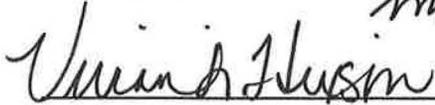


Tennessee Alarm Systems Contractors Board 04/19/2018

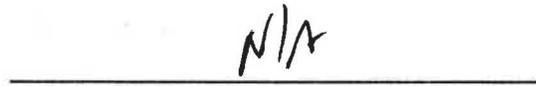
MINUTES of the Tennessee Alarm Systems Contractors Board Meeting held **June 28, 2018**, in Nashville Tennessee.

(Needs changes made)


Vivian Hixson, Chair



Douglas Fraker



Lou Richard



William Scott Cockcroft



John Keith Harvey

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STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
ALARM SYSTEMS CONTRACTORS BOARD

IN RE:)
COMMISSION MEETING)
April 19, 2018)

TRANSCRIPT OF PROCEEDINGS

April 19, 2018

BEFORE : Chairperson Vivian Hixson and
a Board of Three Members

APPEARANCES : Ms. Ashley Thomas
Mr. Stuart Huffman
Assistant General Counsels
TN Regulatory Boards
Davy Crockett Tower
500 James Robertson Parkway
Nashville, TN 37243

WILMA O. HUTCHISON
Licensed Court Reporter
400 Rivercrest Court
Nashville, TN 37214
(615)889-6288

1 The aforementioned hearing came on to be
2 heard on April 19, 2018, beginning at approximately
3 9:00 a.m. in the Davy Crockett Tower, Conference Room
4 1-B, 500 James Robertson Parkway, Nashville, Tennessee,
5 before the following: Ms. Vivian Hixon, Chairperson,
6 and board members consisting of Mr. Scott Cockroft,
7 Mr. Glenn Cockburn, and Mr. Keith Harvey.

8 Also present were Ms. Cody Vest, Director,
9 and Ms. Shauna Balaszi, Administrative Assistant.

10 The following proceedings were had to wit:

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PROCEEDINGS

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3 THE CHAIRPERSON: Good morning,
4 everyone. We're going to call to order this
5 Thursday, April the 19th, 2018, meeting of the
6 Alarm Systems Contractors Board.

7 First of all, we want to welcome our new
8 board member, Mr. Cockburn. The other,
9 Mr. Richard, is not with us today but will be at
10 the next meeting. With that being said, Ms. Vest,
11 will you please call the roll?

12 MS. VEST: Yes. Thank you. Glenn
13 Cockburn?

14 MR. COCKBURN: Here.

15 MS. VEST: Scott Cockroft?

16 MR. COCKROFT: Here.

17 MS. VEST: Keith Harvey?

18 MR. HARVEY: Here.

19 MS. VEST: Vivian Hixson?

20 MS. HIXSON: Here.

21 MS. VEST: Lou Richard? Let the record
22 show that Lou Richard is not present, Madam Chair,
23 but we do have a quorum. But we would also like
24 to thank our previous board members, Karen Jones
25 and Ken Roberts, for their service.

1 THE CHAIRPERSON: Yes, ma'am.

2 MS. VEST: Thank you.

3 THE CHAIRPERSON: Have the members had
4 an opportunity to review the agenda for today's
5 meeting? And if so, a motion to adopt.

6 MR. HARVEY: I make a motion to adopt
7 the agenda as presented today.

8 MR. COCKROFT: Second.

9 THE CHAIRPERSON: Okay. We have a
10 motion by Mr. Harvey, a second by Mr. Cockroft to
11 adopt the agenda as presented. All in favor,
12 voice by saying aye? All opposed? The agenda is
13 adopted.

14 Next is the minutes from the February
15 22nd, 2018 board meeting. Have the members had an
16 opportunity to review those minutes? And if so, a
17 motion to approve.

18 MR. COCKROFT: I make a motion to
19 approve the minutes as presented.

20 MR. COCKBURN: I'll second it.

21 MS. VEST: Okay. Mr. Cockroft, please
22 make sure -- I'm sorry, excuse me.

23 THE CHAIRPERSON: We may have to resort
24 to saying Glenn and Scott.

25 MS. VEST: Will that be okay?

1 MR. COCKBURN: That's fine.

2 MS. VEST: Okay, to make sure that you
3 are --

4 MR. COCKBURN: Second.

5 MS. VEST: Thank you, sir.

6 THE CHAIRPERSON: We have a motion by
7 Scott and a second by Glenn to approve the minutes
8 as presented. All in favor, voice by saying aye?
9 All opposed? The minutes are approved. Mr.
10 Huffman?

11 MR. HUFFMAN: Good morning. I'm now
12 going to read the legal report.

13 No. 1, Case No. 017071671. Complainant
14 noticed Respondent's vehicle and worker installing
15 CCTV. Complainant alleged that Respondent was in
16 a joint venture with another company providing
17 repair services without a license.

18 Respondent was purchased by a new owner,
19 and a new license was issued under the new EIN
20 without CCTV designation.

21 The former owner was to stay on as
22 registered agent. Registered agent had CCTV
23 certification. The new license issued did not
24 have the CCTV certification, as it was already in
25 place with the former owner/registered agent.

1 The former owner requested to retire his
2 license for two years, including the CCTV, without
3 knowledge of the new owner. This license will
4 retire on January 31st, 2019. Respondent was
5 notified of this issue when the complaint was
6 filed.

7 Respondent has ceased all CCTV work and
8 is in the process of obtaining the CCTV
9 certification. Recommendation is to send a letter
10 of warning.

11 MR. HARVEY: I make a motion to concur
12 with counsel.

13 MR. COCKBURN: I second.

14 THE CHAIRPERSON: Okay. We have a
15 motion by Mr. Harvey, a second by Mr. Cockburn to
16 concur with our counsel's recommendation in this
17 matter. All in favor, voice by saying aye? All
18 opposed? The motion carries.

19 MR. HUFFMAN: No. 2, Case
20 No. 2018000421. Complainant requested
21 cancellation of the contract and alleges
22 Respondent refused because the Complainant signed
23 a four-year contract.

24 Complainant alleges the signature on the
25 contract is not of his own. Respondent alleges

1 that Complainant made an electronic signature
2 consenting to the contract on September 7, 2016,
3 for a four-year term.

4 Respondent further alleges that the
5 Complainant completed a pre-installation
6 telephonic survey confirming he understood the
7 terms and conditions of the contract.

8 Respondent has offered to reduce
9 Complainant's monthly fee by 40 percent, which
10 will reduce the payoff balance. There has been no
11 response from Complainant.

12 Recommendation is, this is a contract
13 dispute and close.

14 THE CHAIRPERSON: Okay. Have we had
15 similar complaints against this Respondent before?

16 MR. HUFFMAN: Yes. This is a bigger
17 company.

18 THE CHAIRPERSON: But of this same
19 nature, we've had similar complaints, not just
20 complaints but similar complaints about the
21 signatures?

22 MR. HUFFMAN: I don't believe we've had
23 any complaints about the electronic signatures.

24 MR. HARVEY: I make a motion that we
25 concur with counsel's recommendation but also

1 advise both parties that this is more of a civil
2 matter than a board matter.

3 MR. COCKROFT: Second.

4 THE CHAIRPERSON: Okay. We have a
5 motion by Mr. Harvey and a second by Mr. Cockroft
6 to concur with our counsel's recommendation, with
7 a note that this is more of a civil matter than a
8 board matter. All in favor, voice by saying aye?
9 All opposed? The motion carries.

10 MR. HUFFMAN: No. 3, Case
11 No. 2018005511. Complainant is the former
12 employee alleging that Respondent is operating
13 without a qualifying agent since June of 2017 in
14 the Chattanooga area and continues to contract.

15 Respondent states that the former
16 employee was hired to start the branch office in
17 Chattanooga and therefore was the qualifying
18 agent.

19 Respondent has an office in Nashville
20 and sent technicians to finish the minimal amount
21 of work it had in Chattanooga. Respondent did not
22 give required notice to the Board.

23 Respondent continues to look for a
24 technician to start the Chattanooga office as a
25 qualifying agent.

1 Per Tennessee Code Annotated 62-32-304,
2 paragraph (c), in the event that a QA ceases to
3 perform their duties, the business entity shall
4 inform the Board within ten working days.

5 This business must obtain a substitute
6 QA within thirty days unless the Board, in its
7 discretion, extends the period for good cause for
8 a period not to exceed three months. As of
9 February 20, 2018, the Respondent has appointed a
10 QA.

11 The recommendation is to send a letter
12 of warning or, in the alternative, authorize
13 formal hearing and send a consent order with a
14 civil penalty in the amount of \$1,000 for
15 violation of T.C.A.62-32-304, paragraph (c).

16 MR. COCKROFT: So the Complainant is the
17 former qualifying agent?

18 MR. HUFFMAN: Yes.

19 MR. COCKROFT: But he has a
20 responsibility to report that he's no longer
21 there; right? So that was never done either?

22 MS. VEST: Yes, it was. But now --

23 MR. COCKROFT: Timely?

24 MS. VEST: Yeah, timely. Then they
25 contacted the office to tell me they had lost

1 their qualifying agent, and they were going to try
2 to appoint someone. They had so long to do that.
3 It was my understanding they did hire someone or
4 try to appoint someone, and that didn't work out
5 either. So we have this time span that's
6 happened. MR. HARVEY: But in the interim
7 time, the Respondent did at some point file with
8 our office. They were without a QA and were
9 trying to find one.

10 MS. VEST: Telephonic. I never received
11 any correspondence from them, but they did call
12 the office.

13 THE CHAIRPERSON: Was this before or
14 after the complaint was filed?

15 MS. VEST: Oh, no. This was before the
16 complaint was filed.

17 MR. COCKROFT: Are they actually
18 operating an office in Chattanooga at this point?
19 It sounds like they're operating out of Nashville.

20 MS. VEST: When they called and
21 explained it to me, they were closing down that
22 Chattanooga office, and all the work was coming
23 out of the Nashville office, which is licensed and
24 has a QA.

25 MR. HARVEY: So they were trying to get

1 it done correctly.

2 MS. VEST: They attempted, yes, sir.

3 MR. HARVEY: I make a motion in this
4 case, after hearing all the facts, that we follow
5 the recommendation of sending a letter of warning.

6 MR. COCKBURN: With no civil penalty or
7 with the penalty?

8 MR. HARVEY: I'd say without a penalty.

9 MR. COCKBURN: I second.

10 THE CHAIRPERSON: Okay. We have a
11 motion by Mr. Harvey, a second by Mr. Cockburn to
12 send a letter of warning to this company without
13 any civil penalty. All in favor, voice by saying
14 aye? All opposed? The motion carries.

15 MR. HUFFMAN: No. 4, Case
16 No. 2018006521. Anonymous complaint alleging
17 Respondent company is not licensed and advertising
18 to install security camera systems on a website.

19 Respondent is a manufacturer of wireless
20 self-monitoring security systems and offers the
21 product on their website. Respondent does not
22 install or monitor the system.

23 The complaint also involves an
24 individual that is offering the Respondent's
25 system through an active licensed company. The

1 individual is the active registered employee of
2 that company. This individual stated that he is
3 only selling the products of Respondent and
4 contracts with two licensed technicians that
5 install the systems if needed. Recommendation is
6 to close.

7 MR. COCKROFT: So they are being sold by
8 the Respondent company?

9 MR. HUFFMAN: The Respondent is the
10 company that has a website where you can buy a
11 monitoring system or have your TV fixed or
12 computer fixed, and they sell self-monitoring
13 cameras where you hook it up to your phone,
14 laptop.

15 MR. COCKROFT: I guess I'm a little
16 confused or lost. If they're selling it and then
17 subcontracting it out, I would think that would be
18 a violation. If they're just selling the part,
19 and someone else is installing it completely
20 separate, I wouldn't see that as a violation. But
21 I don't entirely clearly understand how it goes.

22 MR. HUFFMAN: The Respondent themselves
23 is just selling the parts. They're just the
24 manufacturer of the parts. The individual that is
25 buying those parts through his company is then

1 selling those to the consumer and having them
2 installed by other licensed electricians. But the
3 complaint itself is actually against the
4 Respondent website.

5 MR. HARVEY: He doesn't appear to be
6 doing anything wrong. But you've got a guy that's
7 buying a do-it-yourself system that's unlicensed
8 selling to other people who have licensed people
9 install it?

10 MR. HUFFMAN: The person buying is
11 licensed. He is just not actually installing.

12 MR. COCKROFT: So the person buying it
13 is licensed, and he's having someone else that is
14 licensed to install it?

15 MR. HUFFMAN: Yes.

16 MR. COCKROFT: And you feel comfortable
17 that the website is not the one doing any selling
18 of the installation?

19 MR. HUFFMAN: They're not doing any
20 installation or monitoring.

21 MR. COCKROFT: But are they selling the
22 installation aspect of it?

23 MR. HUFFMAN: No, just the parts.

24 MR. HARVEY: There's no violation then.
25 I make a motion to agree with counsel.

1 MR. COCKROFT: Second.

2 THE CHAIRPERSON: We have a motion by
3 Mr. Harvey and a second by Mr. Cockroft to concur
4 with our counsel's recommendation to close. All
5 in favor, voice by saying aye? All opposed? The
6 motion carries.

7 MR. HUFFMAN: No. 5, Case
8 No. 20180014291. This is also another -- it's
9 associated with the last one. The Complainant
10 alleges the Respondent company is not licensed and
11 advertising to install security camera systems on
12 a website.

13 Respondent is the manufacturer of
14 wireless self-monitoring security systems and
15 offers the product on their website. Respondent
16 does not install or monitor the system.

17 The complaint also involves an
18 individual that is offering the Respondent's
19 system through an active licensed company. The
20 individual is the active registered employee of
21 that company.

22 This individual stated that he is only
23 selling the products of Respondent and contracts
24 with two licensed technicians that install the
25 systems if needed. Recommendation is to close

1 this one also.

2 MR. COCKROFT: So is this a second
3 complaint on the same thing?

4 MR. HUFFMAN: It was. One of them was
5 anonymous, and then another one was a person that
6 saw the website on a Facebook market page.

7 MR. COCKROFT: Well, what I'm confused
8 about is, both of them say that they're
9 advertising to install cameras. And if they're
10 advertising it, that's a violation if they're
11 advertising the install, even if they don't do it.

12 MR. HUFFMAN: Right. The Respondent of
13 the website is not advertising installation.
14 They're just advertising the product.

15 THE CHAIRPERSON: Have you checked the
16 website?

17 MR. HUFFMAN: Yes.

18 THE CHAIRPERSON: Did you see anything
19 relative to installing cameras on that website?

20 MR. HUFFMAN: I did not see anything
21 about installation.

22 THE CHAIRPERSON: Then how could two
23 different people reach that conclusion?

24 MR. COCKROFT: Well, it may have been
25 the same person if one was anonymous and one

1 the website.

2 MR. HARVEY: I make a motion to close.

3 MR. COCKBURN: Second.

4 THE CHAIRPERSON: Okay. We have a
5 motion by Mr. Harvey and a second by Mr. Cockburn
6 to close this complaint. All in favor, voice by
7 saying aye? All opposed? The motion carries.

8 MR. HUFFMAN: No. 6, Case No. 018009421.
9 Complainant alleges she has tried to cancel her
10 contract, but it will be \$600 per the contract,
11 and Respondent refuses to cancel.

12 Respondent in its response states the
13 Complainant was under a renewal clause of the
14 contract. However, the account has been
15 terminated, and no money is owed by the
16 Complainant. Recommendation is to close.

17 MR. COCKBURN: I move we close.

18 MR. HARVEY: Second.

19 THE CHAIRPERSON: Okay. We have a
20 motion by Mr. Cockburn and a second by Mr. Harvey
21 to concur with our counsel's recommendation to
22 close. All in favor, voice by saying aye? All
23 opposed? The motion carries.

24 MR. HUFFMAN: No. 7, Case
25 No. 2018009441. Complainant was told she would

1 receive a refund of \$60 when she canceled her
2 contract with Respondent. Respondent sent the
3 refund but was returned due to incorrect address.
4 Respondent has since sent the refund back out to
5 the verified address. Recommendation is to close.

6 MR. HARVEY: I make a motion to concur.

7 MR. COCKROFT: Second.

8 THE CHAIRPERSON: Okay. We have a
9 motion by Mr. Harvey, a second by Mr. Cockroft to
10 concur with our counsel in this matter. All in
11 favor, voice by saying aye? All opposed? The
12 motion carries.

13 MR. HUFFMAN: No. 8, Case
14 No. 2018010911. Complainant contracted with
15 Respondent for home security services.
16 Complainant alleges that Respondent voluntarily
17 canceled the monitoring service without her
18 knowledge until the alarm went off, and the
19 monitoring service did not call.

20 Respondent contracted with a monitoring
21 service and terminated the contract in January
22 2018 following a dispute.

23 Respondent informed all of his customers
24 via email and letter that they would need to find
25 another monitoring service. Respondent holds an

1 active electrical contractor's license that
2 expires November 30, 2019.

3 Respondent produced an exemption from
4 the Board dated June 4, 2003, stating that he is
5 specifically excluded from the provisions of the
6 Act per Tennessee Code Annotated 62-32-305,
7 paragraph (7), deriving less than 50 percent of
8 gross annual income from direct sales, monitoring,
9 installation, and/or maintenance services of alarm
10 systems.

11 The exemption law changed in 2009, and
12 it is believed that the Respondent is unaware.

13 The recommendation is to close, with the
14 stipulation that the Department will send a letter
15 to the Respondent notifying them that they need to
16 reapply for exemption.

17 MR. HARVEY: It sounds like he's inching
18 his way out of the alarm industry altogether
19 anyway. I make a motion to concur with counsel.

20 MR. COCKBURN: Second.

21 THE CHAIRPERSON: We have a motion by
22 Mr. Harvey and a second by Mr. Cockburn to concur
23 with our counsel's recommendation in this matter.
24 All in favor, voice by saying aye? All opposed?
25 The motion carries.

