSA and other non-accredited methods of deception detection in Alabama. The board does not do enough to counter these methods through the existing regulations.”

Respondent #11 – “Providing quality continuing education. I think the board’s efforts are adequate.”

Respondent #12 – “No Answer”

Respondent #13 – “Keeping the issues of importance of polygraphs. By fighting for the issue in the State Legislature.”

Respondent #14 – “Agencies utilizing Voice Stress who need no license and has repeatedly in studies by Federal Agencies been shown to be unreliable.”

Respondent #15 – “The unauthorized practice of deception detection through the use of Voice Stress Analysis.”

Respondent #16 – “No Answer”

Respondent #17 – “No Answer”

Respondent #18 – “I think some in the profession rely too much on their instrumentation as appose to their instinct. The board provides continuing education to address this.”

Respondent #19 – “Testing procedures.”

Respondent #20 – “No Answer”

Respondent #21 – “The advances in technology as it pertains to credibility assessment and the likelihood of polygraph examiners being removed from the overall process. I do not feel these are issues that can be addressed by the board currently. As technology advances, so will the ability to detect deception in humans and more than likely this will soon take the place of the current polygraph procedures as we know it. “

Respondent #22 – “I just got started. I will have completed a year in May of 2018. There are no issues so far.”

Respondent #23 – “No Answer”

Respondent #24 – “Developing technology, our board provides training that covers this issue.”

Respondent #25 – “The attempts by the legislature to disband the polygraph board and license.”

Respondent #26 – “Having post-conviction sex offender examinations added to State law. My understanding is the Board is behind the polygraph being utilized more in law enforcement applications.”

Respondent #27 – “Lack of organization as we evolve in the manner that we do things. The board is training on the various schools of thought.”

Respondent #28 – “Maintaining competent, legitimate examiners. The board is doing a good job of addressing this issue by its standards, policies and process it mandates to obtain and maintain a license in this state.”

Respondent #29 – “Quality control of examinations and updating rules and regulations to include modern practices and teachings.”

Respondent #30 – “Polygraph not admissible in court.”

Respondent #31 – “If sex offender testing becomes a mainstream testing requirement in each state further guidance, training and standards will have to be established for its governance.”

Respondent #32 – “No Answer”

Respondent #33 – “No Answer”

Respondent #34 – “EPPA, nothing the board can do.”

Respondent #35 – “Substandard polygraphs performed by substandard examiners.”

Respondent #36 – “Deregulation of polygraph examiner licensing.”

Respondent #37 – “Nothing that I can think of.”

Respondent #38 – “Being up to date with current trends and topics and sharing that information.”

Respondent #39 – “The most significant issue would be if the State of Alabama allows the polygraph license to be sunset it would create possible problems that would affect the citizens of Alabama. I truly believe that by having a licensing law creates better examiners.”

Respondent #40 – “Credibility. Having strict rules and regulations that all examiners must follow aids in brining credibility to the profession.”

Respondent #41 – “Voice Stress Analysis seems to be a problem. More agencies are using them than ever before. I don’t know of a way to discourage the use.”

7. Do you think the Board and its staff are satisfactorily performing their duties?

Yes	37	90.24%
No	4	9.76%

Respondent #6 – “Either they don’t care or they are too incompetent to understand current trends in our profession. They seem more intent to protect their own.”

Respondent #17 – “The board does need to comply with its own rules of having the appropriate number of sworn law enforcement and civilians as members.”

Respondent #29 – “The board office should be open regularly.”

Respondent #38 – “The board has at least two and almost three retired members serving. The board would be better suited to serving its members with active personnel. The board should not be made up mostly of state police officers but a mixture of all polygraph examiners state wide.

Licensee Questionnaire

8. Has any member of the Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

No	41	100.00%
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APPENDICES

Applicable Statutes

Section 34-25-1 Short title.

This chapter shall be known and may be cited as the Polygraph Examiners Act.
(*Acts 1971, No. 2056, p. 3307, §1.*)

Section 34-25-2 Definitions.

