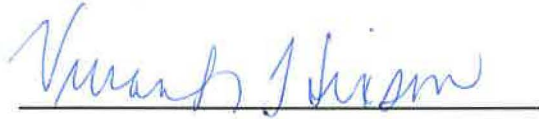


Tennessee Alarm Systems Contractors Board 10-20-2016

MINUTES of the Tennessee Alarm Systems Contractors Board Meeting, held
October 20, 2016, in Nashville Tennessee.



Vivian Hixson, Chair



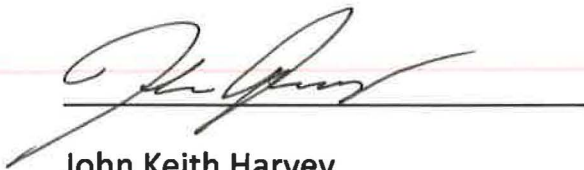
McKenzie C. Roberts, Vice Chair



Karen D. Jones, Secretary



William Scott Cockroft



John Keith Harvey

ALARM SYSTEMS CONTRACTORS

BOARD MEETING

October 20, 2016

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ALARM SYSTEMS CONTRACTORS

BOARD MEETING

October 20, 2016

DAVY CROCKETT TOWER
500 JAMES ROBERTSON PARKWAY, ROOM 1B
NASHVILLE, TN 37243

TRANSCRIPT OF BOARD MEETING

Commencing at 9:00 a.m.

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A P P E A R A N C E S

BOARD MEMBERS

Captain Vivian L. Hixson, Chair

McKenzie C. Roberts, Vice Chair

William Scott Cockroft

Karen Jones

Keith Harvey

ALSO PRESENT

Ashley Thomas, Staff Attorney

Cody Vest, Executive Director

Beth Smith Bell, Administrative Assistant

Shauna Balaszi, Administrative Assistant

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P R O C E E D I N G S

(WHEREUPON, the above-captioned board
meeting was heard as follows:)

CHAIRPERSON HIXSON: Good morning,
everybody. We want to welcome you to the October the
20th, 2016, meeting of the Alarm Systems Contractors
Board. We want to welcome all the visitors and
guests we have here today. And Ms. Vest, would you
please call the roll.

MS. VEST: Thank you. Scott Cockroft?

MR. COCKROFT: Here.

MS. VEST: Keith Harvey?

MR. HARVEY: Here.

MS. VEST: Vivian Hixson?

CHAIRPERSON HIXSON: Here.

MS. VEST: Karen Jones?

MS. JONES: Here.

MS. VEST: McKenzie Roberts?

MR. ROBERTS: Here.

MS. VEST: We have a quorum, Madam Chair.

CHAIRPERSON HIXSON: Okay. Thank you.

The first item on our agenda is to review and adopt
the agenda for today's meeting, and if so, do we have

1 a motion to adopt?

2 MS. VEST: Madam Chair, would you like to
3 repeat that again, please?

4 CHAIRPERSON HIXSON: The first item on
5 our agenda today is the agenda for today's meeting,
6 if the members will review and a motion to adopt?

7 MR. ROBERTS: Madam Chairman, I make a
8 motion we adopt the agenda as it's presented.

9 MR. COCKROFT: Second.

10 CHAIRPERSON HIXSON: Okay. We have a
11 motion by Mr. Roberts and a second by Mr. Cockroft to
12 adopt today's meeting agenda. All in favor voice by
13 saying aye.

14 THE BOARD: Aye.

15 CHAIRPERSON HIXSON: All opposed? The
16 motion carries.

17 The next item are the minutes from the
18 August the 18th, 2016, Board meeting. If the members
19 have had an opportunity to review those, and if so, a
20 motion to approve.

21 MR. COCKROFT: I make a motion to approve
22 the minutes as presented.

23 MS. JONES: Second.

24 CHAIRPERSON HIXSON: Okay. We have a
25 motion by Mr. Cockroft, a second by Ms. Jones to

1 approve the minutes as presented. All in favor voice
2 by saying aye.

3 THE BOARD: Aye.

4 CHAIRPERSON HIXSON: All opposed? The
5 motion carries, the minutes are approved.

6 Next on our agenda is the presentation
7 from the Director of Program and Policy, Rachel
8 Powers.

9 MS. THOMAS: There's just a slight change
10 to that.

11 CHAIRPERSON HIXSON: Okay.

12 MS. THOMAS: I'll go ahead and start with
13 this presentation.

14 As the Board is aware, in May of this
15 year, new rules went into effect for the registered
16 employees that applied expiration dates to their
17 registration cards. Once that rule went into effect
18 and those expiration dates were added to the
19 registered employees' cards, companies began to
20 attempt to comply. And their efforts of compliance
21 led to an influx of what could be seen as violations,
22 because we did not receive termination notices timely
23 and/or registration applications timely. You'll see
24 that reflected in today's legal report.

25 It's our goal to come up with a way to

1 get that compliance without being so burdensome on
2 the Board staff. So what we would like to do is have
3 the Board consider entering into an agreed citation
4 schedule, and that would be something that the Board
5 could admin -- the Board office could
6 administratively handle and send that out, rather
7 than -- and leave the complaints that really affect
8 the public to the Board to consider.

9 I know Mr. McCormack is here, as well as
10 Mr. Driver, if they have anything to add at this
11 time, but that's something I would like for you all
12 to consider. We do have a copy of your fee schedule
13 that we'll be looking at to see if those particular
14 activities would comply with that, and maybe the
15 different amounts, and may present that to you at the
16 December Board meeting.

