

APA School Accreditation Inspection

Marston Polygraph Academy
390 Orange Show Lane
San Bernardino, California

Special
American Polygraph Association
Polygraph School Inspection Report

March 22, 2007
APA School Accreditation Inspector
T.V. O'Malley

To: APA President Donald Kraphol
CC: Robbie Bennett
951 Eastgate Loop, Suite 800
Chattanooga, Tn 37411-0037

Re: APA School Inspection Report

Inspection dates
March 21-22, 2007

Marston Polygraph Academy
390 Orange Show Lane,
San Bernardino, California 92408

Initial Contact

This APA certified school inspector was apprised of the receipt of an anonymous letter delivered to APA Manager Robbie Bennett on March 12, 2007. The letter followed a telephone call regarding allegations of flagrant attendance violations believed to have been made by a student attending the second week of the Marston Polygraph School. (See attached copy of letter)

Although this Education Accreditation Committee Chair was scheduled to lecture in Pigeon Forge Tennessee the coming week, immediate travel arrangements were made to visit the school and conduct a surprise inspection of the Marston Polygraph Academy. The soonest this inspector could arrive was the evening of Tuesday March 20, 2007.

This inspector arrived at the school Tuesday evening just prior to midnight. Positions from which to conduct surveillance on the school were located. The following morning starting at 07:00 hours this inspector initiated surveillance on Marston Polygraph Academy to determine and document the hours of the school's operation including the time the students and faculty arrived, went to lunch and terminated class for the day.

According to this inspector's observations, staff members began to arrive at approximately 07:50 hours. All three students had arrived by 08:15 hours. Class broke regularly as student Whiteaker was observed hourly on a routine basis stepping to the outside front to smoke. At 12:14 students broke for lunch. Two students are believed to have remained at the school and one walked across the street to a nearby restaurant. PI Mike Lynch left the school in his personal vehicle and returned approximately 30 minutes later.

Surveillance continued throughout the afternoon and early evening with activity continuing during that period. At approximately 20:30 hours the students left the school as a group. At that time it was determined that the students were clearly not operating on a normal schedule and it was decided to terminate surveillance and confront officials of the school the following morning.

This inspector arrived at the Marston Polygraph Academy at 08:00 hours the following morning.

This inspector was cordially greeted by a female administrator associated with the school. This inspector requested to speak with director Tom Kelly regarding an unannounced APA compliance inspection. This inspector was advised that Tom was currently unavailable but that PI, Mike Lynch would be arriving shortly.

When PI, Lynch arrived, this inspector advised him that the purpose of the visit was an unannounced inspection of the school to insure compliance to regulations due to allegations received that the school was not in compliance with APA accreditation attendance requirements. PI, Lynch advised that he was aware of the allegation and understood the purpose of the visit.

PI Lynch made an office available to this inspector to work out of and advised the school would cooperate as necessary.

License(s) and Permits:

The Marston Polygraph Academy is a private polygraph training facility and as such, is required to be authorized and approved by the California state Bureau for Private, Postsecondary and Vocational Education. Mr. Kelly is in possession of a current certificate to operate a polygraph training facility within the state of California. A copy of the California state Bureau for Private, Postsecondary and Vocational Education approval certificate was conspicuously displayed in the entry way.

Faculty Evaluation.

Instructors and Instructor credentials:

The director and chief instructor for the Marston Polygraph Academy is listed as Mr. Tom Kelly and primary instructor Mike Lynch. All files of the school's instructors were reviewed. The school's main instructors are himself, and Mr. Michael Lynch. A file is maintained for all instructors with a copy of their CV inside. Instructors routinely used include the following persons.

Tom Kelly	Primary Instructor and Psychology
Michael Lynch	Primary Instructor
Pete L. Perrin	Secondary Instructor
Candace D. Elder	Secondary Instructor
Lou Rovner, PhD.	Physiology
(?) Hooker	Law and Legal Studies

Course of Instruction Evaluation

This inspector requested copies of the course syllabus associated with the current class. Copies of the course syllabus were provided which indicated class began daily at 8:00 and went routinely until 17:00 with one hour for lunch.