For the purposes of this chapter, the following terms shall have the following respective meanings ascribed by this section:

- (1) BOARD. The Polygraph Examiners Board.
- (2) CHAIRMAN. That member of the Polygraph Examiners Board selected by the board to act as chairman.
- (3) INTERNSHIP. The study of polygraph examinations and of the administration of polygraph examinations by a trainee under the personal supervision and control of a polygraph examiner in accordance with a course of study prescribed by the board at the commencement of such internship.
- (4) PERSON. Any natural person, firm, association, copartnership, or corporation.
- (5) POLYGRAPH EXAMINER. Any person who uses instrumentation described herein to test or question individuals for the purpose of detecting deception or verifying truth of statements, or any person who holds himself out to be a lie detector operator or examiner, or any person who purports to be able to detect deception or verify truth of statements through instrumentation or the use of a mechanical device.
(*Acts 1971, No. 2056, p. 3307, §2; Acts 1989, No. 89-269, p. 416, §3.*)

Section 34-25-3 Instrumentation.

(a) Every polygraph examiner shall use an instrument which, as a minimum, records visually, permanently, and simultaneously:

- (1) A subject's cardiovascular pattern;
 - (2) A subject's respiratory pattern; and
 - (3) A subject's galvanic skin response.
- (b) Patterns of other physiological changes in addition to subdivisions (1), (2), and (3) of subsection (a) may also be recorded.
- (c) The use of any instrument or device to detect or to verify truth of statements which does not meet these minimum instrumentation requirements is hereby prohibited.
(*Acts 1971, No. 2056, p. 3307, §3; Acts 1983, No. 83-647, p. 1009, §1.*)

Section 34-25-4 Polygraph Examiners Board generally.

(a) There is established a Polygraph Examiners Board consisting of five voting members who are citizens of the United States and residents of the state for at least two years prior to appointment, all of whom shall have been engaged for a period of four consecutive years in their profession as polygraph examiners prior to appointment to the board and engaged at the time of appointment as an active polygraph examiner. No board members may be employed by the same person or agency. Three of the board members shall be qualified polygraph examiners of a governmental law enforcement

agency, and two of the board members shall be qualified polygraph examiners and Alabama residents in the commercial field. Two advisory consultants, who shall possess qualifications as established by rule of the board, shall be appointed to assist the board members. The board members and advisory consultants shall be appointed by the Governor of the State of Alabama for a term of four years. Any vacancy in an unexpired term shall be filled by appointment of the Governor, with the advice and consent of the Senate, for the unexpired term. In appointing members to the board, the Governor shall select those persons whose appointments, to the extent possible, ensure that the membership of the board is inclusive and reflects the racial, gender, urban/rural, and economic diversity of the state. On April 11, 1989, all terms of current board members and advisory consultants shall expire. The Governor shall appoint new board members and advisory consultants in accordance with this chapter. Immediately after May 12, 2003, the board shall notify the Governor of the vacancies on the board and the Governor shall immediately appoint qualified persons to fill those vacancies in accordance with this chapter.

(b) The board may fix the number of its full-time employees, who shall be employed pursuant to the Merit System. The board may engage temporary services for the investigation of applications or to investigate complaints filed against examiners. The board shall fix the compensation for any temporary employees. Temporary employees of the board are not covered under the Retirement Systems of Alabama. Any current full-time employee of the board shall be transferred to the Department of Public Safety on April 11, 1989. All benefits, including retirement, of any current full-time employee of the board who is transferred to the Department of Public Safety in accordance with this chapter, shall be retroactive back to the original date of employment upon payment of necessary contributions as required by the Employees' Retirement System.

(c) On or after April 11, 1989, and within 30 days of the appointments by the Governor, this new board shall meet and elect a chair from among the members of the board. The board shall meet at three-month intervals, or at any other time as necessary.

(d) The vote of a majority of the board members is sufficient for passage of any business or proposal which comes before the board.

(e) All documents, records, functions, and responsibilities currently housed at the Board of Polygraph Examiners' Office shall be transferred to the Department of Public Safety in a section to be determined by the Director of the Department of Public Safety and under the supervision of the Department of Public Safety in conjunction with the board.

(Acts 1971, No. 2056, p. 3307, §4; Acts 1981, No. 81-222, p. 293, §4; Acts 1989, No. 89-269, p. 416, §3; Act 2003-61, p. 93, §3; Act 2011-167, p. 318, §3.)

Section 34-25-5 Administration and enforcement of chapter; deposits and expenditures; per diem and travel expenses for board members; purchasing; board exempt from sales tax.