1 MR. HUFFMAN: No. 9, Case
2 No. 2018011621. Complainant alleges that
3 Respondent sent a representative to her home to
4 upgrade the system. The representative informed
5 Complainant that the company had changed names to
6 the Respondent and that her billing would be five
7 dollars less per month.

8 Complainant was billed \$39.95 by
9 Respondent but also 44.95 by the former company
10 for four months. Complainant disputed with her
11 bank and was refunded the former company's billing
12 amount but is still being billed \$44.95.
13 Complainant wants out of the contract.

14 Respondent stated that the
15 representative is no longer employed and would
16 have been fired if they had known about the
17 situation with Complainant.

18 Respondent has released Complainant from
19 the contract and scheduled to have equipment
20 removed. Recommendation is to send letter of
21 warning referencing Tennessee Rules and Regs.
22 0090-06-.03, Standards of Conduct and Ethics.

23 THE CHAIRPERSON: Has this company had a
24 similar history of complaints against them of this
25 nature?

1 MR. HUFFMAN: I do not believe so.

2 MR. COCKBURN: I move we accept
3 counsel's suggestion.

4 MR. HARVEY: I second.

5 THE CHAIRPERSON: We have a motion by
6 Mr. Cockburn and a second by Mr. Harvey to concur
7 with our counsel's recommendation. All in favor,
8 voice by saying aye? All opposed? The motion
9 carries.

10 MR. HUFFMAN: No. 10, Case
11 No. 2018012291. Complainant issued a lengthy
12 complaint with timelines and dates. Complainant
13 and Respondent contracted for a home alarm system
14 in June of 2017, but issues began about January
15 2018.

16 Complainant's system was showing an
17 issue with the fire detector and battery, making
18 the panel constantly ding.

19 Respondent had sent supervisors and
20 techs out to Complainant's house numerous times to
21 resolve the issue. However, Complainant alleges
22 the issue is still not fixed.

23 Complainant has since unplugged the
24 panel and removed the battery to stop the dinging.
25 Complainant is upset that she is paying for a

1 service that does not work and alleges that
2 Respondent informed her that if she canceled, then
3 her monthly billing will increase due to the alarm
4 system being part of a discount package deal.

5 Recommendation is, this is a matter of
6 product failure and contract dispute and close.

7 MR. HARVEY: I make a motion to concur
8 with counsel.

9 MR. COCKBURN: Second.

10 THE CHAIRPERSON: Okay. We have a
11 motion by Mr. Harvey and a second by Mr. Cockburn
12 to concur with our counsel in this matter. All in
13 favor, voice by saying aye? All opposed? The
14 motion carries.

15 MR. HUFFMAN: No. 11, Case
16 No. 2018012721. Complainant alleges that
17 Respondent knocked on her door and told her that
18 her rates would be increasing and another company
19 bought out the alarm company that complainant was
20 currently using.

21 Complainant alleges that salesman showed
22 her an article from the Internet to validate.
23 Complainant felt that she was rushed into this
24 agreement to cancel, but Respondent told her that
25 she had to pay the balance on the 60-month

1 contract.

2 Respondent alleges they have tried to
3 reach out to Complainant without success.
4 Respondent alleges there is a recorded call with
5 Complainant pre-installation stating that she
6 understood that her current company was still in
7 business, and the reason for switching was due to
8 the product being offered by Respondent. There is
9 no mention of rate increases or company being
10 bought out.

11 Respondent believes that the previous
12 company is trying to win her business back and
13 telling Complainant that she was scammed.
14 Respondent is a legitimate company and alleges
15 that they are trying to discuss the matter with
16 the Complainant to ensure her worries.

17 Recommendation is to send a letter of
18 warning referencing Tennessee Rules and
19 Regulations 0090-06-.03, Standards of Conduct and
20 Ethics.

21 MR. COCKROFT: How long after was she
22 wanting to cancel? I mean, was this like right
23 away or within three days or ...

24 MR. HUFFMAN: No. This was about a
25 year.

1 MR. COCKROFT: A good bit of time later.

2 MR. HUFFMAN: Yes. It was about seven
3 or eight months, maybe nine months. It started
4 when she saw something on the local news about a
5 report of alarm system scams.

6 MR. COCKROFT: Was the other information
7 true, that the other company was going out of
8 business, or is ...

9 MR. HUFFMAN: No. That information was
10 really on the news story. It wasn't from the
11 Respondent. I think she really just got it off
12 the news.

13 THE CHAIRPERSON: Yeah. But it says in
14 the report that her rates would be increasing and
15 another company bought out the alarm company that
16 Complainant was currently using. So, I mean, it
17 says in the report that the person that knocked on
18 the door told her that.

19 MR. HUFFMAN: That's what she alleges,
20 but the Respondent says that's not what happened,
21 that they went through the contract that she
22 signed, and they went through the telephone survey
23 questionnaire. But the information that she put
24 into her complaint came from the news story, which
25 Respondent is saying was started by the former

1 company.

2 MR. COCKROFT: I would think that if it
3 was a scam, she would know -- she would still be
4 getting a bill from the -- I guess she could have
5 canceled.

6 But I was thinking if she would still be
7 getting a bill from the other company, that she
8 could have still canceled that, because my concern
9 is either they didn't do that, and there shouldn't
10 even be a letter of warning, because that would be
11 on the record, or they did it and it ought to be
12 more severe than that.

13 You feel pretty confident that it wasn't
14 true, that the -- you feel like the story was
15 somewhat fabricated to get out of the contract or
16 the --

17 THE CHAIRPERSON: Or if she mixed two
18 stories into one.

19 MR. HUFFMAN: I believe a little bit of
20 both. I believe that the Respondent did not say
21 that, and I believe she's mixing it up with the
22 story, based on what I've seen and the documents
23 that have been provided by both parties.

24 MR. COCKBURN: Was there a hard copy
25 left with her or it was just that she alleges they

1 showed it to her and it disappeared?

2 MR. HUFFMAN: No. She provided the
3 contract.

4 THE CHAIRPERSON: But she doesn't have a
5 copy of the internet article that she says she was
6 shown; correct?

7 MR. HUFFMAN: No. I had to go back and
8 find it. The letter was actually sent to the
9 Attorney General stating the story, and I had to
10 go back and listen to the story.

11 MR. COCKROFT: Was that even related to
12 any of the companies in this?

13 MR. HUFFMAN: No.

14 MR. COCKROFT: And it's not her old
15 company, and it's not her new company --

16 MR. HUFFMAN: It was neither company.

17 MR. COCKROFT: That didn't have anything
18 to do with that. I mean, it is a serious thing.
19 It is a big problem where people do what's alleged
20 here, and that's what that whole new -- the rules
21 were about. It's just so hard to prove that or to
22 know what's going on.

23 MR. HUFFMAN: It really is. I mean,
24 now, some of them are pretty blatant. But
25 sometimes stories get mixed, and you have one side

1 and then the other side saying two different
2 things, and you have to kind of figure it out.

3 But it is a problem when people come in
4 and tell customers, "You need to be with our
5 system, because this other company is going away,"
6 or, "We bought that company."

7 MR. COCKROFT: Right. It's kind of a
8 mixture of the two. They didn't say that they
9 bought the company. They said that who she was
10 using got bought, and they would like to now have
11 her service.

12 So it's not really where someone got
13 slammed where they were just told, "Oh, we bought
14 your company," because they would know. If that
15 was wrong, they would know that right away.
16 They'd get a bill from two places.

17 MR. HUFFMAN: If this company that they
18 were talking about was bought out, it would be on
19 the news. It's a very big company.

20 MR. COCKROFT: So if that was said, then
21 that wasn't true is what you're saying?

22 MR. HUFFMAN: Right.

23 MR. COCKBURN: Do we have definitive
24 proof either way?

25 MR. HUFFMAN: No.

1 MR. COCKBURN: I would just hate to see
2 a company get a letter that would be in their
3 record, and there's no definitive proof.

4 THE CHAIRPERSON: Well, the letter of
5 warning is just that. It's just advising them of
6 what the law states in case there is a situation
7 in the future. We do that quite often. We send a
8 letter of warning if it's an iffy-type situation.

9 MR. HARVEY: Or a letter of instruction.

10 THE CHAIRPERSON: Yeah.

11 MR. HUFFMAN: We just want to make sure
12 that they're not out there telling people this
13 information --

14 MR. COCKROFT: Right.

15 MR. HUFFMAN: -- and that's why I
16 recommend a letter of warning.

17 THE CHAIRPERSON: So has this company
18 had a similar complaint in the past against him of
19 this nature?

20 MR. HUFFMAN: I don't believe so.

21 THE CHAIRPERSON: I see there's a
22 previous complaint with a \$500 civil penalty, and
23 I was just wondering if it was of this same
24 nature.

25 MR. HUFFMAN: It is not of this type of

1 nature, no.

2 MR. COCKROFT: I make a motion to concur
3 with the recommendations of our counsel.

4 THE CHAIRPERSON: Okay. We have a
5 motion by Mr. Cockroft. Do we have a second?

6 MR. HARVEY: I second.

7 THE CHAIRPERSON: And a second by
8 Mr. Harvey. All in favor, voice by saying aye?
9 All opposed? The motion carries.

10 MR. HUFFMAN: No. 12, Case
11 No. 2018013891. Complainant is in the process of
12 selling her house. Complainant alleges that the
13 monetary provider will not terminate the contract,
14 even though Complainant has offered the
15 termination fee.

16 Complainant alleges that Respondent
17 informed her that she will need a family member or
18 friend to resume the contract. Respondent says
19 that Complainant received the system at no cost or
20 labor and signed a 36-month contract in October
21 2017.

22 Respondent also states that Complainant
23 has made four payments and is still obligated on
24 the contract. Respondent has offered a discounted
25 termination fee. However, Complainant has not yet

1 responded.

2 Recommendation is, this is a contract
3 dispute and to close.

4 MR. HARVEY: I make a motion to concur
5 with counsel.

6 MR. COCKROFT: Second.

7 THE CHAIRPERSON: Okay. We have a
8 motion by Mr. Harvey and a second by Mr. Cockroft
9 to concur with our counsel's recommendation. All
10 in favor, voice by saying aye? All opposed? The
11 motion carries.

12 MR. HUFFMAN: No. 13, Case
13 No. 2018016371. Complainant alleges they switched
14 services to Respondent online. However,
15 Respondent will not show up to install the system.
16 Complainant now wants to terminate the contract.

17 Respondent has released Complainant from
18 the contract and refunded any deposit made.
19 Recommendation is to close.

20 MR. COCKBURN: I motion we agree with
21 counsel.

22 MR. HARVEY: Second.

23 THE CHAIRPERSON: Okay. We have a
24 motion by Mr. Cockburn and a second by Mr. Harvey
25 to concur with our counsel's recommendation. All

1 in favor, voice by saying aye? All opposed? The
2 motion carries.

3 MR. HUFFMAN: No. 14, Case
4 No. 2018016501. Complainant alleges unlicensed
5 activity of the Respondent after it installed a
6 system at the local schools. Complainant was
7 concerned for the children and staff that the
8 system was not properly installed due to no
9 license.

10 Complainant happens to be a QA for
11 another alarm system company that lost the bid,
12 and wife works at one of the schools.

13 Respondent states that they possess a
14 valid S-Low Voltage license and was assured that
15 they were adequately licensed since the school was
16 monitoring the system. Respondent admits that
17 they provide hardware and software, as well as the
18 installation if requested.

19 Recommendation is to send a letter of
20 warning and instructions for obtaining an ASC
21 license.

22 MR. COCKROFT: What's the normal for
23 unlicensed activity? What's our normal?

24 MS. VEST: Is it a minimum of a thousand
25 dollars?

1 MR. HUFFMAN: It is a minimum of a
2 thousand.

3 MR. COCKROFT: I think unlicensed
4 activity is a big deal.

5 MS. VEST: Okay. Let me, if I can,
6 explain a little bit more about this one. We got
7 a telephone call from the school system, and they
8 said they do S-Low Voltage, which falls under the
9 Contractors Board, and so you are low voltage.

10 They were given erroneous information by
11 one of our staff members and told they did not
12 need this license. The school called me, and then
13 the individual who filed a complaint also called.

14 MR. COCKROFT: I remember discussing it
15 before.

16 MS. VEST: Just you and I, yes. I
17 believe it was when I called you.

18 MR. COCKROFT: I thought we heard it at
19 a board meeting or something, maybe not.

20 MS. VEST: No. That's why I called you
21 to get advice whether they did or not, because it
22 threw the staff off when it said S-Low Voltage,
23 which meant really action, nothing to us. That
24 individual was not a CE contractor, so they will
25 not fall under the exclusion. They would have to

1 have an alarm --

2 MR. COCKROFT: What did they install?

3 MS. VEST: They were changing from an

4 analytical system to a different type of a system.

5 MR. COCKROFT: But a fire alarm or

6 burglar alarm or --

7 MS. VEST: No. I believe it's more like

8 that face recognition.

9 MR. HUFFMAN: Yes. I believe it's more

10 face recognition software.

11 MR. COCKROFT: Part of the CCTV?

12 MR. HUFFMAN: Yes.

13 MS. VEST: Yes. So we feel like they

14 did install it with good faith, because they were

15 told they didn't need the license. Stuart and I

16 have talked about this. We need to tell them at

17 least they do need to get the license. We feel

18 now that they do have to have a license. But the

19 system is already installed.

20 MR. COCKROFT: But you feel like they

21 were given wrong information?

22 MS. VEST: Oh, I know they were, yes,

23 sir.

24 MR. COCKROFT: Okay. Well, that makes a

25 big difference to me then. And it was an honest

1 mistake, but ...

2 MR. HUFFMAN: And also the company has
3 reached out and asked what do they need to do to
4 make sure that there's no problems in the future.

5 MR. COCKROFT: Okay. Well, I make a
6 motion to concur with our recommendations of
7 counsel.

8 MR. COCKBURN: I second.

9 THE CHAIRPERSON: Okay. We have a
10 motion by Mr. Cockroft and a second by
11 Mr. Cockburn to concur with our counsel's
12 recommendation. All in favor, voice by saying
13 aye? All opposed? The motion carries.

14 MR. HUFFMAN: These cases are being
15 re-presented. No. 15, Case No. 2017078531. This
16 complaint was opened by request of the Board in
17 December of 2017 meeting after hearing the
18 previous complainant 2017057981.

19 Complainant alleged that Respondent was
20 performing an upgrade to a hospital's fire alarm
21 devices on August 28, 2017, and that Respondent
22 was unlicensed.

23 Respondent responded to the previous
24 complaint and stated they were not installing the
25 system, only furnishing materials for the

1 installation. An investigation was requested.

2 The investigator determined that a
3 licensed company, Respondent in this case, had
4 employed two individuals to perform the work. One
5 of the workers is listed as an applicant, and one
6 is not listed at all.

7 Respondent states that he never received
8 any paperwork back from the State on the missing
9 applicant. Respondent stated that apparently the
10 paperwork must have become lost.

11 Both applicants have been properly
12 registered as of January 8, 2018. Updated
13 information is, Respondent submitted applications
14 for the two alleged unregistered employees before
15 the hospital project.

16 Additional documents were needed from
17 Respondent, and instead of sending the requested
18 documents, Respondent sent new applications. The
19 new applications were submitted after the hospital
20 project.

21 There was no violation at the time of
22 the project. New recommendation is to close.

23 MR. COCKROFT: I make a motion to concur
24 with our counsel's recommendation.

25 MR. COCKBURN: Second.

1 THE CHAIRPERSON: We have a motion by
2 Mr. Cockroft and a second by Mr. Cockburn to
3 concur with our counsel's recommendation. All in
4 favor, voice by saying aye? All opposed? The
5 motion carries.

6 MR. HUFFMAN: No. 16, Case
7 No. 2017060071. This is an industry complaint.
8 Complainant alleges that Respondent advertising on
9 Facebook to install security cameras without a
10 license.

11 Respondent responded to the complaint
12 and states that he does asphalt sealing; however,
13 installed a self-monitoring Samsung security
14 camera from Sam's Club that required no monthly
15 fees for monitoring for his neighbor.

16 Respondent states the Complainant is a
17 competitor who is trying to create confusion about
18 his business. Respondent states that he has a
19 business license and mainly does asphalt sealing
20 and pressure washing.

21 Updated information, Respondent states
22 that he helped his neighbor install a wireless
23 door monitor and thought it was fairly simple. So
24 he added it to his business card. He has recently
25 agreed to take off the "offering security cameras"

1 on his business card and Facebook page. He mainly
2 does asphalt sealing and landscaping jobs but is
3 sort of a "jack of all trades" guy.

4 The new recommendation is to send a
5 letter of warning and close.

6 THE CHAIRPERSON: I'm not persuaded to
7 change that.

8 MR. COCKROFT: Really? Have you
9 verified that the advertising was taken down?

10 MR. HUFFMAN: Well, this is just a
11 recent event this week. As of now I do not
12 believe it's taken down.

13 MR. HARVEY: But as far as the camera
14 goes, we have no evidence to indicate that he has
15 done any work for anyone other than just help his
16 neighbor out, put one in.

17 MR. HUFFMAN: Yes.

18 MR. HARVEY: So there's really no
19 violation other than what little advertising he
20 may have done on a business card.

21 MR. HUFFMAN: That's exactly right.

22 MR. COCKBURN: My concern is, is that he
23 had -- as I understand it, it's his neighbor. But
24 he put it on his business cards with the intent to
25 install cameras.

1 THE CHAIRPERSON: And on his Facebook
2 page.

3 MR. COCKBURN: And on his Facebook page.

4 THE CHAIRPERSON: And it's not been
5 taken down?

6 MR. HUFFMAN: No. His business card is
7 actually the page --

8 MS. THOMAS: Just the picture on his
9 Facebook page.

10 MR. HUFFMAN: Right. It's the picture
11 on his Facebook page. It's his business card that
12 has "offering security cameras." And he just goes
13 to Sam's Club or Walmart and buys the wireless
14 monitoring system, but there's no evidence that he
15 has done this except for installed it for his
16 neighbor.

