



STATE OF TEXAS
POLYGRAPH EXAMINERS BOARD

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Opinion Committee

Honorable John Cornyn
Texas Attorney General
Attention: Opinions Committee
Box 12548
Capitol Station
Austin, Texas 78711

**Re: Request for Attorney General's Opinion
pertaining to the Texas Polygraph Examiner's Act,
Article 4413 (29cc) V.T.C.S.**

Dear General Cornyn:

The Texas Polygraph Examiners Board requires an Attorney General's opinion and interpretation of the Texas Polygraph Examiners Act, Article 4413 (29cc) V.T.C.S. (further referred to as The Act).

We request an Attorney General's opinion on: **Does the Texas Polygraph Examiners Board have the authority, under The Act and current Texas law, to inspect polygraph examiners' work product in their place(s) of business? If so, under what circumstances can that inspection be done?**

You can obtain previous considerations by appropriate Assistant Attorneys General (AAG) assigned to assist our board from our current AAG, Mr. GEORGE NOELKE, who will be able to provide some of the historical information on these issues.

The Texas Polygraph Examiners Board takes the position that The Act, though not specific in its language for on-site inspections, does give us the authority and responsibility to inspect our licensee's in their place(s) of business based on the following excerpts of The Act:

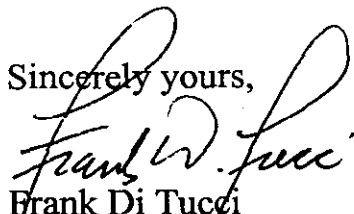
1. The first paragraph of The Act, lines 3 through 5 states, "An Act...creating as an administrative board, the Polygraph Examiners Board with licensing and regulatory powers over all such persons and instrument; ...".
2. Section 6(a) of The Act says, in part, "The board shall issue regulations consistent with the provisions of this Act for the administration and enforcement of the Act..."
3. Section 16 notifies the licensees that they have to advise the board of their principal business location within 30 days of any such change of business locations.
4. Section 19 sets forth multiple reasons for the board to revoke or suspend a license, reprimand a licensee, or probate a license suspension. In particular, subparagraphs (1), (2), (4), (7), (8), (9), (12), (13) and (14) almost mandate that the board should make an on-site inspection of the licensee's records to ensure compliance with The Act.

Our request is made because of our obligation and serious concern to protect the citizens of the State of Texas against violations of this Act, as well as to properly regulate persons who purport to be able to detect deception or to verify truth of statements through the use of instrumentation.

We request an Attorney General opinion on those issues cited in paragraph two above.

Thank you for your consideration.

Sincerely yours,



Frank Di Tucci
Executive Officer