(a) The board shall issue regulations and forms consistent with this chapter for the administration and enforcement of this chapter.

(b) An order or a certified copy thereof, over board seal and purporting to be signed by the board members, shall be prima facie proof that the signatures are the genuine signatures of the board members and that the board members are fully qualified to act.

(c) On April 11, 1989, all moneys and appropriations credited to the Board of Polygraph Examiners under the provisions of Article 4 of Chapter 4, Title 41, shall be transferred

by the State Treasurer to the charge and custody of the Board of Polygraph Examiners of the Alabama Department of Public Safety; and the board shall administer the fund as provided by law. The fund is hereby officially known as the Board of Polygraph Examiners Fund.

All fees collected under this chapter shall be paid to the Board of Polygraph Examiners Fund for the purpose of administering and enforcing this chapter and shall be deposited in the fund.

Warrants shall be issued by the Department of Finance, office of the state Comptroller, for board expenses and operation provided that no funds shall be withdrawn except as budgeted and allotted according to Article 4 of Chapter 4 of Title 41 and only in the amounts as stipulated in the general appropriations bill.

(d) Board members and advisory consultants shall be paid one hundred dollars (\$100) per day plus mileage for attendance at regular or special board meetings, only for the actual days of meeting. The board may approve the payment for a board member when authorized by the board to perform certain other duties of the board when not in formal, regular, or special session.

(e) Employees shall be paid the same mileage expenses and travel allowance as provided for regular state employees.

(f) The board may determine all resources necessary for the operation of the board. Purchasing shall be in accordance with the state bid law.

(g) The board shall be exempt from payment of state sales tax.

(Acts 1971, No. 2056, p. 3307, §5; Acts 1981, No. 81-222, p. 293, §4; Acts 1983, No. 83-647, p. 1009, §1; Acts 1989, No. 89-269, p. 416, §3; Acts 1995, No. 95-278, p. 500, §3.)

Section 34-25-6 Admissibility of results as evidence.

Nothing in this chapter shall be construed as permitting the results of truth examinations or polygraph examinations to be introduced or admitted as evidence in a court of law. *(Acts 1971, No. 2056, p. 3307, §26.)*

Section 34-25-7 Injunctions; contempt of court.

If any person violates any provisions of this chapter, the board shall, upon direction of a majority of the board, in the name of the State of Alabama, apply in any circuit court of competent jurisdiction for an order enjoining such violation or an order enforcing compliance with this chapter. Upon the filing of a verified petition in the court, the court, or any judge thereof, if satisfied by affidavit or otherwise that the person has violated this chapter, may issue a temporary injunction, without notice or bond, enjoining such continued violation; and, if it is established that the person has violated or is violating this chapter, the court, or any judge thereof, may enter a judgment perpetually enjoining the violation or enforcing compliance with this chapter. In case of violation of any order or judgment issued under the provisions of this section, the court, or any judge thereof, may try and punish the offender for contempt of court.

Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this chapter.

(Acts 1971, No. 2056, p. 3307, §24; Acts 1989, No. 89-269, p. 416, §3.)

Section 34-25-8 Penalties.

Any person who violates any provision of this chapter or any person who falsely states or represents that he or she has been or is a polygraph examiner or trainee shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$1,000 or by imprisonment in the county jail for a term not to exceed six months, or both.

(Acts 1971, No. 2056, p. 3307, §25.)

Section 34-25-20 Required; unauthorized practice.

(a) It shall be unlawful for any person, including a city, county, or state employee, to administer polygraph examinations or attempt to hold himself or herself out as a polygraph examiner without a license approved by the board and issued by the board.

(b) It shall be unlawful for any person, including city, county, or state employees, to administer polygraph examinations utilizing any device or instrumentation which does not comply with Section 34-25-3.

(Acts 1971, No. 2056, p. 3307, §6; Acts 1981, No. 81-222, p. 293, §4.)

Section 34-25-21 Qualifications of examiner; bond.

