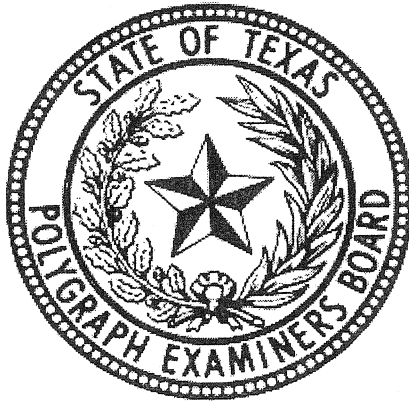


STATE OF TEXAS
POLYGRAPH EXAMINER'S BOARD



SELF-EVALUATION REPORT

SEPTEMBER 2007

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**State of Texas Polygraph Examiner's Board
Self-Evaluation Report**

I. Agency Contact Information

A. Please fill in the following chart.

State of Texas Polygraph Examiner's Board Agency Contacts				
	Name	Address	Telephone & Fax Numbers	E-mail Address
Agency Head	Frank Di Tucci	5805 N. Lamar Blvd Austin, Tx 78752	512-424-2058 Fax 512-424-5739	FRANK.DITUCCI@ TXDPS.STATE.TX.US
Agency's Sunset Liaison	Frank Di Tucci	5805 N. Lamar Blvd Austin, Tx 78752	512-424-2058 Fax 512-424-5739	FRANK.DITUCCI@ TXDPS.STATE.TX.US

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of your agency's mission, objectives, and key functions.

I. The mission of the Polygraph Examiners Board is to establish and enforce standards of instrumentation, regulations, and education, thus to license and regulate all persons purporting to be able to detect deception and verify truthfulness of statements. This will protect the public from untrained, unlicensed, and unscrupulous persons who may cause harm to the public. This agency always stands ready to aid the legislature in developing language to better serve that end.

II. To protect and serve the citizens of Texas to ensure swift action to their needs, our benchmark for this is to serve every customer that seeks aid in a timely, professional manner, and in an enthusiastic fashion that State Government has for its people.

III. The main function of the board consists of licensing and regulating all persons in the state of Texas who purport to be able to detect deception or verify truthfulness of statements through the use of instrumentation as defined in the Polygraph Examiners Act to safeguard the public.

B. Do each of your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?

1. The receipt and investigation of complaints.
2. The licensing of qualified applicants.
3. Enforcement of the Act and its regulations.
4. Creating rules and regulations pertaining to the Act.
5. Approval of polygraph examiners courses relevant to their academic standards in accordance with the Act.
6. Making available to the general public and appropriate agencies information describing the regulatory functions of the board and the board's procedures for the filing of consumer complaints.
7. All activities pertinent to these general areas of authority.

The agency's Key functions continue to serve a clear objective: to protect the citizens of Texas from unqualified, untrained, unscrupulous persons who could otherwise cause harm to the public by promoting and using questionable/faulty methodologies for the detection of deception.

The licensing of qualified individuals assures the public that all examiners have met minimum competency standards as determined by the Polygraph Examiner's Board.

Our regulatory function assures that the licensed polygraph examiners and those wishing to be licensed in the state of Texas perform their functions according to legislative intent as found in Tx Occupation Code 1703.

Polygraph serves both the defense and prosecution in the criminal justice system. Polygraph is also increasingly used in the treatment and monitoring of sex offenders, in pre-employment testing of law enforcement applicants and in many other venues where determination of truthfulness is required. Lack of oversight of the profession through the functions of the Polygraph Examiners Board would increase the probability of unqualified persons providing unreliable information to the public and criminal justice system.

C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?

The evidence that can be provided to show the agency's overall effectiveness and efficiency in meeting the agency objective is the increased numbers of new licenses in recent years coupled with the decrease in sustained complaints filed by the public on licensed examiners.

- D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency's operation? If so, explain. Were the changes adopted?

There are a few changes the Texas Polygraph Examiners Board would like to suggest.

- The Texas Polygraph Examiners Board would like to license and or regulate persons wanting to instruct in continuing education on polygraph topics within the state of Texas. This would allow the board the opportunity to determine those individuals qualification to provide those services. Otherwise, the instruction received by person may not be of a standard that otherwise would be expected which could harm the public.
- The Texas Polygraph Examiners Board would like to have the ability to co-host seminars. The board attempted to develop a program to co-host seminars and link those efforts to the Aging Well Texas Program. The training that would come about would allow the older examiners to receive training on the most current of polygraph topics.
- The Texas Polygraph Examiners Board would like to have inspection authority with the ability to fine violators. This would tighten the quality of the professions work product and would assure the public that the best product is being presented
- The Texas Polygraph Examiners Board would like to have the fee section of our "Act" reflect current day fees. This could be done by updating the fees in the Statutes or by advising in the Statutes that the board will collect fees as authorized in the Legislative Appropriation Act.

The Texas Polygraph Examiners Board did try to get funding to co-host seminars relating to the Aging Well Texas Program, but it was turned down by the L.B.B. and G.O.B. and Planning.

E. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

No. There is no other federal or state agency with statutory authority to regulate and license polygraph examiners in the state of Texas.

F. In general, how do other states carry out similar functions?

Of the fifty states, twenty seven states have state licensing authorities to license polygraph examiners and/or the field of lie detection. There is one county in the twenty-eighth state that licenses individuals to perform these functions. Structures and functions vary from state to state.

G. What key obstacles impair your agency's ability to achieve its objectives?

We believe our current structure is adequate to achieve our objectives. We cannot identify obstacles that are problematic to us. Improvements listed in IID would enhance effectiveness.

H. Discuss any changes that could impact your agency's key functions in the future (e.g., changes in federal law or outstanding court cases).

There are no changes that we can identify in Federal law or outstanding court cases that would impact our agency's key functions in the future.

I. What are your agency's biggest opportunities for improvement in the future?

We see an opportunity to improve the skills and knowledge of our examiners by hosting seminars on various topics relevant to the Aging Texas Well program and other relevant polygraph topics.