17 CHAIRPERSON HIXSON: Okay.
18 Mr. McCormack?

19 MR. MCCORMACK: Thank you. I'll just
20 kind of follow up with what Ashley said here in terms
21 of -- I think we are talking very specifically
22 about -- I am going to focus very specifically on
23 what -- the areas she just talked about. And I think
24 for us what happened was you all had -- we were
25 looking at this from a complaint base process, and so

1 we ended up having, I believe, something like 77
2 complaints opened in the first month related to this
3 issue. And so last year you all had 73 total
4 complaints for the entire year, and this was one
5 month.

6 So obviously the impact is going to be
7 pretty burdensome, and really what we are seeing
8 already is entities complying fairly quickly. So we
9 have talked about a process, I think, that will be
10 fairly, I think, more efficient for you all to make
11 sure you get compliance, and we'll provide an
12 opportunity through the agreed citation process.

13 I think initially we have the employee,
14 we can send them a letter of warning to say, Get in
15 compliance, and then at that point on the second --
16 second indication of that, we would go to the agreed
17 citation process, which would allow for, I think,
18 another quick way for compliance, which ultimately is
19 what we are trying to do here. I think you are going
20 to see pretty quick adoption here.

21 What we don't want to do is, you know,
22 come to you with a legal report every month with 77
23 complaints that you are going to have to review. I
24 mean, like I said, that's obviously a significant
25 impact to the Board, and potentially, if there's any

1 additional pieces, it could provide cost
2 implications. So we are trying to do this in a way
3 that really achieves your goal of getting compliance.
4 And I -- like I said, I think you are
5 already on the path to do that anyway. Companies are
6 seeing this and they are -- these are -- I believe
7 they are all -- most of these have been self
8 reported.

9 MS. THOMAS: They have all been self
10 reported. As I said, this came as a result of the
11 expiration dates being added to registered employees'
12 registration cards, and the companies began to report
13 and comply. And as Brian said, it did create an
14 influx of approximately 77 complaints. And rather
15 than present those to you, like I said, we are
16 looking at going into an agreed citation schedule.
17 Of course, with you guys' approval as to what
18 violations would match that and what would be the
19 appropriate discipline going forward for that.

20 CHAIRPERSON HIXSON: Okay. Mr. Driver?

21 MR. DRIVER: I think the only thing I
22 would note is we've had some success with this sort
23 of arrangement with some other boards and
24 commissions. The idea is that it's a procedural
25 change. What the Board is doing is on these sorts --

1 on, I guess, approved categories of complaints,
2 instead of those going through the current complaint
3 standard operating procedure, which results in the
4 matters being opened, sent to legal, and then
5 investigated as appropriate and presented to you all
6 in the legal report, you are delegating to Director
7 Vest the authority to review those complaints. And
8 if it appears appropriate in those cases, to say,
9 This falls within the schedule that has been approved
10 by the Board, and as such I am authorized to
11 either, depending on the schedule you all authorize,
12 send a letter of warning, if it's the first violation
13 for this company, or send what we are calling an
14 agreed citation, but it's pretty much consent
15 ordered, that's an offer to settle on a second
16 violation.

17 Of course, the reason I say it's a
18 procedural change is because it's -- say if it's not
19 closed, you know, it's the first violation, if the
20 agreed citation is not -- or is sent out and it's not
21 accepted, the complaint still goes through the
22 regular process at that point. It would then be sent
23 to legal, if we can't reach a resolution.

24 The idea is in complaints where we have a
25 high volume of complaints that appear technical in

1 nature, to speed those through the system and to give
2 people a chance to show compliance earlier on. And I
3 think it's been -- although I don't have data on
4 this, at least the kind of, you know, observational
5 data, that people also tend to comply, if they are
6 given the chance to do so faster, as opposed to maybe
7 getting something eight months down the road, or
8 whatever that is, six months down the road, that
9 says, Oh, you did this. And then by then many times
10 they have forgotten about it or had thought it had
11 been resolved with their complaint or something along
12 those lines.

13 CHAIRPERSON HIXSON: But you already have
14 a procedure in place that applies to other boards
15 that we can tailor and adopt for ourselves?

16 MR. MCCORMACK: Yes.

17 CHAIRPERSON HIXSON: Are you going to
18 present that in your legal report?

19 MS. THOMAS: As far as the agreed
20 citations, we are going to look at, like I said, the
21 fees and everything, and probably present that more
22 formally to you in December. I wanted to bring it to
23 your attention because a lot of the complaints that
24 were opened as a result of the rule effectiveness are
25 reflected on this legal report. So I wanted to bring

1 it to your attention that this is why there are so
2 many cases on this legal report, and this is our
3 process for going forward to try to eliminate some of
4 that burdensome workload going forward to the
5 program.

6 CHAIRPERSON HIXSON: Well, let me ask
7 you, when we get to Ashley's legal report today, if
8 there are some in bulk that are all the same, would
9 we have to look at those individually, or all the
10 ones that fit the same category, could we just vote
11 in --

12 MS. THOMAS: That's the way I have
13 presented it to you all.

14 CHAIRPERSON HIXSON: Okay. Good.

15 MS. THOMAS: The same issue will be
16 presented in bulk, like I said, you'll see reflected
17 in the first couple of cases listed on the legal
18 report.

19 CHAIRPERSON HIXSON: Okay. Thank you.

20 MS. THOMAS: But going forward, something
21 like that would not come to the Board, if you all
22 approved it. Cody's office would handle that going
23 forward with the agreed citation that you all have
24 set forth.