17 THE CHAIRPERSON: That you know of. But
18 he's still advertising, and he's still done it,
19 which is a violation of the law that he's
20 installing CCTV cameras without a license.

21 MR. HUFFMAN: We know that he is
22 advertising.

23 MR. COCKBURN: Well, he's admitted to
24 one.

25 MR. HUFFMAN: To one, yes.

1 MR. COCKROFT: Well, in the initial
2 response he says that he installed Samsung
3 security cameras from Sam's Club. But then the
4 other response, he's now saying it was just --
5 what does he say -- I mean, I get the impression
6 maybe it was like a video doorbell.

7 MS. VEST: Yes. He was.

8 MR. COCKROFT: But it sounds like
9 he's --

10 THE CHAIRPERSON: No. A CCTV system
11 from Sam's is a CCTV system --

12 MR. COCKROFT: Right.

13 THE CHAIRPERSON: -- but that's
14 not --

15 MS. VEST: It's not a doorbell.

16 THE CHAIRPERSON: Did anybody install
17 them? I mean, if I go there, can I --

18 MR. COCKBURN: If you're the homeowner.

19 THE CHAIRPERSON: If you're the
20 homeowner, yes.

21 MR. COCKBURN: If he's the homeowner,
22 yes. But he's running a business and is
23 advertising that he installs them.

24 MR. COCKROFT: At face value it sounds
25 like it started innocently maybe. He helped his

1 neighbor, and he thought that was easy. So he
2 added it to his business card. But it also sounds
3 like he did a doorbell, and then he's also saying
4 he does security cameras from Sam's. That's two
5 different things, if it's --

6 THE CHAIRPERSON: Where is the doorbell?

7 MR. COCKBURN: That's on the --

8 (Multiple people talking.)

9 THE CHAIRPERSON: Oh, a wireless
10 doorbell monitoring.

11 MR. COCKROFT: He thought it was fairly
12 simple, so he added it to his business card.

13 MR. HARVEY: But he has been advised
14 what the law is and what he is supposed to be
15 doing, assuming he did not know before.

16 MR. HUFFMAN: He has. He has been
17 advised, and he states it. His main job is
18 asphalt sealing and landscape jobs and pressure
19 washing, things like that. He admits that he
20 helped his neighbor, thought it was easy, and
21 that's why he put it on there, thinking he could
22 make some extra money.

23 MR. HARVEY: I'm fine with a letter of
24 warning. But if you all want to --

25 MR. COCKBURN: My only concern is that

1 his original response was, is that he's installing
2 self-monitoring Samsung security cameras from
3 Sam's Club. I mean, he has admitted that he's
4 doing cameras. And then next is, "I just helped
5 my neighbor." That's a concern.

6 I mean, in an industry where we govern
7 installations, he did an install. I mean, this is
8 kind of expanded out. But if I get caught drunk
9 driving, "well, I only did it once."

10 THE CHAIRPERSON: I make the motion that
11 we stick with our original decision. And if he
12 wants to file for a formal hearing or whatever,
13 then we'll go from there.

14 MR. COCKBURN: I second.

15 MR. HARVEY: Which was what?

16 THE CHAIRPERSON: We stick with our
17 original decision that was filed (someone
18 coughing).

19 MR. COCKROFT: It's a \$1,000 civil
20 penalty. We had a motion and a second.

21 THE CHAIRPERSON: Yeah. We had the
22 motion. I made the motion. Mr. Cockburn seconded
23 it. All in favor, voice by saying aye? All
24 those -- the motion carries.

25 MR. HUFFMAN: No. 17, Case

1 No. 2017057241. This complaint was presented to
2 the Board initially in December of 2017 with
3 Complainant alleging that Respondent fraudulently
4 obtained her business by indicating the Respondent
5 upgraded her system following a merger of the
6 company.

7 The Board authorized a consent order and
8 civil penalty of \$500 for violation of Tennessee
9 Rules and Regs. 0090-06-.03, paragraph (2),
10 subparagraph (f), Standard of Conduct and Ethics.

11 The Respondent submitted to the legal
12 division a copy of the April 2017 welcome call
13 involving Complainant. In the call, Complainant
14 acknowledged that Respondent was an independent
15 company not owned or affiliated with any other
16 alarm system company.

17 Complainant indicated in the call that
18 she was a customer of another company and was not
19 billed by another alarm company.

20 Respondent stated that upon receipt of a
21 telephone call by Complainant, the safeguards to
22 avoid confusion about affiliation were explained,
23 and Respondent indicated the company would be
24 willing to consider buying out Complainant's
25 contract.

1 Respondent's next communication from
2 Complainant came in the form of a Better Business
3 Bureau and Division of Consumer Affairs complaint.
4 Once those complaints were received, Respondent
5 investigated and refunded Complainant and
6 terminated the agreement on June 7, 2017.

7 Additionally, Respondent terminated the
8 employment of the sales representative involved in
9 this transaction.

10 Revised recommendation is to issue a
11 letter of warning to Respondent regarding
12 Tennessee Rules and Regs. 0090-06-.03, paragraph
13 (2), subparagraph (f), Standard of Conduct and
14 Ethics and to close.

15 THE CHAIRPERSON: You know, this is
16 several cases we've had in this legal report that
17 all basically are the same complaint. Is there
18 not anything that can be done to these companies?
19 Are these all the same companies, or are these
20 different companies?

21 MR. HUFFMAN: They're different
22 companies.

23 THE CHAIRPERSON: Something needs to be
24 done, because it seems to me they're almost
25 committing a type of fraud or whatever where

1 they're going to people and almost scamming them
2 to where they don't understand what's happening.
3 And in this case, there must be some validity,
4 because the Respondent has terminated the sales
5 representative.

6 MR. HUFFMAN: I would agree with you.

7 MR. COCKROFT: My first thought when it
8 said they had terminated the contract, I think, or
9 they let her out of the contract, that was like
10 that might not, in and of itself, be an admission
11 of guilt, because it may be easier to do that than
12 fight it.

13 But then when you've also let the
14 employee go, that's a little bit more telling.

15 THE CHAIRPERSON: That's true. I make a
16 motion to stick with our original decision.

17 MR. HARVEY: I second.

18 MR. COCKROFT: So what was our original?

19 THE CHAIRPERSON: \$500 in Code of
20 Conduct, Standards of Conduct and Ethics. I think
21 it's at the top of the sheet.

22 MR. HARVEY: Oh, I'm sorry, I
23 misunderstood.

24 MR. COCKROFT: Oh, I see it up there.
25 Okay.

1 THE CHAIRPERSON: Are you withdrawing
2 your second?

3 MR. COCKROFT: So we have a motion with
4 no second?

5 THE CHAIRPERSON: well I don't know. He
6 seconded it, but I don't know if he's going to
7 withdraw it or not.

8 MR. HARVEY: Yeah. I thought you were
9 speaking of the new recommendation. I'm sorry, I
10 do withdraw.

11 MS. VEST: Excuse me --

12 MS. THOMAS: Of course, not to try to
13 sway the Board against their decision, I will say
14 that I personally listened to this welcome call.
15 This was sent in, and this is why it's being
16 re-presented, because I had the same reservation
17 as you did in December of 2017.

18 But I've been in contact with their
19 legal counsel, and that's where the information
20 came. They provided me with a copy of the welcome
21 call. I listened to it, and that was where the
22 complainant indicated that she knew it was a
23 separate company. She knew that they were not
24 affiliated, and she still wanted to proceed with
25 Respondent company as her alarm provider. I can't

1 speak to why they terminated that sales
2 representative, of course. But that information
3 was provided to me, and so I provided it to you
4 all.

5 MR. COCKROFT: And that's what I wonder
6 on some of these. They say they have called, but
7 you actually heard it.

8 MS. THOMAS: Yes.

9 MR. COCKROFT: So you have a better
10 feeling of it than we do, because I wonder what is
11 going on. Is someone saying something beforehand
12 and saying, "Oh, well, you've got to answer all
13 these questions or I can't do it"?

14 MS. THOMAS: Right.

15 MR. COCKROFT: But then they're
16 knowledgeable of it. If they do that, it's like
17 they're answering the questions. They're agreeing
18 to it.

19 THE CHAIRPERSON: Did they knock on her
20 door as her first contact, or was it when whatever
21 this welcome call was?

22 MS. THOMAS: I believe it was a
23 door-to-door sales call. And so then right before
24 they enter into the contract, they have to contact
25 their corporate office or whomever and acknowledge

1 all these different scenarios, that it is an
2 independent company. They aren't being pressured
3 into signing this contract before they begin --

4 MR. COCKBURN: So it's an attempt to
5 provide proof of non-duress?

6 MS. THOMAS: Sure. Yes, sir.

7 MR. COCKROFT: Well, and it's also an
8 effort on the company's part to make sure that
9 it's not going on. It's a double-check on their
10 salesperson, and this is against the company.

11 So even if that happened, I guess, the
12 company was making a diligent effort, it sounds
13 like, to prevent it. I mean, the salesman would
14 have had to say -- had to have this line --

15 MS. THOMAS: They're going to ask you
16 these questions; right.

17 MR. COCKROFT: Well, why would someone
18 do that if they didn't believe it?

19 MS. THOMAS: Right. And our issue is,
20 we would have no way to prove that it did or
21 didn't happen.

22 MR. COCKROFT: Right.

23 MR. COCKBURN: So currently there's no
24 motion.

25 MS. THOMAS: Right.

1 MR. COCKBURN: I move we go with the
2 revised recommendation. It seems as though the
3 company did try to prevent anything like that
4 happening, the Complainant against the company.

5 MR. COCKROFT: Second.

6 THE CHAIRPERSON: Okay. We have a
7 motion by Mr. Cockburn and a second by
8 Mr. Cockroft to concur with our counsel's revised
9 recommendation. All in favor, voice by saying
10 aye? All opposed? The motion carries.

11 MR. HUFFMAN: That is the end of the
12 legal report.

13 THE CHAIRPERSON: Thank you very much.
14 We're going to take a 15-minute break.

15 (Recess taken.)

16 (BY THE CHAIRPERSON) Okay. We're going
17 to call our meeting back to order. I think the
18 next thing on the agenda are the appearances?

19 MS. VEST: Yes, ma'am. We have two
20 appearances today, and I have already asked both
21 of them to sign in. The first one is going to be
22 Erick Seedorf, if I'm pronouncing that correctly.

23 MR. SEEDORF: Yes.

24 MS. VEST: All right. If you would, you
25 need to look at Exhibit A. And, Mr. Seedorf, they

1 have not seen -- well, I believe they have. The
2 information they have right now, they haven't
3 seen. But I believe you were asked to come before
4 the Board at the last meeting. They had some
5 questions about a charge or charges, so if you'll
6 give them just a minute to review it again.

7 (Pause in proceedings.)

8 (BY MS. VEST) If I'm not mistaken,
9 Scott, I believe you asked this gentleman to
10 appear.

11 MR. COCKROFT: I did. I was one of the
12 members.

13 MS. VEST: Yes, sir. Okay.
14 Mr. Seedorf, would you -- do you have a copy of
15 what you gave me?

16 MR. COCKROFT: No, I don't, not on me.

17 MS. VEST: Okay. Would you mind --
18 there is one charge on his record. You can go
19 ahead and speak to the Board, if you would.

20 MR. SEEDORF: Okay. Back in October
21 1992 I had broken into a moped scooter shop and
22 stole a moped. I was arrested leaving the
23 building, the building property. I pleaded down
24 or I pleaded guilty to the breaking and entering
25 and auto theft, which is due to the moped being a

1 motorized vehicle, and I served two years of
2 probation on that.

3 MR. COCKROFT: Can you explain a little
4 bit, I guess, of the circumstances of what
5 happened or what led you to that?

6 MR. SEEDORF: I was young and stupid.

7 MR. COCKROFT: I mean, our concern --
8 what bothered me, I guess you felt like it was a
9 higher charge because of auto theft, and you were
10 saying that it was really a break-in. And that's
11 what we do. I mean, we put in burglar alarms. So
12 that's very concerning.

13 That's not to say you couldn't redeem
14 yourself. But without more explanation and where
15 you are today, that bothers me.

16 MR. SEEDORF: At the time I felt I
17 needed a mode of transportation, because I didn't
18 have a car at the time.

19 THE CHAIRPERSON: How old were you?

20 MR. SEEDORF: I was 20. And I felt that
21 was a good option at the time; again, like I said,
22 young and stupid. I have stayed out of trouble
23 since. I have held management positions, and I
24 have worked in this business for about eight years
25 now up in Indiana and pretty much kept myself

1 clean. I don't want to go back. So, yeah, I take
2 that very seriously. Even if friends ask me to do
3 stuff, I don't, because it's my livelihood.

4 MR. COCKROFT: I guess, I mean, can you
5 tell us a little about yourself today? I realize
6 that you were 20, but give me a little background.
7 I mean, where are you today? What's different
8 about from then and ...

9 MR. SEEDORF: Back then I had no
10 direction, and I was just working mostly retail
11 stuff. I have since gone into the restaurant
12 business, all aspects of it; serving, cooking,
13 went into management.

14 About ten years ago when my son was
15 born, I decided I needed something more concrete.
16 And I went to Lincoln Tech to do a low-voltage
17 service, and I have been doing that ever since,
18 mainly because I want to make sure that I provide
19 for him and he knows that this is what you're
20 supposed to do.

21 MR. COCKROFT: You live -- and I'm not
22 sure where. You said you were in Indiana or
23 you --

24 MR. SEEDORF: I live in Greenwood,
25 Indiana. It's just south of Indianapolis,

1 Indiana.

2 MR. COCKROFT: And do some work in
3 Tennessee or would like to?

4 MR. SEEDORF: We are getting ready to.
5 We want to make sure we have all of our stuff in
6 line before we do that.

7 MR. COCKBURN: Now, when you were on
8 your -- you said you served two years of
9 probation. Any violations on your probation, or
10 was this your --

11 MR. SEEDORF: No. I made my meetings,
12 and I made my payments, and that was it.

13 THE CHAIRPERSON: You made a statement
14 awhile ago I picked up on. You said, "I have
15 friends that still ask me to do things, but" --

16 MR. SEEDORF: Well, I mean, as in they
17 ask about putting in alarm systems, or I had a
18 friend of mine that was getting ready to start a
19 business. He asked if I would come in and wire
20 some fire stuff, and like I told him no, because
21 if something goes wrong, that's upon me and I'm
22 liable. So I tell them no.

23 I usually refer them to my company where
24 they can call, "Hey, can you come out and do a
25 quote," instead of me going and just doing stuff.

1 THE CHAIRPERSON: So you've been
2 licensed with your company in Indiana since 2013;
3 is that correct?

4 MR. SEEDORF: Indiana doesn't require
5 licensing. I am a licensed fire technician and
6 inspector in Ohio as well.

7 MR. COCKROFT: What all do you do in
8 your work?

9 MR. SEEDORF: I put in fire alarm
10 systems, nurse call systems, access control,
11 whether it be local as in mag locks and key pads
12 or a car meter for an entire building, as well as
13 wandering systems.

14 THE CHAIRPERSON: What are those?

15 MR. SEEDORF: Those are mostly like in
16 nursing facilities. A resident will wear a tag.
17 And when they get too close to it to work, it will
18 alert staff, and normally it will lock down the
19 door so that they can't get out.

20 THE CHAIRPERSON: So on your application
21 it's got job title, position with an alarm system
22 contracting company as a certified technician.

23 MR. SEEDORF: Yes.

24 THE CHAIRPERSON: And the date of
25 employment in your registered position is

1 September 30th, 2013.

2 MR. SEEDORF: Yes. Before that I worked
3 for three years for a company called Hughes
4 Integrated. That was based out of -- also
5 Indiana. I'm trying to remember. It was a small
6 town just north.

7 MS. VEST: I believe -- are you saying
8 that that was with the company that was in Indiana
9 when you put that date down? That wasn't when you
10 started doing any work in Tennessee, because that
11 company is not registered yet.

12 MR. SEEDORF: Yeah. I have not done
13 work in Tennessee yet.

14 MR. COCKROFT: Were you just referencing
15 the fact that it says certified technician or
16 just --

17 THE CHAIRPERSON: well, it just says
18 he's a certified technician, and that's what I was
19 trying to find out was where --

20 MR. SEEDORF: well, I went to Lincoln
21 Tech, and I have the certifications and graduation
22 from there.

23 MS. VEST: Actually what they should
24 say, date of employment and position is, "No,
25 because I'm not in Tennessee yet." When we say

1 registered position, we mean Tennessee.

2 THE CHAIRPERSON: That's what I was
3 trying to figure out.

4 MR. SEEDORF: Oh, I apologize. No, I'm
5 not certified in Tennessee. I just got the
6 certifications from the Lincoln Technical College
7 that I went to.

8 THE CHAIRPERSON: So you graduated from
9 Lincoln Tech in 2013?

10 MR. SEEDORF: No, 20 --

11 MR. COCKROFT: Well, you started to work
12 for the company in Indiana in 2013.

13 MR. SEEDORF: In 2013. I graduated from
14 Lincoln Tech in 2010.

15 THE CHAIRPERSON: Has the company become
16 licensed in Tennessee?

17 MS. VEST: When I looked at the report,
18 the answer was no. They may be as of today. I
19 did not look today.

20 MR. COCKROFT: How would they apply for
21 a -- is this for a qualifying agent or registered
22 employee?

23 MS. VEST: This is for a registered
24 employee. He wants to make sure he can qualify in
25 the state of Tennessee before they come in as a

1 registered --

2 MR. COCKROFT: Oh, okay. I didn't know
3 you could do that. I know you couldn't
4 necessarily apply as an employee without a
5 licensed company.