(a) A person is qualified to receive a license as an examiner:

(1) Who is at least 21 years of age;

(2) Who is a citizen of the United States or, if not a citizen of the United States, who is a person who is legally present in the United States with appropriate documentation from the federal government;

(3) Who establishes that he or she is a person of honesty, truthfulness, integrity, and moral fitness;

(4) Who has not been convicted of a felony or a misdemeanor involving moral turpitude;

(5) Who holds a baccalaureate degree from a regionally accredited college or university, and/or recognized by the board or, in lieu thereof, has five consecutive years of active investigative experience immediately preceding his or her application;

(6) Who is a graduate of a polygraph examiners' course approved by the board and has satisfactorily completed not less than six months of internship training; and

(7) Who, when required by this chapter, passed an examination conducted by the board, or under its supervision, to determine his or her competency to obtain a license to practice as an examiner.

(b) Prior to the issuance of a license, the applicant must furnish to the board evidence of a surety bond or insurance policy in an amount to be determined by the board. The surety bond or insurance policy shall be on the condition that the obligor therein will pay to the extent of the face amount of such surety bond or insurance policy all judgments which may be recovered against the licensee by reason of any wrongful or illegal acts committed by him or her in the course of his or her examinations.

(Acts 1971, No. 2056, p. 3307, §7; Acts 1981, No. 81-222, p. 293, §4; Acts 1989, No. 89-269, p. 416, §3; Act 2011-167, p. 318, §3.)

Section 34-25-22 Applications for original license; background checks; disclosure of information.

(a) Applications for original license shall be made to the board in writing under oath on forms prescribed by the board and shall be accompanied by the required fee, which is not refundable. Any such application shall require such information as in the judgment of the board will enable it to pass on the qualifications of the applicant for a license.

(b) An applicant shall provide the board with two complete sets of fingerprints to be sent to the State Bureau of Investigations to conduct a criminal history background check. The State Bureau of Investigations shall forward a copy of the applicant's prints to the Federal Bureau of Investigation for a national criminal background check.

(c) The request to the board shall contain the following information:

(1) Two complete functional sets of fingerprints, either cards or electronic, properly executed by a criminal justice agency or an individual properly trained in fingerprinting techniques.

(2) Written consent from the applicant for the release of criminal history background information to the board.

(d) The applicant shall pay all costs associated with the background checks required by this section.

(e) The board shall keep information received pursuant to this section confidential, except that such information received and relied upon in denying the issuance of a license in this state may be disclosed as may be necessary to support the denial or when subpoenaed from a court.

(Acts 1971, No. 2056, p. 3307, §9; Acts 1989, No. 89-269, p. 416, §3; Act 2016-189, §1.)

Section 34-25-23 Nonresident applicants.

(a) Each nonresident applicant for an original license or a renewal license shall file with the board an irrevocable consent that actions against the applicant may be filed in any appropriate court of any county or municipality of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process on any such action may be served on the applicant by leaving two copies thereof with the board. Such consent shall stipulate and agree that such service of process shall be taken and held to be valid and binding for all purposes. The board shall send forthwith one copy of the process to the applicant at the address shown on the records of the board by registered or certified mail.

(b) Nonresident applicants must satisfy the requirements of Section 34-25-21.

(Acts 1971, No. 2056, p. 3307, §10; Acts 1989, No. 89-269, p. 416, §3.)

Section 34-25-24 Applicant with out-of-state license.

An applicant who is a polygraph examiner licensed under the laws of another state or territory of the United States may be issued a license without examination by the board, in its discretion, upon payment of the appropriate fees as provided in Section 34-25-26 and the production of satisfactory proof that:

(1) He is at least 21 years of age;

(2) He is a citizen of the United States;

(3) He is of good moral character;

- (4) The requirements for the licensing of polygraph examiners in such particular state or territory of the United States were at the date of the applicant's licensing therein substantially equivalent to the requirements now in force in this state;
- (5) The applicant had lawfully engaged in the administration of polygraph examinations under the laws of such state or territory for at least two years prior to the application for license hereunder;
- (6) Such other state or territory grants similar reciprocity to license holders of this state; and
- (7) He has complied with Section 34-25-23.
(Acts 1971, No. 2056, p. 3307, §11; Acts 1981, No. 81-222, p. 293, §4; Acts 1987, No. 87-159, p. 219, §3; Acts 1989, No. 89-269, p. 416, §3.)

Section 34-25-25 Internship license.

