

Tennessee Alarm Systems Contractors Board 10-19-17

MINUTES of the Tennessee Alarm Systems Contractors Board Meeting, held
October 19, 2017, in Nashville Tennessee.



Vivian Hixson, Chair



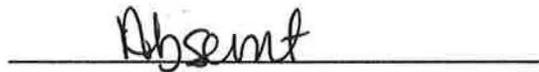
McKenzie C. Roberts, Vice Chair



Karen D. Jones, Secretary



William Scott Cockroft



John Keith Harvey

TENNESSEE COMMERCE AND INSURANCE

ALARM SYSTEMS CONTRACTORS BOARD

October 19, 2017



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TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
ALARM SYSTEMS CONTRACTORS BOARD
October 19, 2017
9:00 a.m.

TRANSCRIPT OF PROCEEDINGS

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A P P E A R A N C E S

BOARD MEMBERS:

Captain Vivian L. Hixson, Chair
Ms. Karen Jones
Mr. Ken Roberts, Vice Chair
Mr. Keith Harvey
Mr. Scott Cockcroft

ALSO PRESENT:

Lindsey Shepard, Staff Attorney
Ashley Thomas, Staff Attorney
Cody Vest, Executive Director
Shauna Balaszi, Administrative Assistant
Carol McGlynn, Paralegal

* * *

MS. HIXSON: Good morning, everybody, and welcome to this Thursday, October the 19th, 2017, meeting of the Tennessee Alarm Systems Contractors Board.

Ms. Vest, will you please call the role.

MS. VEST: Scott Cockcroft?

MR. COCKROFT: Here.

MS. VEST: Karen Jones?

MS. JONES: Here.

MS. VEST: Vivian Hixson?

MS. HIXSON: Here.

MS. VEST: Keith Harvey?

MR. HARVEY: Here.

MS. VEST: Ken Roberts?

Let the record show that Ken Roberts is not present at the moment, but you do have a quorum.

MS. HIXSON: Thank you.

Has the board had an opportunity to review the agenda for today's meeting? If so, a motion to adopt.

MR. HARVEY: Make a motion to adopt the agenda as presented.

MR. COCKROFT: Second.

MS. HIXSON: We have a motion by Mr. Harvey, second Mr. Cockcroft to adopt the agenda as presented. All in favor, say aye.

THE BOARD: Aye.

MS. HIXSON: All opposed?

Motion carries.

The next is -- item on the agenda is the minutes from the August 17, 2017, board meeting. Do we need to review it or a motion to adopt as presented?

MS. VEST: Madam Chair, I want to make sure everybody had an opportunity to look at that. There were corrections that we had to make. Trying to hold that down. I want to make sure everybody had an opportunity to review those because we did have to send them out with the corrections.

MS. HIXSON: Okay.

MR. HARVEY: Make a motion to accept the minutes as presented.

MR. COCKROFT: Second.

MS. HIXSON: We have a motion by Mr. Harvey and second by Mr. Cockcroft to approve the minutes from the August 17th meeting as presented. All in favor, voice by saying aye.

THE BOARD: Aye.

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1 MS. HIXSON: All opposed?
2 The minutes are approved.
3 The next is our legal report.
4 Ms. Shepard?
5 MS. SHEPARD: Starting with Case Number
6 1, that is 2017032681, anonymous complainant alleges
7 that respondent knowingly provides corporations with
8 unlicensed subcontractor alarm technicians.
9 Respondent states they are a nationwide provider of
10 IT and deployed services that contracts with
11 independent alarm subcontractors or vendors to
12 provide their services. Respondent states that each
13 vendor is required to pass a background check and
14 provide proof of insurance. Additionally, each
15 vendor is required to possess all required licensing
16 for the work that they accept. Respondent states
17 that they believe this anonymous complaint was filed
18 in retaliation by a close friend of a recently
19 terminated employee. This case was sent for
20 investigation. The investigator did not find any
21 evidence to substantiate complainant's allegations.
22 Recommendation is to close.
23 MR. COCKROFT: So did we verify that the
24 subcontractors are licensed, I guess? Is that --
25 MS. SHEPARD: That's what they stated,

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1 and then the investigator couldn't find anything
2 showing otherwise.
3 MR. HARVEY: Make a motion to concur
4 with counsel on this.
5 MS. HIXSON: We have a motion by Mr.
6 Harvey. Do we have a second?
7 MS. JONES: Second.
8 MS. HIXSON: Ms. Jones with counsel's
9 recommendation. All in favor, voice by saying aye.
10 THE BOARD: Aye.
11 MS. HIXSON: All opposed?
12 The motion carries.
13 Let it indicate that Mr. Roberts has
14 joined the meeting.
15 Okay. Number 2.
16 MS. SHEPARD: Case Number 2 is
17 2017032711. This case arises out of a consumer
18 billing dispute. Complainant claims respondent's
19 representative verbally told him that he would
20 receive \$800 in equipment, including security
21 cameras, at no charge. Respondent was then charged
22 for some equipment. In response to the complaint,
23 respondent states that complainant was erroneously
24 billed for two additional cameras. Respondent has
25 since corrected the bill. Complainant did not

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1 provide a rebuttal. Recommendation is to close.
2 MR. HARVEY: Make a motion to concur
3 with counsel.
4 MR. COCKROFT: Second.
5 MS. HIXSON: We have a motion by Mr.
6 Harvey and second by Mr. Cockroft to concur with our
7 counsel's recommendation. All in favor, voice by
8 saying aye.
9 THE BOARD: Aye.
10 MS. HIXSON: All opposed?
11 The motion carries.
12 Number 3.
13 MS. SHEPARD: Number 3 is Case Number
14 2017041531. This case arises out of an anonymous
15 complaint alleging failure to display license number
16 on a Facebook advertisement. Complainant included a
17 screen shot of Respondent's ad. The actual ad does
18 not include the license number; however, there is a
19 "Learn More" link which goes to Respondent's
20 website. Respondent's website does display their
21 license number. Respondent did not submit a
22 response to the complaint. Counsel's recommendation
23 is a \$500 civil penalty with formal charges
24 authorized for violation of 62-32-316(d), which is
25 failure to display certification number on an

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1 advertisement, and Rule 0090-01-0714 failure to
2 respond to complaint in writing within 20 business
3 days.
4 MR. HARVEY: Was this first time --
5 first-time complaint on this company?
6 MS. HIXSON: They've got two prior
7 listed above.
8 MR. COCKROFT: Your feeling is that the
9 link to the website is not sufficient to comply?
10 MS. SHEPARD: That's my interpretation,
11 but if the board feels otherwise, we can change
12 that.
13 MS. HIXSON: I agree with Lindsey if --
14 you know, when you've got that ad on Facebook, why
15 do you have to go to a link to see a certification
16 number?
17 MR. COCKROFT: Was their license number
18 displayed anywhere on their Facebook page itself or
19 was it --
20 MS. SHEPARD: I'm not sure. This is one
21 of those advertisements that they buy through
22 Facebook. So the link actually goes to their
23 website, not their Facebook page, but, I mean, I can
24 check that.
25 MS. HIXSON: But you didn't see it

1 anywhere on Facebook, you only found it once you
 2 went to the link for their website --
 3 MS. SHEPARD: Right.
 4 MS. HIXSON: -- address, correct?
 5 MS. SHEPARD: Yes.
 6 MS. VEST: Isn't this -- this is I --
 7 think we are getting into territory we haven't
 8 gotten into before. I know this is advertising, but
 9 we've never addressed Facebook itself. So we are
 10 saying if you are on Facebook, you have to -- it's
 11 considered advertisement even though it's leading
 12 you to another link that is proper?
 13 MS. SHEPARD: This is not a Facebook
 14 page. This is an advertisement that happened to
 15 show up on Facebook.
 16 MR. COCKROFT: There are paid ads
 17 through Facebook.
 18 MS. VEST: I got that, but what is the
 19 -- I'm just -- I just don't know how that works, so
 20 I'm kind of confused. So it just popped up over
 21 here, but when you went to the right place and
 22 looked for these people, they had their license.
 23 Who was responsible for putting it on Facebook I
 24 guess is my question? How did it get on Facebook?
 25 MR. COCKROFT: The company would have

1 which we have the separate penalty for that. I
 2 don't have any problem with that part. That bothers
 3 me more than the other part. The non-response
 4 bothers me more.
 5 MS. ASHLEY THOMAS: Maybe if you don't
 6 mind, typically what we've historically done, we
 7 base the civil penalty amount on prior complaints
 8 for the same violation and not cumulatively.
 9 MR. COCKROFT: What would a first
 10 offense be for --
 11 MS. ASHLEY THOMAS: Failure to display,
 12 I believe in the past we have done a letter of
 13 warning.
 14 MS. VEST: Then a hundred dollars --
 15 MS. ASHLEY THOMAS: Letter and hundred
 16 dollars.
 17 MS. VEST: -- for failure to respond.
 18 MS. ASHLEY THOMAS: But I will say that
 19 I have not reviewed this case, I don't know exactly
 20 how -- so --
 21 MS. HIXSON: We have a motion by Mr.
 22 Roberts to concur with counsel. Do we have a
 23 second?
 24 MS. JONES: I'll second.
 25 MS. HIXSON: And a second by Ms. Jones.

1 had to put it on there.
 2 MS. HIXSON: It's a paid ad from --
 3 MS. VEST: Do you pay to go on the
 4 Facebook?
 5 MS. SHEPARD: Right.
 6 MS. VEST: But I thought we just said it
 7 just popped up.
 8 MS. SHEPARD: It -- maybe using the word
 9 "Facebook" was confusing. It's just -- it's an
 10 online advertisement that happened to show up on
 11 Facebook, but it's a paid ad.
 12 MR. ROBERTS: Ashley is correct.
 13 Advertising is advertising and should have the
 14 license number with it. I make a motion to concur
 15 with the recommendation of counsel.
 16 MS. HIXSON: We have a motion by Mr.
 17 Roberts. Do we have a second?
 18 MR. COCKROFT: Do we typically base the
 19 penalty on any prior complaints versus a same -- the
 20 similar kind of complaint? Because their other
 21 history doesn't relate to this. I think it's a gray
 22 area. I feel like \$500 is kind of high.
 23 MS. HIXSON: They also didn't respond to
 24 the complaint.
 25 MR. COCKROFT: That bothers me more,

1 All in favor, voice by saying aye.
 2 THE BOARD: Aye.
 3 MS. HIXSON: All opposed?
 4 The motion carries. Thank you.
 5 MS. SHEPARD: Case number 4 is
 6 2017047211. This case arises out of an industry
 7 complaint alleging failure to register employees.
 8 Respondent is a large national cable, internet and
 9 alarm systems provider. Complainant went in one of
 10 respondent's retail stores and asked the sales rep
 11 if respondent, quote, "sells systems from the store
 12 or if they send a salesperson out." Complainant
 13 alleges the sales rep said that respondent, quote,
 14 "sells alarm systems over the counter based on
 15 information provided by the customer." Complainant
 16 alleges that neither of the sales reps he spoke to
 17 were licensed. Nothing in the complaint alleges
 18 that the sales reps had access to records, diagrams,
 19 plans or other sensitive information pertaining to
 20 monitored, installed or proposed alarm systems,
 21 which would require registration pursuant to
 22 62-32-312(a). Counsel's recommendation is to close
 23 as the sales reps were retail employees not required
 24 to be registered with the board pursuant to
 25 62-32-3054 and 62-32-312(a).

1 MR. COCKROFT: Is the location itself
 2 licensed to sell alarms --
 3 MS. SHEPARD: I'm not sure.
 4 MR. COCKROFT: -- at that actual
 5 address?
 6 MS. SHEPARD: I'm not sure. I can look
 7 that up.
 8 MS. HIXSON: And, also, it said in there
 9 or they'll send a salesperson out.
 10 MS. JONES: Does that statute not start
 11 off reading as any person whom sells, touches -- I
 12 forgot what else -- or also has access to this
 13 information? Because I know it was a big uproar
 14 back when it -- we first started fining people, they
 15 said, "They're just office people, they don't go out
 16 and sell." I think it covers salespeople, whether
 17 they have access to the information or not.
 18 MS. SHEPARD: So 62-32-3054 excludes the
 19 following persons, firms, associations or
 20 corporations from requirement -- from basically
 21 alarm system licensing: Retail stores or catalog
 22 sales not offering installation or consulting
 23 services to the system user.
 24 MR. COCKROFT: This company is offering
 25 installation.

1 MS. JONES: Based on the information
 2 provided to them by the customer. So I tell you my
 3 problem, and you sell me an alarm system.
 4 MS. SHEPARD: I think so.
 5 MR. COCKROFT: I wouldn't consider them
 6 excluded.
 7 MS. JONES: I don't either.
 8 MS. SHEPARD: This is a -- I'm not sure
 9 if this is something that we have typically
 10 required, have we? Because this is --
 11 MS. JONES: Always. If you sell --
 12 MS. SHEPARD: Very rich company. So
 13 this is going to -- I'm not saying that they deserve
 14 special treatment, but I will say that this will
 15 have a very large impact on their business.
 16 MS. JONES: Good.
 17 MR. COCKROFT: Any address selling an
 18 alarm should be a licensed -- anyone selling an
 19 installed alarm must be licensed.
 20 MS. JONES: And you are saying selling
 21 alarm?
 22 MS. SHEPARD: I mean, they are selling
 23 them, but I -- no consulting or special --
 24 MS. HIXSON: Well, then, what is the
 25 statement if they send a person out? That's not

1 just selling an alarm system if they are sending a
 2 salesperson out. That's consulting right there.
 3 MS. SHEPARD: That's what the
 4 respondent asked them. It's not --
 5 MR. ROBERTS: The complaint was not that
 6 they send anybody out or did any installation. The
 7 indication here is that it's an over-the-counter
 8 sales, which would not require licensing nor
 9 registration.
 10 MS. SHEPARD: And the company is
 11 licensed.
 12 MR. COCKROFT: At that address?
 13 MS. SHEPARD: This is a large company
 14 which has a lot of addresses. I'm not sure --
 15 MR. COCKROFT: They should all be
 16 licensed.
 17 MS. SHEPARD: Right, yeah. I can
 18 check. I'm not sure if this particular one is.
 19 MS. JONES: And I thought the statute
 20 read anyone who sells --
 21 MS. SHEPARD: I'm kind of looking at
 22 this like a Target, you know. If I go into Target
 23 and if I --
 24 MR. COCKROFT: And you are correct in
 25 that in that particular instance. If you went to a

1 retail store and bought something on the shelf that
 2 was a do-it-yourself installation, no monitoring,
 3 no -- you know, no one is going to come out and
 4 install anything, that's what that reference
 5 excludes.
 6 MS. JONES: No help from a salesperson.
 7 MR. COCKROFT: But if there's anyone
 8 monitoring or installing the system anywhere along
 9 the way, even if you come in -- you come to this
 10 retail store and you ask about it there and then
 11 they send a person out, if the response is from
 12 coming into that store, that store has to be
 13 licensed and the people taking the response to --
 14 well, that would be my interpretation would that
 15 they would have to be licensed.
 16 MR. ROBERTS: Scott, I think you are
 17 right, but we don't have any indication here that
 18 they send anybody out or do any installation.
 19 MR. COCKROFT: I thought that's what it
 20 said in it, that they --
 21 MR. ROBERTS: It was what the
 22 complainant asked.
 23 MS. SHEPARD: Right.
 24 MS. HIXSON: I think you and I both
 25 misunderstood.

1 MR. ROBERTS: If I understand correctly,
2 this would be like a store front that sells alarm
3 equipment over the counter. Customer comes in and
4 says, "Look, I've got this house, I want to buy the
5 alarm package," and the sales representative there
6 is selling over the counter. No one goes out to do
7 sales, no one goes out to do the installation. It
8 would be a self-installed type system. Is that a
9 correct understanding, reasonably so?

10 MS. SHEPHARD: That's my understanding.

11 MR. ROBERTS: If that's the case, then
12 that employee would not be required to be
13 registered.

14 And with that in mind, I would make a
15 motion that we concur with the recommendation of our
16 counsel and close the complaint.

17 MR. COCKROFT: I think there needs to be
18 more investigation into it.

19 MS. HIXSON: I'm sorry.

20 MS. THOMAS: Mr. Cockroft, are you
21 asking for an investigation -- are you asking for
22 more information from what she has, or do you want
23 her to send out investigators to look into it.

24 MR. COCKROFT: Whether it's -- however
25 we look into it further, I think investigators

1 should either look into it -- whether that requires
2 going out or not, I think it should be looked into
3 whether they are selling alarms from that location
4 or not.

5 MS. SHEPHARD: They are selling alarms,
6 but go in and I say -- and it's like Mr. Roberts is
7 saying, "I've got a big house, I want an alarm
8 system," and they say, "Okay, here's your box."

9 MR. COCKROFT: But that's what I think
10 needs further investigation if that's the case, but
11 I have doubts as to whether or not that's the case.

12 MS. SHEPARD: Okay. I can send that out
13 for investigation.

14 MR. COCKROFT: I don't know who this
15 company is. Obviously, I could -- you know, it's a
16 large, national company, but there are several
17 large, national companies. I don't know of any that
18 have retail locations that sell just parts over the
19 counter.

20 MS. SHEPHARD: This is not just an alarm
21 company. This is an alarm company -- this is also a
22 cable and internet company that also happens to have
23 alarm services.

24 MR. COCKROFT: I think it requires
25 further investigation. I think there's a much

1 bigger issues here.

2 MS. JONES: I think all your cable
3 providers that also do internet and alarms and what
4 you just said all have their registered
5 technicians -- all have their technicians registered
6 that sell and work on and so forth. The people that
7 work in the office in my location are not all
8 registered. I don't know why. Their technicians
9 are, but the inside people that do the selling of
10 the cable are not registered. But if you are
11 selling an alarm system by information provided to
12 you by the customer, I think you should be
13 registered.

14 MR. COCKROFT: If an alarm company were
15 to open up a second retail location, they'd have to
16 be licensed. Whether that's -- they also sell
17 internet and cable should be irrelevant. But if
18 they've got one location or one hundred, all of
19 those locations, in my opinion, should be licensed
20 and have a qualifying agent. If it's a physical
21 address where they sell alarm systems that are
22 monitored, it should be licensed with a qualifying
23 agent.

24 MR. ROBERTS: I think if you investigate
25 further, a simple question to ask would be who

1 installs the system. And I think the answer to that
2 question we would be quite telling.

3 MS. VEST: I'm sorry, Mr. Roberts, what
4 was the question?

5 MR. ROBERTS: I was saying if they
6 investigate further, a simple question to ask would
7 be who installs the system. If the reply is that
8 the customer installs the system, then it would be
9 an over-the-counter type sale.

10 MR. COCKROFT: I would agree with that,
11 but that --

12 MR. ROBERTS: If they say, "Well, we
13 send somebody out to install the system," then that
14 would be a different answer completely.

15 MS. HIXSON: Lindsey, will you read
16 those two TCAs that you've referenced in this if
17 they are not too extensive.

18 MS. SHEPARD: Yeah.

19 MS. HIXSON: Go ahead and read the
20 wording in it to help us better understand.

21 MS. SHEPARD: 62-32-3054 excludes from
22 licensure retail stores or catalog sales not
23 offering installation or consulting services to the
24 system user, and 62-32-312(a) -- hold on a second --
25 requires registration for all alarm system

1 contractor employees with access to records,
2 diagrams, plans or other sensitive information
3 pertaining to monitored, installed or proposed alarm
4 systems shall be registered with the board.

5 MS. HIXSON: Okay. So we will go back.
6 If I walk in to you and you are selling alarm
7 systems and I explain to you this is the layout of
8 my house and this is what I need, are you not
9 consulting with me on the type of system and the
10 components that I need?

11 MS. SHEPHARD: In that case, I would say
12 yes.

13 MS. HIXSON: If I go in and I buy a box
14 off the shelf without talking to a person, but if I
15 talk to somebody and they said, "Well, You are going
16 to need this many door alarms and this many window
17 alarms and you're going to need this many motion
18 detectors," in my mind -- and the board may disagree
19 with me -- you -- I'm consulting with you on what
20 type of alarm system I need for my house.

21 MS. SHEPHARD: I would agree with that.

22 MS. HIXSON: I'm not walking in and
23 buying it off the shelf, paying for it and out the
24 door. And that's the fine line that I'm not sure
25 what type of services -- I'm not saying they are

1 doing installation or whatever, but if I'm advising
2 you of what type -- or if you are advising me on
3 what type of system I need, then I think you've
4 crossed the line.

5 MR. COCKROFT: And I think that might be
6 more of a gray area if it was still do it yourself
7 and they were consulting some -- that might even be
8 splitting hairs more so, but the installation is
9 really the critical part there, if they are selling
10 installed systems from that location or not. That's
11 my feeling, but, obviously, if they're also
12 consulting in --

13 MS. HIXSON: Can we agree to pass this
14 case and allow them to do further investigation and
15 then take it up at the December meeting?

16 MR. COCKROFT: We've got a motion and
17 the second --

18 MS. HIXSON: Okay. We do have a motion
19 by Mr. Roberts, a second by Mr. Harvey to concur
20 with counsel. All in favor, voice by saying aye.
21 All opposed?

22 THE BOARD: No.

23 MS. HIXSON: No? All right. The motion
24 is voted down. And, now, do we need to vote to pass
25 this for further investigation --

1 MR. ROBERTS: I think we could just say
2 to Lindsey to investigate further and bring that
3 back to the board without a vote.

4 MS. HIXSON: But specifically on
5 installation, repair, what type of consulting advice
6 are they giving when people come in wanting to buy
7 an alarm, and I think that will answer a lot of the
8 questions that we still have.

9 MR. ROBERTS: Let me ask you -- share a
10 little bit of insight. That exclusion was
11 originally intended to ensure that folks like Radio
12 Shack, Target, Wal-Mart, Lowe's, folks like that
13 that sell alarm across the counter, say "Here it
14 is," you know, and the customer would come in and
15 pick out what they want and then would go install
16 it, you know there's not any particular need for
17 those folks to be licensed or registered. So that
18 was the original exclusion that was put in there.

19 Now, obviously, since then, the market
20 and our consumer -- as consumers have changed, but
21 with that understanding of the original intent,
22 maybe that would help you to look into the matter a
23 little bit further.

24 MS. SHEPHARD: Sure.

25 MR. COCKROFT: Something that would also

1 be telling is if they go to the location -- I mean,
2 even if they say, "We don't actually send installers
3 out from here," if someone went to location and
4 there's actually a display or there's information
5 about security systems there and they do install --
6 because they may come back and say, "We install, but
7 we don't install from here." But if they sell them
8 from there and they've got a display about a
9 security system, I think that's -- that's selling
10 there, in my opinion.

11 MS. JONES: Advertising.

12 MR. COCKROFT: But it does -- I
13 appreciate, yeah, further investigation.

14 MS. SHEPHARD: Sure.

15 MS. HIXSON: Next.

16 MS. SHEPHARD: It's Number 5 is
17 2017047681. This case arises out of a consumer
18 contract dispute. Complainant alleges that
19 respondent did not let him cancel his
20 alarm-monitoring contract via phone or e-mail.
21 Complainant's alarm contract with respondent states
22 that, quote, "Cancellation requests must be made in
23 writing at least 30 days before the end of the then
24 current term." Respondent did not submit a written
25 request for cancellation until July 17, 2017.