J. In the following chart, provide information regarding your agency's key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures.

Texas Polygraph Examiner's Board Key Performance Measures – Fiscal Year 2006			
Key Performance Measures	FY 2006 Target	FY 2006 Actual Performance	FY 2006 % of Annual Target
Percentage of licenses with no recent violation.	100 %	100 %	100 %
Percent of complaints resolved resulting in disciplinary action.	1 %	33 %	33 %
Recidivism rate for those receiving disciplinary action.	1 %	0 %	0 %
Percent of documented complaints resolved within six months.	100 %	100 %	100 %
Investigation conducted.	42	40	95.2 %
Complaints resolved.	12	4	33.3 %
Individuals examined.	30	35	116.7 %
Examination session.	6	10	166.7 %
New license issued.	15	15	100 %
License renewed.	240	221	92.1%
Average time for complaint resolution.	90	33.5	37.2 %
Average cost per complaint resolved.	450	202.5	221.7 %
Average licensing cost per individual license issued.	60	60	100 %
Average cost per exam administered.	100	100	100 %
Percentage of new individual licenses issued within ten days.	99 %	100	100 %
Percentage of individual license renewals issued within seven days.	99 %	100	100 %
New internship licenses issued.	15	18	120 %
Jurisdictional complaints received.	12	4	33.3 %
Total number of individuals licensed.	255	254	99.6 %
Pass rate.	95 %	97.5	102.6 %

III. History and Major Events

Provide a timeline of your agency's history, and key events, including:

In 1965, the 59th State Legislature, Regular Session, enacted the Texas Polygraph Examiners Act [Article 4413(29cc), Vernon Texas Civil Statutes] to protect the public and thereby established the Texas Polygraph Examiners within the Law Enforcement Training Division of the Engineering Extension Service of the Texas A&M System. The legislature, at that time, was responding to concerns that the public was not adequately protected from incompetent polygraph examiners, inadequate polygraph equipment, and the resulting use of confidential information secured through the use of polygraph. Today these same issues come to light with the advent of Psychological Stress Evaluators (PSE), Voice Stress Analyzers (VSA), and other related technologies. The polygraph profession views these devices as unreliable single physiological recording devices, and thus not meeting minimum instrumentation requirements.

Senate Bill 441 of the 67th State Legislature, Regular Session, created the Polygraph Examiners Board as a separate state agency, effective September 1, 1981. Funds creating the agency's staff were not appropriated until the 68th State Legislature, Regular Session, effective September 1, 1984. The 76th State Legislature, by House Bill 1355, repealed Article 4413(29cc), VACS. The Polygraph Examiners Act is now under the Texas Occupation Code, Chapter 1703. However, legal citation can still be found in VACS, Act 4413(29cc).

The Polygraph Examiners Act provides for administrative proceedings and court review, establishes minimum instrumentation requirements, and prohibits the use of instruments that do not meet these requirements. It provides for administrative, civil, and criminal relief for violations of the Act. Permissible fees are fixed by statute, modified by the Appropriations Act as needed. Funds necessary for the administration and enforcement of the Act are appropriated by the State Legislature. The agency was changed to a general revenue funded agency by the 76th Texas Legislature. In the 77th Texas Legislature, the agency became a line item on the Department of Public Safety's budget, yet remained autonomous due to other regulation.

In the years following its inception, the Polygraph Examiners Board has continued to regulate licenses of persons purporting to be able to detect deception and verify truthfulness of statements in the state of Texas to protect the public from untrained, unlicensed, and unscrupulous persons who may harm the public. This regulation consists of enforcement of the Polygraph Examiners Act, board rules and regulations, receipt and investigation of consumer complaints, approval and licensing of qualified applicants, and other duties, which from time to time occur as they relate to the polygraph industry in the state of Texas, and the interests of its citizens.

The date your agency was established.

- The Texas Polygraph Examiners Board was established on September 1, 1981

The original purpose and responsibilities of your agency.

- To license and regulate lie detection

Major changes in responsibilities or statutory authority.

- NONE

Changes to your policymaking body's name or composition.

- The board composition changed from 6 members to 7 members on September 1, 2003

Significant changes in state/federal legislation, mandates, or funding.

- NONE

Significant state/federal litigation that specifically affects your agency's operations.

- NONE

Key changes in your agency's organization (e.g., a major reorganization of the agency's divisions or program areas).

- NONE

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

Texas Polygraph Examiner's Board Policymaking Body			
Member Name	Term/ Appointment Dates/ Appointed by ___ (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	City
Mr. Horace Ortiz, Presiding Officer	07-21-89 to 06-18-07	Industry Representative Commercial Examiner	Corpus Christi, Tx
Mr. Andy Sheppard, Assistant Presiding Officer	04-19-05 to 06-18-09	Industry Representative Commercial Examiner	Fate, Tx
Mrs. Priscilla Kleinpeter, Secretary	05-24-04 to 06-18-09	Public Member	Amarillo, Tx
Mrs. Elizabeth Bellegarde, Member	09-17-97 to 06-18-07	Public Member	El Paso, Tx
Mr. Lawrence Mann, Member	12-08-03 to 06-18-09	Public Member	Plano, Tx
Mr. Gory Loveday, Member	04-13-07 to 06-18-11	Industry Representative Law Enforcement	Tyler, Tx
Mr. Donald K. Schutte, Member	04-13-07 to 06-18-11	Industry Representative Law Enforcement	Texarkana, Tx

B. Describe the primary role and responsibilities of your policymaking body.

The primary role and responsibility of the board (policy making body):

- Rule making on an as needed bases relating to events of the time.
- Directing agency function through issues discussed at board meetings to better serve the agencies constituents and the public at large.
- One board member actually serves as a complaint officer to augment Executive Officer's investigative process.
- Selected board members also develop and or modify the agency's licensing examination as needed. Additionally, all board members are involved in grading some portion of our licensing examinations.
- The Presiding Officer directs the actions of the board and is in constant communication with the Executive officer in pursuing the directives. The Attorney General's representative is brought in as necessary to assure legalities of agency actions.