25 CHAIRPERSON HIXSON: Okay.

1 MR. ROBERTS: My concern is that if we
2 have a rule that has created a tremendous number of
3 technical violations, should we be looking at the
4 rule, rather than how to just administratively deal
5 with the violation? It sounds like that perhaps the
6 rule is the underlying problem, rather than just
7 perhaps putting some sort of a Band-Aid on it, and
8 have we created a burden on the industry with this
9 rule?

10 MR. DRIVER: What I will say, it's my
11 understanding -- and maybe Director Vest or Ashley
12 may be able to correct me here if I'm not mistaken --
13 is that what is being found was already a violation
14 of the rule, which was the failure to timely report
15 the termination of an employee.

16 What has happened is because of
17 administrative changes, we are receiving better
18 reporting of those things. So what we are now
19 finding out is there are a large number of these that
20 probably in the past were not coming to the Board's
21 attention, that are now coming to the Board's
22 attention. And so what you have, I think, is not
23 necessarily an influx of additional violations, what
24 we have now is better reporting of those violations
25 and finding a much higher number of those.

1 Now, of course, at the end of the day, if
2 the Board wants to change those things, that's
3 entirely up to you, but that's my understanding of
4 the nature of it, is that these already would have
5 been violations. The information that these
6 violations were occurring just wasn't being reported
7 to the Board at the same rate that it is now.

8 MR. COCKROFT: I think our concern might
9 be that it's -- possibly we need to look at the rule
10 itself because maybe it's burdensome. I imagine most
11 of these are coming up at this point from honest
12 mistakes. People didn't know that they had the
13 employee registered, they are getting the renewals
14 and finding out, so then they -- they are being
15 honest, and if they are getting a violation, they are
16 putting an honest termination date, may have been
17 five years ago or ten years ago.

18 CHAIRPERSON HIXSON: Isn't this something
19 that will work itself out in time?

20 MR. MCCORMACK: That's actually what I
21 was going to chime in and say. I think this is
22 really going to sort of solve itself. I think you
23 are looking at something that's much more temporary.
24 In fact, kind of my suggestion today, I was actually
25 hoping that the Board would -- I would suggest the

1 Board kind of make a preliminary decision to -- my
2 view on this is since -- and it sounds like I hear
3 you all saying we don't -- we're not necessarily
4 wanting to hold a bunch of people accountable for
5 technical violations, and these companies are
6 actually saying, Hey, we're trying to comply.

7 My suggestion would be since it is an
8 issue that you all do -- that you do want to
9 regulate, and I think there are some potential
10 reasons here for protecting the public while you may
11 want to have this compliance occur, what you could
12 say is, anytime we are notified of someone who has
13 not effectively reported, the first time that they do
14 that, you just go ahead and say administratively the
15 office can go ahead and send them a letter of warning
16 saying thank you for compliance, please don't do this
17 in the future. If you fail to comply in the future,
18 there could potentially be subsequent discipline. I
19 think that will then allow you to have the agreed
20 citation process on the back end which will only deal
21 with the people that we know are really not
22 complying. But I really think as --

23 CHAIRPERSON HIXSON: Kind of like a
24 housekeeping matter once you get everybody on the
25 same wavelength.

1 MR. COCKROFT: Could we do some sort of
2 an amnesty period that we wouldn't -- you don't like
3 that word possibly or --

4 MS. VEST: The renewals are on a two-year
5 cycle, so it's going to continue until we finish that
6 cycle.

7 MR. COCKROFT: I just don't see how it
8 jeopardizes the public in any way. We don't get the
9 card back. The -- there's not anything -- if the
10 employee did something while he was there, it would
11 get reported that he was arrested or whatever
12 violation happened, but I just don't see how the
13 public is endangered by someone not reporting an
14 employee.

15 MS. THOMAS: Right, and it's for that
16 reason that we suggested this going through an agreed
17 citation issue. Because, like you said, it is
18 housekeeping, it's an administrative thing.

19 MR. COCKROFT: I agree with that. I
20 think it might be a bigger issue that maybe the
21 30 days is too short of a period. I just don't see
22 how the public is in any way endangered. I know of a
23 company that had -- he had his son work for him and
24 he forgot to turn in termination on his son, because
25 he wasn't working for him anymore, but he would have

1 him working on a job ten years later. I mean, it's
2 his son, and he would have liked to have kept him
3 registered, but that was one of those things, it was
4 a housekeeping issue. He didn't turn it in at the
5 time he terminated, well, he's now hired his son
6 back. I don't see how the public was ever endangered
7 by not terminating an employee.

8 MR. MCCORMACK: That's why I think I
9 was -- I think there is -- I would say that there's
10 some value, because this information is uploaded on
11 our verified system for the public to look to see who
12 is -- I think those are the components which are
13 valuable, and I think you all have said it's
14 valuable. But I very much empathize with the idea
15 that this is not something that we think we want to
16 be coming down heavy handed on folks for.

17 MR. COCKROFT: Right.

18 MR. MCCORMACK: I think we're -- and I
19 think that's really why I was kind of inserting here
20 to say, I know we have talked about an agreed
21 citation process. I think that is fine, and you can
22 further that as a potential option I think down the
23 road, but right now if you go ahead and say any
24 first-time violators that are self-reporting, we can
25 just direct to say, Thank you for your compliance, we

1 have sent a letter of warning. What you are doing is
2 you are meeting your requirement to say this is
3 something that is important, it is a violation, and
4 we are notifying you of that, but thank you for your
5 compliance.