1 Respondent received complainant's request on
 2 July 20, 2017, and cancelled his contract that very
 3 day. Counsel's recommendation is to close.
 4 MR. ROBERTS: Madam Chair, I make a
 5 motion we concur with the recommendation of counsel
 6 and close that particular case.
 7 MR. COCKROFT: Second.
 8 MS. HIXSON: Okay. We have a motion by
 9 Mr. Roberts, a second by Mr. Cockcroft to concur with
 10 our counsel's recommendation. All in favor, voice
 11 by saying aye.
 12 THE BOARD: Aye.
 13 MS. HIXSON: All opposed?
 14 The motion carries.
 15 MS. SHEPHARD: Case Number 6 is
 16 2017047841. This case arises out of a consumer
 17 contract dispute. Respondent notified complainant
 18 in December 2016 that service would be disconnected
 19 if complainant did not allow respondent to install a
 20 chip in their alarm system. Complainant ignored the
 21 communication. Respondent disconnected service on
 22 January 2nd, 2017. Respondent continued to bill
 23 complainant for January and February. Complainant
 24 called respondent, requesting cancellation.
 25 Respondent directed complainant to request

1 cancellation in writing via e-mail. Complainant
 2 refused. Respondent explained that complainant
 3 needed to give 60 days' notice for cancellation.
 4 Respondent accepted the copy of complainant's
 5 complaint as written request for cancellation and
 6 terminated complainant's account. My recommendation
 7 is to close.
 8 MR. HARVEY: Make a motion to concur
 9 with counsel's recommendation.
 10 MR. ROBERTS: Second.
 11 MS. HIXSON: Okay. A motion by Mr.
 12 Harvey, a second by Mr. Roberts to concur with our
 13 counsel's recommendation in this matter. All in
 14 favor, voice by saying aye.
 15 THE BOARD: Aye.
 16 MS. HIXSON: All opposed?
 17 The motion carries.
 18 MS. SHEPHARD: Case Number 7 is
 19 2017047231 -- wait, actually, it looks like --
 20 MS. THOMAS: Do you want me to read it?
 21 MS. SHEPARD: Yeah.
 22 MS. THOMAS: Actually, Matt. Okay. As
 23 she said, the number is 2017047231. Complainant
 24 alleges respondent is representing themselves as a
 25 local company, even though they were purchased by a

1 larger alarm company. Complainant also alleges that
 2 respondent denies this purchase to potential
 3 customers. Complainant alleges that five former
 4 employees are violating their non-compete agreement
 5 by soliciting old clients.
 6 Respondent provided a detailed response
 7 to the complaint and states that the respondent
 8 company is a family business that was originally
 9 owned and ran by brothers. Approximately 25 years
 10 ago, one brother struck out on his own and was
 11 allowed to use the company logo and work as a
 12 separate company doing business as the respondent
 13 company. This agreement terminated approximately
 14 three years ago and the brother sold his company to
 15 a larger alarm company and exited the business.
 16 Respondent also states that the finances
 17 of both companies have always been kept separately
 18 and that they operated as two distinct, separate and
 19 independent companies. Respondent also states that
 20 when the announcement came out in a trade magazine
 21 about the sale, that they requested a clarification
 22 be printed as to the separateness of the two
 23 companies. Respondent states that they waited for
 24 two years after the sale to open a new location and
 25 solicit clients. My recommendation is to close.

1 MR. COCKROFT: And the company is
 2 licensed that --
 3 MS. THOMAS: Yes.
 4 MR. ROBERTS: I would assume both
 5 companies were licensed?
 6 MS. THOMAS: They were.
 7 MR. ROBERTS: There are a couple of
 8 issues here, one of which is the former employees
 9 violating non-compete agreements, and that clearly
 10 is a civil issue that we would not be involved with.
 11 MS. THOMAS: That's correct.
 12 MR. ROBERTS: So that part of the
 13 complaint I don't think we need to deal with.
 14 The other part of the complaint kind of
 15 would deal with our code of conduct as one company
 16 representing itself as another, and --
 17 MR. COCKROFT: That's where I was a
 18 little bit confused.
 19 MR. ROBERTS: -- it really doesn't seem
 20 to be the case here, in my opinion.
 21 MR. COCKROFT: Right. If they are
 22 representing themselves as who they are licensed to
 23 be, correct, then --
 24 MS. THOMAS: That's correct, yes.
 25 MR. COCKROFT: So who -- the complainant

1 is alleging that they are representing themselves as
2 something else or --

3 MS. THOMAS: Yes, and I believe it was
4 filed by a competitor and they were claiming that
5 they -- I think they may have seen trucks or
6 something, I can't recall, I'd have to get the
7 complaint file, and they thought that they were
8 representing themselves as something else.

9 Carol, can you pull up this particular
10 complaint file?

11 CAROL: Sure.

12 MR. COCKROFT: But the respondent is a
13 licensed company, they were representing themselves
14 as the -- they're named in the license?

15 MS. THOMAS: Yes. If you could just
16 tell me who filed the complaint.

17 MS. SHEPHARD: Yes, it's an industry
18 compliant.

19 MS. THOMAS: An industry complaint.

20 MR. COCKROFT: Did you make a motion? I
21 don't remember what --

22 MS. HIXSON: I don't believe there's
23 been a motion.

24 MR. ROBERTS: No, there's not been a
25 motion yet.

1 MR. COCKROFT: It doesn't sound like
2 there's any violation to me. I would make a motion
3 to agree with the recommendation of our counsel.

4 MS. HIXSON: Okay. We have a motion by
5 Mr. Cockroft to concur with our counsel's
6 recommendation. Do we have a second?

7 MR. HARVEY: Second.

8 MS. HIXSON: And a second by Mr. Harvey.
9 All in favor, voice by saying aye.

10 THE BOARD: Aye.

11 MS. HIXSON: All opposed?

12 The motion carries.

13 MS. THOMAS: Case Number 8 is
14 2017051921. Complainant alleges that she paid
15 respondent to install an alarm system. At some
16 point after the installation, complainant alleges
17 that respondent accessed her security system's
18 computer without her consent and rendered it useless
19 in that each time any of her exterior doors were
20 open, the alarm would sound and her code would not
21 quiet the sound. The complainant alleges that
22 respondent demanded money to come to the home and
23 try to correct the problem.

24 Respondent states that the company
25 attempted to honor complainant's request on several

1 occasions; for example, replacing the complainant's
2 key pad and installing alarm contacts on doors at no
3 charge. Respondent states that eventually a bill
4 was sent to the complainant regarding additional
5 requests, but complainant remained unsatisfied and
6 did not want to pay the bill. Respondent also
7 states that the account was past due, they notified
8 the complainant of this, and that when the account
9 was 90 days past due, pursuant to the monitoring
10 agreement, they discontinued their monitoring
11 service and reprogrammed the system. The
12 recommendation is to close.

13 MR. HARVEY: I make a motion to concur
14 with counsel.

15 MS. JONES: Second.

16 MS. HIXSON: A motion by Mr. Harvey and
17 a second by Ms. Jones to concur with our counsel's
18 recommendation in this matter. All in favor, voice
19 by saying aye.

20 THE BOARD: Aye.

21 MS. HIXSON: All opposed?

22 The motion carries.

23 MS. THOMAS: Case Number 9 is
24 2017043071. Complainant alleges that respondent did
25 not inform her of the length of the contractual

1 obligation at the time of the installation of the
2 alarm system. Complainant denies that the signature
3 on the installation agreement is hers.

4 Respondent responded to the complaint
5 and offered the complainant a 50 percent buyout, and
6 once it is paid in full, then respondent will
7 terminate her contractual obligation. However, this
8 matter was sent for investigation, and during the
9 investigation, respondent told the investigator that
10 due to the circumstances surrounding the signature
11 on the installation agreement and the respondent's
12 inability to locate the recording of the quality
13 assurance call, that respondent was going to send
14 complainant a letter terminating the contract.
15 Legal contacted complainant to confirm that the
16 contract was cancelled, and complainant stated that
17 they had not received any verification of the
18 contract cancellation. The recommendation is to
19 authorize formal charges and send a consent order
20 with the civil penalty in the amount of \$250 for
21 violation of Tennessee Code Annotated 62-32-319(d)
22 for improper conduct for failure to cancel
23 complainant's contract as indicated. In the
24 alternative, if respondent provides evidence of the
25 contract cancellation within 30 days, issue a letter

1 of warning regarding Tennessee Code Annotated
2 62-32-319(d) and close.

3 MR. COCKROFT: So your concern is just
4 whether or not the respondent has cancelled the
5 contract at this point?

6 MS. THOMAS: Yes. I will say as far as
7 the signature, they do -- they are similar, but they
8 are not identical from what I could see. So I think
9 it would be hard to prove that at a hearing, and so
10 if they did cancel the contact, I think a letter of
11 warning towards that would probably be sufficient,
12 but, of course, that is the board's decision.

13 MR. ROBERTS: I'm not clear on what the
14 respondent company has done wrong.

15 MS. THOMAS: And that goes back to the
16 signature on the contract. The complainant is
17 alleging that there was an agreement entered that
18 she didn't sign up for, and so if that is proven
19 true, that would, of course, be a violation, but
20 because we don't have the quality assurance call
21 that, of course, the respondent is saying that they
22 did complete, they don't have the recording anymore
23 based on the date of the contact, and I'm not sure,
24 without some type of professional examination, that
25 we can confirm that the signatures are, in fact,

1 falsified --

2 MR. ROBERTS: So the complainant is
3 saying she didn't sign the contract?

4 MS. THOMAS: Correct.

5 MR. ROBERTS: She or he didn't sign the
6 contract --

7 MS. THOMAS: Correct.

8 MR. ROBERTS: -- or that somebody forged
9 their name on the contract and, therefore, they are
10 not responsible for the installation. And in your
11 opinion, the signatures are questionable?

12 MS. THOMAS: At best, yes.

13 MR. HARVEY: Well, at that point, the
14 respondent cancelled the contract when a question
15 about the signature came up?

16 MR. ROBERTS: Apparently they haven't --
17 or you -- we haven't confirmed that yet.

18 MR. HARVEY: Right.

19 MR. COCKROFT: The respondent stated
20 that they had, correct?

21 MS. THOMAS: Uh-huh.

22 MR. COCKROFT: It's just that the
23 complainant hasn't verified it yet?

24 MS. THOMAS: Right. They stated that
25 they would cancel the contract when they spoke with

1 the investigator. Legal contacted the complainant
2 to make sure that was true. They said they hadn't
3 received any verification.

4 MS. HIXSON: What kind of timeframe are
5 we talking about? I mean, have they had ample time
6 to get the cancellation.

7 MS. THOMAS: When I looked at from when
8 the investigator spoke to them to when legal
9 contacted the complainant, I believe so, yes. And
10 that's why I put the 30-day limit on the consent
11 order. If they can provide evidence that it is
12 cancelled, I think maybe we could reduce it from a
13 civil penalty to a letter of warning.

14 MS. HIXSON: How much time has lapsed
15 since they were supposed to send the letter and now
16 that they haven't? I mean, has this been going on
17 for several months?

18 MS. THOMAS: It's been a couple of
19 months since the complaint was filed, looking at the
20 time of the complaint. If you need an exact date, I
21 can --

22 MS. HIXSON: No, just an approximate.

23 MS. THOMAS: I'm -- approximate about
24 three months, I would say.

25 MS. HIXSON: So they've had ample time

1 to get a letter to the person?

2 MS. THOMAS: I would think so.

3 MR. ROBERTS: Madam Chairman, I don't
4 feel like the civil penalty is warranted in this
5 case. I think it -- that the respondent should
6 contract -- should cancel the contract, which
7 they've indicated they would do. I think a letter
8 to the respondent company asking that they verify in
9 writing the contract has been cancelled, along
10 with -- and include with that warning, a letter of
11 warning type of language would be sufficient.

12 You know, the indication we have here is
13 that the -- they tried to -- or have agreed to
14 cancel the contract, and I think if they've done
15 that, I think we -- if we could get verification of
16 that without the threat of a formal charges and
17 civil penalty, should be sufficient. So I would
18 make a motion that we send a letter of warning and
19 ask that they verify in writing that the contract in
20 this case has been cancelled. If they don't
21 respond, then we've got a non-response issue. But I
22 suspect they will. And if they have sent us a
23 letter saying that the letter -- that the contract
24 has been cancelled, then that should be sufficient,
25 I would think. So I make that as a motion.

1 MR. HARVEY: I second.
 2 MS. HIXSON: We have a motion by Mr.
 3 Roberts and a second by Mr. Harvey to delete the
 4 civil penalty, but elect to send a letter to the
 5 respondent requesting proof that this contract has
 6 been cancelled. All in favor, voice by saying aye.
 7 THE BOARD: Aye.
 8 MS. HIXSON: All opposed?
 9 The amended motion passes.
 10 MS. THOMAS: Case Number 10, 2017051531.
 11 Complainant alleges that respondent solicited her
 12 husband at home and told him that their current
 13 alarm company was no longer in business and that
 14 respondent company was taking over their contract.
 15 Respondent told her husband that their current
 16 system was not operational due to the take-over.
 17 Complainant states that respondent convinced her
 18 husband, who is being treated for dementia, to sign
 19 the contract. Complainant has durable power of
 20 attorney over her husband, but complainant never saw
 21 or signed the contract. The system was installed.
 22 Complainant requested that the respondent cancel the
 23 contract due to her husband's health condition and
 24 inability to understand the circumstances of the
 25 contract. Respondent states they did not know the

1 saying, that he has dementia and possibly got it
 2 wrong, but this just sounds so much like so many
 3 other complaints that we've heard where these
 4 statements were made, and that's what that whole --
 5 MS. THOMAS: Right.
 6 MR. COCKROFT: -- the whole thing was
 7 aimed at.
 8 MS. THOMAS: The latest -- that's
 9 correct, and had there been stronger evidence, I
 10 probably would have suggested some discipline
 11 towards those rules as well, but in this particular
 12 case, I just don't think there's enough evidence to
 13 support that civil penalty.
 14 MS. HIXSON: We have a motion by Mr.
 15 Roberts to concur with the counsel. Do we have a
 16 second?
 17 MR. COCKROFT: Second.
 18 MS. HIXSON: A second by Mr. Cockcroft.
 19 All in favor, voice by saying aye.
 20 THE BOARD: Aye.
 21 MS. HIXSON: All opposed?
 22 The motion carries.
 23 MS. THOMAS: Case Number 11 is
 24 2017054361. Complainant alleges that respondent
 25 installed an alarm system in her home that is faulty

1 complainant was being treated for dementia, and that
 2 they have been in contact with the complainant to
 3 fully cancel the contract. The recommendation is to
 4 close.
 5 MR. ROBERTS: Madam Chair, I make a
 6 motion we concur with the recommendation of counsel
 7 and close that particular complaint.
 8 MR. COCKROFT: Does this not go to the
 9 door-to-door solicitation, I mean, where they are --
 10 was this a misrepresentation that they weren't
 11 taking over, you know -- were all of those facts
 12 true?
 13 MS. THOMAS: So there's no real way to
 14 confirm that. So that's what the complainant said
 15 her husband told her. Of course, the respondent
 16 denies that that happened, but the person to whom
 17 they would have been speaking is suffering from
 18 dementia. And so I don't know exactly how we would
 19 confirm that that was what actually happened.
 20 MS. HIXSON: But -- I agree with you on
 21 that part, but there's no proof that the company
 22 that spoke to him has taken over the company that
 23 they had their current system with, correct?
 24 MS. THOMAS: That is correct.
 25 MR. COCKROFT: I understand what you are

1 and doesn't work properly. Complainant wants to
 2 cancel the agreement for breach of contract.
 3 Respondent denies the allegations made by
 4 complainant. Respondent states that complainant's
 5 contract indicates that the company is obligated to
 6 respond to non-verified signals, and because
 7 complainant has armed the system, no contact was
 8 made. Respondent states that in order to resolve
 9 the complaint amicably, they have agreed to cancel
 10 her contractual obligation. Complainant states that
 11 she was never instructed that she would only be
 12 called if she did not disarm the system. However,
 13 complainant states that she is satisfied with the
 14 cancellation of her contract. The recommendation is
 15 to close.
 16 MR. HARVEY: Make a motion to concur
 17 with counsel.
 18 MS. HIXSON: We have a motion by Mr.
 19 Harvey. Do we have a second?
 20 MS. JONES: Second.
 21 MS. HIXSON: By Ms. Jones. All in
 22 favor, voice by saying aye.
 23 THE BOARD: Aye.
 24 MS. HIXSON: All opposed?
 25 Motion carries.

1 MS. THOMAS: Thank you.
 2 MS. HIXSON: Is that it for the legal?
 3 MS. SHEPARD: Yes, ma'am.
 4 MS. HIXSON: Thank you.
 5 MS. VEST: Would you mind if we take a
 6 small break, Madam Chair?
 7 MS. HIXSON: No, ma'am. We will take a
 8 15-minute break. Will that be enough?
 9 MS. VEST: That's fine.
 10 (Short recess.)
 11 MS. HIXSON: We're going to call our
 12 meeting back to order. We will move into the
 13 appearance section of the agenda. I think first up
 14 is a Jeremy Ogborn.
 15 MS. VEST: The first -- yes, our first
 16 appearance is Mr. Jeremy Ogborn. He is here to talk
 17 to you -- Mr. Ogborn, I know you're there. Now, you
 18 need to give them just a moment because they have
 19 never seen this information here before.
 20 MR. OGBORN: Okay.
 21 MS. VEST: You did copy that sheet?
 22 MS. BALASZI: That sheet, yes.
 23 MS. VEST: So the first one that you've
 24 got the -- is the e-mail that he sent to us. These
 25 are the different places that he has been employed,

1 what I understand.
 2 MS. BALASZI: Yes, ma'am.
 3 MS. VEST: And he wants to talk to you
 4 because he had a registered employee -- an employee
 5 registration, excuse me, and, apparently, that was
 6 when we did not have the expiration date. But you
 7 do know they moved from one company to the other,
 8 I'm supposed to receive a transfer notice and you
 9 get a new card with a new photo because you get
 10 company name on it. We don't have any history of
 11 this gentleman getting new certificates.
 12 He also made an application -- and he's
 13 going to explain that to you -- for his qualifying
 14 agent, but it was denied for incompleteness in 2000,
 15 but in 2002, he tried to add a new classification to
 16 a card he didn't have. So what he's done, you've
 17 got there is a list, he did send us a list of all of
 18 his employment. He wanted to talk to you about
 19 that. You probably have the first page of the
 20 application with you. And if I'm not mistaken, you
 21 also started a new company.
 22 MR. OGBORN: Yes, just recently. Yes,
 23 ma'am.
 24 MS. VEST: If you would, just give them
 25 a moment to look at those iPads.

1 MR. OGBORN: Okay.
 2 (Brief pause.)
 3 MS. VEST: Mr. Ogborn, I've got your
 4 application here for the company Alco Services of
 5 Middle Tennessee, LLC. Did you make application to
 6 be a qualified agent as well?
 7 MR. OGBORN: I did not.
 8 MS. VEST: You have not done that yet,
 9 okay.
 10 MR. COCKROFT: So what exactly are we
 11 looking for? Are we looking to approve experience
 12 to be a QA --
 13 MS. VEST: Mr. Ogborn asked to come in
 14 and speak to the board because what we have here is
 15 unlicensed activity. You'll see all of these
 16 companies that he's worked for. Well, I don't have
 17 a record of that. I have a record that he has the
 18 Registration Number 5258 for his employee -- for his
 19 employee registration.
 20 MR. COCKROFT: And that's what this one
 21 part of the documents show, like where he was
 22 registered and --
 23 MS. VEST: Right. That was in 1998, so
 24 the record goes back a good while he's been in the
 25 industry. Then he reapplied in -- on 12/3. Then we

1 have another reapply for the registered employee on
 2 3/6, and he gives you this list of where he's been
 3 working. And we don't have a qualifying agent
 4 application on him either. He only had an
 5 application and never received a card. But that's
 6 why he is here to talk to you today. He asked to
 7 come before the board.
 8 MR. COCKROFT: So this one sheet that
 9 shows -- it does go back to -- I can't tell if it's
 10 '98 or -- '98, where it's got entries and out. I
 11 mean, it goes along -- it looks -- the status is
 12 updated to not employed and -- or license change,
 13 but it looks like he -- there was other activity
 14 further along into it if I'm reading this wrong.
 15 MS. VEST: No, he did reapply and then
 16 reapplied again. There is some activity there.
 17 MS. HIXSON: So when he applied in
 18 12/30/1998 and 3/6, was he given employee
 19 registration?
 20 MS. VEST: On February the 18th of '98,
 21 he was given an employee registration with a
 22 company. I have it down as Ameritech, if that's
 23 correct.
 24 MR. OGBORN: (Nodded head
 25 affirmatively.)

1 MS. HIXSON: What about the other dates
2 that you were -- has he been registered
3 intermittently since then?

4 MS. VEST: Then I received -- I didn't
5 receive a transfer notice. I received a reapply
6 application on 10/3, February of '03, with RD&A,
7 Incorporated. And then in '06, I received another
8 reapply application, not a transfer, to Audio Video
9 Design. And as of today, he doesn't have a
10 registration.

11 MR. COCKROFT: Were those others -- the
12 reapplies, were those approved and he was granted --

13 MS. VEST: Yes. But the system -- the
14 way it's supposed to work is every time you go from
15 one company to another, you get a transfer notice.

16 MR. COCKROFT: Didn't it used to be
17 though it would -- if it wasn't within a certain
18 amount of time, you had to reapply?

19 MS. VEST: Yes, if it wasn't within that
20 90-day period, yes, sir, you had to reapply. So
21 that's what you've got here is a lot -- held a
22 license, then something happened to it, he
23 reapplied, something happened, he reapplied instead
24 of sending in the transfer notices, and I believe
25 Mr. Ogborn is going to tell you about those

1 where you have to prove what you've been on -- I
2 mean, you can pretty much go down any street here in
3 Nashville, or almost Tennessee, and find some type
4 of system I've worked on, whether it be commercial,
5 industrial, from the consulting process all the way
6 down to the installation and service. And for the
7 past three and a half years, I deal with national
8 accounts, everything else and --

9 MS. HIXSON: Where have you worked the
10 past three and a half years?

11 MR. OGBORN: For the past three and a
12 half years, I've been working for Alco Services of
13 Middle Tennessee, which was -- our QA holder was
14 David Parker engineer. He was our qualifying agent.

15 That being said, I did do the paperwork
16 at the beginning. The president of the company,
17 Patrick Stephens -- and, again, it's come down to
18 where that's kind of been a hard break up here
19 recently so to say, but as of October 1st, David
20 has, I believe, sent an e-mail to you or he sent me
21 an e-mail saying that he was going to notify the
22 board that he was going to be pulling his license.
23 So it's kind of left me in a predicament here --

24 MS. HIXSON: Make sure you are speaking
25 into the mic.

1 companies.

2 MR. HARVEY: Well, tell us about them.

3 MR. OGBORN: Well, hindsight, actually
4 since it was -- the QA process was actually I guess
5 implemented in '94, I was really young at the time,
6 17, 18, when I actually got in the business, and if
7 I would have known or had the knowledge then, I know
8 there was a grandfathering process then, if I would
9 have just proved I was in the field prior to that.

10 Since then, I've always kind of been at the mercy of
11 whoever I'm working with. So I know I've had my
12 fingerprints done -- for what you show on file, I
13 mean, I've had them down so many different -- I've
14 got so many different fingerprints from here to the
15 TBI, FBI, background check --

16 MS. HIXSON: As a registered employee?

17 MR. OGBORN: Well, sometimes yes, and
18 sometimes no. It just depended on the company. I
19 was kind of at their mercy whether or not they did
20 or whether they didn't.

21 And the reason I'm coming before you now
22 is because I've actually -- I'm starting my own
23 thing where sole -- the sole responsibility will be
24 on me, along with accountability for the system I
25 do. But right now, I mean, I know there's a process

1 MR. OGBORN: I'm sorry.

2 MS. VEST: Just push the speaker button.

3 MR. OGBORN: Okay. So that's where I've
4 just kind of come -- and, again, it's always been
5 someone else that's accountable for this paperwork
6 or to make sure that I have the right stuff, but,
7 you know --

8 MS. HIXSON: So are you wanting us to
9 acknowledge your prior experience to allow you to
10 apply to be a qualifying agent? Is that --

11 MR. OGBORN: If -- just some type of
12 pathway. I was coming to find out what -- I've
13 brought referral letters from, you know, large
14 companies that -- from all around Nashville and
15 surrounding, from other DQAs, but actually with
16 their companies and peers of mine that I've worked
17 hand in hand, day in and day out, that can attest to
18 the abilities that I have and --

19 MR. COCKROFT: So were you licensed with
20 Alco the last three years or -- as an employee,
21 registered employee?

22 MR. OGBORN: I did the paperwork, I did
23 the fingerprint cards and I turned them in to David.
24 That's as far as -- so as far as if it's not showing
25 in your system, then I would say no.