C. How is the chair selected?

The Policymaking Body (the board) elects the Presiding Officer, Assistant Presiding Officer and Secretary annually, from its membership. **Texas Occupation Code Sec. 1703.055.**

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

The Polygraph Examiners Board consists of seven members, in which; two polygraph examiner members from law enforcement, two polygraph examiner members from the commercial field, and three members who represent the public. A member must be a United States citizen and resident of this state for at least two years before appointment. A polygraph examiner member must be actively engaged as a polygraph examiner on the date of appointment and has been engaged as a polygraph examiner for at least five consecutive years before the appointment. Two board members may not be employed by the same person.

Texas Occupation Code 1703.051

A person is not eligible for appointment as a public member of the board if the person or the person's spouse is licensed by an occupational regulatory agency in the field of polygraph examining or is employed by or participates in the management of an agency or business entity related to the field of polygraph examining has, other than as a consumer, a financial interest in a business entity related to the field of polygraph examining.

Texas Occupation Code 1703.052

An officer, employee, or paid consultant of a trade association in the polygraph examining field may not be a member or employee of the board. A member or employee of the board may not be related within the second degree by affinity consanguinity to a person who is an officer, employee, or paid consultant of a trade association in the polygraph examining field. A person may not serve as a member of the board or act as the general counsel to the board if the person is required to register as a lobbyist.

Texas Occupation Code 1703.053

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2006? in FY 2007?

The Texas Polygraph Examiner's Board met four times in both fiscal year 2006 and fiscal year 2007. **Texas Occupation Code 1703.203 (c)**

F. What type of training do members of your agency's policymaking body receive?

Board members attend the Governor's orientation for new agency board members. Board members are encouraged to attend the Government Law and Liability Conference sponsored by the Attorney General's Office.

G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

There are no written policies in place with exception of board rules dealing with processes for resolving complaints Texas Administrative Code, Title 22, Part 19, Chapter 397.1 through 397.33. Those rules were written and developed by the Attorney Generals Office and became effective May 28, 1997.

Otherwise the board functions according to Texas Occupation Code Chapter 1703 and the Executive Officer takes direction as required from the Presiding Officer.

H. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?

At quarterly board meetings there is an agenda item called Executive Officers Report. In that agenda item the Executive Officer keeps board members abreast of on going agency functions. The following items are listed as an example and may not be the entire range of topics:

- Budget / Collections / Protects.
- Internship / Licensing Exam / Renewals
- Complaints / Concerns
- ABEST
- Action Items
- Past / Upcoming Seminars

The Executive Officer also keeps in communication with the Presiding Officer as needed.

I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

The agency solicits input from the public through posting of rule changes in the Texas Register and agency mailouts to constituents. Constituents communicate with the Polygraph Examiners Board through public hearings, letters, telephone calls, faxes, e-mails and personal appearance. The agency maintains an 800 number and two e-mail addresses to facilitate communication with the public. Normally the second agenda item at Board meetings is for public comment on Board agenda items. Public comment is also received on proposed rule changes. The agency maintains a website to provide access to agency information and agency contact including board members. The agency also responds to open records requests.

- J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart.

The agency has no standing subcommittees or advisory committee. There are occasional ad hoc subcommittee meetings with two or three board members.

Texas Polygraph Examiner's Board Subcommittees and Advisory Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/How are members appointed?	Purpose/Duties	Legal Basis for Committee
AN/A@	AN/A@	AN/A@	AN/A@

V. Funding

A. Provide a brief description of your agency's funding.

The Texas Polygraph Examiners Board is a General Revenue Funded agency. Agency collectibles are remitted to the Texas Treasury.

B. List all riders that significantly impact your agency's budget.

There are no riders that impact our budget. The Texas Polygraph Examiners Board is rider 41 on the Department of Public Safety Appropriation Bill for FY 2008 / 2009.

The agency was rider 43 for the FY 2006 / 2007.

C. Show your agency's expenditures by strategy.

Texas Polygraph Examiner's Board Expenditures by Strategy – Fiscal Year 2006 (Actual)		
Goal/Strategy	Total Amount	Contract Expenditures Included in Total Amount
05-02-01	\$94,856	\$1,003
GRAND TOTAL:	\$94,856	\$1,003

The Texas Polygraph Examiners Board is rider 41 on the Department of Public Safety Appropriation Bill pattern for FY 2008 / 2009.

The agency was rider 43 in FY 2006 / 2007.

D. Show your agency's objects of expense for each category of expense listed for your agency in the General Appropriations Act FY 2007-2008.

Texas Polygraph Examiner's Board Objects of Expense by Program or Function – Fiscal Year 2006	
Object-of-Expense	Polygraph Examiners Board
1001 Salaries & Wages	\$75,048
1002 Other Professional Cost	\$3,390
2001 Professional Fees and Services	\$426
2002 Fuels and Lubricants	\$60
2003 Consumable Supplies	\$1,563
2004 Utilities	\$143
2005 Travel	\$6,554
2006 Rent – Building	\$0
2007 Rent – Machine & Other	\$0
2008 Debt Services	\$0
2009 Other Operating Expenses	\$7,672
4000 Grants	\$0
5000 Capital Expenditures	\$0
Total	\$94,856

Texas Polygraph Examiner's Board Contracts	
Risk Management Services & Workers Comp. Coverage	\$145.00
Year 2 – MS Full Platform Enterprise Agreement Desktop	\$149.00
Service For Presort / Bar Coding of First Class Letters	\$9.83
Office Supplies – TIBH Central Store	\$698.75
Total	\$1,002.58

- E. Show your agency's sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines.