6 UNIDENTIFIED SPEAKER: We are licensed.
7 I'm the qualifying agent for the company.

8 MR. COCKROFT: Okay. Do you have
9 anything you'd like to add?

10 MS. VEST: You can come up here, sir, if
11 you would.

12 UNIDENTIFIED SPEAKER: I can't speak to
13 Erick's record --

14 THE CHAIRPERSON: Introduce yourself,
15 please.

16 UNIDENTIFIED SPEAKER: My name is Joe.
17 I'm the qualifying agent for --

18 THE CHAIRPERSON: Joe. Last name?

19 UNIDENTIFIED SPEAKER: Buckley.

20 THE CHAIRPERSON: Okay.

21 MR. BUCKLEY: I can't speak to Erick's
22 record. We knew that -- when we hired him, we
23 didn't do background checks, but Eric offered the
24 information voluntarily when we did the interview.
25 We've had nothing but good, positive things from

1 Erick. He's been a great employee for us,
2 probably one of our best technicians and
3 employees, and he's been great for us.

4 MR. COCKBURN: How long has he been with
5 you?

6 MR. BUCKLEY: He's been great for us --
7 I'm sorry?

8 MR. COCKBURN: How long has he been with
9 you?

10 MR. BUCKLEY: Since -- was it 2013? Was
11 that what you put down? Yeah, 2013 was with us,
12 yes.

13 THE CHAIRPERSON: I think I understood
14 you to say from the audience that your company is
15 now registered or licensed in Tennessee?

16 MR. BUCKLEY: That's correct.

17 MS. VEST: It's a fairly new licensed
18 company. I believe in '17 is when they got their
19 license.

20 MR. HARVEY: I make a motion we grant
21 Mr. Erick his registered employee.

22 MR. COCKBURN: Second.

23 THE CHAIRPERSON: We have a motion by
24 Mr. Harvey and a second by Mr. Cockburn to grant
25 this individual his registered employee status.

1 All in favor, voice by saying aye? All opposed?
2 Congratulations, and thank you for coming before
3 us.

4 MR. SEEDORF: Thank you.

5 MS. VEST: And you will be hearing from
6 us.

7 MR. SEEDORF: All right. Thank you.

8 MS. VEST: Okay. I think the next one
9 on our agenda is another appearance that we have,
10 and I believe that's Stanley Hill. We've asked
11 Mr. Hill to come in to review his record as well.
12 We need to give them just a few minutes to look it
13 over, please.

14 MR. HILL: Yes, ma'am.

15 (Pause in proceedings.)

16 MS. VEST: Do you know on his
17 application -- you do have letters of
18 recommendation as well. I will tell you, Glenn.
19 I tried to show you everything that's in the
20 packet now except for the criminal record. That
21 is not public record. And if I shared that with
22 you, that would be secondary dissemination, and
23 I'm not allowed to do that.

24 So any information that he puts in his
25 packet with his application, you can see.

1 (Pause in proceedings.)

2 MS. VEST: Okay. Basically what I've
3 now seen on Mr. Hill was a 1997 criminal mischief,
4 two counts, guilty, which he had the intermediate
5 punishment program -- I did not know what that
6 was -- November the 3rd, '97, was theft by
7 deception, forgery, probation 23 months; reckless
8 endangerment, guilty, two years; agricultural
9 vandalism, guilty; burglary, guilty; receiving
10 stolen property. Those are the documents that you
11 have in front of you.

12 MR. COCKBURN: Well, first off, my major
13 concern is, you've been in and out of the court
14 system all the way up to 2009. According to the
15 documents, you failed to pay your fines all the
16 way up to 2009.

17 I mean, being up front, that's my first
18 concern when you're dealing in an industry where
19 people are counting on the person that comes into
20 their residence or their business. That's a
21 concern for me.

22 MR. HILL: I understand.

23 MR. COCKBURN: I guess, tell us a little
24 about yourself, where you got where you are and
25 how you got where you are, et cetera.

1 MR. HILL: So as relates to the issue of
2 the criminal activity, that was in my youth. I
3 don't --

4 THE CHAIRPERSON: You need to speak into
5 the microphone.

6 MR. HILL: I'm sorry. I'm sorry.

7 THE CHAIRPERSON: That's okay.

8 MR. HILL: So as regards to that, I
9 don't generally make excuses. What I did was
10 wrong, and I paid my time. I'm trying to live a
11 better life, and I've always did that.

12 In regards to what you addressed,
13 Mr. Cockburn, I have always had -- I've had
14 trouble. Prior to recently, I would say in the
15 last maybe ten years, I always had trouble finding
16 reliable employment.

17 So, similarly, I had to make decisions
18 on what I could pay, whether it was car insurance
19 or whatnot. And I have gotten behind in fines,
20 and that is true. And I have had to go to court
21 and explain that to them, and that has always come
22 back up.

23 But I have not had any trouble since
24 I've gotten reliable employment nor have I done
25 anything, I guess, inappropriate to make up money,

1 to do anything to catch myself up on what I need
2 to do.

3 As regards to where I am today, upon my
4 release when I was younger and I got out of
5 prison, I actually had to (inaudible) complete my
6 probation. I went to school. I have an
7 associate's degree in electronic technology. I've
8 worked in hospitals. I've volunteered in
9 hospitals, at least I did in Pennsylvania.

10 I moved down here December 8th. I was a
11 Tiger scout leader for my child, so I've done
12 that. I've done a lot of school activities that I
13 do for my kids that involve my family. I am a
14 family man. I have a wife, and I have a son. My
15 son is four. My stepson is 11.

16 I've held this job here with Simplex,
17 which is now JCI, for about three years. I am
18 licensed in the state of Maryland, and also I had
19 my low-voltage license in the state of West
20 Virginia.

21 Pennsylvania doesn't require licenses.
22 But I've worked exclusively in Pennsylvania on
23 fire alarms, a little bit of access control and
24 minor CCTV, but I have done work on them as well.

25 Like I said, I don't make excuses. I

1 mean, what I did was wrong. I was a -- I had, I
2 guess failed in decision-making skills. Mainly my
3 main issue was, was accountability. I have always
4 blamed everybody else for my own mistakes. It
5 took me many years to come to terms with that.

6 And then until I realized that whenever
7 I make a mistake, it's not society's fault or my
8 family's fault, it's my own fault. And I think
9 from there, I have actually grown as an
10 individual, as a person, to where I don't blame
11 anybody else for anything I do.

12 So we moved to Tennessee, and I'm trying
13 to get here to continue on with what I do. And I
14 do fire alarms, security --

15 THE CHAIRPERSON: Were you transferred
16 by the company, or did you --

17 MR. HILL: Yes, ma'am. I have actually
18 transferred. I am working for them, but I have
19 not been doing anything since I got the letter to
20 cease and desist until I heard from you guys. But
21 I was prior to that letter so ...

22 MR. COCKBURN: And you're in good
23 standing with the company?

24 UNIDENTIFIED SPEAKER: Yes. He is.

25 MR. HILL: Yes. The letters you got are

1 from my previous employer in Pennsylvania. I have
2 one that was on higher measure, who also was the
3 Baltimore supervisor. The other one was my
4 current supervisor, who is (inaudible), and then
5 also the guy that trained me. He was a co-worker,
6 but he was the guy that trained me, my senior
7 technician.

8 And this gentleman here is Ryan
9 Trammell. He's my qualifying agent from the
10 company.

11 MR. TRAMMELL: Donald Trammell.
12 Ryan is my middle name. I'm licensed under
13 Donald. I'm the qualifying agent for JCI here in
14 Nashville. Mr. Hill has worked for our company
15 for the past three years in Pennsylvania, with an
16 exceptional recommendation. There's no issues
17 with the company.

18 He did pass all our background checks
19 that our company ran at the time of hiring, and he
20 passed all the background checks. He transferred
21 them here to Tennessee, as well as any narcotics
22 screening. I'm not sure why it keeps cutting in
23 and out. I apologize.

24 THE CHAIRPERSON: Push the button down.

25 MR. TRAMMELL: I'll get really close.

1 How is that?

2 THE CHAIRPERSON: Yeah. Keep the button
3 on.

4 MR. TRAMMELL: He has passed all
5 background checks that we've done. Ours go back
6 ten years, so obviously it didn't pick up anything
7 that was that far back. He has been an exemplary
8 employee while he has been here, up until we got
9 the cease and desist. He's very thorough, very
10 knowledgeable. Our other technicians get along
11 well with him. Customers get along well with him.

12 He probably details service work tickets
13 more so than any other technician we have, which
14 does come in handy, but it can take a little while
15 to get there. But I do speak to his character and
16 his work ability and his work ethic. He is a very
17 outstanding technician actually for us.

18 THE CHAIRPERSON: Thank you.

19 MR. HARVEY: I make a motion on the
20 information that we've gathered here today and
21 letters of recommendation that we grant Mr. Hill
22 his registration.

23 MR. COCKROFT: Second.

24 THE CHAIRPERSON: Okay. We have a
25 motion by Mr. Harvey and a second by Mr. Cockroft

1 to grant Mr. Hill his registered employee status.
2 All in favor, voice by saying aye? All opposed?
3 Congratulations, and thank you both for coming in.

4 MR. HILL: Thank you very much.

5 MR. TRAMMELL: Thank you.

6 THE CHAIRPERSON: All right. Mr. Hill,
7 you'll be hearing from us as well.

8 MR. HILL: Does that mean I still cannot
9 work? I'm just curious. I'm not --

10 THE CHAIRPERSON: It's a valid question.
11 We understand.

12 MR. COCKBURN: Money is money.

13 MR. HILL: No, no. I mean, I'm still
14 getting paid, but it's more can I go on customer
15 sites.

16 MS. VEST: Yes, sir, because we'll go
17 ahead and work it this afternoon.

18 MR. TRAMMELL: Thank you, Ms. Vest.

19 MR. HILL: Thank you very much. Have a
20 great day.

21 THE CHAIRPERSON: Thank you. Is that
22 the last of our appearances?

23 MS. VEST: Yes, ma'am. There was only
24 two appearances.

25 THE CHAIRPERSON: Do you want to go into

1 the administrative matters or ...

2 MS. VEST: Yeah. That would be fine, if
3 you don't mind. I believe the first thing is that
4 we're going into, that's my section there, will be
5 the monthly report, and there's not really a lot
6 to report on the monthly report. You have your
7 February and your March.

8 we'll start with the Alarm Contractors
9 Board. You can see there are still positions
10 open, and those positions have been filled, and
11 Mr. Cockroft is coming up on December of 2017.

12 THE CHAIRPERSON: He's already expired.

13 MS. VEST: Oh. I apologize. I'm trying
14 to --

15 THE CHAIRPERSON: I think we're in 2018.

16 MS. VEST: I guess so. I haven't heard
17 anything from the Governor's office. So you
18 continue to serve, and thank you very much.

19 MR. COCKROFT: Yes, ma'am.

20 MS. VEST: Oh, and I did want to mention
21 in that respect that we did have a seminar in
22 Memphis. One day we had one in the morning and
23 one in the afternoon. We broke it out with the
24 alarms, all four professions. There was four of
25 us that went. We had a good turnout.

1 Of course, I did speak, and then we were
2 there to help people learn how to go on board,
3 find out what problems they were having, because
4 we see the problems on our side, but we don't see
5 the problems on their side.

6 We had several alarm companies that
7 stayed over, and we did assist them. I also told
8 them if they're having any particular problems, we
9 will be glad to come to their office and assist
10 them as well.

11 THE CHAIRPERSON: Were they having any
12 problems with the filings or --

13 MS. VEST: There were several that did
14 not know how to work the system. There's two
15 steps that you have to take. You have to go on
16 board the first time and get an account. Then you
17 go in and do the account.

18 We are still experiencing -- and there's
19 not anything I can do about it. It will time you
20 out. You need to have all your information
21 together when you sit down at the computer to do
22 it. And even then sometimes it will time you out.
23 That is a problem that we're addressing with our
24 SPS people.

25 But we didn't get anything. Basically

1 it was very good feedback. There was some. Yes,
2 there's problems that we are going to need to
3 address. I do understand that. But they were
4 very minor, and some of them were computer-related
5 that I cannot help. I cannot change them timing
6 you out.

7 The next drop that they have on our
8 system is supposed to allow you to make multiple
9 payments. This is a problem. Some of the larger
10 alarm companies sit down with one credit card --
11 Then they have to come out and do --

12 However, I was told that in this drop
13 that hopefully it's going to be fixed, and you can
14 make multiple payments, and we are looking forward
15 to that. That should be a very big help for some
16 of our larger alarm companies, and other companies
17 as well.

18 We will be having another seminar in
19 Pigeon Forge, Chattanooga, and Nashville this
20 year. So this should cover everyone. And,
21 unfortunately, they're having particular problems,
22 and they haven't come to the seminar. I don't
23 know what to tell -- but like I say, we have a
24 sit-down with management. And if you call me and
25 you say, "I'm having problems," we will come to you

1 to help you. But this is what we have to do.

2 So if you know of anybody that's having
3 any problems or anybody talks it, just call me,
4 and we'll be glad to assist them.

5 MR. COCKROFT: And everything is online
6 now; right?

7 MS. VEST: Yes, sir.

8 MR. COCKROFT: There was one thing
9 earlier, somebody was talking about sending in an
10 application. And one of the complaints, I think,
11 or one of the responses, I was wondering about
12 that at the time. But everything is online?

13 MS. VEST: You will not find an
14 application online. All of them have been
15 removed. I do still have some companies that have
16 some old applications that are sending
17 applications in that we have paid personal visits
18 to or made telephone calls, trying to encourage
19 them. I just can't beat you and make you do it. I
20 cannot, but --

21 MR. COCKROFT: But, I mean, you could
22 return them, I guess. But you are accepting them
23 though?

24 THE CHAIRPERSON: You're saying there is
25 no longer any applications online?

1 MS. VEST: Paper applications.

2 MR. COCKROFT: Like to print a paper
3 application.

4 THE CHAIRPERSON: Oh, okay, because --

5 MS. VEST: Everything is electronic.

6 THE CHAIRPERSON: -- I was thinking, I
7 thought that's what we were doing, electronic.
8 But really the online applications --

9 MS. VEST: So, I mean, if you call me
10 and say, "I'm starting a new business; where do I
11 go online to get this application," I'm going to
12 send you to the website, because you're not going
13 to be sending me a paper application.

14 THE CHAIRPERSON: Okay. Next?

15 MS. VEST: All right. If you would, the
16 next item is going to be the budget. We'll take a
17 look at that rather quickly. All I have as of
18 January the 18th was \$26,309, is what was taken in
19 and total -- I'm sorry, that was your
20 expenditures. The actual amount afterwards was
21 \$18,106. You have a total of \$128,381.

22 So you're still in the positive. I
23 don't have any legislative update other than
24 the --

25 MS. THOMAS: Yes, none specific to the

1 Alarm Board, but there were a couple of bills I
2 wanted to bring to the Board's attention. They
3 don't have public chapters signed just yet, but
4 they have been passed.

5 The first, it's known as the Fresh Start
6 Act. It will be effective July 1st of this year.
7 And just to summarize, this Act requires that any
8 application denial that is denied based on a
9 criminal felony or misdemeanor, there has to be a
10 connection between the license they're trying to
11 obtain and the felony that's causing their denial
12 or the condition that's causing their denial.

13 So we have to be able to make that
14 connection and give them notice that we're denying
15 it for whatever charge we've denied it for and be
16 able to make the connection -- yes?

17 MR. HARVEY: So in the past where we've
18 been able to be a little bit vague with their
19 moral character, we're saying we're going to kind
20 of shift away from that?

21 MS. THOMAS: Well, poor moral character
22 is still something you can cite to. But if it's
23 specific to they were -- we need to be able to say
24 they were convicted of theft in 2002, which is
25 connected to the alarm license in this way. You

1 just have to be able to say that to them.

2 But I did want to bring that to the
3 Board's attention. Like I said, that will be July
4 1st.

5 And then the second one, Cody and I -- I
6 was just updating her about it. This one goes
7 into effect January 1st, 2019. It's nothing
8 required for the Board to do, but you do have the
9 opportunity to establish an apprenticeship
10 program. And if the Board decides to go in that
11 way, there are certain rules that we have to
12 follow to do that.

13 But I wanted to bring that to the
14 Board's attention as well, should you all decide
15 to adopt an apprenticeship program, and that was
16 all I had.

17 MR. COCKROFT: What would we have to do
18 on the apprenticeship program? We would have to
19 adopt a specific -- because it seems like we had
20 something from the national association or
21 Electronic Security Association or something that
22 had a proposed --

23 THE CHAIRPERSON: We did.

24 MR. COCKROFT: -- apprenticeship
25 program, I believe.

1 THE CHAIRPERSON: I think he's right.

2 MS. VEST: I'm sorry, but I don't
3 remember that.

4 THE CHAIRPERSON: It's been some time
5 back. But I think it was movement -- what is it?

6 MR. COCKROFT: PMESA.

7 MS. VEST: It would be FAA, if not the
8 national. It would be the Tennessee
9 Association --

10 MR. COCKROFT: It would be both. It
11 would be the ESA, which used to be the NBFSA.

12 MS. THOMAS: Well, so this particular
13 law, it doesn't tell you how to establish your
14 apprenticeship program. It just says that we have
15 to grant a license to somebody that has a high
16 school education and has completed the
17 apprenticeship program, however that Board decides
18 to lay it out, whatever those requirements are.

19 But like I said, it gives kind of a
20 skeletal guideline of establishing an
21 apprenticeship program.

22 There was some talk at the very
23 beginning about the age which you had to be to be
24 in apprenticeship. But through amendments, that
25 part is gone. But it's giving the warranty option

1 to establish an apprenticeship program.

2 MR. COCKROFT: And my understanding is,
3 one of the main purposes would be with prevailing
4 wage for some companies if there was an
5 apprenticeship program. I believe right now if
6 it's a prevailing wage job, it goes to like the
7 electrical contractors' rates and apprenticeship
8 program.

9 MS. THOMAS: I'm not sure I understand.

10 MR. COCKROFT: In our industry, since
11 there currently isn't an apprenticeship program in
12 Tennessee, if you do a job that has to pay
13 prevailing wage, they look at electricians' wages
14 for the prevailing wage.