While waiting for director Kelly, this inspector asked PI Lynch if the school had been starting late and leaving early. This inspector also asked PI Lynch if so, when the school got back on schedule. PI Lynch advised that he had heard about the letter to the APA and the California accreditation Board Monday Morning from another examiner in a telephone call. PI Lynch states when he heard about the letter, he lost it venting his temper and disappointment to the students, that the school had been embarrassed. PI Lynch stated that he left for a while and when he returned he apologized to the students and decided that the school would then go back to the schedule indicated on the syllabus. PI Lynch states he then began to teach his block of instruction.

PI Lynch was asked what the typical schedule was prior to returning to the original schedule on Monday. PI Lynch admitted that the school day started around 0:900 and concluded around 16:30 hours. After talking to the students and learning that the students were saying the school let them out at around 3:30, PI Lynch admitted that 9:00 to 3:30 was about right.

Instruction verification:

Previously, at least one course was taught at Marston Polygraph Academy using a sign in sheet to document student attendance, the block of instruction, and the instructor used. This practice was discontinued reportedly because it was too time consuming and inconvenient according to PI Lynch.

Director Kelly arrived just about lunch time when the students were about to break.

Director Kelly was informed of the purpose of this inspector's visit. Director Kelly advised that if he had been told, he would have been at the school to meet. Director Kelly states he didn't appreciate his school being inspected by surprise as the result of an anonymous letter. Director Kelly then began to complain that he knew that it had been John Grogan that had sent the letter regarding his school because Grogan was angry at Kelly because Kelly terminated his contract for web services with Grogan's friend with the Polygraph Place. Director Kelly stated that he terminated the contract with his web master who was a big customer of Mr. John Grogan of California. Director Kelly talked about John Grogan and his past web master.

Director Kelly then began to complain that he didn't appreciate the APA ignoring the fact an unqualified person was teaching as a primary instructor at the Backster School of Lie Detection in San Diego. Director Kelly said his school was putting out some of the best examiners around and his was a good school. Director Kelly stated that he couldn't believe the APA would take the word of an anonymous tipster against a school with such an excellent reputation.

Director Kelly states his schools used to be a nine week course rather than an eight week course. Because traffic and travel is more difficult in this part of the country, director Kelly stated he elected to add an extra week to the schedule and teach fewer hours each day. During this period the school would sometime not hold class on Wednesdays. By using this schedule, director Kelly says his students would not be tied up in traffic. Director Kelly stated he went back to the eight week schedule. Director Kelly never acknowledged that his school was starting at 9:00 and

getting out at 3:30. Director Kelly stated that PI Lynch must have changed the schedule. Director Kelly was advised that the school director is personally responsible for the school's compliance.

The student files were all reviewed. Surprisingly, the grades for all of the students were exceptionally high. This inspector asked PI Lynch what was the standard manner of testing after each block of instruction. PI Lynch advised that each of the tests were reviewed with the class prior to administering the test. PI Lynch advised that the test grades were entered in the student files after the tests were graded, sometime several at a time. On the date of this inspection, one of the students had entries for testing in a subject that the other students did not have grades for. PI Lynch was asked about this. PI Lynch advised that it was a mistake and took the files to his office, reportedly to make corrections where the discrepancies existed. Those files were not returned prior to this inspector's departure. Student files were found to contain incorrect entries and clearly could not have been an accurate reflection of the student's work.

The three students of the school were privately interviewed by this inspector.

Freddy Flores

Recently retired police officer. Doesn't know who wrote the letter and doesn't care. Student Flores thinks it is not his business. Admits that on the first day the school started at 0:800 and got out at 5:00. After the first day the school started late around 0:900 and began letting out at 3:30.

Thomas Whiteaker

Has known John Grogan for over 20 years. Has been associated with Grogan as a private investigator for many of those years.

While talking to his secretary who dates John Grogan, he thinks he said something about the school being hard but then went on to say things about starting late and getting out early. Student Whiteaker believes that John Grogan has a personal problem with Tom Kelly and the school because of something Kelly said about him (Grogan). Whiteaker says he thinks Grogan wrote and published the letter to get back at Kelly and damage his school's reputation hoping that the school would close.