6 And we very well can craft a letter that
7 would be reflective that it is not intended to be
8 heavy handed or really just kind of getting the
9 point. Thank you, thank you for complying. I mean
10 there are ways that we can really work together to
11 kind of achieve I think both of the goals.

12 CHAIRPERSON HIXSON: We have used letters
13 of warnings a lot in the past when it was just a
14 simple oversight or something that happened years in
15 the past that caused a change, that it's not
16 necessarily to fine anybody, but just to bring them
17 into compliance with the rules.

18 MR. MCCORMACK: I think you could go
19 ahead and say, based on the fact this is a pretty
20 simple violation -- and that would be my suggestion,
21 is a simple violation, it doesn't even come to you,
22 that you can empower Cody and her team to go ahead
23 when that comes in, then they know when a violation
24 is and go ahead and send out a letter of warning.
25 And it just kind of resolves the issues so they

1 don't -- you know, we don't have this continued --
2 and I don't know -- I believe if we do have people
3 who are continuing to not comply, then maybe we know
4 at that point, if this is something that you all
5 think is problematic, that you think is needed, at
6 that point I think that's probably a good time to
7 say, what's going on? Why do we have rampant failure
8 to report at this point?

9 I think that the industry seems -- based
10 on what we have seen so far, seems like everybody is
11 trying to comply. I really think this is going to be
12 a short-term issue.

13 MR. ROBERTS: A significant number of our
14 first violations are a letter of warning anyway and
15 so that would be in keeping with this perhaps. That
16 would make sense to me.

17 CHAIRPERSON HIXSON: It's also something
18 that the TENSA organization could send out --

19 THE REPORTER: The what organization?

20 CHAIRPERSON HIXSON: The TENSA, is that
21 what it is?

22 MR. ROBERTS: Tennessee Electronic
23 Security Association.

24 CHAIRPERSON HIXSON: They could send
25 out -- I'm sorry. It's an organization to just

1 remind people about the expiration date too.

2 MR. ROBERTS: Well, the problem is before
3 they had one expiration date, and that was with the
4 company license, and now they are going to have 12
5 expiration dates, one each month. So that's -- that
6 complicates things. But still I --

7 MR. COCKROFT: They will be getting
8 notices going forward at least, where in the past
9 they had no notice of renewal. There was no --
10 nothing to flag them that that employee was still
11 registered.

12 MR. ROBERTS: The idea of
13 administratively giving those -- that class of
14 violation a letter of warning would make a lot of
15 sense to me and put the companies on notice that they
16 need to watch it a little closer in the future. And
17 again, that would not add an undue burden onto the
18 staff or legal or the Board. You know, I don't
19 think, given the circumstances, it would create a
20 burden on anybody and be fair to all concerned.

21 What I think, if it does continue to be
22 an ongoing problem, that we might need to take a good
23 hard look at the rule that's involved with that down
24 the road.

25 MR. DRIVER: And while you all -- I mean

1 obviously we can look at the rule, I do want to point
 2 out, I think this is -- and the Commissioner has
 3 pointed this out too -- I think the idea, while I
 4 understand the issue with the family member, the idea
 5 is that if someone's going into someone's home and
 6 these people are in a position of trust and they
 7 still have that card and they call us and they
 8 haven't been terminated and they say, oh, is this
 9 person authorized to come into my house? And we look
 10 and we say yes. I think that's the big concern with
 11 not receiving these notifications.

12 And while I do think you are right, a lot
 13 of these are probably those sorts of unwitting
 14 violations. I think that's the concern, is that if
 15 someone called us and we didn't know that they had
 16 been terminated by that company, the only way we know
 17 is if we are told that -- you know, that information
 18 could get passed on to a consumer, potentially
 19 someone who isn't there on, you know, authentic
 20 business, could then be allowed access to, you know,
 21 a citizen of the State of Tennessee's home. And I
 22 think that's the principal concern, and the reasoning
 23 for this, just to keep that in mind, I think in the
 24 broader picture.

25 MR. COCKROFT: Also the new ID's will

1 expire, right? The current ones don't. I mean the
 2 card doesn't have an expiration date, so that will
 3 help that issue to some extent. I think we are on
 4 the same page.

5 MS. THOMAS: We are.

6 CHAIRPERSON HIXSON: Okay. Any other --

7 MR. DRIVER: If you all wanted to
 8 consider, and again, to authorize Director Vest to
 9 send a letter of warning to a, you know, person that
 10 appears to be self-reporting a first violation of a
 11 failure to terminate, that would take a motion and
 12 second, the approval of the Board, if that's
 13 something you all want to consider today.

14 CHAIRPERSON HIXSON: Would that be okay
 15 with you, Ashley, or would you rather wait until
 16 December and you bring it back to the Board then?

17 MS. THOMAS: This is fine. Go ahead and
 18 do that today. And if I find that there are
 19 additional things that seem to arise to that same
 20 level, I can present that in December, but as of
 21 right now to address what is currently happening, I
 22 think it's best if we go ahead and make a motion
 23 today, if you all are prepared to do that.

24 MR. ROBERTS: I'm just trying to think
 25 how to word that, that would cover the appropriate

1 circumstances. I propose, Madam Chairman, a motion
 2 whereby staff and legal could administratively issue
 3 a letter of warning to companies that have self
 4 reported -- where they are self reporting a technical
 5 violation of failure to report a termination of a
 6 registered employee in a timely fashion. Let me put
 7 a limit on that for say, six months, and then let's
 8 come back and look at that. Would that seem
 9 appropriate?