15 And even if there's a helper on the job,
16 they have to be paid the electrician wage, which
17 makes it hard to do jobs sometimes. Sometimes
18 it's -- it's great for the employee getting the
19 pay, which I understand, but it's hard for the
20 company.

21 And then some employees don't get to
22 work a job, because they don't make that much, and
23 they can't afford -- the company can't afford to
24 pay them. But I don't know what would be involved
25 with us doing the apprenticeship program if it's a

1 lot of --

2 MS. THOMAS: And I will say this, that
3 this particular amendment of the law does not
4 speak to how we set forth the wages and all those
5 things, if that's something we want to do,
6 promulgating a rule or something --

7 MR. COCKROFT: I don't think we can set
8 the wages. I don't think that -- I think that's
9 something that if there's an actual apprenticeship
10 program, that it lets you have an apprenticeship
11 wage.

12 MR. COCKBURN: I can tell you, Davis
13 Bacon governs federal government. They do not
14 differentiate. There's a job that my company is
15 working on now that the electrician we work with
16 has somebody who is still in school, he has to
17 leave by a certain time to make classes, and he
18 still has to get paid the prevailing wage for the
19 occupation.

20 For them, their labor, as their
21 definition is, is basically gophers. They
22 admitted if somebody picks up a screwdriver and
23 turns it, they're now an electrician.

24 MR. COCKROFT: Right. Well, and that's
25 what I was told. This was a long time ago that I

1 did the job somewhere that was prevailing wage.
2 And we were told that -- I mean, because I had a
3 helper that I then couldn't have work on the job.
4 I was told he could sweep up. But if he picked up
5 a screwdriver or touched a piece of wire, he
6 couldn't work the job.

7 But I was told that if there was an
8 apprenticeship program, he could have been paid a
9 different wage. But --

10 MR. COCKBURN: Well, as far as State
11 prevailing wage, I'm not as -- we do a lot of
12 government jobs, so I can probably quote inside
13 and out Davis Bacon.

14 MR. COCKROFT: And I think that's what
15 it was referring to. This was like a state
16 university. But their rules, I guess, could have
17 been different.

18 MS. THOMAS: And I think the purpose of
19 this is just another pass to licensure. So it
20 says if the Board establishes such a program, the
21 person shall be granted a license if they have a
22 high school education, have completed the
23 apprenticeship program, have passed the test and
24 have paid the fee, and then we will grant them a
25 license. So in time it's another path to

1 licensure.

2 MR. COCKROFT: As far as the qualifying
3 agent or just the registered employee? Because
4 they have to be a registered employee even to be
5 the apprentice.

6 MS. THOMAS: Any --

7 MR. COCKBURN: well, my --

8 MS. THOMAS: I'm sorry. Go ahead.

9 MR. COCKBURN: My concern was is that, I
10 mean, if we go by just those rules, you know, we
11 have these juveniles that are bad history. Can we
12 set the precedence of mandatory criminal
13 background checks? The problem you run into is
14 that juvenile records are sealed.

15 MS. THOMAS: Right. And so just to make
16 it clear, like I said, this is not specific to the
17 Alarm Board. This goes to all. This is a state
18 law that's being implemented. The parameters
19 around an apprenticeship program, should the Board
20 decide to establish it, is something that we have
21 to decide.

22 So whatever those parameters are for the
23 apprenticeship program would be set by the Board.
24 This is just on the Board. A license would be
25 granted to an apprentice once they complete it to

1 be forth set, and that apprenticeship completion
2 would be determined on what the Board decides an
3 apprenticeship is.

4 MR. COCKROFT: Right.

5 MS. VEST: Well, my question is, why
6 would an apprenticeship be needed if you have the
7 registered employee who just comes in, makes
8 application, there's been a background check,
9 and --

10 MR. COCKROFT: Right. I don't think
11 it's registry in this licensing. And for this
12 Board, I don't think an apprenticeship program is
13 necessary. I thought that one of the only reasons
14 was the prevailing wage, but maybe that's not even
15 the case.

16 But our industry is different, I guess,
17 than some of the others, maybe an electrician,
18 where they don't have to get a registered employee
19 license to start with. But that helps them get to
20 the master -- I guess the electrician or master
21 electrician. But there's not that hurdle in our
22 industry.

23 MS. THOMAS: Right. And that's why I
24 said I just wanted to bring it to the Board's
25 attention. Again, it's not specific to the Alarm

1 Board. But should that be something the Board
2 wanted to discuss, I wanted to tell you about the
3 law that's going into effect in January.

4 MR. COCKROFT: Okay. Thank you.

5 MS. THOMAS: Uh-huh.

6 THE CHAIRPERSON: Next?

7 MS. VEST: Yes. I believe next on the
8 agenda is an applications review. I don't have
9 any actual applications to bring before you.
10 There are criminal records, and that's down below.

11 The next one is going to be discussion,
12 if you would look at that. The first one is from
13 Tim Reid. He sent me the email that you are
14 looking at, asking me questions.

15 He says the following scenario would be
16 if we were accrediting a brand new company not
17 associated with any current contractor's license
18 or QA, if our company never steps foot inside a
19 home or a business or a property. The consumer
20 orders a DIY security system from a mall or
21 website call. There will not be a physical
22 location for them to visit and purchase.

23 No. 3 is the consumer owned the
24 equipment purchased as a sale, and they returned
25 it by mail, it's under warranty, or they discard

1 it and order more. A tech will never come to
2 their home for any reason. When the consumer
3 receives its security equipment by mail, it will
4 be activated and be monitored by a central
5 station. If they cancel service, they can still
6 use the system as a standalone without monitoring.

7 Our company doesn't actually do the
8 monitoring. The consumer would pay us for the
9 service, but we would sub it out to a central
10 stationed company that is licensed in Tennessee
11 for monitoring. So this is --

12 THE CHAIRPERSON: This goes back to the
13 same thing where they're involved. If they were
14 using a third party and not in any way involved in
15 the monitoring, then that would take care of that.

16 MR. COCKBURN: They're collecting fees.

17 THE CHAIRPERSON: They're collecting
18 fees, which puts them into the monitoring loop.
19 So, yeah, they don't have to be monitored by us.

20 MR. COCKROFT: And their last point
21 makes it clear that the customer will pay them.
22 So the consumer will pay us for the service, but
23 we would sub it out. That requires licensure.

24 MS. VEST: Right, for them and for the
25 person they're subbing it out to --

1 MR. COCKROFT: Correct.

2 MS. VEST: -- because there are parties
3 that have to be licensed.

4 MR. COCKROFT: Correct.

5 THE CHAIRPERSON: Correct. And not only
6 that, one other thing, it says, are they going to
7 have like customer service technicians available
8 to advise the person on the type of system they
9 need, the sensors, monitor, whatever the system
10 might need?

11 MS. VEST: I think they're saying
12 it's all by mail, isn't it, or --

13 THE CHAIRPERSON: That's okay. I can
14 say it's by mail. I can mail it out to you. But
15 if I'm offering technical support on it --

16 MS. VEST: Oh, I don't know. It just
17 says to check whatever --

18 MR. COCKBURN: Right. It doesn't --

19 MS. VEST: It doesn't mean you can't
20 call them.

21 (Multiple people talking.)

22 MR. COCKBURN: We're not providing
23 technical support by telephone.

24 MS. VEST: All right.

25 THE CHAIRPERSON: Or by any other means.

1 MS. VEST: But then it says, "would any
2 of these items describe a qualifying agent," which
3 is telling me he has to be licensed. And the
4 answer is, "Yes, the company needs to be licensed,
5 and they have to have a qualifying agent." "If
6 so, which items would cause that?"

7 well, he mentioned it in his email
8 pretty much is what we're saying. So I don't
9 think the next one -- if this can be done without
10 a QA, we would still need -- well, it cannot be
11 done without a QA. But you have to have a
12 qualifying agent to have an alarm company. It
13 says, please cite applicable rules and
14 regulations, laws, et cetera.

15 So I believe all that I'm going to do
16 is, at the time I present it to the Board, if
17 that's what you tell me to do, that they do need a
18 license, and I'm just going to quote the Alarm
19 Systems Contractor License laws and rules. They
20 can read for themselves.

21 THE CHAIRPERSON: Yeah, especially with
22 the two points we brought up, the technical
23 assistance or advising and the fact that puts them
24 directly in the monitoring loop. All of those
25 goes away. They have to be licensed.

1 MR. COCKROFT: They can clearly sell a
2 do-it-yourself system over the internet or even in
3 a store. Where it becomes confusing or a little
4 muddy is if they're selling it in a store, and
5 they give advice on what they should put in to
6 secure the house. But if they just have stuff on
7 a shelf, they pick it up, walk out with it, all of
8 that is fine.

9 Personally, I feel like they could even
10 give tech support over the phone; not counseling
11 where to put the stuff, but if they can't get the
12 sensor to work. That's my opinion, but you may
13 differ with that.

14 THE CHAIRPERSON: Well, I mean, if they
15 are going to place an order over the Internet, and
16 they've got that "live chat" box that comes up
17 that says they've got X number of doors, windows,
18 and floors, and then that live chat person starts
19 telling them, well, you need this, this, and
20 that --

21 MR. COCKROFT: Right. If they do that,
22 yes, you're -- if they're advising on how to
23 secure the property, and if they are doing -- and
24 if they are charging for monitoring, they're
25 involved in the monitoring, that, to me, are the

1 items that ...

2 MR. COCKBURN: I still think if you're
3 providing technical support, you are providing
4 installation assistance. We charge for telephone
5 support.

6 MR. COCKROFT: Well, would you consider
7 another manufacturer or Honeywell or someone,
8 Interlogix, that's selling products, that they
9 would need to be licensed if they're giving tech
10 support to a --

11 MR. COCKBURN: But they're giving to a
12 dealer, not the end user. If you call Honeywell
13 tech support and tell them you're an end user,
14 they'll hang up on you.

15 MR. COCKROFT: Well, let me try it
16 different then. Do you think a CCTV company or a
17 company that's just selling cameras over the
18 internet, if they help someone set up a DVD, is
19 that in violation, an end user, someone who bought
20 the equipment themselves and ...

21 MR. COCKBURN: That becomes more of a
22 programming issue than an installation issue.

23 MR. COCKROFT: Right.

24 MR. COCKBURN: But if you're lending
25 tech support in an installation issue, I think

1 that becomes a licensing issue. And how do you
2 prove where you draw that line?

3 MR. COCKROFT: Right. I think there's
4 enough that's clearly -- that needs to be licensed
5 that's there aside from that.

6 MS. VEST: I think we're just going to
7 get more and more of this. Every meeting we have,
8 we have something that's bringing this to you.

9 MR. COCKBURN: Well, there's 50 or 60 on
10 Facebook alone in a day.

11 MR. HARVEY: It's going to get worse.

12 MS. VEST: Okay. So what is the Board
13 telling me to tell this individual?

14 MR. COCKROFT: It requires licensure.

15 MR. COCKBURN: Yeah. It requires
16 licensure, and I'd send them a copy.

17 MS. VEST: Of the laws and the rules,
18 okay.

19 MR. COCKBURN: Of the laws and the
20 rules.

21 MS. VEST: Okay.

22 MR. COCKROFT: And we actually asked
23 them to come in, did we not, or even -- I think I
24 had suggested --

25 MS. VEST: No. This is not --

1 MR. COCKROFT: Oh, this is not the same
2 one.

3 MS. VEST: -- the same one. No, nuh-uh.

4 MR. COCKROFT: Oh, it does sound -- I
5 thought this was just --

6 MS. VEST: It does sound familiar.
7 That's what I said. Every meeting we're having
8 one of these. I can tell them that over the
9 telephone, "In my opinion as the director, I feel
10 you need to have this license." And then they go,
11 "Well, let me send this to you so you can take it
12 to the Board." Then that's what I need to do.

13 THE CHAIRPERSON: That's okay.

14 MS. VEST: Or we can just ask the
15 gentleman, I do have -- it's a 615 number, which
16 is local. If you want to see him in person, he
17 could come to the board meeting if he disputes
18 that he needs a license. Offer him that.

19 MR. COCKROFT: Our answer wouldn't be
20 any different. But that's what we could ask them,
21 the other. We could ask them to come in.

22 MR. COCKBURN: I mean, he has the right
23 to be heard so ...

24 MS. VEST: Right.

25 MR. COCKROFT: This is different. This

1 is more clear, that this particular person is
2 doing the monitoring. I mean, they say they're
3 subcontracting it out, but they are selling the
4 monitoring service. The other was more vague.
5 They were saying they were just referring them to
6 someone. I thought this was the response to that.

7 THE CHAIRPERSON: There's a coupon in a
8 box --

9 MR. COCKROFT: Right.

10 THE CHAIRPERSON: -- for monitoring or
11 something like that.

12 MS. VEST: So the point of it,
13 they're getting paid for the monitoring service --
14 I'm getting paid for the monitoring service.
15 Okay, I may not be doing it, but I'm giving it to
16 her. But I accept the payment.

17 MR. COCKROFT: Right.

18 THE CHAIRPERSON: Isn't this the same
19 thing as with Lowe's? If you all will remember,
20 Lowe's came in about a year or so ago, and that
21 was their question. They wanted the monitoring
22 fees paid directly to them on some system that
23 they were selling in the store, and we told them
24 the exact same thing. If you're involved in the
25 process, then you have to be licensed. Because

1 they were trying to figure out in general if
2 Lowe's needs to get their license to sell alarm
3 systems --

4 MR. COCKBURN: And there's a chance that
5 the confidential information of the customer is
6 going to be stored by the person who's selling the
7 DIY system --

8 MR. COCKROFT: Right.

9 MR. COCKBURN: -- which falls into all
10 the other criteria.

11 MR. COCKROFT: It's to protect the
12 consumer from the standpoint, even though they're
13 subcontracting it out, they have access to all
14 that information. I mean, we've had people say
15 that they didn't. But if it's your account, and
16 you decide you want to move it to another central
17 station, you've got to be able to get the
18 information to give it to another subcontractor.

19 But that's the concern, is that to
20 protect the consumer and all of their -- you know,
21 their passwords, their call lists, those sorts of
22 things, and what the alarm system covers, whether
23 it's just doors or it's doors and windows, and
24 those sorts of things, that there's people that
25 haven't gone through the same process with their

1 background check and everything that have access
2 to all their information.

3 MS. VEST: All right. So then I will be
4 emailing this gentleman back and telling him, yes,
5 he does need a license.

6 MR. COCKROFT: Yes, ma'am.

7 THE CHAIRPERSON: Criminal history --

8 MS. VEST: We have another one that's
9 not on here. Well, actually it does say criminal
10 history. It's different from the other one, so
11 that's why I wanted to separate this. You don't
12 have this information in front of you, but I will
13 tell you what it is. It says, application to be a
14 registered employee.

15 I have been notified -- or in his
16 application, I should say, of a charge. It is
17 domestic assault, but it's not going to court
18 until 2020. It's not a conviction yet. So the
19 gentleman may be given diversion.

20 Well, I said, well, I'm not able to sit
21 here and hold an application open for a couple of
22 years. I need to know what needs to be done,
23 whether it is to deny the individual or try to
24 assist them by doing a litigation monitoring, and
25 that's why I'm bringing it to you today so I could

1 get you to vote on my doing the litigation
2 monitoring, turning it over to Ashley, putting
3 verbiage in there that you can be licensed now.

4 But if you get diversion, and you
5 violate probation or you get convicted, it would
6 be an automatic revocation order. We would have
7 to go to a formal hearing and take their license.

8 THE CHAIRPERSON: This person is saying
9 that their trial is not coming up until 2020?

10 MS. THOMAS: No. They've entered into a
11 retirement order, and it's due to be retired in
12 2019. It's due to be retired in 2019. So rather
13 than hold his application for something that could
14 possibly be dismissed in 2019, we would -- if
15 everything else checks out, we would grant the
16 license now with the litigation monitoring order.

17 If he fails to comply in time with his
18 retirement order, and that conviction ends up on
19 his record, then at that point we have grounds to
20 revoke that license.

21 THE CHAIRPERSON: Define retirement
22 order, please.

23 MS. THOMAS: It's akin to a Davidson
24 County diversion. So we're going to set this
25 conviction aside if you meet criteria A, B, and C,

1 proposing --

2 MS. THOMAS: Right.

3 THE CHAIRPERSON: -- that we do a
4 monitoring on it until the case is retired.

5 MS. THOMAS: And then that way, if it's
6 dismissed early, he can let us know that. It's
7 essentially a probationary period. If he violates
8 on the terms of the retirement order, and it turns
9 into an actual conviction on that charge, he
10 already knows that we're going to automatically
11 revoke the license for that charge.

12 But like Mr. Cockburn said, we can't
13 really deny him on a charge at this point. And I
14 think from my conversation with Cody, I think that
15 might be the only thing that caused pause in his
16 application.

17 MS. VEST: The litigation monitoring,
18 it's putting actually the ball back in their
19 court. They have to notify us instead of me
20 trying to go out there every week to see what's
21 happened on the court system.

22 MR. COCKBURN: What if he doesn't?

23 MS. VEST: I beg your pardon?

24 MR. COCKBURN: What if he doesn't?

25 MS. VEST: Well, that's why we have the

1 order.

2 MR. COCKBURN: Right.

3 MS. THOMAS: And if he doesn't and we
4 find out, we will revoke his license.

5 MS. VEST: We won't have to do a formal
6 hearing. We'll have to come back. It will just
7 be an automatic. So I'm asking your permission to
8 use litigation monitoring.

9 THE CHAIRPERSON: So he's not been
10 convicted is what you're saying?

11 MS. THOMAS: Right.

12 THE CHAIRPERSON: They're delaying any
13 type of conviction. If he meets the following
14 qualifications, then it will be dismissed. It's
15 not going to trial.