1 MR. COCKROFT: We don't -- as a board,
 2 we don't see some of that stuff. That's why I'm
 3 trying to find out what --
 4 MR. OGBORN: I've never received a
 5 badge.
 6 MR. COCKROFT: -- we do actually have is
 7 documented. What --
 8 MS. HIXSON: So you've got -- you've
 9 been receiving a badge, an ID badge, from the state?
 10 MR. OGBORN: I did in one of those back
 11 there. I haven't in the past three years, no.
 12 MR. ROBERTS: All right. So that would
 13 lead to a complaint against Alco for working Mr.
 14 Ogborn for three years as a nonregistered employee,
 15 would it not?
 16 MS. VEST: Yes, sir. If you would look
 17 back on the list that he gave us, the last company
 18 is Alco Services of Middle Tennessee, and that's
 19 what we're speaking of, and it is a licensed company
 20 that was licensed in '16, March of '16. I don't
 21 have anything from Cumberland Fire and Security that
 22 he was there maybe a year.
 23 MR. OGBORN: Right.
 24 MS. VEST: Teleoptics of Nashville, lead
 25 fire tech, I don't have anything there. He was an

1 installer for Texas I don't have any -- he's got
 2 some history here which he says he has done that I
 3 don't have any applications or he didn't have a
 4 license.
 5 MR. ROBERTS: Was he a registered
 6 employee for any of these companies?
 7 MS. VEST: Only registered employee he
 8 was for was Audio Video Design in '06, RD&A in '03
 9 and Security Link from Ameritech in 1998.
 10 MR. COCKROFT: How many years do all of
 11 those add up to? What is --
 12 MR. ROBERTS: Well, you've got some 20,
 13 30 years there.
 14 MR. COCKROFT: I just mean the
 15 license --
 16 Those license, the '98, '03 and '06, how
 17 long was the license active just in those years?
 18 MS. VEST: Wait, wait. In 1998, it's
 19 going to be active until 2003. 2003 is going to be
 20 active till 2006. After 2006, I don't have any
 21 records of him continuing or moving or transferring
 22 to a new company.
 23 MR. COCKROFT: And where was that one?
 24 MS. VEST: The last one was Audio Video
 25 Design.

1 MR. COCKROFT: So when did they
 2 terminate that or not renew it?
 3 MS. VEST: So when did you leave there,
 4 Mr. Ogborn?
 5 MR. OGBORN: Where?
 6 MS. VEST: Audio Video Design.
 7 MS. HIXSON: The reason we are asking is
 8 --
 9 MR. OGBORN: I'm not for sure --
 10 MS. HIXSON: -- unless I've missed it, I
 11 don't have Audio Video Design on this list.
 12 MR. OGBORN: Well, there's also a -- I
 13 was thinking about -- I mean, that was brief. After
 14 we spoke on the phone, I kind of went through there
 15 just out of memory to say this is what my work
 16 experience was. There's another one, Failsafe
 17 Security.
 18 MS. VEST: Do you have an employee
 19 registration card with you now?
 20 MR. OGBORN: No.
 21 MS. VEST: So Audio Video Design
 22 terminated your services, or you did?
 23 MR. OGBORN: I did.
 24 MS. VEST: Do you know when you left
 25 there I think is the question? Because it's not on

1 this list.
 2 MR. COCKROFT: There's probably enough
 3 years even -- that's only a year or two, but --
 4 MR. OGBORN: Honestly, I can't recall
 5 with preciseness enough to give that information.
 6 MS. HIXSON: But even with that, there's
 7 other companies listed in that timeframe that he
 8 worked for. It wasn't consistent service for three
 9 years with Audio Video Designs.
 10 MS. VEST: I believe that's what Mr.
 11 Ogborn was saying was that he was not aware of that,
 12 that was up to the company to send the applications
 13 in.
 14 MR. ROBERTS: The question that
 15 immediately comes to my mind is how many of these
 16 companies are licensed companies at this point? And
 17 if Mr. Ogborn is saying that he worked for those
 18 companies and was not a registered employee, then
 19 there may be as many as a dozen complaints that
 20 should result from that with these companies working
 21 non-registered employees.
 22 MR. COCKROFT: And that doesn't come
 23 back against you. That's other things --
 24 MR. ROBERTS: That's not your problem,
 25 but that's -- for instance, just looking at Alco,

1 you indicated that you worked for Alco for some
2 three years as sales and service manager. You
3 should have been a registered employee. You
4 indicated you filled out the paperwork. It stopped
5 there. Then that would be an obvious complaint back
6 against Alco Services of Middle Tennessee for having
7 unregistered employees. See what I'm saying?

8 That's -- so -- and the next question is
9 we've got Cumberland Fire and Security and
10 Teleoptics and the other companies that go back, if
11 they are still licensed companies, and I would guess
12 that some of them are, that, you know, we would have
13 basically testimony here that he was working and not
14 a registered employee for those companies. We need
15 to follow up on that.

16 MS. VEST: Yes. Mr. Ogborn, are you the
17 vice president for this Alco Services?

18 MR. OGBORN: I would be co-owner, yeah,
19 co-owner of --

20 MS. VEST: Co-owner?

21 MR. OGBORN: Uh-huh.

22 MS. VEST: Okay.

23 MR. COCKROFT: Because he's on the
24 original application.

25 MS. VEST: Yeah, he's on the employee

1 registration.

2 MR. COCKROFT: On the company
3 application that we have.

4 MS. VEST: Yes. So Mr. Parker is the
5 qualifying agent. So are you going to try to become
6 the qualifying agent --

7 MR. OGBORN: Yes, that -- that company
8 right there is in the process of being dissolved and
9 attorney are involved and everything. It's
10 completely -- it's going to be non- -- I believe
11 it's already dissolved in the state.

12 MR. COCKROFT: So you are starting a new
13 company of your own?

14 MR. OGBORN: Absolutely. Without anyone
15 else to be able to tell me whether or not my
16 paperwork is proper with the state or not. I have
17 actually a lot of work on the table and a lot of
18 individuals who are capable of doing that work that
19 I would need to be able to register and handle
20 things properly from here on out. To me, it's not
21 the -- the QA is not the end of something, of a
22 career that I started a long time ago. It's kind of
23 like the start because there's a lot of things in
24 the works here that given the opportunity --

25 MR. ROBERTS: So you are making

1 application as qualifying agent?

2 MR. OGBORN: I would love to.

3 MR. ROBERTS: And also sending in a
4 company application as well?

5 MR. OGBORN: Absolutely. Now that I've
6 actually went on your website and I've -- just as in
7 the field, I've self-educated myself, I've also
8 self-educated myself in what is applicable with the
9 state at this point in time to know what is required
10 and what is not.

11 MS. VEST: Well, my question -- maybe I
12 misunderstand, but when is the responsibility of the
13 employee to have his card to go around from job to
14 job to job and every time he changes company. I
15 mean, does the employee have any responsibility is
16 what I meant?

17 MR. COCKROFT: I don't think -- the way
18 the statute is written, I don't think the employee
19 does. I think the responsibility falls on the
20 qualifying agent.

21 MS. JONES: Supposed to be wearing it on
22 every job.

23 MS. HIXSON: So what did you do for ID?

24 MR. OGBORN: With all due respect, if I
25 -- if there's people out here that's actually going

1 to work in this industry or the ones that are
2 actually the doers, so to say, that are getting it
3 done, the other companies will find a way to work
4 them. And I know that's contrary to what's here,
5 but, I mean -- I get that you are looking at this
6 paperwork and saying "Look at all these violations,"
7 but, I mean, just being around 23 years and as much
8 as it's changed throughout the years, and you do
9 know how much -- you know, from having a license or
10 not having -- certain salespeople having licensing,
11 things like that, that -- I mean, there are still a
12 lot of individuals out there doing a lot of shady
13 things, and that's actually what's put me in
14 business. I'm going behind those individuals,
15 fixing their mess-ups. You know, I could go through
16 and put lists and lists of, you know, some very
17 large companies here in Nashville that I'm going
18 back behind and dealing with the clients and going
19 to other individuals who have made -- or who are
20 actively licensed, to go back, and that's what
21 created my --

22 MR. ROBERTS: Let's try and cut to the
23 chase here. Looks to me as though there's several
24 issues. First of all, of course -- and I think Cody
25 will go back and pick up -- now that we have a list

1 of places you worked and when, and if the companies
2 are still in existence and licensed, then she will
3 take care of administratively the complaints. So
4 that's one issue. And I think we are on a track --
5 we'll be on a track to resolve that one.

6 The second issue is you are making
7 application for a company license, and also you are
8 making application as a qualifying agent.

9 MR. OGBORN: If allowed, yes.

10 MS. VEST: He hasn't done it yet.

11 MR. ROBERTS: Hasn't done it yet.

12 MR. OGBORN: I believe I -- I couldn't
13 get past a certain spot on your website because of
14 the education needed to actually apply -- used to be
15 a Level 1, Level 2-A and B years ago. It's changed
16 again. I had my Level 1 like 15 years ago or
17 something like that, went through -- but I had -- I
18 didn't have or anything else that would allow me to
19 actually make the application on the website.
20 That's why it stopped me with a non-completion. It
21 would not let me go further to actually do it.
22 That's the reason why I have come to request this.
23 If it would allow me to go past the section and make
24 the full application and consider my on-the-job
25 experience in this field, then --

1 It's designed to do that. You've got to upload your
2 document.

3 MS. JONES: So I'm confused now.

4 MS. VEST: You might need some more --
5 you might have certificates or he may have to get
6 some more education, I don't know. That's up to
7 him.

8 MS. JONES: So you're either here to ask
9 to skip that part and us just grant you your
10 knowledge and no certificate or anything?

11 MR. OGBORN: Again, that's why I brought
12 proof of -- you know, or letters of recommendation
13 from other folks if you need to see them or whatever
14 is -- maybe help that process.

15 MS. THOMAS: Just for clarification, I
16 think he is asking the board -- and correct me if
17 I'm wrong, Mr. Ogborn -- for the requirements for
18 the QA, I think he may be referring 62-32-313,
19 subpart c, which says, "An applicant for qualifying
20 agent shall meet the following combination of
21 experience and educational requirements," and then
22 subpart 3, which says, "The applicant must hold
23 current certification by a national training program
24 approved by the board in the field of work to be
25 installed, serviced or monitored, and have at least

1 MS. VEST: Okay. Let me -- I'm really
2 confused, Mr. Ogborn, and I do apologize. Also
3 already is a licensed company.

4 MS. HIXSON: They are in the --

5 MS. VEST: Okay. So he doesn't have a
6 company application on file. He doesn't have a QA
7 application on file. He is coming before you
8 because he's got all -- and I'm going, oh, wait a
9 minute, we might have a problem here. So Mr. Ogborn
10 said, "Let me come before the board, explaining to
11 you my experience, where I have worked at or what
12 has happened" or whatever. But now we need -- he'll
13 need to go back and make application.

14 MS. HIXSON: Right.

15 MR. ROBERTS: Why wouldn't you just
16 start there to begin with?

17 MS. HIXSON: -- get past a certain point
18 in the online application process.

19 MS. VEST: No, it stopped him because he
20 didn't have what he needed to complete the
21 application. He only has Level 1. He needs more
22 than Level 1.

23 MR. ROBERTS: In order to be a
24 qualifying agent, yes, that would be correct.

25 MS. VEST: Yes. So it stopped him.

1 five years of working experience in the alarm
2 industry, covering the actual installation of
3 alarms." If I'm correct, you are asking that that
4 be -- that your experience be accepted for that
5 portion of the application?

6 MR. OGBORN: Yes, ma'am, if that's -- I
7 guess my hurdle was the experience was there, but it
8 says five years' experience as a registered
9 employee, and, see, where my hurdle was is that,
10 obviously, in looking at this, I don't have that
11 five years solid --

12 MS. HIXSON: Okay. You're saying that
13 the companies you worked for failed to register you?

14 MR. OGBORN: Absolutely.

15 MS. HIXSON: You were a legitimate
16 employee, but they failed to register you?

17 MR. OGBORN: Correct.

18 MR. COCKROFT: Does the statute say it
19 has to be continuous -- continuous? You've got --

20 MS. THOMAS: It does not. It just says
21 have at least five years of working experience, and
22 I think part of his question was because he doesn't
23 have documented in our office those five years
24 because he didn't get the transfer notices, if that
25 can still count as the experience for his

1 application.
 2 MR. COCKROFT: Right. It sounds like
 3 the experience is there. The '98 to 2003 and the
 4 '03 to '06, those alone are the five years that you
 5 were registered. There are other issues for other
 6 complaints, other companies, as far as where you
 7 were saying you were working. You would still have
 8 to take the tests in the -- you've got Level 1,
 9 right?
 10 MS. JONES: Well, he said they have
 11 stopped him. Have you taken any of the other
 12 courses -- I mean, tests? Bury fire?
 13 MR. OGBORN: No, sir.
 14 MS. JONES: Fire especially. I mean,
 15 then you've got a separate school for that
 16 altogether. Have you --
 17 MR. OGBORN: I don't know how long --
 18 how much has changed --
 19 MS. JONES: -- enrolled and taken those?
 20 MR. OGBORN: No, ma'am.
 21 MS. JONES: -- those courses? We're
 22 back to where we started?
 23 MS. VEST: What classification are you
 24 going to make application in?
 25 MS. JONES: He got a lot of fire on

1 MR. ROBERTS: Okay. Then that's going
 2 to be a barrier. You need to have additional
 3 education in the -- especially in the fire, burg and
 4 CCTV areas. Now, they're available in a wide
 5 variety of different formats. You can do them
 6 online, you can do them by going to classes, there's
 7 a wide variety but you need to do that. You need --
 8 MR. OGBORN: Would the letter of
 9 recommendations that actually come from the peers or
 10 others who do have fire --
 11 MR. ROBERTS: Yes.
 12 MR. OGBORN: -- who say that I am
 13 competent in those areas?
 14 MR. ROBERTS: Yes. You have to have the
 15 formal education in those fields in order to get
 16 your registration as a QA. Now, you can do that.
 17 Like I say, there's a wide variety of opportunities
 18 for that, but that's something you need to do.
 19 Now, I would suspect, based on the other
 20 board members' comments, that the experience
 21 requirement would not be a problem for you. So we
 22 would probably be willing to accept that you've got
 23 plenty of experience, that's not a problem, but
 24 you've got to have the education to go with that
 25 experience, and that's going to be the major hurdle.

1 here.
 2 MR. OGBORN: Fire --
 3 MS. VEST: That's the company that he --
 4 MS. JONES: No, no, he's got a lot of
 5 lead fire tech job descriptions.
 6 MR. OGBORN: I think there was something
 7 also in there that says as far as six months -- or
 8 go back six months installations and provide proof
 9 of those, and I can do that. I can definitely
 10 provide --
 11 MR. COCKROFT: What categories do you
 12 want your new -- do you want to get qualifying agent
 13 in your new company license?
 14 MR. OGBORN: It would be fire, security
 15 and CCTV.
 16 MS. HIXSON: You're talking about
 17 burglary?
 18 MR. OGBORN: Uh-huh.
 19 MS. VEST: So burg, fire and CCTV.
 20 MR. ROBERTS: Okay. Let me ask you a
 21 couple questions. What formal education have you
 22 had in the fire, burg and CCTV fields? You took
 23 Level 1 and -- okay, that's fine. Have you done
 24 anything other than Level 1?
 25 MR. OGBORN: No, sir.

1 MR. OGBORN: Can I ask you one thing?
 2 In the meantime, while getting that education, what
 3 do I do?
 4 MS. JONES: Work for somebody else.
 5 MR. ROBERTS: Continue working for Alco.
 6 MR. OGBORN: Alco I have to work on the
 7 table to actually actively pursue at this moment
 8 that's actually --
 9 MS. HIXSON: Have you got your
 10 company -- are you just in the process of applying
 11 to form your company or --
 12 MR. OGBORN: No, I formed it, I formed
 13 the LLC.
 14 MS. HIXSON: Are you DQ until you can
 15 get yours?
 16 MR. ROBERTS: He can't apply for a
 17 company license without DQA. So he needs to get his
 18 DQA license in order to make his company
 19 application. And you are on track to do that.
 20 MS. HIXSON: I think he waits until he
 21 becomes qualified --
 22 MR. ROBERTS: Yeah, he could.
 23 MS. HIXSON: -- forms his company.
 24 MR. OGBORN: Could I request a list of
 25 those folks that may be available?

1 MS. JONES: Head hunters.

2 MS. HIXSON: Not from us.

3 MS. JONES: There is no list?

4 MS. THOMAS: The list of active DQAs is
5 probably available online, and we can direct you to
6 that as well.

7 MS. HIXSON: But the board is not going
8 to make a recommendation or any solicitation on
9 behalf of another DQA. You'd have to try to recruit
10 and find one until you can --

11 MR. ROBERTS: What's David Parker doing?
12 You have been working with David. David is a QA.

13 MS. HIXSON: He said he pulled his DQA
14 from the company --

15 MR. ROBERTS: He pulled it from Alco,
16 but it would --

17 MS. JONES: Probably still active.

18 MR. ROBERTS: -- the reason I was asking
19 if you know what David was doing, maybe you could
20 work out something with David --

21 MS. VEST: I have not received any
22 notification that Mr. Parker is no longer with Alco.

23 MR. ROBERTS: I understand that, but
24 maybe you could work out something with David. If
25 you've been working with him, if he is planning on

1 some inconsistencies between one record and another
2 as far as companies.

3 MS. VEST: So let me see -- I need to
4 understand myself. So what we're saying is he can
5 make application to be a company, make an
6 application to be a qualifying agent, you will have
7 to get the education. What is that, Level 2 and
8 what else?

9 MR. ROBERTS: Basically a Level 2 type
10 program.

11 MS. VEST: You will need to do that.

12 MR. ROBERTS: I say that. That's a bit
13 of an old terminology.

14 MS. JONES: Exam.

15 MR. ROBERTS: Level 1 is a basic course.
16 I mean, it teaches you how to use an ohmmeter and
17 pull wire. The -- you need to have more advanced
18 training, especially if you are going to be doing
19 fire systems. And I realize you've got a good deal
20 of experience, but you need some formal education to
21 go along with that. There are a variety of courses
22 are able to do that. Some sort of advanced fire
23 alarm training program. And we've got a number of
24 them approved. Some of them are available online
25 now. Personally I'm not in favor -- a real favorite

1 leaving Alco, then you might -- and I'm not -- I'm
2 just throwing that out. I'm not recommending it by
3 any stretch, but that could be a pathway for you to
4 go ahead and get a company license if David were
5 willing to be your DQA for some period of time, and
6 then that would give you enough time to -- and I
7 would strongly recommend that you go ahead and meet
8 the education requirements so you can get your own
9 DQA license and not be dependent on somebody else.

10 MR. OGBORN: Is the formal training that
11 you speak of, is that the only pathway, or is there
12 not the approvable experience?

13 MR. ROBERTS: The education and
14 experience.

15 MR. OGBORN: It's both.

16 MR. ROBERTS: Yeah.

17 MS. HIXSON: And another thing we've
18 done in the past, if you've got your tax forms that
19 shows that you were an employee in that business,
20 that will help towards the experience as well, 1099
21 or whatever, because the time dates that you're
22 giving us do not mesh with the time dates on this
23 list. If you are with this company for three years,
24 but yet on this list you've been with three or four
25 more companies during that timeframe, you've got

1 of the online courses. I like ones where you're
2 actually having an instructor, but there's a wide
3 variety of opportunities for you to gain that
4 education, and it can be done in a reasonable
5 timeframe.

6 MS. VEST: And he then still has to take
7 an exam for every classification that he --

8 MR. ROBERTS: That's correct. And then
9 you would have to take an examination. So the
10 course is going to help you with the examination,
11 but there are examinations for each section that
12 you -- your fire, burg and closed-circuit TV that
13 you would need to take, and that can be taken
14 quickly. What I do is recommend that you get your
15 education first because it's going to help you then
16 face the examination.

17 MR. OGBORN: Well, I do understand about
18 the formal education. I appreciate you. If that's
19 the only way I have to go, then that's the way I'll
20 go.

21 That being said, I mean, these letters
22 right here specifically, I wish you would take a
23 look at them. These folks that are DQAs that are
24 fire QAs and everything else, I help them do their
25 job daily. I help them design their systems, I know

1 the NEC, I know the NFPA and the 7072. I actually
2 set up and -- and I'm currently doing this. So as
3 far as, you know, I've got to have the certificate.

4 MR. COCKROFT: I don't doubt you've got
5 the experience and the ability. It's -- when we
6 have some leeway in the experience, the number of
7 years and that and we can do some things on that,
8 and that's some of what the letters can help with,
9 but we just don't have any leeway on the education
10 part of it. It's not like we can grandfather you at
11 this point. I wish we could. And I appreciate that
12 you are here, you're doing the right thing, wanting
13 to do it right and get licensed, and I hope you do
14 continue to pursue that, but there's just --

15 MS. HIXSON: That's what I was saying.
16 If you've got proof, your 1099 or your W-4, whatever
17 if you've got that shows you were in the industry,
18 we will consider that for your experience since
19 there's so many inconsistencies when you were
20 registered and when you weren't.

21 MR. COCKROFT: We are not holding that
22 part against you. We just --

23 MS. HIXSON: No, that's not the issue,
24 but you are lacking --

25 MR. OGBORN: Some of these letters of

1 recommendation actually tell -- there's -- again,
2 they are licensed individuals that show my
3 experience.

4 MS. HIXSON: That's not --

5 MR. ROBERTS: Let me block this out.
6 There are three things you've got to do, three
7 things you've got to have. You've got to have the
8 experience, you've got to have the formal education
9 and you've got to pass an exam in those -- in the
10 categories that you want to be a designated QA in.
11 Experience, formal education and the exam.

12 Now, I don't think there's any
13 significant question in terms of the experience, so
14 that's one hurdle you've overcome. But the two
15 remain, and that requires a formal education and
16 passing the exams, and you have to do those before
17 we can grant a QA application.

18 MR. COCKROFT: And you should be able to
19 do those within a matter of weeks.

20 MR. ROBERTS: Yeah, it's not -- you --
21 there are opportunities for you to do that fairly
22 quickly. I realize it takes some money and some
23 effort on your part, but then the license you get as
24 a result of it is going to be worth that time and
25 effort in the long run. That's what you've got to

1 do.

2 MS. VEST: Okay. Mr. Ogborn, what is --
3 he asked the question what is he supposed to do in
4 the meantime?

5 MR. ROBERTS: We told him find a DQ.

6 MS. VEST: I've got that, but maybe the
7 quickest thing is to become a registered employee
8 and work for someone because he's got --

9 MR. COCKROFT: We can't really tell him
10 what to do. He was -- he's kind of already started
11 to do some things that should be licensed for, and
12 we would hope that he would wait till he gets
13 licensed, but, you know --

14 MR. OGBORN: One of the hurdles is the
15 registration, I get it. The legality is saying,
16 hey, you've got to work for somebody, but this is
17 what's caused the problem. It's part of the
18 problem.

19 MR. COCKROFT: I understand you're in a
20 bad spot, but there's not a whole lot we can do to
21 help you on that.

22 MR. OGBORN: Come before you guys, at
23 least I asked. So I appreciate you --

24 MR. ROBERTS: Now you've got a clear
25 picture of what needs to be done, or at least I

1 would hope you do, and --

2 MR. OGBORN: My other option is DOD. We
3 did Luke Air Force Base in Arizona like two weeks
4 ago, and DOD doesn't require any kind of a license
5 as far as state wise so I can focus on them.