- (a) Upon approval by the board, the board shall issue an internship license to a trainee provided he or she applies for such license and pays the required fee within 10 days prior to the commencement of his or her internship. The application shall contain such information as may be required by the board.
- (b) An internship license shall be valid for the term of six months from the date of issue. Such license may be extended or renewed for any term not to exceed six months upon good cause shown to the board.
- (c) A trainee shall not be entitled to hold an internship license after the expiration of the original six-month period and six-month extension, if such extension is granted by the board, until 12 months after the date of expiration of the last internship license held by the trainee.
(Acts 1971, No. 2056, p. 3307, §12; Acts 1989, No. 89-269, p. 416, §3.)

Section 34-25-26 Examination and license fees.

The fee requirements of this chapter shall apply to all polygraph examiners, including those employed by governmental agencies, and to those who engage in polygraph examinations on any commercial basis. The fees to be paid, effective October 1, 1991, are as follows:

- (1) By an applicant for an examination to determine his or her fitness to receive a polygraph examiner's license is \$150, which is not to be credited as payment against the license fee and is not refundable;
- (2) For the issuance of an original polygraph examiner's license the fee is \$100;
- (3) For the issuance of an internship license the fee is \$100;
- (4) For the issuance of a duplicate polygraph examiner's license the fee is \$20;
- (5) For the issuance of a polygraph examiner's renewal license the fee is \$100;
- (6) For the extension or renewal of an internship license the fee is \$100; and
- (7) For the issuance of a duplicate internship license the fee is \$20.
(Acts 1983, No. 83-647, p. 1009, §1; Acts 1991, No. 91-164, p. 219, §3.)

Section 34-25-27 Display of license; signature thereon.

A license or duplicate license must be prominently displayed at the place of business of the polygraph examiner or at the place of internship. Each license shall be signed by the board members and shall be issued under the seal of the board.
(Acts 1971, No. 2056, p. 3307, §14.)

Section 34-25-28 Change of business address.

Notice in writing shall be given to the board by the licensed examiner of any change of principal business location within 30 days of the time he or she changes the location. A change of business location without notification to the board shall automatically suspend the license therefor issued.

(Acts 1971, No. 2056, p. 3307, §15; Acts 1989, No. 89-269, p. 416, §3.)

Section 34-25-29 Termination and renewal of examiner's license.

(a)(1) Each polygraph examiner's license shall be issued for the term of one year and shall, unless suspended or revoked, be renewed annually as prescribed by the board. A polygraph examiner whose license has expired may at any time within two months after the expiration obtain a renewal license, without examination or late penalty fee, by submitting a renewal application to the board and satisfying subdivisions (2), (3), and (4) of subsection (a) of Section 34-25-21. A polygraph examiner whose license has expired, and who does not apply for renewal within two months following expiration, may at any time within three to six months after the expiration obtain a renewal license, without examination, by paying a late penalty fee as prescribed by the board, submitting a renewal application to the board, and satisfying subdivisions (2), (3), and (4) of subsection (a) of Section 34-25-21.

(2) However, any polygraph examiner whose license expired while he or she was in the federal service on active duty with the Armed Forces of the United States, or the National Guard called into service or training, or in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license renewed, without examination or late penalty fee, if within six months after termination of such service, training, or education, except under conditions other than honorable, he or she furnishes the board with an affidavit to the effect that he or she has been so engaged and that his or her service, training, or other education has been terminated. Subdivisions (2), (3), and (4) of subsection (a) of Section 34-25-21 shall also be satisfied.

(b) The board shall adopt a program of continuing education for its licensees not later than October 1, 1993, and after that date no licensee shall have his or her active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met. It is further provided that this continuing education program may not include testing or examination of the licensees in any manner.

(Acts 1971, No. 2056, p. 3307, §16; Acts 1981, No. 81-222, p. 293, §4; Acts 1983, No. 83-647, p. 1009, §1; Acts 1991, No. 91-164, p. 219, §3; Act 2003-61, p. 93, §3.)

Section 34-25-30 License required to maintain action.

No action or counterclaim shall be maintained by any person in any court in this state with respect to any agreement or service for which a license is required by this chapter or to recover such services for which a license is required by this chapter without alleging and proving that such person had a valid license at the time of making such agreement or performing such services.

(Acts 1971, No. 2056, p. 3307, §17.)