16 MS. THOMAS: Yes, ma'am.

17 MS. VEST: I'll need a vote on that.

18 THE CHAIRPERSON: Yeah. We need a
19 motion, please.

20 MR. COCKBURN: I motion we go forward
21 with the litigation monitoring.

22 THE CHAIRPERSON: We have a motion by
23 Mr. Cockburn to proceed with litigation monitoring
24 on this applicant. Do we have a second?

25 MR. COCKROFT: Second.

1 MR. HARVEY: Second.

2 THE CHAIRPERSON: And both of the guys
3 seconded. All in favor, voice by saying aye? All
4 opposed? Honestly, I don't know. I --

5 MS. VEST: Okay. I put Glenn down and
6 Keith as a second. Is that okay?

7 MR. COCKROFT: That's fine.

8 MS. VEST: Did we all vote?

9 THE CHAIRPERSON: Yes.

10 MS. VEST: I'm sorry, I did not hear
11 that. Then I will notify him, and I'll get in the
12 office and go ahead and get him approved, and
13 Ashley will get the order together. All right.
14 Thank you. Now we can scratch through that one,
15 and we have some criminal history. We have seven
16 of them. We actually have eight of them. There's
17 one that you have not -- it's not on your pad.

18 THE CHAIRPERSON: So are we starting
19 with Exhibit A first?

20 MS. VEST: We're going to start with A.
21 So since we only meet every other month, every now
22 and then we'll have extra things on the agenda,
23 because I try to put as much as possible --

24 THE CHAIRPERSON: She gets all out of us
25 that she can in terms of --

1 MS. VEST: Yes, we do. We try anyway.
2 All right. The first one you have is Exhibit A.
3 It took a little bit to work this one up, but I
4 believe what I saw, he got 70 months reduced down
5 to 51 months, with 3 years of probation,
6 conspiracy to distribute 50 grams of meth and 500
7 grams of some type of mixture. He is making
8 application to be a registered employee.

9 You do have a letter of explanation
10 about charges in 2006 in 11 and 12. And it's
11 actually the -- it starts back in '06 and works
12 all the way up to '12. And he was incarcerated in
13 the Federal Prison Camp at Maxwell Air Force Base.

14 MR. COCKROFT: The 2013 -- I'm just
15 looking at the application currently. The 2013
16 conviction of the 41 months, there's not a
17 probation that he complete the 41 months. Would
18 there have been probation that's not completed?

19 THE CHAIRPERSON: You don't have
20 probation in the federal system.

21 MR. COCKROFT: Oh, okay. So he would
22 have served the 41 months so ...

23 THE CHAIRPERSON: I think it was like 90
24 to 95 percent they have to serve. They don't have
25 probation.

1 MR. COCKBURN: I'm noticing a
2 discrepancy in his letter. If you look at the
3 dates, the last one he listed was March 20th,
4 2012, but on his application he has it as '13.
5 I'm sorry, I have a wife who is OCD. I'm
6 learning.

7 MS. VEST: Actually what it is, he has
8 actually the wrong year. 3/20/12 is what's on the
9 record. He does say on his application 3/20/2013.
10 But on the record it is '12, and that's the one
11 where he was -- the 17 months with 3 years
12 supervision, one that got reduced down.

13 MR. COCKBURN: Down to 41.

14 MS. VEST: Yes.

15 MR. COCKBURN: And he didn't fill in on
16 his app. that he's on probation, but there is an
17 explanation he has that he's on three years
18 probation.

19 THE CHAIRPERSON: Supervised for three
20 years is usually what they call it.

21 MR. COCKBURN: Okay.

22 MR. COCKROFT: He says he's been clean
23 for seven years, but the last conviction was in
24 '12?

25 MS. VEST: Yes. I think he was --

1 perhaps what it's saying is selling it or
2 manufacturing it. It doesn't necessarily mean
3 he's used it, because it doesn't use the
4 terminology "used". It says manufactured.

5 MR. COCKBURN: Some of his wording is a
6 concern to me too. Having previous members who
7 have had addictions in my family, "Drugs are no
8 longer an influence or a desire." They're always
9 an influence and a desire.

10 MS. VEST: In your package you also have
11 a letter from the qualifying agent.

12 MR. COCKBURN: Am I allowed to make like
13 an opinionated comment?

14 MR. COCKROFT: Yes.

15 MR. COCKBURN: Okay.

16 MS. VEST: Don't we need a motion for
17 discussion?

18 MR. COCKBURN: I make a motion we
19 discuss this.

20 THE CHAIRPERSON: I think we can discuss
21 any type of motion.

22 MR. COCKROFT: I never ask. I just
23 start talking.

24 MR. COCKBURN: It's implied. I'm
25 just -- I'm not real comfortable with this.

1 MR. COCKROFT: I agree. I mean, I do
2 think people can redeem themselves, and I hope
3 that he has, and I hope he does. But this may not
4 be the industry for him. I mean, there's rules
5 set up, and he clearly violates those. Because of
6 his background, I hope that he does -- has
7 changed. I don't feel comfortable approving it.

8 MR. COCKBURN: I tend to make decisions
9 on would I let this person in my mother's house.
10 It's a no for me.

11 THE CHAIRPERSON: Then we can put it in
12 the form of a motion and go forward.

13 MR. COCKBURN: Okay. I just wanted to
14 make sure others had a chance to discuss it.

15 THE CHAIRPERSON: Sure.

16 MR. COCKBURN: I make a motion we deny
17 this application.

18 MR. COCKROFT: Second.

19 THE CHAIRPERSON: What's your basis?

20 MR. COCKBURN: A basis on recurring --

21 MS. VEST: No. We have to -- according
22 to the statute --

23 MR. COCKBURN: Okay. Moral character.
24 How did that read?

25 MS. VEST: All right. We will put it

1 on --

2 MR. COCKBURN: She agrees with it, so
3 we'll --

4 MR. COCKROFT: Do we still have to cite
5 the statute number or ...

6 MR. COCKBURN: That's what they do.

7 MR. COCKROFT: Well, Ken knew all these
8 numbers. Ken would rattle them off when he made a
9 motion.

10 MS. THOMAS: Tennessee Code Annotated
11 62-32-312, subpart (e), subpart (2).

12 MR. COCKBURN: Do I have to add that to
13 my motion?

14 MS. VEST: Yes.

15 MR. COCKBURN: Then I would like to add
16 62-32-312 --

17 MS. THOMAS: (e)(2).

18 MR. COCKBURN: -- (e)(2).

19 THE CHAIRPERSON: And, Scott, you
20 seconded it?

21 MR. COCKROFT: Yes. I second.

22 THE CHAIRPERSON: We have a motion by
23 Mr. Cockburn and a second by Mr. Cockroft to deny
24 this application based on 62-32-312(e)(2). All in
25 favor, voice by saying aye? All opposed?

1 Application is denied.

2 MS. VEST: All right. We'll move on to
3 Exhibit B. This individual is also making an
4 application to be a registered employee. I have a
5 2013 failure-to-appear, which is guilty, 2015
6 marijuana possession. He gave me his court
7 documents and his written explanation.

8 MR. COCKBURN: Does it say in your
9 records whether it's simple possession or ...

10 MS. VEST: No, it doesn't say. It just
11 says, marijuana possession-PON 2, date of offense
12 3/16/2015. Okay. We do have a document. You can
13 see it says 5/6/15 he pled guilty, got a 30-day
14 suspended sentence, and one year unsupervised
15 probation. So that does make it a misdemeanor.

16 MR. COCKBURN: We don't have anything
17 from the QA on this deal at all?

18 MS. VEST: I do not believe so. We just
19 have two of his written explanations. Well, as
20 you can see from his application, it's a rather
21 large company that he works with.

22 THE CHAIRPERSON: They don't normally
23 send letters in.

24 MS. VEST: Correct, or a QA. But that
25 doesn't mean they don't do a drug screen.

1 MR. COCKBURN: They do drug screen.

2 MR. COCKROFT: I've read his responses.
3 Can you tell from the police record, does it match
4 what he's saying?

5 THE CHAIRPERSON: Yeah, as far as the
6 one where he explains the marijuana it does.

7 MS. VEST: Well, actually I believe
8 that's one I brought before you, because it does
9 talk about the marijuana -- what is that, when
10 you're in a car, and the police stop you, and the
11 driver doesn't claim the drugs, and everybody in
12 the car gets arrested.

13 MR. COCKROFT: Well, I think he's
14 admitting some of it was his. Half the time we
15 hear, "It wasn't me." Nobody takes
16 responsibility.

17 MR. COCKBURN: Heck, in Nashville now
18 they don't even bother you for a certain amount.
19 I mean, he's pretty straightforward.

20 MR. COCKROFT: I agree.

21 MR. COCKBURN: And did he miss his court
22 date because he forgot? If it was me, probably.

23 MR. COCKROFT: Well, and that court date
24 was on a suspended license. That was before;
25 right?

1 MR. COCKBURN: Right.

2 MS. VEST: And that was the driving.

3 MR. COCKBURN: Right. He got suspended
4 in 2013, and then he didn't remember his court
5 date. So they zapped him, and he didn't know the
6 failure-to-appear existed.

7 MR. COCKROFT: That's been some time.

8 MR. COCKBURN: And there's a good chance
9 he didn't know about the failure-to-appear,
10 because if you look at his residence, although it
11 was the same apartment complex, he changed
12 apartments. And if they sent him a certified
13 letter, the postman is not going to change it to
14 the apartment that he moved to, no matter what.
15 He may have never gotten the information;
16 speculation only.

17 MR. COCKROFT: I make a motion to
18 approve the application.

19 MR. COCKBURN: I second.

20 THE CHAIRPERSON: Okay. We have a
21 motion by Mr. Cockroft and a second by
22 Mr. Cockburn to approve this employee registration
23 application. All in favor, voice by saying aye?
24 All opposed? The motion carries.

25 MS. VEST: All right. Thank you. Now

1 we're going to go to Exhibit C. What I had down
2 for this one was in 2009 it was shoplifting,
3 guilty. We have a written explanation, and we do
4 have a letter from the company. And so Glenn will
5 know, on the application it does say a 12/2/2008
6 driving without a license insufficient. That is
7 one of the deniable offenses.

8 MR. COCKROFT: And that doesn't mean --
9 it doesn't really have any bearing, but that
10 doesn't mean she didn't have a license. It just
11 means she just didn't have it with her; right?

12 MS. THOMAS: Yes.

13 MR. COCKBURN: I believe so. She didn't
14 have it in her possession.

15 MR. COCKROFT: Like I said, not that it
16 matters.

17 MR. COCKBURN: It's only a verification
18 of one.

19 MS. VEST: That's the point. Sometimes
20 we get letters, and sometimes we don't.

21 MR. HARVEY: I make a motion, in light
22 of all the information that we have here, we
23 approve Ms. Tate for an employee registration.

24 THE CHAIRPERSON: Okay. We have a
25 motion by Mr. Harvey to approve Exhibit C. Do we

1 have a second?

2 MR. COCKROFT: Second.

3 THE CHAIRPERSON: And a second by
4 Mr. Cockroft. All in favor, voice by saying aye?
5 All opposed? The motion carries.

6 MS. VEST: Thank you. And then, Scott,
7 so the Board has granted me approval to approve a
8 file that's ten years old or older. This is right
9 on that borderline, but this would have been one
10 that I would approve simply because of the
11 timeframe, and it's the only thing that is on the
12 record.

13 The woman did make a very clear
14 explanation of what it was, owned up to it, and
15 then of course we did have a letter from the
16 company. I meant Glenn. Did I say Scott?

17 MR. COCKROFT: Yes. But I figured
18 you --

19 THE CHAIRPERSON: I know. I looked at
20 you and --

21 MS. VEST: I was looking at Glenn and
22 calling him Scott.

23 MR. COCKROFT: We look so much alike.

24 MR. COCKBURN: I looked over at you to
25 see if you were -- I was watching you.

1 MR. COCKROFT: Because I was going to
2 say the same thing. But she can --

3 MR. COCKBURN: I don't have a problem
4 with it anyway.

5 MS. VEST: Thank you. All right.
6 The next one is D. This gentleman here I have a
7 charge back in '13, guilty of 50 grams of
8 marijuana --

9 THE CHAIRPERSON: Hold on. What about
10 the woman we were just talking about?

11 MS. VEST: You approved it. Didn't you
12 vote?

13 MR. COCKBURN: Yeah. We voted.

14 MS. VEST: Okay. It's not just me.

15 THE CHAIRPERSON: Oh, you're talking
16 about the cake lady vote.

17 MS. VEST: Yeah. We approved her.

18 THE CHAIRPERSON: Because she was
19 talking about somebody in your line, and then all
20 of a sudden we moved --

21 MS. VEST: No. I was just making a
22 statement for Glenn to know --

23 MR. COCKBURN: She was just making a
24 statement to let me know that she --

25 THE CHAIRPERSON: Thank you, because I

1 thought, wait a minute. We're still on D here,
2 and it was a man, and then it was a woman and --

3 MS. VEST: These are interesting
4 meetings, Glenn.

5 MR. COCKROFT: A footnote for the last
6 one.

7 MS. VEST: Okay. So this one here is
8 Exhibit D. All right.

9 MR. HARVEY: You started saying?

10 MS. VEST: Thank you. I said, pled
11 guilty in '13 of 50 grams of marijuana and five
12 grams of hashish. Is that how you pronounce it?

13 MR. COCKBURN: Hashish.

14 MS. VEST: Hashish?

15 MR. HARVEY: I'm not a drug guy, so is
16 that a lot or a little?

17 MR. COCKBURN: How much?

18 MS. VEST: Five grams is not very much.
19 It's a very small amount.

20 MR. HARVEY: But 50 is a --

21 MS. VEST: Fifty might be a little bit
22 more than just a small amount.

23 MR. COCKROFT: Well, I don't know, but
24 the small amount is the --

25 MR. COCKBURN: Well, hash is so much

1 more powerful.

2 MR. COCKROFT: Yeah.

3 MS. VEST: Whatever, less than fifty,
4 less than five. These are actually kind of hard
5 to read. This is in New Jersey. Let's see if
6 this is the one that has the -- we have the letter
7 from the company. Actually it just says submitted
8 the application, is basically what they're saying
9 there.

10 You do have a letter from the individual
11 explaining the circumstances. They just left some
12 residue in his pocket, from what I could
13 understand. And that could be less than 50 grams.
14 Then you have the sheet from New Jersey that
15 explains their code. Their code for a plea is
16 nine, and it says no plea. But he was found
17 guilty.

18 MR. COCKBURN: Just for a little
19 background, from my friend Google, an average hash
20 joint is .5 grams.

21 MS. VEST: So five grams itself would be
22 a lot.

23 MR. COCKBURN: A lot.

24 MS. VEST: Okay. Thank you.

25 MR. COCKBURN: You're welcome. Google

1 is my friend. And I looked up 50 grams of
2 marijuana. That's 6.25 ounces.

3 MS. VEST: So that's a small amount.

4 MR. COCKBURN: Six ounces? A gallon
5 ziploc bag is an ounce and a half.

6 MS. VEST: Oh, okay.

7 MR. COCKBURN: I was a cop. Okay?

8 MS. VEST: I was getting ready to say,
9 Glenn --

10 MR. COCKBURN: That's how I know all
11 this other stuff.

12 MR. COCKROFT: It's very light.

13 MS. VEST: Oh, okay.

14 MR. COCKBURN: But usually -- if you
15 have an ounce, it's about a gallon ziploc bag.

16 MS. VEST: A what?

17 MR. COCKBURN: A gallon ziploc bag.

18 MS. VEST: Is how much now?

19 MR. COCKBURN: It's an ounce, ounce and
20 a half.

21 MS. VEST: Oh.

22 MR. COCKBURN: It says, "A small amount
23 was left in my travel bag mixed with my clothes."

24 MR. COCKROFT: That was the other time,
25 was it not? That was not -- the larger amount was

1 in the car. I think the 2011 is the larger amount
2 when he was with friends in a car, and then the
3 2013 was when he was stopped on the way home from
4 work and had a smaller amount.

5 MR. COCKBURN: That was the hash?

6 MR. COCKROFT: No. I think the
7 marijuana and hash was the 2011. It's still
8 troubling, but just to clarify when they were,
9 because I was having a hard time following which
10 was which.

11 MR. HARVEY: I think if this guy was
12 closer, he would be somebody I would want to come
13 in and talk to. But this is a big company way
14 off.

15 MS. VEST: Yes. It's a monitoring
16 company.

17 MR. COCKROFT: And we're not supposed to
18 necessarily consider what their position, because
19 they could be a central station operator one day,
20 and they could be an installer the next. But I
21 think we've --

22 MR. COCKBURN: I mean, this is always an
23 option, but does the State of Tennessee allow
24 electronic attendance?

25 MS. VEST: Yes. I don't believe we've

1 ever had someone by telephone.

2 MR. COCKBURN: Or telephone, video chat?

3 MS. VEST: Oh, yes. If you're asking me
4 if that's an option, yes.

5 MR. COCKROFT: We've done that for a
6 hearing --

7 MS. VEST: Yes, we have.

8 MR. COCKROFT: -- and we talked about
9 doing that for something at the last meeting, the
10 DLY. I asked if that was possible. I don't think
11 we've ever had anyone that was an applicant.

12 MS. VEST: No, not that I'm aware of.

13 MR. HARVEY: I personally, without some
14 type of positive reinforcement on this guy from QA
15 or something, I'm not real comfortable with him.

16 MS. VEST: Well, do you want me to go
17 back and ask him to give us letters of
18 recommendation, including one from the company?

19 MR. COCKBURN: At minimum, yes.

20 MR. HARVEY: I think so.

21 MR. COCKBURN: Is it out of our bounds
22 to request a copy of a drug test?

23 MR. COCKROFT: We've done something like
24 that in the past where we have --

25 THE CHAIRPERSON: We've had the company

1 do quarterly drug monitoring,

2 MS. VEST: Yes. When you approve them,
3 then we do all of that. Yes, we do the drug test.
4 I think it's like once every three months. We can
5 ask for it. But it's usually after we've already
6 approved someone to keep them honest with what
7 they're doing.