6 There's other options to do, but I just -- I want to
7 make -- I've been here a long time, I've been in
8 Tennessee a long time and there's a lot of people
9 here that, you know -- a lot of clients here that
10 have been -- but I hold no accounts, I never have, I
11 never tried to hold my own accounts. But I have
12 tried to help other companies do good service for
13 their clients, and I would think that there's lists
14 and lists of people that have known me to help them
15 along that path, and I was just trying to get on the
16 up and up, you know, be that guy out there that's
17 running around and not licensed. So that was the
18 gist of it, but I sure appreciate your time. I'll
19 move forward with the other.

20 MS. VEST: All right. Mr. Ogborn, thank
21 you.

22 MR. OGBORN: And you will provide that
23 list, you said, or it's on your website?

24 MS. VEST: Yes, it's on the website.

25 MR. OGBORN: Okay. So I can just access

1 that readily?

2 MS. VEST: Uh-huh.

3 MR. OGBORN: Thank you.

4 MS. HIXSON: Thank you, sir.

5 Who is our next? Is this Eric Caviness?

6 MS. VEST: Okay. Now, he is under

7 Exhibit A. We are going to switch hats now, we're

8 going to go and review applications based on the

9 criminal history.

10 Just give them a moment, sir, to look

11 everything over.

12 (Brief pause.)

13 MS. HIXSON: You are applying for a

14 qualifying agent license; is that correct?

15 MR. CAVINESS: Yes, ma'am.

16 MS. HIXSON: And what is the issue?

17 MS. VEST: I can probably -- let me -- I

18 can do that for you.

19 The issue is the criminal record. In

20 2002 had dismissal for the worthless checks; 2005,

21 guilty of worthless checks; 2006, guilty of

22 violation of probation -- and he's going to explain

23 all this -- 2009, convicted of probation violation,

24 has revoked license, some child support, looked like

25 some of that might have been at the time in 2011,

1 revoked; 2012 to '13, looks like he's driving; 2014,

2 he was guilty of possession 6 -- Schedule 6,

3 paraphernalia, contempt of court, child support, and

4 couple other things, '15 and '16.

5 You do have on there -- he did send in

6 with the packet, the information, and what we forgot

7 to do was redact social, which he lists everything,

8 so -- do you still have that list with you so you

9 can go over it?

10 MR. CAVINESS: No, ma'am, I don't.

11 MS. VEST: Use that then.

12 And if you will notice, he is making

13 application, he made it online, for a qualifying

14 agent license.

15 Sir, that's not your company, is it?

16 MR. CAVINESS: No, ma'am.

17 (Brief pause.)

18 MR. ROBERTS: Cody, is there more

19 information in the records than what we have before

20 us? We only have -- looks like a handful of

21 documents, like nine, and you had indicate you --

22 in --

23 MS. VEST: Yes, what I indicated was

24 what was on the actual FBI report. That's not all

25 the documents that you have, no, sir.

1 MR. ROBERTS: Okay. So we only have

2 part of the information then?

3 MS. VEST: So he can probably fill you

4 -- Mr. Og- -- I'm sorry, Mr. Caviness, can fill you

5 in on the --

6 MR. CAVINESS: There are some charges

7 that are missing. I provided the court documents

8 that I was given from Shelby County and Tipton

9 County.

10 You said there was a failure to appear,

11 along with a driving and a Schedule 6, because I had

12 missed court, but then they dismissed it. I've got

13 all that here up until -- right here. And I've got

14 a really good explanation.

15 So you want me to talk about that, or do

16 you want to go back to Schedule 6?

17 MS. VEST: Why don't you start up here

18 and work your way down.

19 MR. CAVINESS: Okay. 6/18/2002 is

20 worthless checks. That was actually my ex-wife's

21 account, it was a joint account, and the judge said

22 I didn't write the check and dismissed it without

23 cost to me. I mean, I had some money problems and I

24 have paid all my fines, I don't owe anybody

25 anything, I'm not on probation for anything.

1 I got another worthless check in 2006

2 for violation of probation. I had -- was without a

3 job, couldn't pay, so they --

4 MS. VEST: Push your speaker button.

5 You're going to have to hold it down.

6 MR. CAVINESS: Okay. There it goes.

7 MR. ROBERTS: Remember this equipment

8 was purchased on low bid.

9 MS. VEST: You didn't bid for that, Ken,

10 did you?

11 Go ahead, sir.

12 MR. CAVINESS: In 2009, we had a

13 worthless check, violation of probation, 120-day

14 revocation. All of it was suspended with a \$500

15 fine and cost. I paid all that.

16 2010, there was a driving on suspended.

17 I got behind in child support, \$500 fine, they take

18 your license. Paid a hundred dollar fine and cost.

19 And then 2011, it was another child

20 support revocation, \$600 cash bond that was paid.

21 They released my driver's license. I got another

22 violation of probation in 2011 for failure to make

23 payment. They give me ten days, \$350 fine and cost.

24 And then a failure to appear, I had missed court. I

25 was actually in another court testifying for a

1 district attorney, and they gave them notice, but
 2 they had already issued the warrant by the time the
 3 district attorney gave them notice that I was there
 4 testifying on behalf of the state. They dismissed
 5 that, no cost.
 6 2012, driving on suspended, was
 7 suspended for child support, reduced to driving with
 8 no license. I got my license back before I came to
 9 court.
 10 Tipton County General Sessions, driving
 11 on suspended, worthless check. I had an old check
 12 that was like from 2002, and they didn't pick me up
 13 on it till 2013, and it was an arrestable warrant
 14 that they -- the laws had changed, but since it was
 15 an old warrant, they had to take me to jail, plus I
 16 was driving on suspended license. It was dismissed
 17 with cost and worthless check was paid in full
 18 before I was released from jail.
 19 Then we've got driving on revoked
 20 license, possession of Schedule 6 drug
 21 paraphernalia, possession of Schedule 6, and there
 22 was a speeding with that also. I did one year
 23 supervised probation and drug testing. In the
 24 paperwork, in the warrant, it gives a little
 25 explanation about the Schedule 6. I had a car

1 wreck, messed my back up several years ago. Since
 2 then, I've had back surgery. I had back surgery
 3 last year. My back is a lot better. Had a
 4 laminectomy. I did a year of probation, paid \$350
 5 worth of fine and court cost. The driving, I pled
 6 guilty to it because the child support had my
 7 license held up. I worked with my attorney and got
 8 my license back.
 9 Juvenile court. It was -- they had an
 10 old warrant for child support. I paid that. They
 11 let me go. It was a thousand dollar bond.
 12 2/8/15, speeding. I remember that,
 13 yeah, but I didn't go to jail.
 14 6/22/16, domestic assault. My daughter
 15 was caught in the bedroom with her boyfriend that
 16 she was forbidden to see at 4 o'clock in the
 17 morning. Y'all can kind of fill in the gray area.
 18 I got mad, me and the boy had some words we
 19 exchanged some licks. I don't know who called the
 20 cops. My wife was kind of standing up -- my
 21 daughter was standing up for, you know, "You
 22 shouldn't be this upset about it." But if you are
 23 sleeping with my 15-year-old daughter and you are 18
 24 years old, I've got a problem. So, you know, I was
 25 Daddy Bear. He left and I left after him. My wife

1 stopped me. She -- it was raining. She slipped on
 2 the front porch. This was like four o'clock in the
 3 morning. And I reached down to pick her up and then
 4 the police pulled up and they just locked me up. So
 5 they did dismiss it because I did have cameras at
 6 the house and I took the video frontage with my
 7 attorney. So, you know, I didn't hit anybody
 8 besides him. I will admit to that, but he wasn't my
 9 family.
 10 I was wrong for that, but, you know, I'm
 11 sure Mr. Roberts and Mr. Harvey have seen good
 12 technicians come in that have made mistakes and are
 13 just trying to make it better, and these past few
 14 years have been a lot better except for this
 15 domestic and I got a little heated, you know, but I
 16 don't know what another man would do in my shoes.
 17 MS. VEST: That one was dismissed?
 18 MR. CAVINESS: It was dismissed.
 19 MS. HIXSON: Against the wife or against
 20 the juvenile?
 21 MR. CAVINESS: They didn't -- they
 22 charged me with domestic, they didn't charge me with
 23 him. So they assumed --
 24 MS. HIXSON: Because you said you were
 25 sentenced, that was the reason I was asking.

1 MR. CAVINESS: No. It was just
 2 dismissed. But they put the domestic on me because
 3 my wife -- they said I pushed my wife down, but I
 4 didn't.
 5 MS. HIXSON: It says "9/19 of 2016,
 6 domestic violence, bodily harm, sentenced." The
 7 other one was dismissed, lack of prosecution.
 8 MR. CAVINESS: That's the same one.
 9 MS. HIXSON: The first one was not
 10 guilty, but it does show -- look on your record, it
 11 does show you were sentenced.
 12 MR. CAVINESS: I don't have that with
 13 me.
 14 MS. VEST: No, you don't have that.
 15 MR. CAVINESS: But it was dismissed --
 16 actually, it was an expungement that was signed by
 17 the judge my attorney had drawn up to have it
 18 expunged. It just hadn't went through yet. If I
 19 paid about \$250, I'm sure he would do that, but the
 20 case was dismissed. We went to court three times on
 21 it because they wanted me to plead guilty, but I
 22 didn't do it. So I told them, "Well, I'll come back
 23 with video footage at the preliminary hearing." So
 24 when we had the preliminary hearing, then they --
 25 the state dismissed it.

1 MR. ROBERTS: How is it you pronounce
 2 your last name?
 3 MR. CAVINESS: Caviness.
 4 MR. ROBERTS: Caviness, okay. I think
 5 you're part of an attorney's retirement plans.
 6 MR. CAVINESS: Well, I try not to be. I
 7 try not to be and I try to be more responsible, and,
 8 you know, I have made some mistakes in my life, I
 9 have, and --
 10 MS. VEST: I'll take that back. It's
 11 our record.
 12 MR. CAVINESS: Okay. Do you need this
 13 too? And that one.
 14 MR. ROBERTS: So you are saying the last
 15 charges -- let me make sure I understand. It's kind
 16 of a lengthy list here that we've gone through the
 17 longer list, but maybe we should see the dirty
 18 laundry list. And I'm not sure I understand it all,
 19 and certainly not to sequence.
 20 The latest charges basically were kind
 21 of like domestic assault and related to that that
 22 you indicated were dismissed --
 23 MR. CAVINESS: Uh-huh.
 24 MR. ROBERTS: -- or expunged or --
 25 MR. CAVINESS: Uh-huh. That were --

1 they were dismissed. There's an expungement order,
 2 but I have to pay my attorney \$250 to get it
 3 expunged. Because I asked a judge about --
 4 MR. ROBERTS: If they are dismissed, do
 5 they have to be expunged?
 6 MR. CAVINESS: They don't have to be. I
 7 asked the clerk when I went down there to get the
 8 paperwork, because that's where I got the paperwork
 9 that you all have now.
 10 MS. VEST: But to come off his record so
 11 it won't show, it has to be expunged.
 12 MR. ROBERTS: Okay.
 13 MS. VEST: That's what he's attempting
 14 to do is clean it up.
 15 MR. ROBERTS: So it can be dismissed,
 16 but not expunged; it could be expunged and then even
 17 the dismissal wouldn't show up?
 18 MS. VEST: Right.
 19 MR. ROBERTS: Do we have any record of
 20 that? Does that?
 21 MS. VEST: No. He said --
 22 MR. CAVINESS: I gave her the print-off
 23 that came from Shelby County.
 24 MS. VEST: It doesn't have a signed
 25 judge order.

1 MR. CAVINESS: Yeah, they said you can
 2 pull it up online.
 3 MS. VEST: Right, but he hasn't signed
 4 it.
 5 MR. CAVINESS: He didn't sign the
 6 expungement order because I hadn't paid the
 7 attorney the --
 8 MS. VEST: He has to pay money to get it
 9 expunged.
 10 MR. ROBERTS: I understand. If I
 11 recall, it's not a small amount.
 12 MR. CAVINESS: Right. It's 250.
 13 MR. ROBERTS: So it would appear to me
 14 that we are lacking some of the necessary records
 15 for us to really go much further on this. For that
 16 reason, Madam Chairman, I would make a motion that
 17 we do not grant this registration at this point and
 18 allow him to come back before us if he chooses to do
 19 so after we have received the final documentation.
 20 MS. VEST: Okay. I have a little
 21 problem here, Mr. Roberts. We are telling this
 22 gentleman here that he's got to come up with the
 23 money, to get it expunged and then bring it back to
 24 us is what we're saying?
 25 MR. ROBERTS: Only if he wants to get

1 registered.
 2 MS. VEST: Okay. I just wanted to make
 3 sure we understood what he wanted me to do --
 4 MR. CAVINESS: But, I mean, a dismissal
 5 means I was found --
 6 MR. ROBERTS: I understand, but --
 7 MS. HIXSON: But there's also one in
 8 here that says you were sentenced, but you're saying
 9 you weren't.
 10 MR. ROBERTS: We don't have a record of
 11 his dismissals.
 12 MS. HIXSON: We have a discrepancy
 13 between what you're saying -- here, come here and
 14 look at this so you'll know exactly what I'm talking
 15 about. See this domestic, not guilty; domestic,
 16 dismissed; domestic, sentenced.
 17 MR. CAVINESS: But if you look on --
 18 MS. HIXSON: I've looked. There's
 19 nothing in here. The last thing it shows on that is
 20 you were sentenced.
 21 MR. CAVINESS: Okay.
 22 MS. HIXSON: So, I mean, based on the
 23 documents you've provided, it's working against you.
 24 MR. CAVINESS: I provided what was given
 25 to me by Shelby County.

1 MS. VEST: Okay. This is probably what
2 we are talking about. We are talking about the
3 domestic assault here that says "not guilty." The
4 second one says "dismissed of lack of prosecution,"
5 and the third one says "sentenced."

6 MR. CAVINESS: But it was only one
7 charge.

8 MS. VEST: Okay. That's what they want,
9 that's what they're talking about. We need proof
10 that it's only one charge and has been dismissed.

11 MS. HIXSON: But if he assaulted the
12 wife, that's a dismissal, but he assaulted a
13 juvenile --

14 MR. CAVINESS: They didn't charge me
15 with that because he wasn't even there. And he
16 wasn't a juvenile, he was --

17 MS. HIXSON: So you weren't charged with
18 assaulting -- no, not the juvenile, but the
19 18-year-old?

20 MR. CAVINESS: Yes, ma'am. The only
21 thing I was charged -- because that's all the
22 officer said they seen was me on the steps with my
23 wife. But she fell. I was getting her up. And, I
24 mean, I went and did my 12 hours and, you know, I
25 bonded out and I explained that to the judge. I

1 there is three charges. You're telling us only one
2 has been dismissed. But that's not what that piece
3 of paper is saying. So we need the document -- I
4 think what they're saying, they need the document
5 that says it is.

6 MR. CAVINESS: Okay. So, then, I'll
7 have to file for another qualifying agent
8 application and pay another \$200; is that correct?

9 MR. COCKROFT: I don't think that's
10 what --

11 MR. CAVINESS: Well, that case is closed
12 now.

13 MS. VEST: That's what I was going to
14 ask the board. If we are asking him to go back and
15 get some more documents, if he comes back within a
16 certain period of time, we can still use the same
17 application.

18 MR. CAVINESS: Do I have to wait for
19 another board meeting?

20 MR. COCKROFT: Are you currently a
21 registered employee?

22 MR. CAVINESS: I filed a registered
23 employee application. The company I work for is
24 based out of Baton Rouge, Louisiana. They're
25 licensed in Louisiana, Mississippi, Texas, and

1 even brought video footage from my house to prove
2 that I didn't push her. And I was, you know, under
3 the assumption that if it was dismissed, I know it
4 was dismissed, you know, there wouldn't be an issue.
5 I know it would show up on my record, you know, but
6 y'all are the only ones that I've got to prove to.

7 MS. HIXSON: But you have to understand
8 the documents you've presented say one thing and you
9 say another.

10 MS. VEST: Okay. When you go back to
11 the court, what they are saying is you get an
12 expungement, it must show all three of these.

13 MR. CAVINESS: But there's not three
14 charges. They got one docket number.

15 MS. HIXSON: But you got three
16 dispositions.

17 MS. VEST: Yes, that's what we're
18 saying. Yes, sir. It -- what's happened is it
19 appears like --

20 MR. CAVINESS: Right here it breaks it
21 down over here.

22 MS. VEST: That's what they're saying.
23 Why don't you take this with you. That way, you
24 will know when you go back what we need here.
25 Because the way -- the way it is showing right now,

1 they've got a company application here in Tennessee.
2 They're a qualifying agent in Louisiana, but would
3 come up here and take the test and everything in
4 order to be qualified in Tennessee. I met the
5 experience/education requirements. I took the
6 qualifying agent test application. All this
7 criminal information, except for this domestic,
8 y'all have seen before in the past and y'all have
9 approved it for a registered employee, but then when
10 I come up for a qualifying agent, the same
11 information that we've already been in front of the
12 board is brought up again, and, you know, I
13 understand --

14 MR. COCKROFT: It is a little -- we look
15 a little harder into a qualifying agent. You're
16 responsible for the whole company.

17 MS. THOMAS: If I can -- I just want to
18 say that our other attorney, Lindsey, has gone
19 upstairs to try to pull up the Shelby County records
20 to see if we can get some clarity on that as well.

21 MS. HIXSON: Okay. I don't know how
22 long it will take Lindsey to do this, so if you want
23 to move to the next case and just wait until we get
24 some furtherance on this --

25 MR. CAVINESS: Okay. Can I step out and

1 call my attorney and see if he can -- because I
 2 would really like to resolve this and not have to
 3 wait till another board meeting if I can.
 4 Okay. I'll be right back.
 5 MS. VEST: Do you need to take any paper
 6 with you? You know what we're --
 7 MR. CAVINESS: This one here. Thank
 8 you.
 9 MS. VEST: So we're going to table that
 10 one for right now and move on to the next one?
 11 Okay. It would be Exhibit B6.
 12 MS. HIXSON: Mr. Gilley? Is Mr. Gilley
 13 here?
 14 MS. VEST: Mr. Gilley has already signed
 15 in. We asked everybody to sign in. It is Exhibit
 16 B, Matthew Gilley.
 17 MS. HIXSON: The things are all jumbled
 18 up on our iPads.
 19 MS. JONES: I don't know. Mine is not
 20 B.
 21 MR. ROBERTS: Is there a number on this
 22 one?
 23 MS. VEST: Yes, it should be Exhibit B.
 24 MR. ROBERTS: It's got File Number
 25 375 -- I have an Appearance B and a Criminal History

1 B.
 2 MS. VEST: He's a criminal history. We
 3 are past -- and he is registered in Florida, 37580.
 4 MR. ROBERTS: Okay. Number 11.
 5 MS. VEST: You do have your --
 6 MR. ROBERTS: I love these paperless
 7 systems.
 8 MR. GILLEY: Everything I turned in, I
 9 have a copy of.
 10 MS. VEST: Okay.
 11 (Off-the-record discussion.)
 12 MR. ROBERTS: I love this paperless
 13 system. This is so exciting.
 14 MS. VEST: We appreciate your
 15 understanding that, Mr. Roberts. Thank you.
 16 MR. ROBERTS: Ignorance is curable.
 17 MS. HIXSON: Mr. Gilley, you are
 18 applying to be a qualifying agent for a company,
 19 correct?
 20 MS. VEST: No, he's a registered
 21 employee.
 22 MS. HIXSON: I'm sorry, registered
 23 employee.
 24 MS. VEST: And he is here due to, I
 25 believe, a charge on 9/20 of '16 of simple assault?

1 MR. GILLEY: Yes, ma'am.
 2 MS. VEST: Domestic -- it was domestic
 3 assault reduced down to simple assault?
 4 MR. GILLEY: Yes, ma'am.
 5 MS. VEST: You do have his written
 6 explanation in here.
 7 MR. HARVEY: Let's get right into it,
 8 let's hear the explanation.
 9 MS. VEST: Mr. Gilley, would you push
 10 your button so you can speak?
 11 MR. GILLEY: Okay. 9/20/16, I was
 12 charged with domestic assault. Me and my girlfriend
 13 were drunk at a party one night, got in an argument.
 14 She started hitting me. I kind of tried to defend
 15 myself, ended up hitting her back. Police were
 16 called. I ended up being taken to jail and they
 17 charged me with domestic assault. In court, they
 18 amended it down to simple assault. Since then, I
 19 have completed my ten-week course of anger
 20 management and my probation, I paid all my fines,
 21 completed my probation.
 22 MS. HIXSON: You are through with your
 23 probation?
 24 MR. GILLEY: Yes, ma'am.
 25 MS. HIXSON: When did you complete it?

1 MR. GILLEY: On 9/19 of this year.
 2 MS. VEST: You have a copy of the
 3 general sessions court of Marshall County that talks
 4 about that, amended it to a simple assault and had
 5 to go to an eight-week course, and that's what you
 6 told me you just completed this year?
 7 MR. GILLEY: Yes, ma'am. And I have my
 8 certification for it.
 9 MS. HIXSON: Is that your only arrest?
 10 MR. GILLEY: Yes, ma'am.
 11 MR. ROBERTS: Madam Chair, I make a
 12 motion we grant this registration.
 13 MS. JONES: Second.
 14 MS. HIXSON: We have a motion by Mr.
 15 Roberts, second by Ms. Jones to grant Mr. Gilley's
 16 employee registration application. All in favor,
 17 voice by saying aye.
 18 THE BOARD: Aye.
 19 MS. HIXSON: All opposed?
 20 Thank you, sir.
 21 MR. GILLEY: Thank you very much.
 22 MS. VEST: All right. Mr. Gilley, that
 23 was simple there. You will be hearing from us on
 24 the rest of the application process.
 25 MR. GILLEY: Yes, ma'am. Thank you.

1 MS. VEST: Thank you for coming in
2 today.
3 MR. GILLEY: No problem.
4 MS. VEST: I believe we can move right
5 on to appearance for Exhibit C is Dewayne Lyles.
6 Did you bring your court document, sir?
7 MR. LYLES: Yes, ma'am.
8 MS. VEST: I don't have them. Can I see
9 those? I don't have them. Do you have another
10 copy?
11 MR. LYLES: Yes, ma'am.
12 MS. VEST: Okay. Hold just -- if you
13 would just a moment, we are going to make copies.
14 That's okay.
15 MR. LYLES: Here's the dismissed paper.
16 MS. VEST: We are going to make copies
17 of these. Just a moment. Do you have some
18 documents up there with you to look at?
19 MR. LYLES: It was over ten years ago.
20 MS. VEST: I show it was a February 6 of
21 1999 possession of marijuana, terrorist threat and
22 brandishing a firearm and probation was revoked at
23 that time.
24 MS. HIXSON: Are we going to get a
25 copy of what you're reading?

1 MS. VEST: Yes, that's what she's doing.
2 I'm just going over this with you.
3 MR. ROBERTS: It's probation from a
4 previous offense?
5 MS. VEST: That's what it looks like to
6 me, yes, sir. And then --
7 MR. ROBERTS: It would be hard to
8 violate probation if there hadn't been some charges
9 before that.
10 MS. VEST: And on February 17 of 2000,
11 looks like burglary was dismissed, but found guilty
12 of receiving stolen property, guilty of vehicular
13 theft and you got 16 months?
14 MR. LYLES: Yes, ma'am.
15 MS. VEST: We are making the copies that
16 he brought with him.
17 Make an application to be a registered
18 employee.
19 MR. CARLTON: He's a technician.
20 MS. HIXSON: Alabama?
21 MR. CARLTON: He is licensed in Alabama,
22 but we also do work in Tennessee.
23 MS. HIXSON: Okay.
24 MR. CARLTON: Licensing. He's licensed
25 in several states already.