Section 34-25-32 Refusal, suspension, reprimand, probation, or revocation - Grounds.

The board may refuse to issue a license, may issue oral or written reprimands to an examiner, may place an examiner on probation, or may suspend or revoke a license on any one or more of the following grounds:

- (1) Failing to inform a subject to be examined that his or her participation in the examination is voluntary;
- (2) Failing to inform a subject to be examined as to the nature of the examination;
- (3) Failing to inform the subject of the results of the examination if so requested;
- (4) Willful disregard or violation of this chapter or of any regulation or rule issued pursuant thereto, including, but not limited to, willfully making a false report concerning an examination for polygraph examination purposes;
- (5) Willfully aiding or abetting another in the violation of this chapter or any regulation or rule issued pursuant thereto;
- (6) Having demonstrated unworthiness or incompetency to act as a polygraph examiner as defined by this chapter;
- (7) Making any willful misrepresentation or false promises or causing to be permitted any false or misleading advertisement for the purpose of directly obtaining business or trainees;
- (8) Allowing one's license under this chapter to be used by any unlicensed person in violation of the provisions of this chapter;
- (9) If the holder of any license has been adjudged guilty of the commission of a felony or a misdemeanor involving moral turpitude;
- (10) Where the license holder has been adjudged a habitual drunkard or mentally incompetent as provided in the probate code;
- (11) Material misstatement in the application for original license or in the application of any renewal license under this chapter; or
- (12) Failing, within a reasonable time, to provide information requested by the board as the result of a formal complaint to the board which indicates a violation of this chapter. (*Acts 1971, No. 2056, p. 3307, §18; Acts 1989, No. 89-269, p. 416, §3.*)

Section 34-25-33 Refusal, suspension, reprimand, probation, or revocation - Violation by one examiner or trainee not to affect employer.

Any unlawful act or violation of any of the provisions of this chapter on the part of any polygraph examiner or trainee shall not be cause for revocation of the license of any other polygraph examiner for whom the offending examiner or trainee may have been employed, unless it shall appear to the satisfaction of the board that the polygraph examiner-employer has willfully or negligently aided or abetted the illegal actions or activities of the offending polygraph examiner or trainee.

(*Acts 1971, No. 2056, p. 3307, §19.*)

Section 34-25-34 Refusal, suspension, reprimand, probation, or revocation - Hearing.

(a) Where there is cause to refuse an application or to suspend or revoke the license of any polygraph examiner, the board shall, not less than 30 days before refusal, suspension, or revocation action is taken, notify such person in writing, in person or by registered or certified mail at the last address supplied to the board by such person, of

such impending refusal, suspension, or revocation, the reasons therefor and of his or her right to an administrative hearing for the purpose of determining whether or not the evidence is sufficient to warrant the refusal, suspension, or revocation action proposed to be taken by the board. If, within 20 days after the personal service of such notice or such notice has been deposited in the United States mail, such person has not made a written request to the board for this administrative hearing, the board is authorized to suspend or revoke the polygraph examiner's license of such person without a hearing. Upon receipt by the board of such written request of such person within 20 days as set out above, an opportunity for an administrative hearing shall be afforded as early as is practicable. In no case shall the hearing be held less than 10 days after written notification thereof, including a copy of the charges, shall have been given the person by personal service or by registered or certified mail sent to the last address supplied to the board by the applicant or licensee. The administrative hearing in such cases shall be before the board.

(b) The board shall conduct the administrative hearing and it is authorized to administer oaths and issue subpoenas for attendance of witnesses and the production of relevant books, papers, documents, etc. On the basis of the evidence submitted at the hearing, the board shall take whatever action it deems necessary in refusing the application or suspending or revoking the license.

(Acts 1971, No. 2056, p. 3307, §21.)

Section 34-25-35 Refusal, suspension, reprimand, probation, or revocation - Judicial review.