Texas Polygraph Examiner's Board Sources of Revenue – Fiscal Year 2006 (Actual)	
Source	Amount
General Revenue Fund	\$95,617.00
TOTAL	\$95,617.00

F. If you receive funds from multiple federal programs, show the types of federal funding sources.

NOT APPLICABLE

Texas Polygraph Examiner's Board Federal Funds – Fiscal Year 2006 (Actual)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
AN/A@	AN/A@	AN/A@	AN/A@	AN/A@
TOTAL				

G. If applicable, provide detailed information on fees collected by your agency.

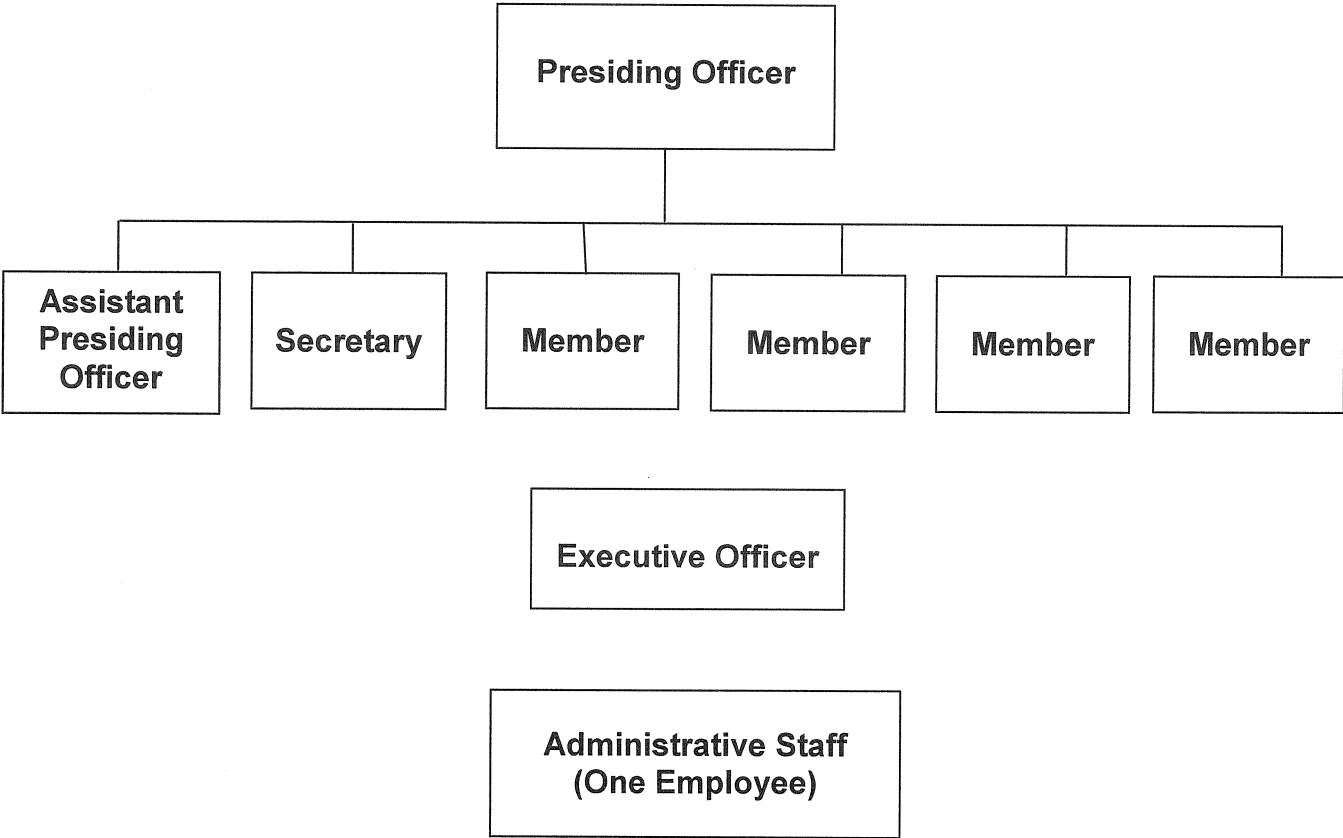
Texas Polygraph Examiner's Board Fee Revenue — Fiscal Year 2006				
Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Revenue	Where Fee Revenue is Deposited
Polygraph Examiner's License	\$500 / \$500	15	\$7500	General Revenue Fund
Internship License Application Fee	\$150 / \$300	18/0	\$2700	General Revenue Fund
Duplicate License	\$15 / \$100	8/0	\$120	General Revenue Fund
Renewal Fee for Examiner's License	\$450 / \$500	222 with 3 past year renewals	\$101,250	General Revenue Fund
Extension or Renewal of an Internship License	\$75 / \$150	2/0	\$150	General Revenue Fund
Examination Fee	\$150 / \$200	18/0	\$2700	General Revenue Fund
Late Fee	\$75 / \$150 / \$200	11/4/0	\$1425	General Revenue Fund

The Texas General Appropriations Act for 2008-2009, Biennium Eightieth Legislature Regular Session – May 2007 authorizes the collection of fees by the Texas Polygraph Examiner's Board not to exceed what is listed above. This supersedes fees listed in the Texas Occupation Code Chapter 1703.102, Fees.

The Texas Polygraph Examiners Board also charges cost recovery fees for duplicate identification cards, open records requests and returned check fee, as authorized in state law. Fees collected are deposited in the General Revenue Fund.

VI. Organization

A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division.



B. If applicable, fill in the chart below listing field or regional offices.

Texas Polygraph Examiner's Board FTEs by Location – Fiscal Year 2006			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 2006	Number of Actual FTEs as of August 31, 2006
Headquarters	Austin	2	2
TOTAL		2	2

C. What are your agency's FTE caps for fiscal years 2006 - 2009?

The Texas Polygraph Examiner's Board is budgeted for 2 FTE and 7 Board Members for fiscal years 2006-2009.

- D. How many temporary or contract employees did your agency have as of August 31, 2006?**

The Texas Polygraph Examiner's Board had no temporary or contract employee as of August 31, 2006.

- E. List each of your agency's key programs or functions, along with expenditures and FTEs by program.

Texas Polygraph Examiner's Board List of Program FTEs and Expenditures – Fiscal Year 2006		
Program	FTEs as of August 31, 2006	Actual Expenditures
Ensure compliance with Polygraph Examiners Act.	(2) Executive Officer and support staff	\$47,428
Examine and License qualified applicants.	(2) Executive Officer and support staff	\$47,428
TOTAL		\$94,856

Methodology: The Executive Officer with support staff is responsible for both programs as well as the administering of the agency.