1 MS. VEST: Sir, why don't you go ahead
2 and introduce yourself, I'm sorry.
3 MR. CARLTON: I'm sorry. I'm Adam
4 Carlton, director of field services for our company.
5 I'm not the QA. The QA, for some reason, was
6 requested to be here, and he did e-mail back and
7 they said that my presence would be sufficient. I'm
8 basically here on Dewayne's behalf.
9 MR. ROBERTS: How long has Dewayne
10 worked for you?
11 MR. CARLTON: Well, Dewayne has worked
12 for me for almost three years now. Dewayne has
13 actually worked for the company for 12 years. I did
14 19 years with another company and a friend of ours
15 --
16 THE COURT REPORTER: Please step up,
17 sir.
18 MS. VEST: You need to step up to the
19 mic, please.
20 MR. CARLTON: A friend of ours actually
21 told me about a new position, so it was obviously a
22 career move for me. I took the position. But I
23 have known Dewayne for about ten years personally
24 through our other friend.
25 MR. ROBERTS: Let me ask you a question

1 then. Why should we grant his registration?
2 MR. CARLTON: Well, one is it's been
3 over ten years ago. He was young. People make
4 mistakes. I made mistakes myself and look where I
5 am. He's worked hard for this company for ten
6 years. Some 160 employees out in the field. I
7 consider Dewayne one of the top ten with the
8 company. He gets the job done. He can figure
9 things out where other technicians can't. He's one
10 of our traveling technicians, project technicians,
11 that I depend on in other states. We do have local
12 techs, but when we have projects going on, I depend
13 on Dewayne to be able to go to other states to take
14 care of the projects. So we do have a project in
15 Tennessee coming up. That's why we want to get him
16 licensed in Tennessee.
17 MR. ROBERTS: Dewayne, let me ask you
18 the same question. Why should we grant your
19 registration?
20 MR. LYLES: Because I was young, I made
21 a mistake, I made a lot of mistakes in my past, and
22 I just don't want those mistakes to hold me back
23 from my career. I'm trying to move on with my life,
24 I'm trying to do better with my life. I don't think
25 what I did in the past was right, it was not right.

1 I just want to be -- move on.
 2 MS. HIXSON: Tell us a little bit about
 3 what you did do since we don't have --
 4 MR. LYLES: Okay. She's printing it out
 5 for you. But I was young, I was married. I was in
 6 the military --
 7 MS. HIXSON: How old were you?
 8 MR. LYLES: I was 20, 21, 22. I was in
 9 the military, I got out, got with the wrong crowd.
 10 Money, I went -- I thought when I got out -- you
 11 know, I was in the military, I got out, I thought it
 12 was going to be easy. It wasn't as easy as I
 13 thought, so I got with the wrong crowd. Really I
 14 joined a gang, just started doing what they're
 15 doing, hanging what they're doing, started doing
 16 drugs, hanging out, not working. And one night we
 17 got drunk, we got intoxicated, high. We decided to
 18 do some things and we all got caught. I had a
 19 public defender that wasn't -- that didn't do me
 20 right.
 21 MS. HIXSON: Go back. We decided to do
 22 some things and we got caught. What did we decide
 23 to do?
 24 MR. LYLES: Yeah. We stole a car.
 25 MS. HIXSON: Okay.

1 MR. LYLES: We stole a car and we broke
 2 in a house, stole a car, and some of the things that
 3 we stole, I kept, not knowing any better, because I
 4 had never done anything like this before. I kept
 5 some of the things. So police, I don't know how
 6 they caught us, tracked us down. Some of the stolen
 7 things were in the house that I was in. They -- it
 8 was there. So that's where the stolen property came
 9 from. And the car, can't say -- that's just what we
 10 did. Everybody got time. I got the lesser of the
 11 time. They had had charges before, so they got more
 12 time. I got out -- I did my time, I got out. I
 13 came back to Alabama to get my life back together,
 14 paid all my fines and I'm here now. And I have been
 15 working for the same company ever since I got back.
 16 MS. HIXSON: What I did I hear about
 17 terroristic threats a while ago?
 18 MR. LYLES: That was when I -- I was --
 19 I'm in my second marriage now. I was married to my
 20 first wife. We had separated. Drinking, she came
 21 over, I pulled a gun. That charge got dismissed.
 22 And I have court documentation to show that was
 23 dismissed.
 24 MS. HIXSON: How long ago was that?
 25 MR. LYLES: '99.

1 MS. HIXSON: Okay.
 2 MR. LYLES: Everything is '99 and 2000.
 3 MS. HIXSON: When was your last arrest?
 4 That's the only thing.
 5 MR. LYLES: 2000. '99 or 2000, one of
 6 them. Nothing prior to that.
 7 MS. VEST: It looks like February of
 8 2000.
 9 MS. HIXSON: And that was --
 10 MR. LYLES: It was all in California.
 11 MS. HIXSON: -- the issue with your
 12 ex-wife?
 13 MR. LYLES: Correct. Everything
 14 happened in California. Ever since I came back to
 15 Alabama, since that, I've been squeaky clean,
 16 straight and narrow.
 17 MS. HIXSON: Okay.
 18 MS. JONES: What kind of car did you
 19 get?
 20 MR. LYLES: Back then, it was a 1964
 21 Impala with hydraulics on it.
 22 MR. ROBERTS: You got a stolen one.
 23 MS. JONES: Got a bouncing --
 24 MR. LYLES: Yes. Yep, that's it.
 25 MR. ROBERTS: Madam Chairman, I make a

1 motion we grant this registration.
 2 MS. JONES: I second.
 3 MS. HIXSON: Have a motion by Mr.
 4 Roberts and second by Ms. Jones to grant -- tell me
 5 your last name, Mr. --
 6 MR. LYLES: Lyles.
 7 MS. HIXSON: -- Lyles' employee
 8 registration. All in favor, voice by saying aye.
 9 THE BOARD: Aye.
 10 MS. HIXSON: All opposed?
 11 Congratulations.
 12 MR. LYLES: Thank you, ma'am. Thank
 13 you, sir.
 14 MS. HIXSON: Thank you for coming.
 15 MS. VEST: You will be hearing from us.
 16 MR. LYLES: Thank you.
 17 MS. VEST: Did you get your document?
 18 MR. LYLES: Yes, ma'am. Thank you very
 19 much again.
 20 MS. HIXSON: Do we have anymore
 21 appearances here?
 22 Lindsey, you're back. Were you able to
 23 clarify anything?
 24 MS. VEST: I've got the documents. Just
 25 give me a moment to pull it back together here.

1 MS. HIXSON: Okay. Do we have anymore
 2 appearances after we go through this gentleman's
 3 once again?
 4 MS. VEST: Not for this type, no, ma'am.
 5 We do have another appearance -- we do have an
 6 appearance, but it's for the agenda. Okay. We want
 7 to go back and address this one again that we had
 8 postponed. Mr. Caviness is how you pronounce the
 9 gentleman's name.
 10 Okay. What I did, I got an affidavit.
 11 That was all that the attorney could find on the
 12 court system. I think where we are at is you're not
 13 to going to approve his application today. If he
 14 can provide me with the court documents that shows
 15 that those charges are all in one or they've all
 16 been expunged or dismissed, I could go ahead and
 17 re-open his other -- his application without him
 18 waiting for December. I do have this affidavit if
 19 you want to read it.
 20 MS. HIXSON: Who is the affidavit from?
 21 MR. ROBERTS: What does it say? I mean,
 22 basically, what's the affidavit say?
 23 MS. SHEPHARD: This is his -- I believe
 24 it's his arrest affidavit from one of the domestic
 25 violence charges.

1 MR. ROBERTS: Okay. So we really don't
 2 have a complete record at this point?
 3 MS. VEST: That's where I'm going to
 4 leave it at, yes.
 5 MR. CAVINESS: What I think I'm going to
 6 plan on doing since it's causing a lot of
 7 confusion -- I understand where you're coming from.
 8 It shows three -- I mean, it looks like three
 9 charges, but it's under one docket number. So I
 10 think what I'll do is I'll just pay the \$250, get it
 11 expunged off my record and I'll send Ms. Vest that
 12 expungement order signed by a judge showing that it
 13 was expunged.
 14 MR. ROBERTS: I think you could do that,
 15 then she could administratively grant your
 16 registration.
 17 MS. JONES: Without having to come back.
 18 MR. ROBERTS: It would solve the
 19 problems and it would mean that it wouldn't take a
 20 lot more waiting and another appearance. That
 21 sounds like the simpler resolution --
 22 MS. HIXSON: Yeah, because the way it
 23 reads, one was dismissed, one was sentenced --
 24 MR. CAVINESS: It looked like I was
 25 sentenced on it, but --

1 MS. HIXSON: But, I mean, like you had
 2 three different charges and you've got three
 3 different dispositions showing, which you say relate
 4 back to one federal charge.
 5 MR. CAVINESS: It was all just one
 6 charge. I pled not guilty and bound over for a
 7 preliminary, and then I went back the second time,
 8 and that's when I showed them the video, and then
 9 that's when they dismissed it, and then they turn
 10 around and -- it shows "sentenced" on here, but, I
 11 mean, it was dismissed.
 12 MS. HIXSON: I think with the proper
 13 documents, there won't be any problem with it.
 14 MR. CAVINESS: Okay.
 15 MS. HIXSON: Thank you for coming
 16 though.
 17 MR. ROBERTS: Let me suggest that in the
 18 future you try -- aside from getting this issue
 19 resolved at this point, that you try and maintain an
 20 attitude and involvement that doesn't involve
 21 attorneys --
 22 MR. CAVINESS: Yeah, I understand. I
 23 try to -- I try to hold myself to a higher standard
 24 now, but --
 25 MS. HIXSON: No speeding, no reckless

1 driving.
 2 MR. CAVINESS: No, ma'am, and I'm
 3 current on my child support. My driver's license
 4 are valid. I had a letter sent up with the
 5 application for that, you know, because I knew that
 6 would be a concern of the board's.
 7 MR. ROBERTS: If you had all the money
 8 you paid attorneys, you would be looking at
 9 retirement.
 10 MR. CAVINESS: Yeah, you know, that and
 11 court costs. That and court costs.
 12 MS. HIXSON: Good luck, and send her the
 13 paperwork that we've asked for and we wish you the
 14 best.
 15 MR. CAVINESS: Thank you. I appreciate
 16 it.
 17 MS. HIXSON: Thank you.
 18 MS. VEST: All right. Thank you.
 19 MS. HIXSON: On the agenda, it shows an
 20 appearance for continuing education --
 21 MS. VEST: That's Howard.
 22 MS. HIXSON: Howard, did you want to
 23 stay for the whole board meeting or do you want me
 24 to try to put you up here now?
 25 MR. KOHNSTAMM: It would be nice if we

1 could do it now.

2 MS. HIXSON: Okay. How about we --

3 MS. VEST: Since he is here and --

4 MR. ROBERTS: Is Howard here to get

5 continuing education, is that --

6 MS. VEST: Let's hope he gets something

7 out of it.

8 All right. Let's move to that one then.

9 Which one is he here now?

10 MS. HIXSON: Number 16 on our iPads.

11 MS. VEST: Howard, why don't you come on

12 up here and tell them what you want.

13 MR. KOHNSTAMM: Visit with you folks,

14 see how things work.

15 I submitted two courses that I would

16 like to get expedite through. One was written by DK

17 Access. It's titled "Advanced Biometric Access

18 Control." The question is actually written by the

19 folks at DK Access. I made a mistake. I presented

20 the course back in August, assuming that it had

21 already been approved by Tennessee. Found out it

22 wasn't. So I need to get it approved so I can go

23 make amends with the guys that attended the class

24 back in August.

25 The other course is something that's

1 new. I've been teaching a four-hour course called

2 "Nuts and Bolts," and I did it with my previous

3 employer. And what I do is I go back in to cover

4 the basic things that most people should be that

5 install cameras are not aware of, the basics of

6 photography, how light lenses work, and then I ease

7 into how to actually work with a particular brand of

8 equipment that we're working with. So rather than

9 being four hours of practical knowledge you can use

10 with anybody's and how to apply it with the company

11 I'm representing at the moment.

12 We are in a situation -- normally I do a

13 four-hour public class, which works out well, but

14 occasionally I'll go do a private class where they

15 don't need all four hours. We might want to do a

16 two-hour class or three-hour class. So I did

17 something kind of unusual, I think, is I'm asking

18 for approval for a four-hour class, but also the

19 three or two-hour following the same basic outline,

20 but modifying it for the audience I'm teaching to.

21 So it might be needed, I don't know how it would be

22 set up for three different course numbers --

23 MS. VEST: Howard, push your button.

24 MR. KOHNSTAMM: Okay. Possibly three

25 different course numbers for accounting purposes,

1 whatever we do. But I thought I'd come down and

2 just -- in case there's any questions about what

3 we're trying to accomplish and if I could answer

4 them in person rather than via e-mail.

5 MS. HIXSON: So you want to break these

6 portions down into individual number of hours, you

7 are not wanting to say if I teach a public course,

8 it would get four hours, but if I teach a private,

9 it would get two hours, you are wanting it to say --

10 you're not wanting it to be the private two-hour

11 will get four-hour credit, is that what you're

12 saying?

13 MR. KOHNSTAMM: Correct.

14 MS. HIXSON: You are wanting it based on

15 two, four, six --

16 MR. KOHNSTAMM: I want to give credit

17 for the amount of time somebody spends in class.

18 MS. HIXSON: Good to go.

19 MR. KOHNSTAMM: I -- being a QA, I have

20 to sit through classes as well. Some of them are

21 well worth the time, many of them are not. And if I

22 teach a class, I want to make sure it's a good

23 investment, it's just not sitting there getting a

24 rear end in a seat, get credit. So I want to be

25 able to amend it or tailor it to each course, each

1 class situation and what they need. So if they are

2 there for two hours, they get two hours of credit;

3 if they are there for three hours, get three hours'

4 credit; four hours, get four hours' worth of credit.

5 But following the same basic outline, just being

6 tailored to that particular audience.

7 MS. VEST: And when I talk about if you

8 -- I feel like I would have to put that on there

9 three times, credit for two hours if you took that

10 course, and then credit for three hours you took the

11 course, or credit for four hours --

12 MR. ROBERTS: All of them are continuing

13 education.

14 MS. VEST: Right, but they'd all be

15 under -- and then the certificate would say the

16 actual number of hours.

17 MR. KOHNSTAMM: Three different

18 certificates.

19 MR. ROBERTS: Makes sense to me.

20 MS. HIXSON: I agree.

21 MR. ROBERTS: Can we -- now, there was

22 another course that needed to be approved as well?

23 MR. KOHNSTAMM: Right. That's -- that

24 was approved by ESA as a three-hour course. After

25 having taught it a couple of times, it's only two

1 hours' worth of materials, so I'm asking for two
 2 hours' worth of credit on the access control course.
 3 MR. ROBERTS: I make a motion we approve
 4 the continuing education courses that Howard has
 5 just outlined to us. And, Cody, I would assume that
 6 you can handle the necessary paperwork, get them set
 7 up with the different numbers and such?
 8 MS. VEST: Yes.
 9 MR. ROBERTS: Okay. So I would make a
 10 motion we approve the courses.
 11 MS. JONES: I second.
 12 MS. HIXSON: We have a motion by Mr.
 13 Roberts, a second with Ms. Jones to approve the
 14 hours based on the audience as presented by Howard.
 15 All in favor, voice by saying aye.
 16 THE BOARD: Aye.
 17 MS. HIXSON: All opposed?
 18 Thank you for coming.
 19 MR. KOHNSTAMM: Thank you very much.
 20 Appreciate it.
 21 MS. VEST: I hated you had to sit
 22 through the whole thing for that.
 23 MR. KOHNSTAMM: It was entertaining.
 24 MR. ROBERTS: I believe that's the first
 25 time I've heard that reference used in one of our

1 meetings.
 2 MS. HIXSON: Okay.
 3 MS. VEST: Let me put this back together
 4 because I won't remember what I've got.
 5 Madam Chair, I believe we might be ready
 6 for my portion now.
 7 MS. HIXSON: The monthly reports?
 8 MS. VEST: If that's all right.
 9 We had the monthly report -- hopefully
 10 you've already received it -- for August and for
 11 September. The really only news there is the same
 12 as it has been. We still have two open positions
 13 that have not been filled by the Governor's Office.
 14 And we certainly do appreciate you staying with us.
 15 I have not heard anything from the Governor's Office
 16 on new appointments or you haven't received your
 17 letters that will say thank you for your service.
 18 That's all I really had on that monthly report.
 19 I don't know if we -- I just got the --
 20 your total budget this year. If you looked at it,
 21 it says fiscal year balance is \$306,131. That's
 22 pretty close to what we ended up in the fiscal year
 23 of '14-'15. So we are staying pretty even as we go
 24 along in here. I don't see any reason to even
 25 discuss fees reduction or increases. Everything

1 looks fine.
 2 As you know, I tell you every year we
 3 start July 1st with a zero balance and then we must
 4 end in a positive, and you have done that for every
 5 year. I think this looks good. That's all I had on
 6 that.
 7 What's the next thing on the agenda?
 8 It's in here somewhere. Okay. I don't have any
 9 legislative update. Applications reviews, requests
 10 for an extension, criminal history reviews, we are
 11 going to go right down and go ahead into those
 12 unless you want to take a break or whatever you
 13 wanted to do there.
 14 MS. HIXSON: What do y'all want to do,
 15 you want to work on?
 16 MR. COCKROFT: That's fine, we'll keep
 17 going.
 18 MS. HIXSON: So we want to work on for a
 19 while?
 20 MR. ROBERTS: Yeah. Twenty, 30 minutes
 21 anyway.
 22 MS. VEST: All right. If you look under
 23 the criminal history review, we will go to Exhibit
 24 **A. I don't know how to pronounce that, A-Y-T-E-S,**
 25 **Jonathan Aytes.**

1 MS. HIXSON: Aytes.
 2 MS. VEST: Okay. A-Y-T-E-S is what I've
 3 got.
 4 I show they had the dismissal of failure
 5 to appear in '11, a criminal impersonation and
 6 forgery 7/28 of '11, found guilty and still on
 7 probation until all his fines are paid. He is
 8 making application to be a registered employee. The
 9 reason I did not approve it or look at it too
 10 closely is because of still on probation.
 11 MS. HIXSON: When does his probation
 12 expire?
 13 MS. VEST: I'll have to look for that,
 14 see if it tells me that. It does say until all his
 15 fines are paid, so I don't have a specific date.
 16 The criminal impersonation, he was convicted in
 17 11 -- on 11/7 of 2011. He does have a written
 18 explanation in there for you.
 19 MR. ROBERTS: Madam Chairman, I make a
 20 motion we grant this registration.
 21 MR. HARVEY: I'll second.
 22 MS. HIXSON: He's on probation.
 23 MS. VEST: He's on probation for
 24 forgery.
 25 MR. ROBERTS: Probation is for forgery?

1 MS. VEST: Yes.
 2 MR. ROBERTS: And it's four years ago?
 3 MS. VEST: Yes.
 4 MS. THOMAS: He is still paying his
 5 fines.
 6 MS. VEST: Yeah, he's still paying his
 7 fines, so it's not completed.
 8 MS. JONES: His letter said he would
 9 notify us when the fines were paid.
 10 MS. VEST: That's what it says.
 11 MS. HIXSON: We have a motion by Mr.
 12 Roberts, a second by Mr. Harvey to grant this
 13 employee registration application. All in favor,
 14 voice by saying aye.
 15 THE BOARD: Aye.
 16 MS. HIXSON: All opposed?
 17 MS. JONES: Opposed.
 18 MR. COCKROFT: Opposed.
 19 MS. HIXSON: The no's have it.
 20 MS. VEST: I'm sorry, could you tell me
 21 who made the motion?
 22 MR. ROBERTS: I made the motion.
 23 MS. HIXSON: Mr. Roberts made the
 24 motion, Mr. Harvey seconded. They voted yes. The
 25 three of us voted no. So the motion didn't pass.

1 MR. ROBERTS: Motion fails.
 2 MS. VEST: All right.
 3 MS. HIXSON: Next is --
 4 MR. ROBERTS: Do we need a motion -- do
 5 we need to deny --
 6 MS. VEST: Yeah.
 7 MS. HIXSON: Okay. We need a motion to
 8 deny the --
 9 MR. COCKROFT: I make a motion to deny
 10 the application.
 11 MS. HIXSON: We have a motion by Mr.
 12 Cockroft and a second --
 13 MS. JONES: Second until he is off
 14 probation and his fines are paid.
 15 MS. HIXSON: -- by Ms. Jones. All in
 16 favor, voice by saying aye.
 17 THE BOARD: Aye.
 18 MS. HIXSON: All opposed?
 19 MR. ROBERTS: Did you hear me?
 20 MS. VEST: No, we did not.
 21 MR. ROBERTS: Well, I guess I didn't
 22 vote then.
 23 MS. VEST: You did not.
 24 MS. THOMAS: Are you going to abstain or
 25 are you going to vote?

1 MR. ROBERTS: I'll abstain.
 2 MS. VEST: Let the record show that the
 3 application has been denied and Mr. Roberts has
 4 abstained.
 5 MS. HIXSON: I didn't hear you -- all
 6 right. So we are clear on that. Nay, abstain and
 7 three yeases.
 8 MS. VEST: All right. Thank you. We
 9 will go right on to the next one with your Exhibit
 10 B. This is Anthony Belfour, B-E-L-F-O-U-R. That's
 11 the way I pronounce that. This is for a registered
 12 employee also, and I show a 12/15/2016 aggravated
 13 assault on a law enforcement, guilty and resisting
 14 arrest.
 15 MR. ROBERTS: I understand that this
 16 is a -- he was found guilty of disorderly conduct?
 17 MS. VEST: Yes, he was.
 18 MR. ROBERTS: The other charge appears
 19 to have been dismissed.
 20 MS. HIXSON: Is there an explanation for
 21 this?
 22 MS. VEST: Yes -- I mean, not exactly an
 23 explanation. He did include a sheet where he has
 24 the different complaint numbers and the charges
 25 there, like the instruction of administration,

1 resisting arrest, disorderly conduct, speeding,
 2 unsafe operation.
 3 MR. COCKROFT: I don't see all of that.
 4 MR. ROBERTS: We don't see all of that.
 5 MR. COCKROFT: I see one thing that's
 6 guilty on disorderly conduct.
 7 MS. VEST: Okay. You do -- do you see
 8 his letter of explanation?
 9 MS. JONES: No.
 10 MS. HIXSON: We don't have the letter.
 11 MS. VEST: Okay. I do apologize.
 12 Apparently I -- my sticky note got moved over. I'll
 13 read it to you: "After returning home from work on
 14 December 15th of 2016, I was pulled over when I
 15 reached my residence. I began to exit my vehicle
 16 and take out some of my work materials and unwind
 17 while I arrived home. After going inside my premise
 18 to drop off some bags, I was stopped as I was
 19 walking out the front door. One officer asked was I
 20 supposed to remain in my vehicle while the officer
 21 arrived. I have informed the officer that I wasn't
 22 told to remain in the vehicle. The officer replied,
 23 'Now you are getting arrested.' I was then thrown
 24 onto my foyer floor with my mother present with my
 25 hands in front of my stomach. I was then detained

1 and brought to Mansfield Police Department --
 2 station, excuse me. I was released that night with
 3 no charges. Monday evening, I got a call at
 4 9:00 p.m. stating that I had to come in due to an
 5 active warrant put out by the judge stating that the
 6 police officer reported he was injured, which gave
 7 me indictable charge of aggravated assault and I had
 8 to come in and pay 10 percent bail.

9 "Two criminal charges for resisting
 10 arrest and aggravated assault were sent to
 11 Burlington Superior Court. After appearing before
 12 the magistrate, it was reprimanded back to the
 13 Mansfield Municipal Court where Judge Dennis McNeary
 14 dropped those charges and I was later found guilty
 15 of two charges, speeding 40 in a 20, as well as
 16 disorderly conduct in order to pay a fine. Judge
 17 Dennis McNeary ordered me to pay a fine in the
 18 amount of 972, including court costs. Paperwork
 19 forthcoming per Municipal Court. I haven't received
 20 those papers yet."