8 MR. COCKROFT: Since I've been here, we
9 did actually have one person that we approved that
10 way, and they failed later.

11 MS. VEST: Yeah, uh-huh.

12 MR. COCKROFT: We've had others that
13 that did not happen on, but --

14 MS. VEST: Right. And we've done --

15 MR. COCKBURN: Does she hang out with
16 the wrong people? That's not for us to judge.
17 But is there a possibility that there may be
18 something there that would affect it, the
19 approval? I mean, if we're allowed to ask for a
20 drug test, I don't think that's -- now, it's a
21 larger company. They probably already do it.

22 MS. VEST: Right. So this is my
23 question. Are we going to approve the application
24 based on a drug screen, or are you saying you want
25 to have a drug test, the results, before we do

1 that?

2 MR. COCKROFT: In the past I think
3 typically we've only done that when we saw them in
4 person, because partially the qualifying agent has
5 to also agree to that, to do that.

6 MR. COCKBURN: Right. But sometimes in
7 larger --

8 MR. COCKROFT: They might have drug
9 testing anyway.

10 MR. COCKBURN: Yeah. They probably --

11 MS. VEST: So are you saying, for
12 instance, I can -- do you want me to contact the
13 company and find out if they do mandatory drug
14 screens and get her last drug test? Can I do that
15 legally?

16 MS. THOMAS: You can ask for whatever
17 you want. The question becomes, what do you do if
18 they decide to say no, and you haven't issued a
19 decision on the application?

20 Do you deny it at that point, or where
21 do you go from asking for the drug screen? I
22 think that's why we've always conditioned it on
23 the approval of the registration.

24 MR. COCKBURN: I mean, legally can you
25 request a copy of drug screening pending

1 authorization?

2 MS. THOMAS: Again, yes, you can ask for
3 that, uh-huh.

4 MR. COCKROFT: In the past it was
5 scheduled or it was required, because most
6 companies are going to have a random drug test.
7 Maybe they drug test when the person was hired,
8 and then maybe they pull up a particular person to
9 drug test randomly.

10 whereas, this particular one, what we've
11 done in the past, I think, have been a specific
12 every 30 days, 90 days. I don't know what it
13 was --

14 MS. THOMAS: Yes.

15 MR. COCKROFT: It had a specific -- it
16 wasn't a random thing, and it was specific that
17 they had to report to us if it was a positive
18 finding or something, or do they have to report
19 either way?

20 MS. VEST: well, they have to report
21 either way.

22 MR. COCKROFT: Okay.

23 MS. THOMAS: I guess, Mr. Cockburn, if I
24 can ask you, if you ask for those results, and
25 they come back saying it's a clean drug screen, at

1 that point would you, I guess, be more comfortable
2 with approving the application?

3 MR. COCKBURN: Yes, because from what
4 I've read from her comments, and of course without
5 directly talking to her --

6 MR. COCKROFT: And I'm not sure she's --

7 MR. COCKBURN: -- it seems that she was
8 in the wrong place at the wrong time with the
9 wrong friends. So is she someone who uses it or
10 not? If she comes back clean, I don't have a
11 problem with it, because we all have situations
12 where we make bad decisions, or at least we did
13 when we were young.

14 MS. THOMAS: So, again, it would be a
15 conditional approval. We approve the condition
16 upon a drug screen. So it would be just the one?
17 Is that what the suggestion is, the result of a
18 clean drug screen, or do you want quarterly drug
19 testing for the first three cycles, or whatever it
20 is?

21 MR. COCKROFT: Personally I'm more
22 inclined to just deny the application. And if
23 they want to come and appeal, they have the right
24 to appeal that or they can request a
25 teleconference or whatever. That's my personal

1 inclination. I think we should be clear. It
2 doesn't matter, but it is a he, I think. I don't
3 want someone to see this later and say we're
4 talking about the wrong person. Let's make sure
5 we're talking about the right person. We could
6 have referred to them as the applicant, but --

7 MS. VEST: Yes, Exhibit D.

8 MR. COCKBURN: Exhibit D.

9 MR. COCKROFT: But we are talking about
10 the same person.

11 MR. COCKBURN: Yes, sorry.

12 MR. COCKROFT: I make a motion to deny
13 the application.

14 MR. COCKBURN: Second.

15 THE CHAIRPERSON: We have a motion by
16 Mr. Cockroft and a second by Mr. Cockburn to deny
17 this registration application. All in favor,
18 voice by saying aye? All opposed? And that would
19 be all (inaudible) for the record.

20 MS. VEST: All right. I believe we
21 can go to Exhibit E. This one also was a little
22 hard to follow. I had it down as a 1998 receiving
23 stolen property and second and third degree but
24 did not get sentenced until 2001 with three years
25 probation.

1 MR. COCKBURN: I think probably what she
2 did was her summons date versus her conviction
3 date. On this next one is there anything that
4 stands out on that New Jersey report? Because
5 it's really hard to read.

6 MS. VEST: Oh, okay. On the actual
7 criminal record itself, is what I was just talking
8 about, it said arrest date 7/29/1998, count one,
9 receiving stolen property, knowingly received
10 stolen property, indictment accusation,
11 disposition guilty, felony conviction.

12 Then it says, the second one is
13 receiving stolen property, felony conviction. The
14 third one -- that was guilty. The third one
15 guilty, degree third, receiving stolen property.
16 And according to the record, she only had -- or it
17 could be he, had two felony convictions, even
18 though it shows three.

19 MS. VEST: It may be real hard to read,
20 that State of New Jersey. If you'd like to look
21 at the original, I have the original.

22 MR. HARVEY: I'd like to make a motion
23 to grant -- I can't read the thing.

24 MS. VEST: Yeah. Exhibit E?

25 MR. HARVEY: Yeah, Exhibit E, employee

1 registration.

2 THE CHAIRPERSON: Okay. We have a
3 motion by Mr. Harvey to grant Exhibit E, employee
4 registration. Do we have a second?

5 MR. HARVEY: My motion is based on the
6 age and the severity of the crimes.

7 MR. COCKROFT: It is a long time ago. I
8 guess I was curious as to why she was convicted.
9 Was there not proof of where it was stolen from
10 and that her --

11 THE CHAIRPERSON: Yeah. Those details
12 are lacking.

13 MR. COCKBURN: Yeah. There is some
14 inconsistencies that, previously being a police
15 officer, she took herself to the pawn shop, and
16 that night they came and arrested her? Other than
17 visual ID, you have to go get a warrant for
18 something like that, et cetera.

19 Usually there's detectives involved, and
20 several hours later knocking on the door to arrest
21 her. I can't dispute what she says. It just
22 sounds fishy.

23 MR. COCKROFT: I'll second the motion to
24 approve.

25 THE CHAIRPERSON: Okay. We have a

1 motion by Mr. Harvey and a second by Mr. Cockroft
2 to approve the application. Is it E we're on now?

3 MS. VEST: Yes, ma'am.

4 THE CHAIRPERSON: Application E or File
5 E. All in favor, voice by saying aye? All
6 opposed? The motion carries.

7 MS. VEST: I'm sorry, Glenn, I didn't
8 see you vote.

9 MR. COCKBURN: One way or the other?

10 MS. VEST: Or abstain, yes.

11 MR. COCKBURN: Abstain.

12 THE CHAIRPERSON: The motion carries,
13 three of us.

14 MS. VEST: That's three in favor and one
15 to abstain.

16 THE CHAIRPERSON: Yes.

17 MS. VEST: All right. I just want you
18 to know I do pay attention.

19 MR. COCKBURN: Sorry.

20 MS. VEST: That's fine.

21 MR. COCKBURN: I was still reading.

22 MS. VEST: Okay. If it's all right,
23 we'll move to Exhibit F. This one is a little
24 hard to follow also. I have a 2009 fraudulent use
25 of credit card under \$500, probation 11/29, and

1 there was three counts of theft under 500, and it
2 looks like it might actually have been eight
3 counts. But we'll take a look at it together.

4 So if you look at the court document, it
5 looks like it's saying guilty 7/3 of 2009 of
6 fraudulent use of credit card under 500.

7 The first one I've got is counts one and
8 three, 11/29, and then the next one says count two
9 and three, 11/29. The one for theft under five,
10 I'm trying to see, the indictment date is
11 different, and it's for counts one and two is
12 11/29.

13 THE CHAIRPERSON: What it is, some of
14 them are theft, and some of them are fraudulent
15 use of a credit card. So they're different
16 criminal charges.

17 MS. VEST: But it's still the same. I
18 mean, you're still looking -- okay. It got a
19 little confusing to me.

20 THE CHAIRPERSON: One is theft, and one
21 is fraudulent use of a credit card.

22 MR. COCKBURN: Do you have a copy of his
23 TBI report? Did that come back different than
24 what he provided from Wilson County?

25 MS. VEST: That's where I got -- the

1 first one was 4/17/2010 fraud, forged
2 prescription. That's the one that got dismissed.
3 Then the other is on 10/15/2009 theft, forgery of
4 a credit card, 1-2-3-4-5-6-7-8. It looks like
5 there were eight counts. The documents just show
6 1, 2, and 3.

7 MR. COCKBURN: There's a good chance
8 that they may have combined them.

9 MS. VEST: That's all I have on it.

10 MR. COCKROFT: Does he have a response
11 in here anywhere? I see the one small page.

12 MS. VEST: He mentioned two things, if
13 I'm not mistaken. Let me look. Yeah, here it is,
14 2012 pled guilty to a simple possession, unable to
15 get court docs. And then the other one, as I
16 said, gives three misdemeanor theft charges in
17 2010 for purchases made with a credit card.
18 That's what it is.

19 MR. COCKBURN: Now, you counted eight on
20 the TBI report. Does it say that he --

21 MS. VEST: It doesn't say anything on it
22 other than what the charges are.

23 MR. COCKROFT: And nothing from the
24 qualifying agent either?

25 MS. VEST: No, sir. You got everything

1 that was sent to me. This is a local company, a
2 Tennessee company.

3 MR. COCKBURN: I think on this one I'd
4 like him to appear.

5 MR. COCKROFT: Do you want to make that
6 a motion?

7 MR. COCKBURN: I was just seeing if
8 anybody had any other thoughts. I make a motion
9 that we request him to appear before the Board.

10 MR. COCKROFT: Second.

11 THE CHAIRPERSON: We have a motion by
12 Mr. Cockburn and a second by Mr. Cockroft to ask
13 the applicant to appear before the Board. All in
14 favor, voice by saying aye? All opposed? The
15 motion carries.

16 MS. VEST: All right. We will certainly
17 do that. We'll extend an invitation.

18 THE CHAIRPERSON: Exhibit G is the next
19 one, I believe.

20 MS. VEST: Yes. We're going to move to
21 Exhibit G, please. I had a 2015 manufacturing or
22 delivery of a possession with intent. You would
23 need to move down on the record that you've got
24 there. That first one was dismissed, vehicle
25 insurance or lack of, the second one for the

1 controlled substance, manufacture and deliver it.
2 That one was also dismissed. So you're looking, I
3 believe, at a Count 3. It says, guilty of
4 controlled substance, manufacture and deliver.

5 And I'll go ahead and explain for Scott
6 also -- I mean, Glenn also. It does show some
7 other charges there; for instance, a fugitive from
8 justice, but we did not take a look at that.

9 Whenever we have a hit, the TBI and the
10 FBI will pull it, and they'll go ahead and run it
11 for us. If the individual was still wanted, I
12 would already know about that. So that's not to
13 be considered.

14 THE CHAIRPERSON: On page 13 of 16
15 there's a list or there's entries. I'm not sure
16 what they are.

17 MR. COCKROFT: What, this list?

18 THE CHAIRPERSON: Yes.

19 MS. THOMAS: If you look at the bottom
20 of page 12, I think that's part of the address,
21 slash, identity history information. So it looks
22 like it's listing all of his addresses.

23 THE CHAIRPERSON: So we have no
24 explanation for him; correct?

25 MS. VEST: No. I don't believe I have

1 one in here. No, I don't have one.

2 MR. COCKBURN: On page 11 of 16, his
3 NCIC report, now, NCIC may have changed the last
4 time I've looked at them. But doesn't he have
5 like an extensive history in the state of Iowa
6 and -- I mean, he's got 11/24/15 and 1/16 before
7 it gets into the addresses?

8 MS. VEST: We don't have any of that on
9 his TBI or FBI record. So whether he's been
10 convicted of it or not, I'm sure if he's been
11 convicted of this, I would have a record. It
12 would be on the record, but that's not on his TBI
13 and FBI. It shows that he has one felony.

14 MR. COCKBURN: Is NCIC admissible? I
15 mean, that's the National Crime Information
16 Center.

17 MS. VEST: Yes. That's over there, and
18 this -- I've already got both of them. And, no,
19 sir, I don't have this information here on the FBI
20 report. Why, I don't know.

21 Okay. So it looks like we've got
22 information that he's provided to us that is not
23 on the TBI and the FBI record that we need to
24 probably find out why, or I can contact them since
25 this is a Utah company. I can contact them or the

1 individual and ask him for his written explanation
2 to find out what's going on.

3 MR. COCKBURN: I'd like to see him
4 before us. I mean, there's a lot of conflicting
5 information.

6 MS. VEST: No. He's in Memphis. I
7 misspoke. The company is in Utah, but his address
8 is actually Memphis. So if you want me to ask him
9 to make an appearance like the other gentleman, I
10 can.

11 MR. COCKBURN: I make the motion.

12 MR. HARVEY: Second.

13 MS. VEST: Well, the only problem like
14 that is, or it could have been diversion that got
15 taken off or there's a problem with his FBI
16 record.

17 THE CHAIRPERSON: I think we need to
18 deny it. If it's all wrong, then it's --

19 MS. VEST: Then it's up to him to clean
20 it up.

21 THE CHAIRPERSON: Yeah. And if that's
22 important to him, he should have gotten it
23 straight to begin with. Do you want to make a
24 motion, Keith?

25 MR. HARVEY: Yes. I will make a motion

1 we deny Mr. Watson his employee registration.

2 MR. COCKROFT: Second.

3 THE CHAIRPERSON: 6232312E, and this
4 will be seconded by Mr. Cockroft. All in favor,
5 voice by saying aye? All opposed? The
6 application is denied for F -- or, excuse me, G.

7 MS. VEST: All right. The next one is
8 not on your iPad. That's the one that I handed
9 out to you.

10 MR. COCKROFT: Are you still getting a
11 lot of paper apps? Aren't all of these on your
12 paper?

13 MS. VEST: Thank you for noticing that.
14 We will be talking to these people.

15 Unfortunately, I'm not in the position
16 where I have to say at this particular time that
17 they -- I have to return their checks. The State
18 doesn't return the check. No matter who it's made
19 payable to, it doesn't get returned.

20 As you know, we're moving towards
21 everything being electronic, so we are strongly
22 encouraging. But I still have a few companies
23 that are resistant to that.

24 But some of these are quite big
25 companies, and I contact usually the corporate

1 office instead of the qualifying agent. I seem to
2 get better response that way. People who are
3 higher up know that we're not getting it, or a lot
4 of them also are other offices. I might have
5 three specific -- they've got three offices that
6 do it electronic, one office that doesn't. That's
7 why we have offered our services to them to try
8 and help.

9 So I'm going to try and help you here
10 with his sheet. He said, I pled guilty to a 1995
11 forgery. I pled guilty, got one year of probation
12 to possession of crack cocaine. I pled guilty to
13 possession of CDS marijuana. Traffic, I didn't
14 worry with that one.

15 I pled guilty to prowl in public places,
16 2002. 2005, it was dismissed. 2005, I pled
17 guilty to possession of drug paraphernalia. 2006,
18 I pled guilty to prowl in public places. I pled
19 guilty to a DUI in 2012. I pled guilty to
20 wandering or prowling in 2016 to obtain or sell
21 CDS, which would be marijuana, and in 2016 I pled
22 guilty to possession of drug paraphernalia. And
23 you've got his documents there.

24 MR. COCKBURN: Just as a point, the
25 2016, according to the report, was crack.

1 MS. VEST: Oh, okay.

2 MR. COCKBURN: Having in his control or
3 possession a clear orange concealed baggy
4 containing a white rock substance believed to be
5 crack cocaine.

6 MR. HARVEY: I make a motion we deny
7 Mr. Murray his employee registration.

8 MR. COCKBURN: I second.

9 THE CHAIRPERSON: We have a motion by
10 Mr. Harvey and a second by Mr. Cockburn to deny
11 application H, employee registration application.
12 All in favor, voice by saying aye? All opposed?
13 The application is denied.

14 MS. VEST: All right. Thank you, and
15 then that does conclude the criminal history
16 review. We can go right on to education, if you
17 want to.

18 THE CHAIRPERSON: Let's take a break.
19 We'll take a break now. Thank you.

20 (Recess taken.)

21 (BY THE CHAIRPERSON) Okay. We're going
22 to call our meeting back to order. The next one
23 is the Jade Learning. Is it just they've had a
24 name change?

25 MS. VEST: Yes. I wanted you to see

1 that, and I wanted to get it into the record.
2 Jade Learning, J-a-d-e, L-e-a-r-n-i-n-g. "We are
3 writing to inform you as of March the 30th, 2018,
4 Jade Learning, LLC, has been purchased by TPC
5 MidCo Corporation, LLC. We are no longer owned by
6 TestWell, T-e-s-t-w-e-l-l, Holdings, LLC."
7 Now, you know, Jade Learning, we just
8 accept -- they're automatic, so I'm just bringing
9 it to you that (a) they do have a name change, (b)
10 are we still going to honor that, as they send
11 them in, they are automatically approved?
12 THE CHAIRPERSON: I would think so since
13 it's just a name change.
14 MR. HARVEY: They just have a holdings
15 change; right? They're still Jade Learning?
16 MR. COCKROFT: I didn't know they were
17 automatically approved. So we don't need to look
18 at the --
19 MS. VEST: Yes. They've been for a long
20 time, uh-huh.
21 MR. COCKROFT: What qualified them for
22 that?
23 MS. VEST: That was a long time ago
24 whenever the Board voted them in for that, just
25 like Electronic Security Association. There's a

1 lot of them that we automatically --

2 THE CHAIRPERSON: well, as long as the
3 course -- I think as the course or the
4 classification doesn't change, it's been accepted.
5 But if they make a change to the classification
6 from training to CEU or whatever, then the Board
7 has to approve it.