Any person dissatisfied with the action of the board in refusing his application or suspending or revoking his license, or any other action of the board, may appeal the action of the board by filing a petition within 30 days thereafter in the circuit court in the county where the person resides or in the Circuit Court of Montgomery County, Alabama, and the court is vested with jurisdiction and it shall be the duty of the court to set the matter for hearing upon 10-days' written notice to the board and the attorney representing the board. The court in which the petition of appeal is filed shall determine whether or not a cancellation or suspension of a license shall be abated until the hearing shall have been consummated with final judgment thereon or whether any other action of the board should be suspended pending hearing, and enter its order accordingly, which shall be operative when served upon the board, and the court shall provide the attorney representing the board with a copy of the petition and order. The board shall be represented in such appeals by the district attorney of the county or the Attorney General, or any of their assistants. The board shall initially determine all facts, but the court upon appeal shall set aside the determination of the board if the board's determination:

- (1) Is not based upon substantial evidence upon the entire record;
- (2) Is arbitrary or capricious;
- (3) Is in violation of statutory requirement; or
- (4) Was made without affording the licensee or applicant due process of law.

(Acts 1971, No. 2056, p. 3307, §22.)

Section 34-25-36 Refusal, suspension, reprimand, probation, or revocation - Surrender of license.

Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license or licenses to the board; failure of a licensee to do so shall be a violation of this chapter and, upon conviction, shall be subject to the penalties set forth in this chapter. At any time after the suspension or revocation of any license, the board shall restore it to the former licensee upon the written recommendations of the board.

(Acts 1971, No. 2056, p. 3307, §23; Acts 1989, No. 89-269, p. 416, §3.)

Professional Services by Vendor

	FY 2014	FY 2015	FY 2016	FY 2017
Computer Support				
Finance & IT Planning Oversight	\$ 30.00	\$ 30.00	\$ 30.00	\$ 25.00
FRMS	254.32	220.28	219.97	123.16
Total Computer Support	284.32	250.28	249.97	148.16
Administrative Services				
Legislative Reference Service	130.00	-	-	-
Data Processing - Dept. of Finance	327.00	405.75	327.00	272.50
Personnel Department Services	305.00	316.00	320.00	329.00
Information and Research Services - ALEA	50.00	125.00	64.75	187.75
Mailing - Dept. of Finance	-	-	-	5.40
Interfund Contract Payments (STAARs)	-	-	720.00	540.00
Comptroller Services	397.09	394.90	439.74	348.98
Total Administrative Services	1,209.09	1,241.65	1,871.49	1,683.63
Total Professional Services	\$ 1,493.41	\$ 1,491.93	\$ 2,121.46	\$ 1,831.79

Board Members



Board Members

Gerone Grant, Chairman
Kathy Pierce, Vice Chairman
Gregory Turley, Secretary/Treasurer
W. T. Merritt, Member
Herbert McCants, Jr., Member

STATE OF ALABAMA
POLYGRAPH EXAMINERS BOARD
Physical Address: 301 S. Ripley Street
Mailing Address: P.O. Box 1511
Montgomery, AL 36102-1511
334-517-2903

Board Consultants

Earl Jones, Psychologist
Brian Williams, Attorney

February 2, 2018

Mr. Gerald Dedon
Examiners of Public Accounts
P. O. Box 302251
Montgomery, AL 36130-2251

Re: Board member information

Dear Mr. Dedon,
Listed below are the current Board members.

Captain Gerone Grant
Chairman
Date of appointment: December 1, 2001
Term expires: November 30, 2019

Chief Gregory Turley
Secretary/Treasurer
Date of appointment: November 24, 2003
Term expired: November 20, 2019

Ms. Kathy Melinda Pierce
Vice Chairman
Date of appointment: November 13, 2009
Term Expires: November 30, 2017

Lt. William T. Merritt
Board Member
Date of appointment: February 19, 2013
Term Expires: November 30, 2019

Mr. Herbert McCants, Jr.
Board Member
Date of appointment: March 8, 2016
Term Expires: November 30, 2017

CONSULTANTS

Mr. Brian Williams
Legal consultant
Date of Appointment: February 28, 2014
Term expires: November 30, 2017

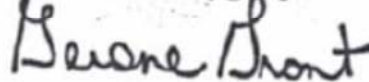
Mr. Earl Jones
Psychological consultant
Date of appointment: December 15, 2008
Term expires: November 30, 2016

OFFICAL

Mrs. Joan Beck
Administrative Secretary
Mailing Address: Montgomery, AL 36102-1511
Physical address: 301 S. Ripley Street, Montgomery, AL 36102-1511

Sincerely

Alabama Polygraph Examiners Board



Gerone Grant
Chairman

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