21 And this was dated July 28th. It was an
 22 e-mail. But I haven't received any paperwork to
 23 that effect.

24 MR. COCKROFT: So did all this happen --
 25 did all of his criminal history was -- this all

1 happened at one time?

2 It was a traffic stop or something, it
 3 looks like speeding. I guess --

4 MS. VEST: The report says, "Offense
 5 date, 12/15/2016, aggravated assault on law
 6 enforcement."

7 MS. THOMAS: And his explanation was
 8 that was reduced, right?

9 MS. VEST: Right. And guilty.

10 Then the next one is local ordinance
 11 violation, dismissed, resisting arrest, eluding,
 12 prevent officers is how it's worded, and it says
 13 "guilty." That's where I got actually he was
 14 actually guilty of it. But now --

15 MS. JONES: There's two different things
 16 on this first page, dismissed and guilty.

17 MR. ROBERTS: Madam Chairman, I make a
 18 motion we grant this registration. It would appear
 19 obvious to me that this is a monitoring center
 20 employee.

21 MS. VEST: Yes, sir, it's monitoring
 22 company when you see the --

23 MR. ROBERTS: So I would make a motion
 24 we grant the registration.

25 MS. HIXSON: We have a motion by Mr.

1 Roberts to grant this employee registration
 2 application. Do we have a second?

3 MS. JONES: I'll second.

4 MS. HIXSON: And a second by Ms. Jones.
 5 All in favor, voice by saying aye.

6 THE BOARD: Aye.

7 MS. HIXSON: All opposed?

8 The motion carries.

9 MS. VEST: Okay. Is that helpful to put
 10 that front sheet on there for you so you can see the
 11 information from the application?

12 MR. ROBERTS: Yes, very much so. That
 13 let's me see that this was a young fellow, 21 years
 14 old, probably been drinking, although there wasn't
 15 any particular indication of that, he had been --
 16 stopped him for speeding and had a discussion
 17 that -- with the police officers that came out
 18 unfavorably in his -- from his perspective. Cost
 19 him a grand.

20 MS. VEST: Okay. If you're ready, we
 21 will go to Exhibit C, David Callahan,
 22 C-A-L-L-A-H-A-N. I show November 15th of '10,
 23 dangerous drugs, conspiracy to possess with intent
 24 to distribute anabolic, got two years' probation.

25 MR. ROBERTS: Say that again.

1 MS. VEST: Anabolic, A-N-A-B-O-L-I-C,
 2 which is steroids.

3 MR. ROBERTS: 2010?

4 MS. VEST: November of '10. You do have
 5 a written -- I hope you do -- a written explanation.
 6 It's not in there either?

7 MS. THOMAS: No.

8 MS. VEST: We have to copy these. These
 9 are -- I just took it that you usually always copy
 10 the explanation.

11 MR. ROBERTS: This is attempt to
 12 distribute?

13 MS. VEST: Yes, sir.

14 MR. ROBERTS: Okay.

15 MS. VEST: All right. "On January 13,
 16 2005, I was arrested in Olive Branch, Mississippi,
 17 because I was selling steroids. I was released
 18 without charges the same day and immediately ceased
 19 all criminal activity. In September 2010, I was
 20 indicted on three counts in federal court as a
 21 result of the original arrest in 2005. When
 22 contacted, I voluntarily appeared at the U.S.
 23 Marshal's office in Oxford, Mississippi. I was
 24 arrested, taken into -- taken before the court and
 25 released on bail. I pled guilty to Count Number 1

1 of my indictment, distribution of steroids. Count 2
2 and 3 were dropped. I was sentenced to two years'
3 probation and \$2,500 in fines. All fines were
4 completely paid and I was released off of probation
5 March of 2014" is his written explanation.

6 MR. COCKROFT: Is this one charge that
7 goes back to 2006?

8 MS. VEST: Yes, sir, it's all one
9 charge.

10 MR. COCKROFT: Okay. Because I was
11 seeing the 2006 date and then --

12 MS. VEST: They picked him up later,
13 according to his explanation.

14 MS. THOMAS: Looked like the state
15 picked him up and transferred to federal.

16 MR. ROBERTS: Madam Chairman, I make a
17 motion that we grant this registration. It would
18 appear to me that this gentleman was in his late 20s
19 some ten years ago when this occurred. Looks like
20 he received a large package of steroids and was
21 going to peddle it off. The letter from his
22 probation officer indicates that his probation was
23 exemplary. So I make a motion we grant his
24 registration.

25 MS. HIXSON: We have a motion by Mr.

1 Roberts to grant Mr. Callahan's employee
2 registration. Do we have a second?

3 MR. HARVEY: I second.

4 MS. HIXSON: And a second by Mr. Harvey.
5 All in favor, voice by saying aye.

6 THE BOARD: Aye.

7 MS. HIXSON: All opposed?

8 The motion carries.

9 MS. VEST: We can go to Exhibit D. I
10 think that's Beth Reneau, R-E-N-E-A-U is the way I
11 spelled that. And apparently there was a
12 miscommunication and all we got copied was the first
13 page of the application. So what this is is
14 5/27/2009, synthetic narcotics, guilty, 57 months
15 supervised release for 36 months. Oxycodine is
16 what it was.

17 Her written explanation is that she's
18 "writing to the board in reference to the criminal
19 conviction that appears on my personal record.
20 Please consider the statement in correlation with
21 all terms items submitted for issuance for
22 professional security licensure as required by my
23 employer, ADT, LLC.

24 "The details surrounding this criminal
25 conviction have been listed below -- listed below

1 for your review. On February 4th of 2010, I was
2 charged with possession with intent to distribute
3 Oxycodine in Knoxville, Tennessee. I was working in
4 a pharmacy in 2008 and I took some pills. A couple
5 of days later, the DEA officers came in and spoke
6 with me. I admitted to taking them, then spoke with
7 me and left. In May of 2009, one of the DEA
8 officers called me and advised me that I turn myself
9 in, and I did. In February 2010 is when I was
10 actually taken into custody.

11 "Upon going before the judge, I pled
12 guilty in 2010. I was sentenced to time and then
13 placed on unsupervised probation for three years.
14 Since that time, I have no other charges entered on
15 my record.

16 "In closing, please feel free to contact
17 me or centers licensing coordinator, Marilee Fibbs,
18 at the listed telephone number with any questions or
19 concerns."

20 That's her written explanation.

21 MS. HIXSON: So what were the 57 months?

22 MS. VEST: Well, it says here "pled
23 guilty to one count of the indictment possession
24 with intent to distribute Oxycodine" --

25 "Oxycodine," excuse me. Date of offense was

1 July 16, 2008, on that.

2 "The court makes the following
3 recommendations to the Bureau of Prisons: That
4 defendant receive 500 hours of abuse treatment from
5 the BOP Institute residential drug abuse treatment
6 program. It's further recommended defendant be
7 designated to serve her sentence at Lexington or
8 Alderson. The defendant is reprimanded to the
9 custody of the United States Marshal. The defendant
10 is hereby committed to the custody of the United
11 States Bureau of Prisons to be imprisoned for a
12 total term of 57 months.

13 "Upon release from imprisonment, the
14 defendant shall be supervised release for a term of
15 three years. Defendant shall not possess a firearm
16 destructive, device or any other dangerous weapon.
17 The defendant shall cooperate in the collection of
18 DNA as directed by the probation officer" were her
19 two requirements.

20 MR. ROBERTS: She's still under
21 probation.

22 MS. JONES: Well, she was convicted in
23 2010. Fifty-seven months is 4.75 years, so 2015 and
24 a half.

25 MR. ROBERTS: She had three years of

1 supervised probation after release.

2 MS. JONES: So 2018 and a half, she'll
3 be done.

4 MS. HIXSON: If she got 5 or 10 percent
5 credit for that 57 months, she's right at her
6 probation -- her supervised release expiration.

7 MS. VEST: That's all the documents that
8 I had.

9 MR. HARVEY: Her explanation said she
10 was through probation, though, didn't it, or did it
11 just say how much probation she had?

12 MR. ROBERTS: Said she was finished in
13 her letter.

14 MR. HARVEY: That's what I thought.

15 MS. THOMAS: Her last sentence says "I
16 was sentenced to time and then placed on
17 unsupervised probation for three years."

18 MS. VEST: But that's not what the --

19 MS. HIXSON: That's not what the
20 documents say. There's not unsupervised probation
21 in federal. It's supervised release instead of
22 parole.

23 MS. THOMAS: Yes, that's what they say.

24 MS. VEST: Sometimes these are not easy
25 to read.

1 MS. THOMAS: I understand. Supervised
2 release, yeah.

3 MS. THOMAS: "Upon release from
4 imprisonment, the defendant shall be on supervised
5 release for a term of three years," and then the
6 conditions as Cody read into the record. But the
7 imprisonment page does say imprisoned for a total
8 term of 57 months.

9 MS. HIXSON: I would suggest she show
10 proof that she's completed her supervised release so
11 that we will know if she is off of it and then go
12 from there, because I think we are talking about a
13 small window with the 5 or 10 percent credit she
14 would get from Bureau of Prisons. So she could
15 easily be right at the end of her supervised release
16 portion.

17 MS. VEST: Okay, then, what do you want
18 to do? Do you want to go ahead and approve it or do
19 you want me to bring it back to you with this
20 information in December?

21 MR. ROBERTS: Madam Chairman, I think we
22 ought to go ahead and approve it. This person
23 apparently is in alarm monitoring or customer
24 support operator position, seems she's applied for.
25 I would guess she was in a pharmaceutical situation,

1 got hooked on drugs, got caught, did the time. Now
2 she is trying to maintain a job situation here with
3 ADT. I think we would be well-served by granting
4 her registration so she can get on with her life.

5 So I make a motion we grant her registration.

6 MS. HIXSON: Even though we don't know
7 if she's completed her supervised release?

8 MR. ROBERTS: I would think that she's
9 close enough. She's in a situation where she's in a
10 monitoring center.

11 MS. JONES: Without any drug testing?

12 MR. ROBERTS: I would think so. If
13 she's been supervised release, she's probably been
14 under a drug testing program. First part of her
15 sentence was served at a rehab facility, isn't it,
16 in Lexington, a rehab facility?

17 MS. THOMAS: That's what it says.

18 MS. HIXSON: No, she got 500 hours of
19 treatment while in the custody in Lexington.

20 MR. ROBERTS: Like I said, I feel safe
21 in granting her registration.

22 MS. HIXSON: Mr. Roberts has made a
23 motion to grant this employee registration. Is
24 there a second?

25 MR. HARVEY: I second.

1 MS. HIXSON: And a second by Mr. Harvey.
2 All in favor, voice by saying aye.

3 THE BOARD: Aye.

4 MS. HIXSON: All opposed?

5 The motion carries.

6 MS. VEST: Thank you. I think the next
7 one is Exhibit E, Matthew Ollis, O-L-L-I-S. What
8 I'm showing is on 10/3/2008, simple possession six,
9 2009, violation of probation for a 2008 simple
10 possession; in 2009, attempt to auto burglary
11 convicted; 2011, theft of property, guilty; 2012,
12 criminal trespassing, convicted. I think you've got
13 quite a few documents there to go through.

14 Okay. Apparently we've neglected to
15 copy his explanation. He's writing to the board
16 about his criminal record. On April 10th of 2002,
17 he was charged with expired insurance and seat belt.
18 He paid the fine, it was dismissed.

19 October 3rd, 2008, he was charged with
20 driving under the influence and violation of consent
21 law. It was also dismissed upon going to court.

22 October 30th of 2008, he was charged
23 with simple possession of Schedule 6 drug in
24 Anderson County. "I was pulled over and the officer
25 asked me if he could search my vehicle. As far as I

1 know, I did not have anything in the car that was
 2 illegal. He did find marijuana under my passenger
 3 seat. I had given a ride to a friend that same day.
 4 Several days later, she informed me that she had
 5 lost some items under my seat. I did have paperwork
 6 for this charge; however, it has disposition date,
 7 but does not say 'guilty' or 'dismissed.' I called
 8 Anderson County General Sessions. They are supposed
 9 to give me papers if they can find them. This was
 10 as of March 9, 2017. I haven't received those at
 11 all.

12 "June 8th of 2009, I was charged with
 13 violation of probation in Anderson County. My
 14 probation was contingent on going in and paying on
 15 my fine. If I missed a payment, this would put me
 16 in violation until I made my account current. I
 17 honestly did not know that some of these -- about
 18 some of these until I went to court, so I did not
 19 know about them until I saw them in the paperwork.

20 "October 19, 2009, I was charged with
 21 simple assault of marijuana, possession of alleged
 22 drug and traffic control device violation in Olive
 23 Springs, Tennessee. I was pulled over, and when my
 24 car was searched, I did have a small amount of
 25 marijuana. Upon going to court, I pled guilty to

1 the marijuana, and the other charges were dismissed.

2 "December 14th, 2009, I was charged with
 3 attempted burglary to an auto and auto burglary in
 4 Anderson County, Tennessee. This was not a good
 5 time for me and I was looking for money to support
 6 my addiction. I was not stealing cars. I was
 7 entering unlocked vehicles to get money. Upon going
 8 to court, I pled guilty.

9 "February 2nd, 2011, I was charged with
 10 simple assault or possession 2 drug and possession
 11 of drug paraphernalia in Anderson County, Tennessee.
 12 I was pulled over and had a prescription for
 13 S-U-B-O-X-O-N-E" -- how do you pronounce that?

14 MS. JONES: Suboxone.

15 MS. VEST: -- "but was only carrying the
 16 pill, not the prescription. I think I might have
 17 had some scales or some item of that nature that was
 18 considered paraphernalia. Upon going to court, I
 19 presented my prescription. That charge was
 20 dismissed, but I was found guilty of the
 21 paraphernalia.

22 "February 5th, 2011, I was charged in
 23 violation of probation, Anderson County. My
 24 probation was contingent on going in and paying my
 25 fines. If I missed a payment, that put me in

1 violation until my account was current.

2 "March 13th, 2011, I was charged with
 3 theft of property in Olive Springs. I had a car
 4 battery that someone thought that was stolen and I
 5 had some scrap metal that I was -- that I sold.
 6 This was dismissed.

7 "On May 26th, 2011, I was charged with
 8 suspended driver's license. This charge was
 9 dismissed.

10 "October 12th of 2011, I was charged
 11 with theft of property in Anderson County. I was
 12 caught with some items at Wal-Mart that I hadn't
 13 paid for, and I was found guilty.

14 "October 24th in 2011, I was charged
 15 with financial responsibility, traffic control
 16 device violation and speeding in Olive Springs. I
 17 was pulled over and I did have insurance, but didn't
 18 have it currently in my vehicle. The other charges
 19 were dismissed upon going to court.

20 "April 22nd, 2012, I was charged with
 21 violation of probation in Anderson County. That was
 22 contingent on me going in and paying my fines, and
 23 if I missed, I would be put back on -- be put in
 24 violation until I made my account current.

25 "July 7th of 2012, I was charged with

1 criminal trespassing in Anderson County. I cashed a
 2 check, a work check, at Wal-Mart one night late
 3 because all the banks were closed. About three
 4 months later, officers came to my home and I was
 5 arrested. I had been banned from Wal-Mart because
 6 of an earlier charge. This charge was a year later
 7 and I was not aware that the ban was forever. I did
 8 not know." I mean "I do know now," pardon me.

9 "On November 8th of 2012, I was charged
 10 with violation of probation in Anderson County.
 11 This was contingent on me paying my fines, and if I
 12 missed a payment, I'd be put on violation until I
 13 made current -- account current.

14 "On August 14th, 2013, I was charged
 15 with violation of probation in Anderson County,
 16 Tennessee. My probation was contingent going in and
 17 paying my fines.

18 "All my arrests began after graduating
 19 high school and becoming dependent on opioids. This
 20 is not to make excuses, but, unfortunately, this was
 21 controlling my life during this period. Every bad
 22 choice seemed to lead to another bad choice. I have
 23 provided all the paperwork they could get from
 24 Anderson County, Olive Springs and pulled a TBI
 25 report. Did I think there were -- I provided all

1 the paperwork that I could from Anderson County,
 2 Olive Springs, and pulled a TBI report. I think
 3 that there may have been one or more charges that
 4 have been expunged, but I'm unable to provide the
 5 paperwork for this due to the lack of the record.
 6 This is all in my past. While it is not something
 7 to be proud of, I do believe it made me a better and
 8 more patient man. I have a family now that I love,
 9 want to provide for, would like for them to be proud
 10 of me. Since this time, I have had no other charges
 11 entered on my record. In closing, please free to
 12 contact me at my present employment."
 13 And then you have the documents that go
 14 with it.
 15 MR. COCKROFT: What was the date of the
 16 most recent charge?
 17 MS. VEST: I beg your pardon?
 18 MR. COCKROFT: What was the date of the
 19 most recent charge? '13?
 20 MS. VEST: We've got June 12th of 2012,
 21 he was charged with criminal trespassing.
 22 MS. THOMAS: The 2013 charge was
 23 violation of probation.
 24 MR. COCKROFT: Okay.
 25 MR. ROBERTS: Madam Chairman, I have

1 just -- due to the size of this record and the
 2 length and number of offenses that we have here, I
 3 am just not comfortable with this registration. I
 4 would make a motion that we deny this registration.
 5 MS. HIXSON: We have a motion by Mr.
 6 Roberts to deny this registration application. Do
 7 we have a second?
 8 MS. JONES: Second.
 9 MS. HIXSON: And a second by Ms. Jones.
 10 All in favor, voice by saying --
 11 MR. HARVEY: Discussion real quick on
 12 that.
 13 MS. HIXSON: Okay. Go ahead.
 14 MR. HARVEY: What are your grounds on
 15 denying?
 16 MR. ROBERTS: Well, just the number and
 17 the consistent pattern here from '08 to '13 of just
 18 a wide variety of --
 19 MS. JONES: Character.
 20 MR. ROBERTS: -- violations.
 21 MR. HARVEY: I agree with you. I
 22 just -- for the record, I was just saying --
 23 MR. ROBERTS: Yeah. The number of
 24 offenses, the consistent pattern of offenses, I'm
 25 just not comfortable with it.

1 MS. HIXSON: Okay.
 2 MR. HARVEY: Vote.
 3 MS. HIXSON: We had a motion by Mr.
 4 Roberts, a second by Ms. Jones to deny the Ollis
 5 employee registration application. All in favor,
 6 voice by saying aye.
 7 THE BOARD: Aye.
 8 MS. HIXSON: All opposed?
 9 And that was for poor moral character.
 10 MR. HARVEY: That's what I was looking
 11 for.
 12 MS. HIXSON: Well, you got it. Okay.
 13 MS. VEST: Thank you.
 14 MS. HIXSON: That concludes the criminal
 15 history, I believe.
 16 MS. VEST: Yes, it does.
 17 MS. HIXSON: Do you want to take a break
 18 before we go on to the next section? Is this one of
 19 the sizable sections that we have, the education, I
 20 believe?
 21 MS. VEST: Yes, I think we can get
 22 through it pretty quickly.
 23 MR. ROBERTS: Let's go ahead and take a
 24 break.
 25 MS. HIXSON: Yes. It's 12 o'clock. How

1 long do you want to take a break for?
 2 MS. VEST: Did everybody go over their
 3 courses that you received? There was a good bit of
 4 it.
 5 MR. ROBERTS: Studiously.
 6 MS. VEST: We got through things
 7 quicker -- a whole lot faster than I had
 8 anticipated, so we can hold off on doing lunch and
 9 just take a short break, and then we can go into the
 10 education and probably be finished by 1:00, 1:30.
 11 That's entirely up to the board.
 12 MR. COCKROFT: That's fine with me.
 13 MS. HIXSON: Take a 15, 20 minute break
 14 and then come back and work through until we're
 15 finished.
 16 (Lunch break.)
 17 MS. HIXSON: Call back to order this
 18 meeting of the Tennessee Alarm Systems Contractors
 19 Board. Have you got us on lady? Okay. Ma'am?
 20 MS. VEST: I think the next thing that
 21 we have is the continuing education. We obviously
 22 have had some problems with this meeting, but -- try
 23 to correct those at the next meeting, but your iPads
 24 would not load this information.
 25 MR. ROBERTS: My printer didn't want to

1 load it either, but it did.
2 MS. VEST: We appreciate that. I
3 thought it would -- you have to tell me if you don't
4 want this. I just thought it was easier to send a
5 course to an individual. Then the next individual
6 would get a different one instead of trying to take
7 this great big ADT and try to divide, each one of
8 you have a few pieces of the pie. Now, if that's
9 going to work, I'm open to any suggestions there.

10 I think the first thing that we have,
11 then, is you do have these sheets that list all the
12 courses?

13 MR. COCKROFT: Yes.

14 MS. VEST: Okay. Well, the first set
15 went to Ken, the ADT.

16 MR. ROBERTS: Okay. Let me review
17 these. There were -- one of the things that -- and
18 it looked like they had put together some good
19 courses. There are a number of them here for
20 continuing education. However, when they checked
21 the application, one of the things they did, they
22 checked all of the above, which would be employee
23 training and initial application as well. Cody, the
24 courses are good, I think, and I would recommend all
25 of them for the number of hours they have requested

1 for continuing education, not necessarily for the
2 initial application, however.

3 Now, on the other hand, if all of these
4 courses were combined into a -- you know, there's --
5 I don't remember how many, say 10 or 12 courses here
6 ranging from one hour to five hours. Now, if they
7 were all pulled together into a single combined
8 course of construction or course of education, then
9 they would probably be adequate for initial
10 application and -- but, individually, they are not.
11 Now, I don't know exactly the best way to reflect
12 that. I think if we -- they were all requested for
13 continuing education and -- and they are good
14 courses for that. I think if ADT would like to make
15 that for an initial application, then what they
16 should do is put together a certificate course that
17 would list all of these already approved courses,
18 and then I think it would be in good shape to do
19 that.

20 Do you want me to read through -- go
21 through these courses?

22 MS. VEST: No, let me ask you -- okay.
23 So that was ADT. They did have some that said
24 employee training, initial application and
25 continuing ed. So we are saying -- you're saying no

1 to these? You are just saying for the continuing
2 education part, but not for the employee training or
3 the initial application?

4 MR. ROBERTS: I think even for the
5 employee training would be fine, but the initial
6 application would be like them taking what we used
7 to refer to as a Level 1 course, and, individually,
8 these courses would not meet that. Now,
9 collectively, I would think they should. But what
10 they probably need to do is put together, like I
11 say, a single certificate -- single course of
12 construction that would include these sub-courses,
13 and then it would be suitable for initial
14 application. Because they've really got some good
15 courses here.

16 MR. COCKROFT: What are we referring to,
17 employee training versus initial application? Would
18 either apply to QA or --

19 MS. JONES: Continuing ed.

20 MR. COCKROFT: We've got three things.
21 I understand like the Level 1 that you -- you know,
22 you pay -- supposed to have within a year of being a
23 registered employee --

24 MS. JONES: This column is hours,
25 continuing ed. That's what would apply to QAs.

1 MR. COCKROFT: So what's the difference
2 in employee training and initial application?

3 MR. ROBERTS: Initial application,
4 doesn't that refer to the qualified agent?

5 MR. COCKROFT: That's what I thought.

6 MR. ROBERTS: Initial application is QA,
7 and those -- employee training is the registered
8 employee's training for the -- that they're supposed
9 to undertake the first year.

10 MS. JONES: But continuing ed will be --

11 MR. ROBERTS: Continuing education --

12 MS. JONES: Either one can take it, QA
13 and employee, if you really wanted to.

14 MR. ROBERTS: Sure.

15 MR. COCKROFT: I just don't think -- I
16 have concerns about the initial -- what we're
17 calling initial application for the QA if they are
18 not proctored. We've got some we did where they
19 were proctored online or video proctor or --

20 MR. ROBERTS: These are not proctored
21 tests. I mean, they are instructional courses. And
22 so, you know, I don't know if there's a test
23 involved.