10 Because actually I am concerned if we've
 11 got a -- if we've created a problem with the rules,
 12 I'd like to have that brought back to us so we can
 13 reconsider that. But if we did that for say, six
 14 months, and that's kind of an arbitrary timeframe,
 15 then that would -- and we could extend that if that
 16 seems appropriate. Let's give it a try and see how
 17 it works.

18 MR. COCKROFT: We probably would need to
 19 extend it, because you are saying a two-year renewal
 20 cycle, it would be ongoing for two years.

21 MR. ROBERTS: Let's do it for six months
 22 at this point and six months from now take a look at
 23 it, or perhaps sooner than that.

24 CHAIRPERSON HIXSON: Is six months --

25 MR. ROBERTS: Where we can reexamine it.

1 MS. VEST: Whatever you would like to do,
 2 but I will be coming back to you with the rules.
 3 Yes, I do agree that we will need to address those.

4 MR. ROBERTS: Okay. So that would be --
 5 is that a reasonably clear motion?

6 CHAIRPERSON HIXSON: I think it is.
 7 Ashley, Mr. McCormack?

8 MR. MCCORMACK: I was just going to make
 9 sure. When you put a timeline on it -- this was my
 10 thought. If you put the timeline on it, maybe make
 11 sure that it's done in a way that it's not in between
 12 Board meetings. That was one of my thoughts. That
 13 way we -- I think if you say you wanted to -- if
 14 we -- we could keep it in place, but we'll bring it
 15 back to you in six months or closer. I just didn't
 16 want to get in a spot where it was -- that way we --

17 MR. ROBERTS: We meet every other month,
 18 so that would be reasonable.

19 MR. MCCORMACK: Right. I know they are
 20 going to be coming back to talk about some of these
 21 subjects more in depth next month anyway. The
 22 conversation we would hope would be ongoing any ways.

23 CHAIRPERSON HIXSON: Well, this motion
 24 would provide a Band-Aid until we can get the fine
 25 details worked out and then vote again in December if

1 we need to modify it.

2 MS. VEST: Okay. You are scheduled to
3 meet on April the 20th of 2017, that would be six
4 months.

5 MR. ROBERTS: Okay.

6 MR. COCKROFT: We can vote to extend it
7 though in December, could we not?

8 MS. VEST: At any time, yes.

9 CHAIRPERSON HIXSON: Okay. We have a
10 motion by Mr. Roberts to allow the staff and legal to
11 issue letters of warning to companies who self report
12 technical violations for failure to notify the
13 termination of employees in a timely manner of six
14 months, correct?

15 MR. ROBERTS: Registered employees.

16 CHAIRPERSON HIXSON: Add registered
17 employees into that, please, instead of just
18 employees. Do we have a second to this motion?

19 MR. COCKROFT: Second.

20 CHAIRPERSON HIXSON: And a second by
21 Mr. Cockroft.

22 MR. ROBERTS: Let me ask now. Now that
23 we've got a motion and a second, does the bulk of the
24 problem seem to be failure to report termination of
25 employees? That's what you had indicated, but is

1 Keith, Karen, you all understand? All in favor voice
2 by saying aye.

3 THE BOARD: Aye.

4 CHAIRPERSON HIXSON: All opposed? The
5 motion carries.

6 Now we need a motion addressing the
7 timely registration or timely submission of
8 registration for registered employees.

9 MS. VEST: Madam Chair, what that simply
10 is, is on the application we ask when you are
11 employed with the company. What we are seeing, and
12 we have a flux of complaints, is that they are
13 putting the date the employee was hired with the
14 company, not the date that they are coming into
15 Tennessee. That has always been a problem, and it
16 has actually become very burdensome.

17 MR. COCKROFT: I would -- I agree with
18 Ken from the standpoint of the new employees, but I
19 think on the issue that you are talking about where
20 you can verify -- where we can handle something
21 administratively, where if it is they were employed
22 in Kentucky for five years and then moved to
23 Tennessee, I would think that would be something that
24 could be handled administratively. Would you agree
25 with that?

1 that going to cover us, or are there other issues
2 that are falling in the same category?

3 MS. THOMAS: The only other thing that's
4 probably comparable to it at this time is the
5 registering of the employee applications timely
6 within 30 days. It appears to be the same issue of
7 failing to submit them. I don't know when they start
8 the companies or -- but we received an influx of
9 those complaints as well, that we have seen an uptake
10 of those as well. And we --

11 CHAIRPERSON HIXSON: Did -- would it be
12 all right to vote on this motion and propose a second
13 motion to address the timely registration of the
14 employees?

15 MS. THOMAS: Absolutely.

16 MR. ROBERTS: I think it would be the
17 thing to do, because timely registration of employees
18 is something we have had all along.

19 MS. THOMAS: Right.

20 MR. ROBERTS: And I think we probably
21 need to leave that like it is. So let's -- my
22 recommendation would be that we go ahead and vote on
23 the motion we have on the floor.

24 MS. THOMAS: So just the termination?

25 CHAIRPERSON HIXSON: In this motion, yes.

1 MR. ROBERTS: Yeah, I really would. It
2 would seem to me that maybe changing the wording on
3 the application might address that issue as much as
4 anything.

5 MS. VEST: Yes, we have. And then we do
6 have a change on that, and then we are putting on --
7 in Tennessee, but they still -- my office is having
8 to make phone calls to the companies so they that
9 don't turn them into complaints. So it's burdensome
10 on that. And what you are going to hear today is a
11 flux of those applications.