8 MS. VEST: All right. Did we decide
9 that that was okay? Do you need me to present
10 them again? Is it okay to keep it on the course
11 list is what I'm asking.

12 THE CHAIRPERSON: Do you want a motion
13 to make it all good?

14 MS. VEST: Yes.

15 THE CHAIRPERSON: Okay. Motion?

16 MR. HARVEY: I make a motion that we
17 accept the new name for Jade Learning as TPC MidCo
18 Corp. and continue accepting the courses that they
19 submit.

20 THE CHAIRPERSON: Okay. Now we need a
21 second.

22 MR. COCKBURN: Second.

23 THE CHAIRPERSON: Okay. We have a
24 motion and a second to approve or to acknowledge
25 the name change from Jade Learning Centers Holding

1 Company from -- I think you read it out, from TPC
2 to MidCo Corp. Is that it?

3 MS. VEST: Right.

4 THE CHAIRPERSON: All in favor, voice by
5 saying aye? All opposed?

6 MS. VEST: Thank you. Then we've
7 broken this down. This is continuing education as
8 well. Okay. So you should have already got some
9 of this correspondence from ESA, who wanted the
10 continuing education. And it comes down to
11 Inovonics. It's Charity Net as well. There's
12 several pages of that. Does anybody have any
13 discussion about those two on the course list?

14 MR. HARVEY: I have no negative
15 discussion.

16 MS. VEST: I beg your pardon?

17 MR. HARVEY: I have no negative
18 discussion. I thought all those that was asked
19 for an hour or hour and a half of continuing ed
20 was fine.

21 MS. VEST: Okay.

22 MR. HARVEY: And I did read through
23 every single one of them.

24 MS. VEST: Thank you. I appreciate
25 that. You're the expert. Thank you. I'm sorry,

1 I did -- is there any other discussion on this,
2 any other board members?

3 THE CHAIRPERSON: These are all CEUs;
4 correct?

5 MS. VEST: These are all CEUs for ESA.
6 Like I said, Century Net and the other -- and if
7 you would look on the back, we have approved
8 CMOOR, C-M-O-O-R, Group, and they have come up for
9 expiration. So they have resubmitted their
10 courses for us.

11 I think it's every four years they have
12 to renew their courses, and that's what was
13 attached on the back. But, yes, ma'am, it is
14 continuing education. So I believe Scott said
15 yes -- I mean Keith, I'm sorry. Scott, did you
16 review them?

17 MR. COCKROFT: Yes. I looked through --
18 I mean, it's one big document of all of them;
19 right?

20 MS. VEST: Yes, sir, just the one piece,
21 yes, just for that section. But we are only doing
22 the ESA down to, to begin with, the re-approval of
23 the 56 online continuing education courses for
24 CMOOR Group.

25 MR. COCKROFT: Okay. Including the

1 Century Net?

2 MS. VEST: Yes.

3 MR. COCKROFT: The Century Net ones, I
4 mean, it looked like there was a lot of them cut
5 and paste, as far as the description and stuff.
6 But it still did look like it met the hours. Some
7 of it is a lot of discussion, what it says in the
8 class.

9 THE CHAIRPERSON: Okay. Are we going
10 to -- how do you all want to vote on this? Do you
11 want to vote on ESA and -- I've got one Inovonics
12 Century Net.

13 MS. VEST: That's all we -- yes. Is
14 that what they're looking on the -- well, okay, we
15 can do that. It's something very simple. I sent
16 it all out to everybody. Did -- not Vivian.

17 Did everybody take a look at the
18 courses? Was there any discussion on any of the
19 information that we sent out, or can we go ahead
20 and do a blanket vote for continuing education
21 that was sent out? That might be a whole lot
22 easier.

23 MR. COCKBURN: Nothing that stood out
24 with me.

25 MR. COCKROFT: That's fine with me.

1 MR. COCKBURN: Do we need to make a
2 motion and --

3 MS. VEST: Yes, sir.

4 THE CHAIRPERSON: To approve all courses
5 presented for continuing education.

6 MR. COCKBURN: I make a motion that we
7 accept all courses as presented for continuing
8 education.

9 MR. COCKROFT: Second.

10 THE CHAIRPERSON: Okay. We have a
11 motion by Mr. Cockburn and a second by
12 Mr. Cockroft to approve all of the courses
13 presented by different companies for continuing
14 education. All in favor, voice by saying aye?
15 All opposed? The motion passes.

16 MS. VEST: All right. So I think we've
17 got a question -- well, probably two. Do we need
18 to -- Vivian, do we need to start sending them to
19 you? Since you're the public member, I did not
20 send them to you to review the courses. That's
21 one.

22 Second, do you like it that way, or I
23 can just send them all out to you all, and you can
24 look at all of them, and then we just come back
25 in, and the ones that we need to discuss are the

1 ones we'll discuss, and the other ones will be
2 approved?

3 THE CHAIRPERSON: Yes, because in the
4 past what you've run into, when you send the
5 courses to one person, and they don't have an
6 opportunity to review them, then the other board
7 members are scrambling during the meeting to try
8 to determine are they okay or not.

9 And you've got a four-to-one shot versus
10 a one-to-one shot that somebody is going to say,
11 "Yes, I've looked at them and I agree," and then
12 you can vote on them without having to read up on
13 them real quickly.

14 MS. VEST: Okay. I think what we'll do,
15 because I will just get a list of them with what
16 the name of the course is, or whatever the company
17 that is providing it, and then I'll just do it
18 like that. So everybody gets theirs. We'll say,
19 "Is there any discussion, or are we going to
20 approve this," and just read the list out, and
21 that will be continuing education.

22 THE CHAIRPERSON: Yes.

23 MR. HARVEY: I mean, it's a lot to look
24 at. This was like 400 and something pages.

25 MS. VEST: well, this is odd, because

1 CMOOR Group happened to be the new --

2 MR. COCKROFT: Because in the past, if I
3 was sent just some, I knew I needed to look at
4 them, and I looked at them good. I can't -- I
5 mean, I looked at this, but I did not look as
6 thoroughly since it was so much. So it's kind of
7 harder -- if we do send it to all, we may all sort
8 of look at it.

9 MR. HARVEY: I kind of agree with that.

10 MS. VEST: Okay. So do you want me to
11 send it all out and then send it --

12 (Multiple people talking.)

13 (BY MS. VEST) If we just send it all
14 out, then I'll say: well, Keith, would you take
15 the first five pages; Scott, you take; Glenn, you
16 take. But you still need to be aware of what each
17 person has so we can make --

18 MR. COCKROFT: That would probably be
19 better.

20 MS. VEST: would that be okay?

21 MR. COCKBURN: Yeah, that's fine,
22 because you may see something that I don't.

23 MR. COCKROFT: It's good to see all of
24 it, but it still would be nice if we focused on a
25 certain part or something.

1 MS. VEST: Okay. We can do that.

2 THE CHAIRPERSON: I think in general the
3 Board has always been accepting of what the
4 companies have asked for on CEUs. I think where
5 the controversy comes up is when they want to give
6 too many training hours or they want it in
7 different classifications, and you all don't think
8 they should be --

9 MR. HARVEY: The initial --

10 MS. VEST: Well, there's been a few with
11 continuing education, whether they've asked for
12 four hours, and you've reduced it to two hours,
13 something like that, is why we need to review it.
14 But I can do that.

15 So I think what we'll do is, we'll make
16 it a policy that we'll send all the courses out to
17 you, but we'll ask each person to look at a
18 section.

19 But all of you need to be prepared in
20 case that -- maybe the individual might not be
21 here. I don't want to stop the continuing
22 education.

23 THE CHAIRPERSON: And if somebody
24 doesn't have an opportunity to review this
25 section, let others know so that somebody else can

1 kind of pick up the gap then. Okay. Does that
2 take care of that?

3 MS. VEST: Yes. That's okay, because we
4 had to vote. Yes, ma'am, it sure did. We'll take
5 care of that. So that was the continuing
6 education course approval. I didn't have any
7 unfinished business. But under new business, you
8 do have your 2018 board schedule. We had to move
9 a meeting.

10 THE CHAIRPERSON: Yeah. I think we
11 changed it from --

12 MS. VEST: We changed it now to June --
13 it was the 21st of June. Now it's the 28th of
14 June. And I think Stuart wanted something else
15 changed. Okay. That's all I had under new
16 business, Madam Chair. I just wanted to make sure
17 everybody had a new schedule.

18 THE CHAIRPERSON: Okay. Anything else?

19 MS. VEST: I didn't have anything.

20 THE CHAIRPERSON: Okay. Our meeting is
21 adjourned. Thank you for coming.

22 MS. VEST: All right.

23 (Whereupon, the hearing was concluded at
24 approximately 12:45 p.m.)

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CERTIFICATE

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

I, WILMA O. HUTCHISON , Court Reporter and Notary Public at Large, do hereby certify that the foregoing is a true and accurate transcript, to the best of my ability and belief, of the proceedings as taken stenographically by and before me at the time, place, and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

WITNESS my hand this 28th day of June 2018 at Nashville, Tennessee.

Wilma O. Hutchison, LCR #337
Court Reporter &
Notary Public at Large

MY COMMISSION EXPIRES:
May 5, 2020.

April 2018

1 lot of them that we automatically --

2 THE CHAIRPERSON: Well, as long as the

3 course -- I think as the course or the

4 classification doesn't change, it's been accepted.

5 But if they make a change to the classification

6 from training to CEU or whatever, then the Board

7 has to approve it.

8 MS. VEST: All right. Did we decide

9 that that was okay? Do you need me to present

10 them again? Is it okay to keep it on the course

11 list is what I'm asking.

12 THE CHAIRPERSON: Do you want a motion

13 to make it all good?

14 MS. VEST: Yes.

15 THE CHAIRPERSON: Okay. Motion?

16 MR. HARVEY: I make a motion that we

17 accept the new name for Jade Learning as TPC MidCo

18 Corp. and continue accepting the courses that they

19 submit.

20 THE CHAIRPERSON: Okay. Now we need a

21 second.

22 MR. COCKBURN: Second.

23 THE CHAIRPERSON: Okay. We have a

24 motion and a second to approve or to acknowledge

25 the name change from Jade Learning Centers Holding

?

1 Company from -- I think you read it out, from TPC

2 to MidCo Corp. Is that it?

3 MS. VEST: Right.

4 THE CHAIRPERSON: All in favor, voice by

5 saying aye? All opposed?

6 MS. VEST: Thank you. Then we've

7 broken this down. This is continuing education as

8 well. Okay. So you should have already got some

9 of this correspondence from ESA, who wanted the

10 continuing education. And it comes down to

11 Inovonics. It's ~~Century~~ ^{Sentry} Net as well. There's

12 several pages of that. Does anybody have any

13 discussion about those two on the course list?

14 MR. HARVEY: I have no negative

15 discussion.

16 MS. VEST: I beg your pardon?

17 MR. HARVEY: I have no negative

18 discussion. I thought all those that was asked

19 for an hour or hour and a half of continuing ed

20 was fine.

21 MS. VEST: Okay.

22 MR. HARVEY: And I did read through

23 every single one of them.

24 MS. VEST: Thank you. I appreciate

25 that. You're the expert. Thank you. I'm sorry,

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1 I did -- is there any other discussion on this,

2 any other board members?

3 THE CHAIRPERSON: These are all CEUs;

4 correct?

5 MS. VEST: These are all CEUs for ESA.

6 Like I said, ~~Century~~ ^{Sentry} Net and the other -- and if

7 you would look on the back, we have approved

8 CMOOR, C-M-O-O-R, Group, and they have come up for

9 expiration. So they have resubmitted their

10 courses for us.

11 I think it's every four years they have

12 to renew their courses, and that's what was

13 attached on the back. But, yes, ma'am, it is

14 continuing education. So I believe Scott said

15 yes -- I mean Keith, I'm sorry. Scott, did you

16 review them?

17 MR. COCKROFT: Yes. I looked through --

18 I mean, it's one big document of all of them;

19 right?

20 MS. VEST: Yes, sir, just the one piece,

21 yes, just for that section. But we are only doing

22 the ESA down to, to begin with, the re-approval of

23 the 56 online continuing education courses for

24 CMOOR Group.

25 MR. COCKROFT: Okay. Including the

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1 Century Net?

2 MS. VEST: Yes. ~~Century~~ ^{Sentry}

3 MR. COCKROFT: The ~~Century~~ ^{Sentry} Net ones, I

4 mean, it looked like there was a lot of them cut

5 and paste, as far as the description and stuff.

6 But it still did look like it met the hours. Some

7 of it is a lot of discussion, what it says in the

8 class.

9 THE CHAIRPERSON: Okay. Are we going

10 to -- how do you all want to vote on this? Do you

11 want to vote on ESA and -- I've got one Inovonics

12 ~~Century~~ ^{Sentry} Net.

13 MS. VEST: That's all we -- yes. Is

14 that what they're looking on the -- well, okay, we

15 can do that. It's something very simple. I sent

16 it all out to everybody. Did -- not Vivian.

17 Did everybody take a look at the

18 courses? Was there any discussion on any of the

19 information that we sent out, or can we go ahead

20 and do a blanket vote for continuing education

21 that was sent out? That might be a whole lot

22 easier.

23 MR. COCKBURN: Nothing that stood out

24 with me.

25 MR. COCKROFT: That's fine with me.

1 THE CHAIRPERSON: I think he's right.
 2 MS. VEST: I'm sorry, but I don't
 3 remember that.
 4 THE CHAIRPERSON: It's been some time
 5 back. But I think it was movement, what is it?
 6 MR. COCKROFT: ~~PMESA~~ ^{ESA} ~~ESA~~
 7 MS. VEST: It would be ~~FAX~~, if not the
 8 national. It would be the Tennessee
 9 Association --
 10 MR. COCKROFT: It would be both. It
 11 would be the ESA, which used to be the NBFSA.
 12 MS. THOMAS: Well, so this particular
 13 law, it doesn't tell you how to establish your
 14 apprenticeship program. It just says that we have
 15 to grant a license to somebody that has a high
 16 school education and has completed the
 17 apprenticeship program, however that Board decides
 18 to lay it out, whatever those requirements are.
 19 But like I said, it gives kind of a
 20 skeletal guideline of establishing an
 21 apprenticeship program.
 22 There was some talk at the very
 23 beginning about the age which you had to be to be
 24 in apprenticeship. But through amendments, that
 25 part is gone. But it's giving the warranty option

1 to establish an apprenticeship program.
 2 MR. COCKROFT: And my understanding is,
 3 one of the main purposes would be with prevailing
 4 wage for some companies if there was an
 5 apprenticeship program. I believe right now if
 6 it's a prevailing wage job, it goes to like the
 7 electrical contractors' rates and apprenticeship
 8 program.
 9 MS. THOMAS: I'm not sure I understand.
 10 MR. COCKROFT: In our industry, since
 11 there currently isn't an apprenticeship program in
 12 Tennessee, if you do a job that has to pay
 13 prevailing wage, they look at electricians' wages
 14 for the prevailing wage.
 15 And even if there's a helper on the job,
 16 they have to be paid the electrician wage, which
 17 makes it hard to do jobs sometimes. Sometimes
 18 it's -- it's great for the employee getting the
 19 pay, which I understand, but it's hard for the
 20 company.
 21 And then some employees don't get to
 22 work a job, because they don't make that much, and
 23 they can't afford -- the company can't afford to
 24 pay them. But I don't know what would be involved
 25 with us doing the apprenticeship program if it's a

1 lot of --
 2 MS. THOMAS: And I will say this, that
 3 this particular amendment of the law does not
 4 speak to how we set forth the wages and all those
 5 things, if that's something we want to do,
 6 promulgating a rule or something --
 7 MR. COCKROFT: I don't think we can set
 8 the wages. I don't think that -- I think that's
 9 something that if there's an actual apprenticeship
 10 program, that it lets you have an apprenticeship
 11 wage.
 12 MR. COCKBURN: I can tell you, Davis
 13 Bacon governs federal government. They do not
 14 differentiate. There's a job that my company is
 15 working on now that the electrician we work with
 16 has somebody who is still in school, he has to
 17 leave by a certain time to make classes, and he
 18 still has to get paid the prevailing wage for the
 19 occupation.
 20 For them, their labor, as their
 21 definition is, is basically gophers. They
 22 admitted if somebody picks up a screwdriver and
 23 turns it, they're now an electrician.
 24 MR. COCKROFT: Right. Well, and that's
 25 what I was told. This was a long time ago that I

1 did the job somewhere that was prevailing wage.
 2 And we were told that -- I mean, because I had a
 3 helper that I then couldn't have work on the job.
 4 I was told he could sweep up. But if he picked up
 5 a screwdriver or touched a piece of wire, he
 6 couldn't work the job.
 7 But I was told that if there was an
 8 apprenticeship program, he could have been paid a
 9 different wage. But --
 10 MR. COCKBURN: Well, as far as State
 11 prevailing wage, I'm not as -- we do a lot of
 12 government jobs, so I can probably quote inside
 13 and out Davis Bacon.
 14 MR. COCKROFT: And I think that's what
 15 it was referring to. This was like a state
 16 university. But their rules, I guess, could have
 17 been different.
 18 MS. THOMAS: And I think the purpose of
 19 this is just another pass to licensure. So it
 20 says if the Board establishes such a program, the
 21 person shall be granted a license if they have a
 22 high school education, have completed the
 23 apprenticeship program, have passed the test and
 24 have paid the fee, and then we will grant them a
 25 license. So in time it's another path to