24 MR. COCKROFT: That's why I don't think
25 it would apply for initial application. It might --

1 I mean -- but maybe for employee training, like
2 bundle them together there for --

3 MR. ROBERTS: They could be bundled for
4 employee training. That would be fine. That wasn't
5 the way they were applied. So what I would do --
6 I'm going to recommend that they be approved for
7 continuing education, but I wanted to explain to
8 Cody that if they want to use this for employee
9 training or something else, then they should be
10 grouped together as a series of courses and might
11 last a couple of days. Do I need to read these?

12 MS. VEST: Yes, sir, that would be good.

13 MR. ROBERTS: Okay. I'm going to run
14 right down the list. Starting with ADT pulse nano
15 training for one hour of continuing education;
16 motion detectors training for two hours of
17 continuing education; Inovonics -- and I believe
18 it's misspelled on the list here -- Inovonics
19 product training for two hours, continuing
20 education; electrical safety and multimeters, two
21 hours of continuing education; ADT interactive
22 conduit bending course, two hours of continuing
23 education; ADT cloud storage solutions training, one
24 hour of continuing education; ADT Brivo refresher
25 course, one hour of continuing education; ADT basic

1 networking for technicians, one hour of continuing
2 education; basic electricity and troubleshooting,
3 two hours of continuing education; Amazon Alexa
4 integration training, that's one hour of continuing
5 education; ADT video verification training, one hour
6 of continuing education; UL 681, standards and
7 safety, three hours of continuing education; ADT
8 total security for small business, three hours of
9 continuing education; ADT technical university
10 curriculum, 15 hours of continuing education. It
11 wasn't real clear what all was exactly involved in
12 that. That is one of the courses that could qualify
13 for employee training if we had a little more
14 information about it. Continuing on, ASCO surge
15 protection training, that's A-S-C-O, ASCO surge
16 protection training, one hour of continuing
17 education; ADT Royal Blue experience, one hour of
18 continuing education; and ADT NICET preparation
19 training curriculum for one hour of continuing
20 education.

21 MS. HIXSON: This says seven.

22 MR. ROBERTS: I'm sorry, seven hours.
23 It is seven hours. Thank you.

24 So I would recommend all of those be
25 approved with the hours requested for continuing

1 education, and if they want to make those for other
2 training levels, that they could conceivably group
3 in some reasonable fashion to meet that requirement.

4 MS. VEST: Okay. If I tell them they
5 can group it together for the employee training, how
6 many hours? This is a total of 46. How many would
7 they need?

8 MR. ROBERTS: I -- for employee
9 training, probably wouldn't need that much. But
10 they should be the one that would select the courses
11 that they would want to include for employee
12 training.

13 MS. VEST: Okay. Then they send it in
14 to me and we'll look at it again.

15 MR. ROBERTS: Yeah.

16 MR. COCKROFT: Isn't it supposed to be
17 like 16 hours, or is it --

18 MR. ROBERTS: Most of the courses are
19 about 16 hours. They could take a handful of these
20 and pull them together into what could really be
21 reasonable employee training. But let them have
22 that option, but they could resubmit that.

23 MS. VEST: All right. Go ahead and take
24 a vote on that, then, since we have so many.

25 MS. HIXSON: We need a motion.

1 MR. ROBERTS: Make a motion that we
2 approve those -- the one -- courses I read for the
3 hours and continuing education.

4 MR. COCKROFT: Second.

5 MS. HIXSON: We have a motion by Mr.
6 Roberts, a second by Mr. Cockroft to accept the 46
7 hours listed from ADT, LLC, for continuing education
8 only. All in favor, voice by saying aye.

9 THE BOARD: Aye.

10 MS. HIXSON: All opposed?

11 The motion carries.

12 Next is Access Communication, 36 hours.

13 MS. VEST: I believe that went out to
14 Karen.

15 MS. JONES: Yes. They say they want 36
16 hours' credit for -- they're outlining a two-day
17 course to set up for the three pages I got, what
18 seems to be network video, which can all be learned
19 in a couple of hours. You can buy it off the shelf
20 at Wal-Mart and take it home and put it in. They
21 say something in here about Access control, working
22 with the camera. They never tell you -- that's all
23 that's ever mentioned. They never say anything else
24 about installing, Access control or anything like
25 that. This course looks to me like it's being set

1 up by someone who wants it registered just so -- or
2 licensed just so they can -- I don't know. I don't
3 even know why you would need this being 36 hours on
4 a two-hour course.

5 MR. COCKROFT: Is that -- it's not
6 though, right?

7 It's a two-day class, so it couldn't
8 possibly be 36 hours.

9 MS. JONES: Exactly. But they list on
10 here course agenda, 9:00 to 5:00, introduction, set
11 up and configuration, manager, you know, how the
12 station set-up and integration. Now, that's where
13 they mention Access control, but that's all they say
14 about it. Create an Access solution and configure
15 and use analytics. Then they go down here and they
16 list page 1 again -- or Day 1 and Day 2. So they've
17 already got up here 9:00 to 5:00 on the little brief
18 outline that says nothing.

19 MS. VEST: They have asked for CCTV and
20 monitoring. For employee training, initial
21 application and continuing education.

22 MS. JONES: It's about worth an hour of
23 continuing ed if somebody does not know how to set
24 up a network camera, unless they want to explain to
25 me where the Access control teaching is at, because

1 I've got the Day 2 and 3 that they labeled as 1 and
2 2.

3 MS. VEST: So are you --

4 MS. JONES: Says nothing else.

5 MS. VEST: You are saying no to the
6 employment -- employee training and no to initial
7 application, but you are going to give them some for
8 continuing ed, or no altogether?

9 MS. JONES: It's worth about an hour of
10 continuing education if your employees do not know
11 how to set up a network camera and you are licensed
12 in cameras and you want to teach them something. I
13 really don't see how it's worth anything. Unless
14 you see something I don't.

15 MS. VEST: I didn't. I mean --

16 MR. COCKROFT: Do you want to approve it
17 as one hour or let them resubmit it with more
18 information?

19 MS. VEST: Well, it says "Access
20 Communications Academy" Hands on with Axis
21 End-to-End Solutions.

22 MS. JONES: I know.

23 MS. VEST: So academy is a school.

24 MS. JONES: It mentions Access Control,
25 but it tells nothing about how to set that up. I

1 mean, like their outline has no overview of that.

2 They are talking zip stream and bit rate and all the
3 other stuff is CCTV stuff.

4 MS. VEST: What it says here, who should
5 attend, it says, "The individuals that will sell,
6 support, install, configure it or manage a complete
7 solution built from Access products based on Access
8 camera station." It's all their product.

9 MS. JONES: It's all their product.
10 They just want their employees to go to it, and they
11 need them to have three hours of credit for some
12 reason -- I mean 36 hours. It's not -- I don't see
13 that it's worth it.

14 MS. VEST: All right. So what are you
15 recommending?

16 MS. JONES: I would recommend an hour of
17 continuing education unless they want to resubmit it
18 and go into detail about their Access control, if
19 there is any. Because that's a whole other topic on
20 cameras.

21 MS. VEST: Okay. We will need to take a
22 vote on that.

23 MS. JONES: Show them that overview of
24 two and three. I think it's on page 2.

25 MS. VEST: Did you let Scott see that?

1 MS. JONES: They are looking at it right
2 now.

3 MS. VEST: I don't think it's on there,
4 is it?

5 MR. ROBERTS: Up here. Video
6 fundamentals?

7 MS. VEST: Yeah, that's what y'all sent
8 me, and I opened it. It's just four pages and a
9 cover sheet.

10 MR. ROBERTS: They list it as a two-day
11 course, and they're asking for 36 hours. They've
12 got a time compression algorithm that we need to
13 look into.

14 MS. JONES: It's employee-driven. It's
15 not 36 hours' worth of stuff.

16 MR. COCKROFT: It looks like it's more
17 than just networking, but it's not very well
18 outlined.

19 MS. HIXSON: The hours aren't adding up
20 either, 36 hours.

21 MR. COCKROFT: At the most, it would be
22 16 hours, but --

23 MS. HIXSON: Yeah, but she goes back to
24 her breaks and lunches and everything else.

25 MR. COCKROFT: We typically do that on

1 the hours anyway --
 2 MR. ROBERTS: What we're looking at
 3 there is probably ten hours.
 4 MR. COCKROFT: Look at 50 minutes of --
 5 I believe. I mean, we get a lot of time for breaks.
 6 We have for others.
 7 MR. ROBERTS: What are we going to do?
 8 MS. HIXSON: Nothing is adding up to 36
 9 hours.
 10 MR. ROBERTS: No.
 11 MS. VEST: All right. I think what
 12 Karen said, she is recommending just one hour of
 13 continuing education or --
 14 MS. JONES: Resubmit it.
 15 MS. VEST: -- resubmit with more
 16 information.
 17 MS. JONES: Details.
 18 MR. ROBERTS: I'll second that.
 19 MS. HIXSON: Okay. We have a motion by
 20 Ms. Jones and a second by Mr. Roberts on the Access
 21 Communication to recommend one hour of continuing
 22 education with a provision that the company can
 23 resubmit with better description of the courses
 24 taught. All in favor, voice by saying aye.
 25 THE BOARD: Aye.

1 I would figure courses like that might be good for
 2 an hour of continuing education --
 3 MR. COCKROFT: And that's what all of
 4 these are. They're all one or two hours. They're
 5 not --
 6 MR. ROBERTS: But three hours of --
 7 three hours on some of these -- three hours on -- I
 8 saw one there a minute ago.
 9 MS. HIXSON: There's one on fixed water
 10 spray that's three hours --
 11 MR. ROBERTS: Yeah, that's it.
 12 MS. HIXSON: -- and hours.
 13 MR. ROBERTS: Yeah, you know, three
 14 hours on fire extinguisher, fixed water sprays too,
 15 somebody in the alarm industry, that's overkill.
 16 MS. JONES: That's more of a hood
 17 business.
 18 MR. ROBERTS: One hour of continuing
 19 education might be suitable, but not three.
 20 MR. COCKROFT: And the course may well
 21 be three hours' worth, but I don't know that that
 22 would --
 23 MR. ROBERTS: Not applicable to the
 24 alarm industry.
 25 MR. COCKROFT: Right. A brief

1 MS. HIXSON: All opposed?
 2 Motion carries.
 3 MS. VEST: All right. Next one, I
 4 believe, went to Scott.
 5 MR. COCKROFT: Right. I had all the
 6 Elite courses and -- all of the courses look good
 7 and the times look good. My only concern are they
 8 have several that are very specific to like fire
 9 extinguishers and fire suppression systems. I'm
 10 curious about other opinions on -- I could see some
 11 training about a sprinkler system, but when we are
 12 talking about stuff that has nothing really to do
 13 with the alarm portion of it, I don't know if that
 14 would apply. But we've been very lenient or
 15 accepted training that was fairly general. If --
 16 one of the classes is strictly about fire
 17 extinguishers themselves.
 18 MS. HIXSON: Which page are you on?
 19 MS. JONES: Three.
 20 MR. ROBERTS: We've got a couple --
 21 three pages of Elite courses. The ones that -- I
 22 tell you what I have done in the past when I have
 23 seen those and I've seen some of the courses that
 24 were basically -- we had some that were
 25 locksmithing, we had some who were fire suppression.

1 introduction to fire suppression or something could
 2 be helpful for an alarm installer or technician, but
 3 those were my only concerns, and I - it's the -- the
 4 one you noted, fire extinguishing systems, dry
 5 chemical fire extinguishing systems, fixed water
 6 spray, foam water sprinkler and spray.
 7 MS. HIXSON: Where is the foam?
 8 MR. COCKROFT: They're the last ones on
 9 the Elite class -- courses there. It may be the --
 10 MS. HIXSON: So you are wanting dry
 11 chemicals, fixed water spray and water sprinkler and
 12 spray systems, one's got -- two of them's got three
 13 hours, the others have two. What's your
 14 recommendation to change those?
 15 MR. COCKROFT: We could put them all in
 16 an hour.
 17 MS. HIXSON: All of them to one hour?
 18 MR. COCKROFT: Those three.
 19 MS. HIXSON: Well, there's four.
 20 MR. COCKROFT: I think fundamentals of
 21 fire systems was -- the dry chemical, fixed water
 22 spray and water sprinkler and spray --
 23 MS. HIXSON: So leave the fundamental of
 24 fire systems at two hours, and the three above it
 25 back to one hour?

1 MR. COCKROFT: Right.
 2 MS. HIXSON: Okay.
 3 MR. COCKROFT: The others are on the
 4 page before that. There's still -- there's some
 5 others about -- there's types of fire suppression.
 6 It's at one hour. So that's probably applicable for
 7 someone to have a basic knowledge of that.
 8 MS. VEST: Scott, hold on a second. Can
 9 we read out the course and --
 10 MS. HIXSON: And we'll just read the
 11 list. I think so.
 12 So on the preceding page of the two-hour
 13 courses, do you want to leave those at two hours, or
 14 are you recommending those all be changed back to
 15 one hour?
 16 MR. COCKROFT: This special --
 17 MS. HIXSON: All of them on that page
 18 that are two hours.
 19 MS. JONES: Commercial, alarm sales.
 20 MR. ROBERTS: Yeah, that would be my
 21 thought. On the second page of Elite, the ones that
 22 start with commercial fire alarm sales, making all
 23 of those one-hour courses instead of two would make
 24 sense. But you've got the special hazard, fire
 25 protection, fire protection fundamentals, that's an

1 hour course for an alarm person. Types of fire
 2 alarm and signaling systems, special hazard
 3 protection, extinguishing agents, if you made all of
 4 them on that page one hour of -- they're all
 5 continuing education -- made them one hour instead
 6 of two, I think that would be more realistic.
 7 MS. HIXSON: Okay. So the page
 8 preceding that, understanding the security concept,
 9 it is two hours, do we leave it at two or one?
 10 MS. JONES: An hour of Ethernet.
 11 There's three or four.
 12 MS. HIXSON: I mean, on this page where
 13 the Ethernet --
 14 MR. COCKROFT: All of the prior ones --
 15 the others that are -- the other two hours, I think,
 16 are okay that are understanding like -- one of them
 17 is understanding of security concepts --
 18 MR. ROBERTS: Yeah, that would be okay.
 19 MR. COCKROFT: -- guide to CCTV
 20 lighting, power up the Ethernet, all of those --
 21 MS. HIXSON: So the fundamentals for
 22 professional sales stays two hours?
 23 MR. COCKROFT: Right. Those directly
 24 apply to our industry and what the technician would
 25 be doing, whereas the others that we're talking

1 about reducing the hours are kind of ancillary to
 2 what we --
 3 MR. ROBERTS: Suppression more than
 4 alarm.
 5 MS. HIXSON: So commercial fire alarm
 6 sales would still go back to one hour? That's on
 7 the third page, I believe.
 8 MR. ROBERTS: I would leave that as a
 9 two-hour course personally.
 10 MR. COCKROFT: Okay.
 11 MR. ROBERTS: But the other three
 12 two-hour courses change it to one hour each, that
 13 would be more realistic, I would think.
 14 MS. HIXSON: Okay. I'm trying to do
 15 this so he doesn't have to read all these courses
 16 out. So we agree that on the first page of the
 17 handout, three courses from Elite is going to remain
 18 unchanged in the recommendation?
 19 MR. COCKROFT: Correct.
 20 MS. HIXSON: The second page remains
 21 unchanged.
 22 MR. ROBERTS: I can go ahead and read
 23 through them.
 24 MS. HIXSON: It's mainly -- I think if
 25 we form a motion, you will just have to read the

1 ones that we have made --
 2 MR. COCKROFT: That we change? Okay.
 3 MS. VEST: No.
 4 MR. COCKROFT: The first page, there was
 5 three courses there we would recommend approving as
 6 they are noted.
 7 The next page that has "installation
 8 techniques and best practices" at the top, that
 9 entire page would be recommending for the hours
 10 they've noted for continuing ed.
 11 Then on the page starting with
 12 "commercial fire alarm sales," we're recommending it
 13 for two hours as they've requested.
 14 The next one, special hazard, fire
 15 protection cylinders and vessels, one hour as they
 16 requested.
 17 The next one, special hazard, fire
 18 protection, fire protection fundamentals, we're
 19 recommending one hour instead of two.
 20 The next one, special hazard, fire
 21 protection, NFPA code and standards, one hour.
 22 Fire alarm signaling codes and
 23 standards, that would be one hour.
 24 Types of fire alarm and signaling
 25 systems, they requested two, we are recommending

1 one.
 2 Elite special hazard fire protection
 3 combustible -- combustion principles, one hour.
 4 Special hazard, fire protection,
 5 extinguishing agents, they are requesting two, we
 6 are recommending one hour.
 7 Special hazard, fire protection
 8 commissioning, they are requesting an hour. The
 9 rest of this page, they are requesting one hour,
 10 which we agree with.
 11 Then to the last page, fire
 12 extinguishing systems, dry chemical, they are
 13 requesting three and we are recommending one for
 14 continuing education.
 15 Fire extinguishing systems, fixed water
 16 sprays, they are requesting three, we are
 17 recommending one hour.
 18 Foam water sprinkler and spray systems,
 19 they are requesting two, we are recommending one
 20 hour for continuing education.
 21 Fundamentals of fire systems, they are
 22 requesting two and we would agree with the two
 23 hours.
 24 Introduction to fire suppression, one
 25 hour.

1 MS. HIXSON: We have a motion by Mr.
 2 Cockroft on the Elite course. Do we have a second?
 3 MR. ROBERTS: Second.
 4 MS. HIXSON: And a second by Mr.
 5 Roberts. All in favor, voice by saying aye.
 6 THE BOARD: Aye.
 7 MS. HIXSON: All opposed?
 8 The motion carries.
 9 And then the next course are listed by
 10 ESA. Do you have ESA?
 11 MR. HARVEY: Yes, uh-huh. Yeah, all
 12 these were fairly short and simple just for
 13 continuing ed. I didn't have any problem with
 14 anything asked for on these.
 15 MR. ROBERTS: Are you making a motion to
 16 --
 17 MR. HARVEY: I'm making a motion to
 18 accept.
 19 MR. COCKROFT: Second.
 20 MS. HIXSON: We have a motion by Mr.
 21 Harvey and second by Mr. Cockroft to accept the ESA
 22 courses for continuing ed and hours as listed. All
 23 in favor, voice by saying aye.
 24 THE BOARD: Aye.
 25 MS. HIXSON: All opposed?

1 The motion carries.
 2 MS. VEST: That was Keith and who did
 3 the second?
 4 MS. HIXSON: Mr. Cockroft.
 5 And we have Hikvision USA, submitted 2.
 6 And then here's another ESP 2K Access.
 7 MR. ROBERTS: I thought those were
 8 Howard's also. Was Howard submitting --
 9 MR. COCKROFT: Is he not with Hikvision
 10 anymore?
 11 MS. VEST: I don't think Hikvision was
 12 discussed. It was the Nuts and Bolts.
 13 MR. ROBERTS: These two. Did somebody
 14 review the Hikvision thesis?
 15 MS. VEST: We've got --
 16 MR. HARVEY: I did not review -- I just
 17 did the ESA.
 18 MR. COCKROFT: Have you got them
 19 printed?
 20 MS. VEST: Yes, I should have them
 21 printed.
 22 MR. HARVEY: But I have taken the
 23 Hikvision courses.
 24 MS. VEST: Okay.
 25 MR. ROBERTS: They are asking for those

1 two courses.
 2 MS. HIXSON: They are just asking for
 3 these two courses --
 4 MR. ROBERTS: Two hours of continuing
 5 education would seem very appropriate.
 6 MR. HARVEY: I have taken those courses
 7 from him. So I -- yeah.
 8 MR. ROBERTS: I'd be willing to make a
 9 motion that we accept those -- the two Hikvision
 10 courses for -- each for two hours of continuing
 11 education.
 12 MR. HARVEY: Second.
 13 MS. HIXSON: We have a motion by Mr.
 14 Roberts, a second by Mr. Harvey to accept the
 15 Hikvision USA courses for two hours of continuing
 16 education as presented. All in favor, voice by
 17 saying aye.
 18 THE BOARD: Aye.
 19 MS. HIXSON: All opposed?
 20 Then we've already decided on the next
 21 group.
 22 The last group is Elite for 29 hours
 23 with multiple classes listed for continuing ed
 24 renewals.
 25 MR. COCKROFT: And I wasn't sure why

1 these were submitted I guess the way they were --
 2 MS. VEST: Some of them expire. They
 3 have to come back and us to do them again.
 4 MR. COCKROFT: Because they all look --
 5 MS. VEST: So we just grouped that
 6 together because they've all been approved before.
 7 MR. COCKROFT: They weren't trying to
 8 put it into one course --
 9 MS. HIXSON: These are just renewals for
 10 the court.
 11 MR. COCKROFT: They all look fine.
 12 MS. HIXSON: Is that a motion?
 13 MR. COCKROFT: Motion to approve the
 14 Elite renewals.
 15 MR. ROBERTS: Second.
 16 MS. HIXSON: Motion by Mr. Cockroft and
 17 a second by Mr. Roberts to accept the Elite 29 hours
 18 of courses for continuing ed renewals. All in
 19 favor, voice by saying aye.
 20 THE BOARD: Aye.
 21 MS. HIXSON: All opposed?
 22 Motion carries.
 23 And that takes care of the education.
 24 MS. VEST: Like I said, some of that
 25 just wouldn't load onto your iPad. We have one here

1 by a Kevin Woodworth, W-O-O-D-W-O-R-T-H.
 2 MS. THOMAS: It's under your education
 3 review.
 4 MS. VEST: Under education review on the
 5 iPad. This one did too. We have a question, and I
 6 couldn't remember actually what had been said about
 7 the ESA courses versus the NTS Electronic Security
 8 Association -- is that a blanket every time they --
 9 we do these courses, that they are approved, or is
 10 it something I need to bring each time? The ESA
 11 courses -- Electronic Security Association.
 12 MR. COCKROFT: I'm not sure what you are
 13 asking, but --
 14 MS. VEST: I'm asking if somebody turns
 15 in this certificate, is it automatically being
 16 approved? Do I need to bring it -- the course
 17 before you each time?
 18 MR. COCKROFT: I think the issue is that
 19 it used to be -- it used to go through an approval
 20 process, and they are no longer doing that. So --
 21 MS. JONES: You don't have to submit
 22 them to them anymore. Hang onto them and --
 23 MR. COCKROFT: Well, I don't think the
 24 ESA is -- they're not approving courses.
 25 MS. VEST: Right. They have stopped, so

1 now -- and you are just -- from what I understand,
 2 there's quite a few courses. I just didn't know
 3 which course would be approved. Is it a blanket,
 4 everything that they do would be approved, or do I
 5 have to bring every single one to the board? As you
 6 can see, it's on your iPads here, of some of these
 7 different courses, and there's just tons of them.
 8 MR. ROBERTS: Cody, I would think the
 9 NTS courses that they have listed here -- and I'm
 10 kind of assuming that's for renewal -- we had given
 11 kind of a blanket approval to the NTS courses. If
 12 they are just seeking to review those courses, I
 13 think that could be done administratively. That
 14 might cut the volume somewhat.
 15 MR. COCKROFT: And you are talking about
 16 the actual NTS courses, not --
 17 MR. ROBERTS: Yes. Right.
 18 MR. COCKROFT: -- not CEUs that someone
 19 else is giving for NTS?
 20 MS. VEST: Right, because the NTS --
 21 the -- it still give their course number. It's
 22 still saying NTS CEU Course Number dah, dah dah.
 23 It's just that we don't have that listed on our
 24 sheet, we just are going to say NTS.
 25 MR. ROBERTS: I would think where we're

1 getting NTS courses that are renewed, that you could
 2 do that administratively without bringing those back
 3 for review each time. That's going to be a
 4 significant number of courses.
 5 Now, some of the other ESA courses
 6 presented by different folks, we may need to review
 7 those. I'm very reluctant to give any sort of
 8 blanket review to anybody, although we had done that
 9 with the NTS courses because we understood the
 10 quality of them. I don't know that we have the same
 11 quality check on ESA courses. Honestly, I just
 12 don't know. But if you would like, I can make a
 13 motion that the NTS courses or the -- the NTS
 14 courses that are submitted for renewal just be
 15 automatically and administratively renewed. I'd be
 16 comfortable with that.
 17 MS. VEST: I'd appreciate that.
 18 MS. JONES: Penny and the guy that used
 19 to work for DOC -- anyway, talk about these courses?
 20 MR. ROBERTS: So I can put that in the
 21 form of a motion that the NTS courses that are
 22 submitted for renewal, that they be administratively
 23 approved because we've already reviewed those
 24 courses.
 25 MS. HIXSON: So these courses are for

1 continuing education, correct?