12 MR. ROBERTS: Okay. I am reluctant to
13 extend the timing that --

14 CHAIRPERSON HIXSON: I don't want to
15 extend the time.

16 MR. ROBERTS: -- that the company is
17 required to register their employees. I really don't
18 think we need to be extending that.

19 CHAIRPERSON HIXSON: I don't think that's
20 what we were addressing. We are addressing letting
21 the staff and legal handle it with the -- the same as
22 what we are doing on the termination, only to address
23 them not submitting the applications within 30 days,
24 so that we don't have to vote on it as a Board, that
25 they hadn't gotten their application in within the

1 30 days. Let them handle it administratively.
 2 MR. COCKROFT: Are they both 30 days? Is
 3 one 90 days?
 4 MS. VEST: They are both 30 days.
 5 MR. COCKROFT: Ken, I think -- I agree
 6 with you from the standpoint of if they truly were
 7 employed in Tennessee prior to the 30 days, I think
 8 that shouldn't be handled administratively. But I
 9 don't think -- that's not what -- that's not the
 10 issue that you are seeing. If we are --
 11 MS. THOMAS: That's correct. You are
 12 correct.
 13 MR. COCKROFT: Would you not be okay if
 14 it was a clerical error where they reported the wrong
 15 date, they reported a date where they really weren't
 16 working in Tennessee?
 17 MR. ROBERTS: If there's a clerical error
 18 of that type, yeah, I would think handling that
 19 administratively would make sense.
 20 MS. VEST: That's what we are trying to
 21 address.
 22 MR. ROBERTS: I'm sorry, I didn't
 23 understand then. I thought we were talking in terms
 24 of a number of people that maybe a company here in
 25 Tennessee that's hiring employees. Okay. I would

1 agree then with what you are suggesting. We want to
 2 put that in the form of a motion? I guess we need
 3 to.
 4 MS. VEST: Yes, sir, please.
 5 MR. ROBERTS: Again, Madam Chairman, I
 6 guess I would make a motion -- don't ask me to write
 7 that down.
 8 CHAIRPERSON HIXSON: No, I've got it.
 9 MR. ROBERTS: Well, I was going to say, I
 10 can't write and talk at the same time. It's just
 11 beyond my education level. To allow legal staff --
 12 legal staff and administrative to -- you are going to
 13 have to write it so I can read it.
 14 CHAIRPERSON HIXSON: To handle wrong
 15 reporting dates for -- wrong dates of employment when
 16 they've transferred. If you want an application, do
 17 it.
 18 MS. VEST: It's not transferred, it's
 19 applications.
 20 MR. ROBERTS: These are applications
 21 where the employee has improperly reported his date
 22 of hire with the company?
 23 CHAIRPERSON HIXSON: Yeah.
 24 MR. ROBERTS: Okay. So we have a motion
 25 then that would let legal and staff administratively

1 handle -- and I don't -- you wouldn't even need a
 2 letter of warning on that, would you?
 3 MS. THOMAS: No.
 4 MR. ROBERTS: To let them
 5 administratively handle situations where an employee
 6 has improperly reported his date of hire with the
 7 company or --
 8 MR. COCKROFT: Would be his start date
 9 within Tennessee.
 10 MR. ROBERTS: Start date within
 11 Tennessee. Thank you. That's the best way to say
 12 that.
 13 CHAIRPERSON HIXSON: Did you get all of
 14 that?
 15 MR. ROBERTS: I figured she's better at
 16 this than we are.
 17 CHAIRPERSON HIXSON: Okay.
 18 THE REPORTER: I figured after this many,
 19 you would be better.
 20 MR. ROBERTS: It's only fine wine that
 21 improves with age.
 22 CHAIRPERSON HIXSON: We have a motion by
 23 Mr. Roberts to allow legal and staff to
 24 administratively handle incorrect hire dates with the
 25 company versus being registered in Tennessee. Do we

1 have a second?
 2 MR. HARVEY: Second.
 3 CHAIRPERSON HIXSON: And a second by
 4 Mr. Harvey. All in favor voice by saying aye.
 5 THE BOARD: Aye.
 6 CHAIRPERSON HIXSON: All opposed? The
 7 motion carries.
 8 MS. THOMAS: I think that's all.
 9 MR. DRIVER: Thank you all for having us
 10 today. It's always a pleasure.
 11 CHAIRPERSON HIXSON: So was this the
 12 thing that Rachel Powers listed?
 13 MS. THOMAS: Yes.
 14 CHAIRPERSON HIXSON: Okay. So the next
 15 thing is our legal report by Ms. Thomas.
 16 MS. THOMAS: We don't want to skip it,
 17 but I do want to go out of order just a little bit.
 18 If we can go to the case for re-present, it's at the
 19 end of the legal report. The litigator that is
 20 handling the case now, Sara Page, S-A-R-A, P-A-G-E,
 21 is going to present that case to you all, and then I
 22 am going to let her get back to her day and we can
 23 proceed on with the agenda.
 24 CHAIRPERSON HIXSON: Which one is it,
 25 Ashley?

1 MS. THOMAS: It's on the last page. I
2 believe the report is Number 1 under Cases for
3 Re-present.

4 MS. BELL: It starts on Page 7.

5 CHAIRPERSON HIXSON: It's Number 13 on
6 the legal report.

7 MS. THOMAS: Technically it should say
8 Number 1. 2015 --

9 CHAIRPERSON HIXSON: The one underneath.

10 MS. THOMAS: Yes.

11 CHAIRPERSON HIXSON: Okay. Is everybody
12 there?

13 THE BOARD: Yes.

14 MS. PAGE: Good morning, members of the
15 Board. Thank you so much for allowing me to appear
16 before you. As Ashley said, my name is Sara Page,
17 and I am currently a litigator with the Department.
18 This case was assigned to me to continue onto a
19 hearing before this Board. This case, Complaint
20 Number 201508482 was opened as a result of the
21 respondent engaging in a joint venture with another
22 company in Tennessee. And as a result of that,
23 respondent assisted in the sale of five alarm systems
24 in 2015 without being licensed.