VII. Guide to Agency Programs

- A. Provide the following information at the beginning of each program description.

Program #1

Name of Program or Function	Ensure compliance with Polygraph Examiners Act
Location/Division	Austin, Texas
Contact Name	Frank Di Tucci
Actual Expenditures, FY 2006	\$47,428
Number of FTEs as of August 31, 2006	2

Program #2

Name of Program or Function	Examine and license qualified applicants
Location/Division	Austin, Texas
Contact Name	Frank Di Tucci
Actual Expenditures, FY 2006	\$47,428
Number of FTEs as of August 31, 2006	2

Methodology: The Executive Officer with support staff is responsible for both programs as well as the administering of the agency. Total expenditures for FY 2006 were \$94,856.

B. What is the objective of this program or function? Describe the major activities performed under this program.

Program #1 – Ensure compliance with Polygraph Examiners Act

- Investigate complaints and informing the public of our statutes and board rules as necessary.

Program #2 – Examine and license qualified applicants

- Determine applicants and sponsors qualifications and to examine applicants for licensure when qualifications have been met.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

Program #1 – Ensure compliance with Polygraph Examiners Act

- Complaint numbers have decreased over the past few years.
- Web based information available to the public regarding our statutes and board rules.

Program #2 – Examine and license qualified applicants

- Data available suggests in the past several years there have been some years with slightly longer than normal interest in individuals becoming licensed in Texas.
- Increased opportunities in sex offender testing and law enforcement pre-employment testing has perhaps driven the need for additional examiners.

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.**

Program #1 – Ensure compliance with Polygraph Examiners Act

- There has been no change from the original intent. In recent years with exception of compliant forms, statutes, board rules and regulations as well as other pertinent information available to the public on our web page. In prior years the agency had an investigator to perform these functions, now the Executive Officer, works the investigative function as well as performs all other agency duties.

Program #2 – Examine and license qualified applicants

- Since 1996 the agency has reworked its licensing examination three times and its internship program a number of other times through the changing of board rules. The agency presently is in the process of making changes to the internship program.

- E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

Program #1 - Ensure compliance with Polygraph Examiners Act

- Individuals directly affected by this are complaints and examiners complained on and in an indirect fashion the public at large.

Program #2 - Examine and license qualified applicants

- Persons affected by this program are persons working to become licensed in Texas as polygraph examiners. These individuals could be Texas residents or not. Other persons affected by this program are sponsors or secondary sponsors and those wishing to become sponsors.

- F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.**

Program #1 – Ensure compliance with Polygraph Examiners Act

- Complainants or those wishing to complain may contact the agency by phone (including toll free #), fax, email, or letter through U.S. postal service regarding their concerns. At the appropriate time the Executive Officer working in conjunction with the Attorney Generals Representative informs the appropriate board member and appoints that board member as a complaint officer. The goal is to work the case and resolve the case within 6 months and to advise both the person complained on and the complainant every 90 days of the status of progress in the case. Occasionally complaints being worked in conjunction with complainant’s attorneys have lengthened the process past six months.

Program #2 – Examine and license qualified applicants

- Once a completed application with appropriate fees has been received, the Executive Officer sends identifying information to DPS for the purpose of criminal background investigations. In the mean while, the Executive Officer determines other applicant qualification i.e. educational background and/or investigator experience along with school recognition by the Texas Polygraph Examiners Board as well as the sponsor’s qualifications to sponsor the intern. After the interns graduation from polygraph school the intern is issued an internship license valid for 12 months (school time may be considered as part of the internship time). The Executive Officer monitors the submission of 60 day sponsor reports written by the sponsor on the progress of the intern during the internship. There is also a requirement that the intern complete at a minimum thirty (30) polygraph examinations under the supervision of the sponsor to qualify for final licensure. By statutes, an individual may not obtain full licensure prior to six (6) months. The board offers licensure examinations quarterly and/or as needed. Other requirements as outlined in Texas Administrative Code, Title 22, Part 19, Chapter 391.3 must also be adhered too. There is another program that we call the “Preceptor” program where persons can license by not having to go to a recognized school. Licensure under that program requires a minimum of twelve (12) months with higher training hours in the topics listed in Texas Administrative Code, Title 22, Part 19, Chapter 391.3. Another program allows for federal polygraph examiners who are perhaps not licensed in other states to become licensed in Texas. The final program allows for individuals who are licensed in other states that have licensing requirements similar to Texas to become licensed in Texas. The Executive Officer and the Presiding Officer occasionally interact to determine the applicants qualification and the best possible route for that individual to achieve Texas licensure.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

Program #1 – Ensure compliance with Polygraph Examiners Act

The Texas Polygraph Examiners Board is a General Revenue Funded Agency. In FY 2006 / 2007 the agency was rider 43 on the Department of Public Safety Appropriation Bill with Appropriation listed at \$92,716. Half of that money spent on compliance (\$46,358).

The agency is rider 41 on the Department of Public Safety Appropriation Bill for FY 2008 / 2009 with Appropriation listed at \$104,816. Half of that money is considered to be spent on compliance (\$52,408).

Program #2 – Examine and license qualified applicants

The Texas Polygraph Examiners Board is a General Revenue Funded Agency. In FY 2006 / 2007 the agency was rider 43 on the Department of Public Safety Appropriation Bill with Appropriation listed at \$92,716. Half of that money was spent on licensing (\$46,358).

The agency is rider 41 on the Department of Public Safety Appropriation Bill for FY 2008 / 2009 with Appropriation listed at \$104,816. Half of that money is considered to be spent on licensing (\$52,408).