2 MR. HARVEY: Second.

3 MS. HIXSON: Okay. We have a motion by
4 Mr. Roberts, a second by Mr. Harvey to accept all
5 the NTS courses submitted for renewal through the
6 ESA.

7 MS. VEST: No, through the NTS.

8 MR. ROBERTS: Right, just the NTS
9 courses.

10 MS. HIXSON: But are they being
11 submitted through ESA?

12 MR. ROBERTS: Yes, I think they probably
13 are. NTS courses, we have already accepted those,
14 and if we're just renewing them --

15 MS. HIXSON: Did I not say NTS?

16 MR. ROBERTS: Yes, you did. Where the
17 NTS courses, let's just renew them administratively.

18 MS. VEST: I think where I got confused
19 was the ESA is submitting the courses that have been
20 approved by the NTS.

21 MR. ROBERTS: Right.

22 MS. VEST: Okay.

23 MS. HIXSON: Okay. We have the motion.

24 All in favor, voice by saying aye.

25 THE BOARD: Aye.

1 Two years?

2 MS. VEST: I think it was a two years.

3 MR. ROBERTS: Two years? One of the
4 things I really like about the ESA courses is they
5 are all instructor-led as opposed to be online where
6 you're sitting at home with house shoes and pajamas,
7 trying to learn something about the alarm system.

8 MS. JONES: Trying to stay awake.

9 MR. ROBERTS: Yeah, trying to stay
10 awake.

11 Let me make a motion that we approve all
12 of the ESA courses that are submitted for renewal
13 for a period of two years, and then at the end of
14 the two-year period, we can revisit that. Now,
15 those are -- that's not new courses. That would
16 only be courses submitted for renewal. We will put
17 a two-year time limit on that and we can revisit
18 that question.

19 MR. COCKROFT: Where I'm getting a
20 little confused on, if we are talking about NTS
21 courses themselves, the true -- the classes that
22 they are giving, I don't have any problem with that.
23 My concern would be -- I think what we are referring
24 to on some of these are ESAs -- and ESA and NTS are
25 -- ESA is the organization, NTS is the school, but

1 MS. HIXSON: All opposed?

2 Motion passes.

3 MR. ROBERTS: Now, that still leaves a
4 bunch of courses that are not NTS courses.

5 MS. VEST: Yes, there's Honeywell,
6 there's all kind of courses here. That's why I was
7 asking is it a blanket.

8 MS. HIXSON: So who -- I see all these
9 different like Interlogix system sensor for the
10 company --

11 MS. VEST: I guess what I was trying to
12 ask, are the ESA certificates a blanket also,
13 courses blanket also?

14 MR. ROBERTS: I wouldn't have a
15 particular problem with that, but I would like to
16 hear what the other board members would have to say
17 with that.

18 MR. HARVEY: I don't have a problem with
19 it either. I mean, I'm reluctant to say forever.

20 MS. HIXSON: Do we want to do it for one
21 year?

22 MS. THOMAS: I think what Cody -- go
23 ahead.

24 MR. ROBERTS: I'm sorry. When a course
25 is renewed, what time period is involved? One year?

1 they also in the past have been approving CEU
2 classes, like Honeywell had a group of 20 classes
3 and they would approve those as continuing ed
4 classes for NTS credit and -- but they're -- what
5 they're doing in my understanding now is that they
6 are not looking at those classes anymore, they are
7 just -- if someone sends in a CEU certificate saying
8 they went to a Honeywell class, they accept that as
9 the continuing ed to maintain the NTS certification.
10 I feel comfortable with a lot of classes that are
11 out there now, but we don't know where that could go
12 if they just start sending in CEUs with -- if
13 they're not going to oversee it at all.

14 MR. ROBERTS: Well, what I'm seeing
15 here, and I'm looking at the list we've got, and all
16 of these are numbered CEU courses. What I would be
17 willing to do is where the courses have already been
18 reviewed -- and presumably they have been because
19 they have course numbers -- where they've already
20 been reviewed, if they are being submitted for
21 renewal, that we approve those with a blanket
22 approval, renewal only, not new courses, for -- that
23 we renew those automatically administratively at for
24 a period of two years.

25 MR. COCKROFT: I'm fine with that.

1 MR. ROBERTS: If they are new courses,
2 then they need to be brought to the board and we
3 will take a look at them and review them at that
4 point.

5 MS. HIXSON: We have a motion by Mr.
6 Roberts to -- that set the courses that have
7 certificate numbers through the ESA for approval,
8 only those previously approved, and for a renewal
9 period of two years.

10 MR. COCKROFT: Second.

11 MS. HIXSON: And a second by Mr.
12 Cockroft. All in favor, voice by saying aye.

13 THE BOARD: Aye.

14 MS. HIXSON: All opposed?

15 The motion carries.

16 MR. ROBERTS: That reduces a board
17 member here from plowing through the hundreds of --
18 hundreds and hundreds of pages of materials that
19 we've already reviewed.

20 MS. HIXSON: I agree if they have been
21 previously approved, just renew them.

22 MR. ROBERTS: Yes.

23 MS. VEST: I think I finally got down to
24 what we were actually saying Shauna was reminding me
25 that these course numbers are not our numbers, they

1 today?

2 MR. ROBERTS: Yeah, fine.

3 Now -- and just while we are talking
4 about this, at the end of two years, I think the
5 board should revisit that policy and see if we want
6 to continue that or change it or see what's
7 appropriate at that point. I wasn't really saying
8 that the courses would be approved for two years.
9 I'm saying our blanket approval would be a policy
10 for two years.

11 MS. VEST: All right. Madam Chair, I
12 believe that's all that we've got for today.

13 MS. BALASZI: Some new business.

14 MS. VEST: What is my new business?
15 I've got so much up here, I've lost my agenda,
16 sorry.

17 MS. HIXSON: We had -- one listing on
18 here was a request for an extension. I don't recall
19 us having extension request --

20 MS. VEST: No, we didn't have a request
21 an extension. I leave some of that on there so I
22 don't have to keep doing it over and over.

23 MS. HIXSON: That's okay. I was just
24 making sure.

25 MS. VEST: No, we did not have one.

1 are NTS numbers.

2 MS. HIXSON: But they've got -- right,
3 they are not y'all's numbers --

4 MS. VEST: But we are approving NTS
5 courses --

6 MS. HIXSON: They're not --

7 MS. VEST: -- for a period of two years?

8 MR. ROBERTS: The NTS courses, the NTS
9 constructed courses, we've approved. They are
10 approved.

11 MS. HIXSON: But we have approved all
12 other if they've got certificates.

13 MR. ROBERTS: Those other courses that
14 were -- may have been prepared not by NTS -- because
15 the course work on the first group was actually
16 prepared by NTS, the second group of courses, may
17 have been prepared by Honeywell or system central or
18 who knows were submitted through the ESA. And where
19 we have previously reviewed those courses and they
20 are just submitting them for renewal, then we would
21 let you do that administratively.

22 Renew previously approved courses for a
23 period of two years, but new courses would have to
24 be voted and approved by the board?

25 MS. VEST: Does that two years start

1 MS. HIXSON: Okay. Any unfinished
2 business before the board?

3 MS. VEST: Yes. No, I don't have
4 anything, it's just new business.

5 MS. HIXSON: Do you have any new
6 business?

7 MS. VEST: Yes, we have new business.

8 MS. THOMAS: Okay. So Cody and I
9 received a question from a monitoring company that
10 calls into question TCA 62-32-312, which is employee
11 registration, particularly subparts a and g. If you
12 want, I'll read those into the record.

13 So Part a says, "All alarm systems
14 contractor employees with access to records,
15 diagrams, plans and other sensitive information
16 pertaining to monitored, installed or proposed alarm
17 systems shall be registered with the board."

18 Subpart g says, "All alarm system
19 contractor employees who sell, install or repair
20 alarm systems, including closed circuit television
21 systems, shall take and successfully complete the
22 National Burglar and Fire Alarm Association Level 1
23 or equivalent training. The board may determine
24 what constitutes equivalent training."

25 The question was posed by a monitoring

1 company about the registered employees needing the
2 Level 1 training. They are conceding that they do
3 need to be registered because they have access to
4 this sensitive information, but because they are not
5 installing, selling or repairing those systems,
6 should they be required to comply with Part g for
7 the Level 1 training? And so Cody and I decided to
8 bring that question to the board.

9 MR. ROBERTS: Absolutely.

10 MS. VEST: Bring it to the board.

11 MS. THOMAS: That's his answer.

12 MR. ROBERTS: Absolutely they have to be
13 trained.

14 MS. THOMAS: No, of course, that's not
15 what they are saying.

16 MR. ROBERTS: That's a statutory
17 requirement. We don't have the authority to change
18 that. Now --

19 MS. VEST: It doesn't mention anything
20 to do with monitoring in the second clause.

21 MS. THOMAS: Right. And that's their --
22 their argument is Part g just says, "install, sell
23 or repair," and they are saying that these
24 particular employees don't do any of those three
25 things, so they shouldn't need the Level 1 training.

1 MR. COCKROFT: That's always been my
2 interpretation is that they did not. The -- I mean,
3 the Level 1 training doesn't apply to their
4 position.

5 MR. ROBERTS: I'm perfectly comfortable
6 with that.

7 MS. THOMAS: With not needing the
8 training?

9 MR. ROBERTS: With them not requiring
10 additional training as Level 1 installing
11 technician.

12 MR. COCKROFT: I always took that to be
13 for installation technicians, not for monitoring
14 personnel, that they would not --

15 MR. ROBERTS: I had forgotten we wrote
16 it that way, but I agree with you. I completely
17 agree with you.

18 MS. JONES: Because my mom didn't want
19 to get registered.

20 MR. ROBERTS: So that would -- if we are
21 in agreement, that would clarify that monitoring
22 center personnel would not have to be trained by the
23 Level 1 TBFAA or an equivalent.

24 MS. VEST: I do understand that, but
25 then again, administratively, I've got to go back

1 and try to figure out who is doing monitoring in
2 these companies. But you don't have a
3 classification for a registered employee other than
4 a registered employee. You don't have one to say he
5 sells, he monitors. So who are these employees?

6 MR. COCKROFT: But they only -- that's
7 being checked when they are on the site visit, an
8 investigation --

9 MS. VEST: When we ask for that, yes.
10 That's the only time that we look for those. So I
11 can tell the investigator if you are out here
12 looking for it or go -- the companies have to tell
13 you who does the monitoring -- employee, which is
14 the person who sells them --

15 MR. COCKROFT: I understand your
16 position. It might be kind of tricky to follow
17 that, but when you are on site, it's pretty obvious
18 who is -- I mean, and they can supply central
19 station schedules or something to show, okay, these
20 are the names of the people that are working in
21 central station --

22 MR. ROBERTS: And for that matter, if
23 you've got an ADT employee in Newark, New Jersey,
24 that they are not likely to be someone installing an
25 alarm system in Tennessee. Some of the application

1 that we had two or three of them today that were
2 obviously central station monitoring personnel; in
3 fact, I think it was even listed as their job title.

4 MR. COCKROFT: But it seems like it
5 really would be up to the compliance person -- who
6 is --

7 MS. VEST: Actually, that's us to do
8 this. I mean, I'm going to have to --

9 MS. THOMAS: And I think --

10 MS. VEST: And I'm trying to figure out
11 how I'm going to do that.

12 MS. THOMAS: -- that may be something
13 administratively we may have to talk to IT about to
14 figure out how to differentiate between the
15 registered employees who are required to have the
16 training versus the ones who are monitoring.

17 MS. VEST: If I just have a monitoring
18 company, I know I don't have to do those. But you
19 have companies that do the multiple classifications.
20 So what we're saying is you need to give --

21 MR. ROBERTS: There's a job title on
22 their application. We were looking at the front
23 page of the application.

24 MS. VEST: It's going to say
25 "technician." What is that?

1 MR. ROBERTS: If it's a technician, then
 2 they need to have Level 1 training. If -- but in
 3 several of the ones we had today said "monitoring
 4 center" --
 5 MS. JONES: Sales consultant.
 6 MR. ROBERTS: -- sales op- -- not sales
 7 operator. What was it?
 8 MS. JONES: Consultant or something.
 9 MR. ROBERTS: Yeah. Customer consultant
 10 or something like that.
 11 MR. COCKROFT: There are other positions
 12 within a company. A receptionist or a -- or someone
 13 working -- an office manager that has access to the
 14 records should be licensed, but they don't have
 15 to -- they don't need to take a Level 1 class
 16 because they are not a technician installing.
 17 There's numerous applications where the person needs
 18 to be registered, but they wouldn't be required to
 19 be Level 1. It's strictly a technician that's in
 20 the field turning a screwdriver that needs to be a
 21 Level 1. That may make your job difficult, but
 22 that's what the statute is.
 23 MS. JONES: Make it worse. I had an
 24 individual contact me about -- they were asking do
 25 they need to have stuff, the cleaning company. She

1 has multiple locations, not all of them are security
 2 companies. Some of them are banks, some of them are
 3 day care, what have you. Another alarm company that
 4 she doesn't clean for told her she needed to be
 5 registered because she had access to all that
 6 pertinent information. She doesn't work there --
 7 not her, but her employees don't work there, and she
 8 wanted to know am I going to have to get all my
 9 employees registered and be --
 10 MS. VEST: Wouldn't that company have
 11 all this sensitive information under lock and key
 12 somewhere?
 13 MS. HIXSON: I would think so.
 14 MS. JONES: I'm sure, but if not -- the
 15 other company was trying to argue that it's at
 16 night, those people can do what they want to because
 17 they are in there. They can jackhammer a safe open.
 18 MS. THOMAS: While all that's true, I
 19 would say to that company, those people are not
 20 alarm system contractor employees, so they wouldn't
 21 fall under these statutes because they are not
 22 employees of an alarm system contractor.
 23 MS. JONES: I told them to call you.
 24 MR. COCKROFT: But I would think for
 25 their own -- for the alarm company would want for

1 their own sake to not have it so they could have
 2 access. I know in our office, we just have a
 3 cleaning crew come in during the day. They don't
 4 come in at night. I know a lot of times people come
 5 in at night and that's inconvenient for them, but in
 6 our office, they don't. But if you had a file room
 7 that could be locked, they could do that. But I
 8 would think they would need to secure the file.
 9 MS. JONES: Right. Her argument was her
 10 employees had bank clearances and all these good
 11 clearances because they do background checks. I
 12 said tell them that when you call.
 13 MR. ROBERTS: We've got a cleaning lady
 14 that comes in late in the afternoons and empties our
 15 wastebaskets and dusts and does the cleaning type
 16 stuff. I can just picture her trying to take the
 17 Level 1 fire alarm course.
 18 MR. COCKROFT: We're not really talking
 19 about Level 1 as much as -- I think that was about
 20 being a registered employee.
 21 MS. HIXSON: I think you can make a case
 22 that if they do somehow gain access to your records,
 23 they have committed some type of a crime. That's
 24 not their intent to be there is to pilferage through
 25 records or pick the vault on -- the bank vault lock

1 or whatever. So --
 2 MR. ROBERTS: That might be a violation
 3 of one of our statutes.
 4 MS. HIXSON: I would think so, but if
 5 it's an employee of said organization, yes, but if
 6 you are a cleaning crew, I think no.
 7 MS. JONES: I told her just to tell them
 8 if she had a license.
 9 MR. ROBERTS: I'm glad we clarified that
 10 for you, Cody. Now that you understand that, why --
 11 MS. VEST: I think I need a motion on
 12 this too.
 13 MR. ROBERTS: I think the statutory
 14 language is perfectly clear.
 15 MS. VEST: That's great, but you've
 16 got -- there's monitoring companies out there that
 17 have got their employees registered --
 18 MR. ROBERTS: They're supposed to be
 19 registered.
 20 MS. VEST: They have to register, but
 21 they have Level 1, I believe --
 22 MR. ROBERTS: Registering is required.
 23 MS. HIXSON: I think registering is --
 24 it should be registering is mandatory, training is
 25 optional.

1 MS. VEST: I'll go back to the statute
 2 and it doesn't say here.
 3 MR. ROBERTS: Right.
 4 MS. VEST: There you go. I understand.
 5 MR. ROBERTS: There are some excellent
 6 monitoring courses that are available for training
 7 central station, but our statute would not require
 8 that.
 9 MS. VEST: They don't need it, right? I
 10 mean --
 11 MR. ROBERTS: Right.
 12 MS. VEST: -- if they wish to take it,
 13 they can take it. It's not a requirement.
 14 MS. HIXSON: Relevant classes, I can
 15 see, but not a monitoring person having to take some
 16 type of a burglar alarm installation course.
 17 MR. COCKROFT: Were there any other
 18 issues? There are some other notes on the --
 19 MS. THOMAS: I think that's just from
 20 Cody's working copy, so you might have work product
 21 from the executive director.
 22 MS. VEST: You copied that too?
 23 MS. HIXSON: She did what she was told
 24 to do.
 25 MR. ROBERTS: One of the few things that

1 MS. HIXSON: What would we have to do to
 2 get that changed?
 3 MS. VEST: A law change.
 4 MR. ROBERTS: Law change.
 5 MS. THOMAS: It's not a suggestion for
 6 legislative action that --
 7 MS. VEST: Not the board, this is
 8 just --
 9 MS. HIXSON: It's the board -- in the
 10 past, I know we have been asked for legislative
 11 ideas. What time of the year is when we need to --
 12 MS. THOMAS: So that time has passed for
 13 this year, for this session. We looked at a lot of
 14 our laws and made a lot of suggestions, but the
 15 commissioners only pick certain ones to go up. Our
 16 programs were not selected, but if that is something
 17 that the board wants us to look into, we can try
 18 again before the next session. But --
 19 MS. JONES: It's real similar to the --
 20 I believe it's the nursing law they're trying to
 21 change where if a nurse gets reprimanded for
 22 something, fired, whatever, they have so many days
 23 where they can go get a job at another hospital and
 24 start stealing medications there and so forth. So
 25 that kind of corresponds to what we're talking

1 showed up on our iPads here.
 2 MS. VEST: Naturally.
 3 MR. COCKROFT: It just says "remove" on
 4 something and it's got an asterisk.
 5 MS. VEST: Oh, yeah.
 6 MR. COCKROFT: It says "may work 30
 7 days."
 8 MS. THOMAS: Yeah, those are just her
 9 notes, her short answer to certain questions.
 10 MS. VEST: These are probably, yeah, in
 11 my -- on my book, these are questions I get asked
 12 all the time. So I circled ones or try to make
 13 notes beside them because they ask me these same
 14 questions over and over again. I still -- and I'm
 15 going to go on record again of telling you we have
 16 all of these stringent laws and rules, but yet that
 17 employee can work for 30 days without me even
 18 knowing who it is. I can't do anything about them
 19 door-knockers because they've got 30 days to come in
 20 here and spend three weeks, knock on your door, sell
 21 you a unit, I can't do a thing about it.
 22 MR. COCKROFT: Well, they do have to
 23 have the -- they do have to apply.
 24 MS. VEST: No.
 25 MS. JONES: Not in the first 30 days.

1 about, the 30 days.
 2 MS. VEST: I think you kind of lost me
 3 there. I was just making a point of this. An
 4 individual can come to work for you, you do not have
 5 to make an application for that individual for 30
 6 days. That's what the statute says.
 7 MR. COCKROFT: Right.
 8 MS. VEST: So I was referring back to
 9 some of these companies, we referred to them as
 10 door-knockers, the kids that come in in the
 11 summertime and they go out and they sell --
 12 MS. HIXSON: Seems to me they shouldn't
 13 be allowed to go to work at all until everything is
 14 done.
 15 MR. COCKROFT: I thought that our new
 16 rule said that they had to have a copy of an
 17 application with them -- either had to have an ID
 18 card or --
 19 MS. THOMAS: So they probably have to
 20 have that from their employer.
 21 MS. VEST: You're going to give it to
 22 them, but not my office.
 23 MS. THOMAS: But that would be in
 24 contradiction to what the statute currently says
 25 because the statute currently says within 30 working

1 days, they have to submit an application. So if
2 that company chooses to submit the application, they
3 trained a bunch of people on Day 1 and decide to
4 only keep a certain number by Day 29, those are the
5 only applications they will send in.

6 MS. JONES: Back in 1990 when that law
7 was written, the world wasn't like it is today and
8 we were giving people a leeway of 30 days to see if
9 we even liked Johnny -- little Johnny --

10 MR. COCKROFT: It also took longer to
11 get everything -- to get fingerprints done and the
12 information too and get the background check back,
13 and a lot of that can be done faster.

14 MS. JONES: So many laws were written
15 with different terminology and different
16 circumstances now.

17 MS. VEST: So what it boils down to, as
18 you are looking through the law or you get questions
19 from individuals or whatever as board members, and
20 you see anything that you do want us to address as a
21 board that perhaps may be prohibiting someone from
22 getting to the industry quicker, these are the kind
23 of things that we actually need to take time to sit
24 down one day and take a look at.

25 MR. ROBERTS: It may be good to take a

1 look at that, and the 30 days, you know, frankly,
2 our lives move a lot quicker now than they used to,
3 except when you get older, of course, but because of
4 that, we might want to look at bringing that
5 timeframe down to a shorter period. To me, it makes
6 sense that when you say to somebody, "Okay, come to
7 work Monday," that you want to have a few days to
8 feel like whether they're going to work out or not
9 before you go to the expense of submitting
10 fingerprints and the application fees and all that
11 because, unfortunately, that's not renewable. If we
12 had to do it on Day 1, then we've had several
13 employees or want-to-be employees that would come
14 to -- we'd hire them on Friday -- we had one guy, we
15 hired him on Friday, we told him "Come in Monday
16 morning, we're going to have a drug test, get your
17 fingerprints, do all this." Monday morning, he came
18 in, did all that. Tuesday morning, we get a call
19 from the company that does our drug testing, said he
20 didn't make the cut. So we called him in off the
21 job, said, "Look, we told you you're going to have a
22 drug test, 100 percent drug screening. What on
23 earth happened?" He said, "Well, I was so excited
24 about getting a new job, we went out and partied
25 this weekend."

1 MS. VEST: Well, I do understand that,
2 Mr. Roberts, but let me also explain to you, you are
3 the only program that does that, the only program.
4 They have got to make application. They carry the
5 application on them while they are working while we
6 have time to run the background check, but we are
7 not requiring them to do drug tests and those other
8 professions.

9 MR. ROBERTS: I think we can revisit
10 that.

11 MS. VEST: Okay.

12 MR. ROBERTS: Let's not do it today.

13 MS. VEST: No, not today, but as you
14 do -- as you get questions from consumers or your
15 employees or you have questions, that you would sit
16 down and take a look at the laws and rules. Just
17 make some notes, just jot some notes down, and then
18 we can get together before legislative session when
19 I have to turn paperwork in.

20 MR. ROBERTS: Maybe we can talk to some
21 other people in the industry and see what their
22 feelings would be on that.

23 MS. VEST: We just won't be having an
24 alarm meeting just to discuss this, unless we have
25 more than just one or two things. Be glad to hear

1 from the industry.
2 MS. HIXSON: Thank you.
3 MS. VEST: I don't have anything else, I
4 don't believe, Madam Chair.
5 MS. HIXSON: Anymore new business? No
6 old business, no unfinished business. This meeting
7 is adjourned.
8 (WHEREUPON, the meeting was adjourned at
9 1:45 p.m.)

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