25 The investigation indicated that the

1 respondent no longer maintained a place of business
2 in the State of Tennessee, and it was concluded
3 because respondent failed to make -- this was
4 concluded because they stopped paying rent on their
5 location and ultimately we couldn't find any
6 indication that they were here in the state. Since I
7 received the case, in an attempt to continue the
8 process for the Board, we -- the legal department has
9 been unable to contact anybody associated with the
10 respondent.

11 Efforts that we have taken are running
12 clear reports which are fairly extensive background
13 checks on all of the known members of the
14 organization. We have e-mailed employees. We have
15 called every number that is in the background
16 reports. They have all been listed as disconnected.
17 All of the E-mails have bounced back to us indicating
18 that they are no longer active.

19 They had an accountant file their --
20 dissolve their corporation in both the State of
21 Kansas and the State of Tennessee. I contacted that
22 accountant, and she informed me she has not heard or
23 had any contact information from them since the
24 beginning of 2015.

25 We have also reached out to the State of

1 Kansas, to their Secretary of State's office, since
2 they were previously listed as a corporation there,
3 and they also did not have a good address and have
4 been receiving their mail returned to them as well.
5 The only other thing I could think of possibly was to
6 try to have someone personally try to locate them in
7 Kansas, but we don't have the authority to send any
8 of our people obviously to Kansas.

9 So I am asking that this Board close this
10 case on the inability to prosecute. The upside, I
11 think, is that the other members of this joint
12 venture did pay a thousand-dollar civil penalty and
13 signed a consent order. So someone did ultimately
14 receive discipline as a result of this unlicensed
15 activity. We would -- I'd also let the Board know we
16 would be sure to flag this case in the system so if
17 we did see anybody from the company individually, or
18 the company itself reappear, that we could readdress
19 this complaint at that time. But at this point -- I
20 am always open to the Board -- if you have any other
21 ideas on how to locate them, I'd be happy to take
22 those on and try them. But at this point, all of our
23 ideas are exhausted. So that is my motion to request
24 that this be closed and flagged for future.

25 CHAIRPERSON HIXSON: Okay.

1 MR. COCKROFT: This company was the one
2 doing installs for another company that was licensed;
3 is that correct?

4 MS. PAGE: Yes. Well, they did some
5 phone -- they called five people, helped with the
6 deal, then ultimately did the install.

7 MS. THOMAS: I think they did a lot of
8 the selling of the alarm systems, this company did,
9 in connection with another company.

10 CHAIRPERSON HIXSON: Does your clear
11 report show if they started a business in another
12 case besides Kansas?

13 MS. PAGE: If they registered it to
14 themselves personally, yes. At this point the
15 only -- the last corporate formation in any of the
16 officer's names is the respondents and it was
17 dissolved.

18 CHAIRPERSON HIXSON: Any other questions?
19 Do we have a motion on the matter?

20 MR. ROBERTS: Madam Chairman, I make a
21 motion that we concur with the recommendation we just
22 received, that we close and flag this particular case
23 for the reasons that have just been outlined.

24 MR. COCKROFT: Second.

25 CHAIRPERSON HIXSON: Okay. We have a

1 motion by Mr. Roberts, a second by Mr. Cockroft to
 2 concur with Counsel's recommendation in this matter
 3 to close and flag. All in favor voice by saying aye.
 4 THE BOARD: Aye.
 5 CHAIRPERSON HIXSON: All opposed.
 6 The motion carries. Thank you.
 7 MS. THOMAS: Thank you, Sara.
 8 MS. BELL: Who seconded that?
 9 CHAIRPERSON HIXSON: Mr. Cockroft.
 10 MS. BELL: Thank you.
 11 MS. THOMAS: If you are ready, we can go
 12 back to the top of the legal report.
 13 CHAIRPERSON HIXSON: Okay.
 14 MS. THOMAS: Okay. So the first case on
 15 the legal report, the below complaint alleged that
 16 the named respondents failed to submit termination
 17 notices within 30 days of the employee's termination
 18 date, all being in violation of Tennessee
 19 Comprehensive Rules and Regulations 0090-01-.06(9)K.
 20 The allegations arose following the Board office's
 21 receipt of termination notices for registered
 22 employees no longer employed by the Alarm Systems
 23 Contractors. The complaints listed below were opened
 24 after the Board drafted rules which went into effect
 25 on May 26, 2016, and the qualifying agents filed the

1 termination notices in order to bring the companies
 2 into compliance.
 3 If the Board needs me to, I can read each
 4 complaint into the record, but my recommendation for
 5 all of them would be to issue a letter of warning as
 6 we have discussed earlier regarding Tennessee
 7 Comprehensive Rules and Regulations 0090-01-.06(9)K
 8 and close. As I said, the violations were discovered
 9 upon the effectiveness of the rules entered May 26,
 10 2016.
 11 MR. ROBERTS: Would all of these fall
 12 within the action that the Board took just a few
 13 minutes ago?
 14 MS. THOMAS: Yes, sir.
 15 MR. ROBERTS: I think that that action
 16 should cover this, and I wouldn't think we need
 17 another motion, that you've got sufficient
 18 authorization to deal with those.
 19 MS. THOMAS: Absolutely. And by that
 20 same argument then, we can probably skip ahead to
 21 Number 3, because Number 2 addresses the second
 22 motion you made earlier. So we'll move on to case
 23 Number 3.
 24 MR. ROBERTS: All of these that -- within
 25 case Number 2, as you have it numbered here, are