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

Program #1 – Ensure compliance with Polygraph Examiners Act

NONE

Program #2 – Examine and license qualified applicants

NONE

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Program #1 - Ensure compliance with Polygraph Examiners Act

NONE

Program #2 - Examine and license qualified applicants

NONE

- J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.**

Program #1 – Ensure compliance with Polygraph Examiners Act

NONE

Program #2 – Examine and license qualified applicants

NONE

- K. If contracted expenditures are made through this program please provide:**
- the amount of those expenditures in fiscal year 2006;
 - the number of contracts accounting for those expenditures;
 - a short summary of the general purpose of those contracts overall;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

Program #1 – Ensure compliance with Polygraph Examiners Act – See Below

Program #2 – Examine and license qualified applicants – See Below

Additional to contacts named page 26. (Listed Below)

Texas Polygraph Examiner’s Board Contracts		
Risk Management Services & Workers Comp. Coverage	One Contract	\$145.00
Year 2 – MS Full Platform Enterprise Agreement Desktop	One Contract	\$149.00
Service For Presort / Bar Coding of First Class Letters	Two Contracts	\$9.83
Office Supplies – TIBH Central Store	Four Contracts	\$698.75
Total		\$1,002.58

- The TPEB has contracted three (3) processes.
 1. Hosting web page is paid annually at the rate of \$336.
 2. Updating web page done when the amount of work necessary is more than an hour because we pay an hourly rate of \$95.00 per hour (\$403.75).
 3. Posting of board rule changes to the Secretary of State Office / Texas Register work performed as the board works through the process of rule changing. In 2006 the agency spent \$386.96 for this service.

Payment is made when services are completed. There are no current contracting problems.

- L. What statutory changes could be made to assist this program in performing its functions? Explain.**

Program #1 – Ensure compliance with Polygraph Examiners Act

- The agency's ability to inspect examiners work product on a periodic bases could provide continued progress in this program.

Program #2 – Examine and license qualified applicants

- The agency's ability to host / co-host non voluntary training seminars with most recent and updated techniques could ensure older examiners ability to stay current. This could be the agencies attempt to fulfill the "Aging Well Texas Program" mandated by the legislature.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

Program #1 - Ensure compliance with Polygraph Examiners Act

NONE

Program #2 - Examine and license qualified applicants

NONE

- N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:
- why the regulation is needed;
 - the scope of, and procedures for, inspections or audits of regulated entities;
 - follow-up activities conducted when non-compliance is identified;
 - sanctions available to the agency to ensure compliance; and
 - procedures for handling consumer/public complaints against regulated entities.

Program #1 – Ensure compliance with Polygraph Examiners Act. Standards of practice best serve the public otherwise you’ll have incompetent, untrained, unqualified and unscrupulous persons using methods and equipment that perhaps do not work. The agency has no inspections or audits unless it comes through the form of a complaint. The sanctions available to the agency include refusal to issue a license, suspend or revoke a license and in some cases fines ranging from \$100 to \$1000 and/or jail time up to six months.

Consumer / public complaints against regulated entities, in our case licensed individuals, are processed by the Executive Officer work together with a Complaint Officer (board member) and the Attorney General Representative to the agency.

Program #2 – Examine and license qualified applicants. Standards of practice best serve the public otherwise you’ll have incompetent, untrained, unqualified and unscrupulous persons using methods and equipment that perhaps do not work. The agency has no inspections or audits unless it comes through the form of a complaint. The sanctions available to the agency include refusal to issue a license, suspend or revoke a license and in some cases fines ranging from \$100 to \$1000 and/or jail time up to six months.

Consumer / public complaints against regulated entities, in our case licensed individuals, are processed by the Executive Officer work together with a Complaint Officer (board member) and the Attorney General Representative to the agency.

- O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Texas Polygraph Examiner's Board (Ensure Compliance with Polygraph Examiners Act) Information on Complaints Against Regulated Persons or Entities Fiscal Years 2005 and 2006		
	FY 2005	FY 2006
Total number of regulated persons	239	239
Total number of regulated entities	0	0
Total number of entities inspected	0	0
Total number of complaints received from the public	5	4
Total number of complaints initiated by agency	0	1
Number of complaints pending from prior years	1	0
Number of complaints found to be non-jurisdictional	0	0
Number of jurisdictional complaints found to be without merit	5	3
Number of complaints resolved	5	4
Average number of days for complaint resolution	126	33.5
Complaints resulting in disciplinary action:	0	1
administrative penalty	0	0
reprimand	0	0
probation	0	0
suspension	0	0
revocation	0	1
other	0	0

VIII. Statutory Authority and Recent Legislation

A. Fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2003 - 2007, or earlier significant Attorney General opinions, that affect your agency's operations.

Texas Polygraph Examiner's Board Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency
Texas Occupation Chapter 1703. Texas Polygraph Examiners Act.	Provides authority to license and regulate persons and instruments used to detect deception or verify truth of statement.
Attorney General Opinions	
Attorney General Opinion No.	Impact on Agency
H – 1008 (6/2/77)	Funds from FY 76 / 77 may not be used to reimburse board member travel expense incurred in FY 75 / 76.
H – 1156 (4/19/78)	Violation of regulations promulgated by the board which regulations prohibit conduct not proscribed by statutes is not a penal offense.
H – 1180 (6/9/78)	The Texas Polygraph Examiners Board is not authorized to accept gifts from private organization composed of members subject to board regulation.
MW – 108 (12/20/79)	Regarding Section 19(2) the examiner must properly inform and subject that participation is voluntary. The examiner need not determine the motive of the examinee.
JM – 278 (12/28/84)	The word "immediately proceeding" means nearest to.
JM – 437 (2/21/86)	A polygraph examiner is not necessarily required to display his/her license at each location where services are performed.
JM – 640 (2/27/87)	Open Meeting Act would not apply to examining prospective licensees. Open Records Act authorizes the board deny request for examination question and answers.