Student Whiteaker states the school started around 09:00 am and got out around 3:30. Student Whiteaker states he has had little trouble running his private investigations business in the time he was not at school. Whiteaker states, now that the school schedule has changed, he may have to start refusing business to get all his school work done.

Kory G. Turk.

Student Turk states he went to John Grogan's school and bought his books and went through his course. Student Turk complained to Grogan that he had not learned to do polygraph. The two had a falling out and Student Turk states Grogan is a fraud. Student Turk says he refuses to talk to Grogan even though Grogan continues to call him. Student Turk states he knows when Grogan is calling because he has caller ID on his cell phone.

Student Turk says he started school at Marston Polygraph Academy a week after it started. (Student Turk started at the Marston Polygraph Academy in the school's second week of training.) Student Turk says he has not spoken to Grogan since they had a falling out long before he started at the Marston Polygraph School.

Inspection of records

In the school files was a file entitled "self evaluation". No self evaluation was found inside the file folder. Upon completion of the school's initial inspection the school was instructed that a self evaluation was a requirement. Director Kelly was NOT asked to explain his missing self evaluation program.

Additionally, no student instructor evaluation forms were found inside any of the instructor's personnel files as requested in the school's initial inspection report.

Exit Interview:

Upon completion of the facility inspection this inspector met with director Kelly. This inspector advised director Kelly that irrespective of where the allegations of misconduct came from, if they were true, the future of the school could be in jeopardy. The fact that it was an anonymous letter that brought the APA's attention to violations at a school was in the opinion of this inspector irrelevant. That clearly established and acknowledged attendance established by the APA consistent with accreditation requirements were being ignored and subsequently violated was a significant problem.

Inspector's Conclusion:

Marston Polygraph Academy's printed course schedule purports that the class follows and adheres to APA approved training scheduling for a basic Polygraph course. This APA's basic course has been developed and is carefully designed to educate students in polygraph methodology by providing them sufficient training time in each of many blocks of instruction, identified as crucial and necessary to a comprehensive education in the polygraph discipline. Even 320 hours is not enough and an intern program is frequently used to supplement student deficiencies identified upon course completion.

Under Director Tom Kelly, Marston Polygraph Academy knowingly and intentionally misrepresented their current school's training schedule to purport to comply with APA and possibly California educational standards, while teaching an abbreviated daily schedule.

Had the school continued on the abbreviated schedule, the course would have been approximately **100 hours short**.

After a thorough investigation, this chairman of the Education Accreditation Committee makes the following findings:

First:

Marston Polygraph Academy is in clear violation of APA accreditation regulations governing accurately scheduling and reporting school training schedule. All records indicate the school was starting at 08:00AM and ending daily at 5:00 PM. These records do not accurately reflect the school's training schedule. (See Schedule attached)

Secondly,

Marston Polygraph Academy is clear violation of APA accredited training attendance requirements in that the students were not receiving required time limits of for basic polygraph course instruction.

Third:

Most seriously, this inspector finds that the printed syllabus clearly misrepresents the actual schedule to the detriment of the students and professional training, this inspector believes that a fraud has been perpetuated on those relying on the accuracy of the school's records and representations. Representing that the Marston Polygraph Academy follows and adheres to APA standards of basic polygraph training is misleading and untrue.

Fourth:

Regarding the statement alleged to have been made by personnel associated with the Marston Polygraph Academy, "if you don't tell we won't either". In a frank discussion with PI Lynch, he states that through some discussion with the students, a statement in some way similar to the one above may have been made but according to him, it was not meant in context as it now sounds out of context. This inspector finds that in or out of context, the statement was inappropriate if it in any way it referred to APA oversight authority.

Director Kelly was advised that a copy of this inspector's report will be provided to each member of the BOD for a final decision regarding the status of the Marston Polygraph Academy.

Report, respectfully submitted by
TV O'Malley

Chairman,
APA Education Accreditation Committee