VIII. Statutory Authority and Recent Legislation

A. Fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2003 - 2007, or earlier significant Attorney General opinions, that affect your agency's operations. (Continued)

Attorney General Opinions	
JM – 976 (2/7/88)	The federal statutes for E.P.P.A. will not change the bonding amount requirement for Texas licensure. However, Texas examiners may not conduct polygraph examination under E.P.P.A. without complying with federal requirement.
LO – 88-131 (12/9/88)	Polygraphs conducted under E.P.P.A. members or employees of the Polygraph Examiners Board may inspect such information only if the examiner discloses it according to a specific authorization in federal law. “A court of competent jurisdiction” means one having jurisdiction to do a particular act.
JM – 1067 (7/5/89)	The Polygraph Examiners has no authority to refund a portion of licensure fees to the estate of a deceased licensee.
JM – 1141 (2/6/90)	It would be advisable to obtain consent of the child's parent or guardian before subjecting a child witness or child complainant to a polygraph examination.
LO – 90-86 (11/1/90)	Training and travel expenses of agency staff allowed if the responsible agency authority determines it to relate to agency governmental function.
DM – 223 (5/28/93)	Former board members may not sponsor an intern before the second anniversary of their leaving the board.
LO – 94-014 (1/31/94)	The Polygraph Examiners Act does not authorize licensed polygraph examiners to describe their license as anything other than “Polygraph Examinees License” or describe themselves as anything other than “Licensed Polygraph Examiners” or authorize the board to issue any other license.
LO – 96-034 (3/21/96)	Act 15.051 of the code of criminal procedure does not authorize a peace officer to request a person who charges or seeks to charge in a complaint the commission of an offense under Penal Code Section 21.11, 22.011, 22.021 or 25.02 voluntarily to submit to a polygraph exam.
JC – 0070 (7/6/99)	Section 261.101 of the family code prevail over section 19A of the Polygraph Act. Polygraph Examiners must report child abuse or neglect. Reports must be submitted to an agency designated by the court to be responsible for the protection of children. The attorney – client privilege applies in certain circumstances. If the state wishes to compel an examinee, the state must determine whether to provide immunity.

B. Provide a summary of recent legislation regarding your agency by filling in the chart below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation).

Texas Polygraph Examiner's Board 80th Legislative Session Chart		
Legislation Enacted - 80th Legislative Session		
Bill Number	Author	Summary of Key Provisions
SB 228	HARRIS	Licensing agencies subject to chapter – child support
SB 295	WILLIAM	Relating to the administration of polygraph examinations to certain officers / employees of DPS
SB 740	WHITMINE	Relating to personnel records of commissioned DPS officers
SB 909	WHITMINE	Fees for polygraph examinations
HB 8	RIDDLE, BERMAN, PENA, VAUGHT, ESCOBAR	A peace officer or an attorney representing the state may not require a polygraph examination of a person who charges or seeks to charge in a complaint the commission of an offense under Sec. 21.02, 21.11, 22.011, 22.021, or 25.02 penal code (polygraph language did not change in Bill)
HB 2426	TRUITT, COOK (B), MCCLENDON, KOIKHORST, FLYNN	Change made to Texas Board of Nursing Licensing authorities subject to chapter – Polygraph Examiners Board Licensing entities participation Sec. 2054.353 – Polygraph Examiners Board
HB 2458	COOK (B), TRUITT, MCCLENDON, KOIKHORST	Changes made to Texas Structural Pest Control Board Licensing authorities subject to chapter – Polygraph Examiners Board Licensing entities participation Sec. 2054.353
HB 3167	SWINFORD	Relating to non-substantive codification or disposition of various laws enacted by the 79th legislature Licensing authorities subject to chapter – Polygraph Examiners Board
Legislation Not Passed - 80th Legislative Session		
SB 78	SHAPIO	Creation of the offense of continuous sexual abuse of a child. A peace officer or an attorney representing the state may not require a polygraph examination of a person who charges or seeks to charge an offense (polygraph language not changed in Bill) SB 78 left pending in Committee
SB 906	BRIMER	Companion Bill HB 2458 listed above. SB 906 referred to Government Organization
SB 1741	SHAPIO	Sex offender – Civil Commitment Program Treatment Plan may include the monitoring of the person with a polygraph or plethysmograph (Polygraph language not changed in Bill) SB 1741 Committee report to Calendars

B. Provide a summary of recent legislation regarding your agency by filling in the chart below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). (Continued)

Legislation Not Passed - 80th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Reason the Bill Did Not Pass
SB 1883	WEST	Companion Bill HB 3167 listed above. SB 1883 referred to Administration
HB 436	MADDEN	Creation of the offense of continuous sexual abuse of a child. A peace officer or an attorney representing the state may not require a polygraph examination of a person who charges or seeks to charge an offense (polygraph language not changed in Bill) HB 436 Committee report to Calendars
HB 1103	LATHAM	Companion Bill SB 295 listed above. HB 1103 left pending in Committee
HB 1422	ORIVER, LATHAM	Companion Bill SB 740 listed above. HB 1422 laid on table subject to call
HB 2264	EILAND	Companion Bill SB 228 listed above. Companion Bill considered in lieu of in Committee
HB 3306	ENGLAND	Relating to costs associated with Civil Commitment of Sexual Violent Predators Treatment Plan may include the monitoring of the person with a polygraph or plethysmograph (polygraph language not changed in Bill) HB 3306 Referred to Criminal Jurisprudence

IX. Policy Issues

A. Brief Description of Issue

1. The Texas Polygraph Examiners Board would like the authority and funding to co-host training seminars.
2. The Texas Polygraph Examiners Board would like the authority and funding to inspect examiners work product.
3. The Texas Polygraph Examiners Board would like the authority and funding for one additional FTE.

B. Discussion

1. Hosting training seminars would assure that the entire population of polygraph examiners can keep current with up to date issues.
2. The inspection of examiners work product will assure continued compliance and professionalism.
3. Added staff in the form of an investigator will allow the agency to continue in its performance.

C. Possible Solutions and Impact

1. Commercial polygraph examiners can continue to be competitive and viable. This will assure the quality of services provided to the public, and will work for the agency's "Aging Well In Texas Program".
2. By inspecting examiners work product the agency can determine where to focus efforts to improve work product presented to the public.
3. One additional FTE would improve over all agency performance.

X. Other Contacts

- A. Fill in the following chart with updated information on people with an interest in your agency, and be sure to include the most recent e-mail address.

Texas Polygraph Examiner's Board Contacts			
INTEREST GROUPS			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
Texas DPS Law Enforcement Polygraph School / Michael Gougler, Director	P.O. Box 4087 Austin, Texas 78723	512-424-2200	michael.gougler@txdps.state.tx.us
Coastal Institute of Forensic Science / Horace Ortiz, President	3047 Holly Road Corpus Christi, Texas 78415	361-723-0489	hortiz80011@yahoo.com
For schools outside of Texas please visit our web page too many to list	Web page: http://www.tpeb.state.tx.us/schools.html		
INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
Texas Association of Law Enforcement Polygraph Investigators / Walt Goodson (DPS), President	9000 N. IH-35 Austin, Texas 78753	512-997-4174	walt.goodson@txdps.state.tx.us
Texas Association of Polygraph Examiners / Donald Ramsey, President	1401 N. Central Expressway, Suite 390 Richardson, Texas 75080	972-744-9522	dalhousiepoly@earthlink.net

X. Other Contacts

- A. Fill in the following chart with updated information on people with an interest in your agency, and be sure to include the most recent e-mail address. (Continued)

LIAISONS AT OTHER STATE AGENCIES			
Agency Name/Relationship/ Contact Person	Address	Telephone	E-mail Address
Governor's Office of Budget and Planning / Mr. Jerry Tucker	1100 Congress Rm 2S.1 Austin, Texas 78701	512-463-1778	jerry.tucker@governor.state.tx.us
Governor's Appointments Office / Mrs. Doris Scott	1100 Congress Rm 2S.1 Austin, Texas 78701	512-475-2668	dscott@governor.state.tx.us
Legislative Budget Board / Mrs. Lori Gabbert	1501 N. Congress 5th Floor Austin, Texas 78711	512-463-1217	lori.gabbert@lbb.state.tx.us
Attorney Generals Office / Mr. George Noelke	209 West 14th St. Austin, Texas 78711	512-475-3206	george.noelke@oag.state.tx.us
Department of Public Safety / Col. Tommy Davis	5805 N. Lamar Austin, Texas 78773	512-424-7770	tommy.davis@txdps.state.tx.us

XI. Additional Information

- A. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency's practices.

Texas Polygraph Examiner's Board Complaints Against the Agency – Fiscal Years 2005 and 2006		
	FY 2005	FY 2006
Number of complaints received	1	0
Number of complaints resolved	0	1
Number of complaints dropped/found to be without merit	0	0
Number of complaints pending from prior years	0	1
Average time period for resolution of a complaint	0	488

B. Fill in the following chart detailing your agency's Historically Underutilized Business (HUB) purchases.

NONE

The Texas Polygraph Examiners Board is listed as a line item on the D.P.S. budget please refer to D.P.S. Historically Underutilized Business (HUB) purchases.

C. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy?

The agency has a policy to purchase from HUBS when possible. Most, if not all of the agency purchases from HUBS are for commodities or services. Payment is not made unless performance occurs. There has been no short fall in performance to date.

- D. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Tex. Government Code, Sec. 2161.252; TAC 111.14)

NOT APPLICABLE

E. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

NOT APPLICABLE

	Response / Agency Contact
1. Do you have a HUB coordinator? (Tex. Government Code, Sec. 2161.062; TAC 111.126)	
2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Tex. Government Code, Sec. 2161.066; TAC 111.127)	NOT APPLICABLE
3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Tex. Government Code, Sec. 2161.065; TAC 111.128)	NOT APPLICABLE

F. Fill in the chart below detailing your agency's Equal Employment Opportunity (EEO) statistics.

Texas Polygraph Examiner's Board Equal Employment Opportunity Statistics							
FISCAL YEAR 2004							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	1	0%	7%	0%	11%	0%	31%
Professional	0	0%	9%	0%	10%	0%	47%
Technical	0	0%	14%	0%	18%	0%	39%
Protective Services	0	0%	18%	0%	21%	0%	21%
Para-Professionals	0	0%	18%	0%	31%	0%	56%
Administrative Support	1	0%	19%	0%	27%	0%	80%
Skilled Craft	0	0%	10%	0%	28%	0%	10%
Service/Maintenance	0	0%	18%	0%	44%	0%	26%

F. Fill in the chart below detailing your agency's Equal Employment Opportunity (EEO) statistics. (Continued)

FISCAL YEAR 2005							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	1	0%	7%	0%	11%	0%	31%
Professional	0	0%	9%	0%	10%	0%	47%
Technical	0	0%	14%	0%	18%	0%	39%
Protective Services	0	0%	18%	0%	21%	0%	21%
Para-Professionals	0	0%	18%	0%	31%	0%	56%
Administrative Support	1	0%	19%	0%	27%	0%	80%
Skilled Craft	0	0%	10%	0%	28%	0%	10%
Service/Maintenance	0	0%	18%	0%	44%	0%	26%
FISCAL YEAR 2006							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	1	0%	7%	0%	11%	0%	31%
Professional	0	0%	9%	0%	10%	0%	47%
Technical	0	0%	14%	0%	18%	0%	39%
Protective Services	0	0%	18%	0%	21%	0%	21%
Para-Professionals	0	0%	18%	0%	31%	0%	56%
Administrative Support	1	0%	19%	0%	27%	0%	80%
Skilled Craft	0	0%	10%	0%	28%	0%	10%
Service/Maintenance	0	0%	18%	0%	44%	0%	26%

- G. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?**

The agency has an equal Equal Employment Opportunity Policy. There have been no performance shortfalls.

Due to agency size, data on page 63, EEO statistics is skewed. There is no listing for American Indian.

XII. Agency Comments

1. The agency could use additional staff in the form of an investigator to ease the overburden placed on the Executive Officer. Vacation, illness, death in the family and seminars virtually shut the agency down.

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2. Authority and funding for continuing education programs will help the profession at all levels and would serve the public well.

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3. The agency's ability to inspect polygraph work produced will assure the continued success of the program both in compliance and licensing.