1 instances where they just put the wrong date or had
 2 the date of hire with the company rather than --
 3 CHAIRPERSON HIXSON: Yeah.
 4 MS. THOMAS: Yes.
 5 MR. ROBERTS: Was it just one company
 6 involved or is there a whole bunch of companies?
 7 MS. THOMAS: There were multiple
 8 companies.
 9 CHAIRPERSON HIXSON: Yeah, she's got it
 10 in there, the effective date of employment with the
 11 state versus the date of employment with the company,
 12 so we covered that with the motion previously.
 13 MR. ROBERTS: Is that indicative of a
 14 surprising number of company -- multi-state companies
 15 bringing their employees into Tennessee for the first
 16 time?
 17 MS. BELL: Yes.
 18 MS. THOMAS: Of the multi-state
 19 companies, yes. Like I said, I think it all comes
 20 from adding that expiration date to the registered
 21 employees' registration cards. And so then when
 22 renewal notices go out, we have X number of employees
 23 registered with your company, and then we get
 24 companies submitting termination notices to comply or
 25 registration applications saying, these are the

1 people that actually work for me. And that's where
 2 the complaints came from.
 3 CHAIRPERSON HIXSON: I think what Ken was
 4 asking is, is this a high number of people that are
 5 transferring -- companies transferring registered
 6 employees?
 7 MR. ROBERTS: In from out of state for
 8 some reason.
 9 CHAIRPERSON HIXSON: It looks like they
 10 are in and out a lot.
 11 MS. VEST: This has become a serious
 12 problem in the department, and when I said we need to
 13 sit down and take a look at the rules, yes, I believe
 14 we do. We are having a flux of applications that you
 15 are going to see. These are out-of-state companies.
 16 Usually they are not --
 17 MR. ROBERTS: You have to speak into the
 18 microphone.
 19 MS. VEST: Usually they are not Tennessee
 20 companies. They are usually out-of-state companies,
 21 and that's -- it's always been a problem, but I don't
 22 think we knew -- because we would see in this little
 23 piece here and little piece, when you put them all
 24 together then it becomes a problem. We got on the
 25 phone, we have called them, we sent them notices, and

1 they are going, no, I'm sorry. And I don't think --
 2 no matter what we put on the application, that they
 3 are going to be able to read it.
 4 MR. ROBERTS: They just --
 5 MS. VEST: They just put the date -- he
 6 was hired at my company on this date. And I put that
 7 on there because I didn't move him in there today.
 8 But three months from now I might move him into
 9 Tennessee is what we are getting. So that is a
 10 problem.
 11 MR. ROBERTS: So it's not indicative of
 12 just a large number of people from out of state?
 13 CHAIRPERSON HIXSON: This sounds like
 14 just in cases. You know, just in case we need to fix
 15 it.
 16 MS. THOMAS: And that is true, that has
 17 happened as well.
 18 MR. ROBERTS: But again, you know, if
 19 these cases fall within the previous Board action,
 20 then I think we are clear on that. It just -- I was,
 21 I guess, surprised by the apparent large number of
 22 situations here.
 23 CHAIRPERSON HIXSON: These all fall
 24 within --
 25 MS. THOMAS: And that surprise ran from

1 all the way up the chain. When the applications came
 2 in, the Board staff was surprised when they were
 3 referred to legal. Legal was surprised when we
 4 presented it to you, so everybody was surprised at
 5 that.
 6 CHAIRPERSON HIXSON: But these all fall
 7 within that six-month rule we put in the first
 8 motion?
 9 MS. THOMAS: They do.
 10 CHAIRPERSON HIXSON: Okay. I think we
 11 are good to go. Are you ready for Number 3?
 12 MS. THOMAS: Yes, ma'am. Case Number 3
 13 is 2016050311. This complaint opened alleging that
 14 respondent failed to register an alarm employee
 15 within 30 days of the hire date, in violation of
 16 Tennessee Code annotated 62-32-3012.
 17 THE REPORTER: I'm sorry, 62-32?
 18 MS. THOMAS: Sorry. 3012.
 19 CHAIRPERSON HIXSON: She's going to slow
 20 down now.
 21 THE REPORTER: Thank you.
 22 MR. ROBERTS: I'll send you a copy later.
 23 MS. THOMAS: The Board office received an
 24 application for registration on November 4, 2015,
 25 which listed a hire date of June 29, 2015.

1 Respondent states the application and required fee
 2 was submitted on July 22, 2015. Respondent states
 3 that when the check did not clear the bank account,
 4 the Board office was contacted. The Board office
 5 informed respondent that the application was not
 6 received, and as a result the application was
 7 resubmitted with a new fee payment on November 2,
 8 2015.
 9 Documentary evidence submitted with the
 10 response corroborates respondent's statement. The
 11 failure of the application to be submitted within
 12 30 days appears to have been an error out of control
 13 of both the Board office and the respondent, and my
 14 recommendation is to close. I presented this one
 15 separately because it's a bit of a different set of
 16 facts than the other cases.
 17 MR. ROBERTS: Madam Chairman, I make a
 18 motion we concur with the recommendation of Counsel
 19 and close this particular complaint.
 20 MR. COCKROFT: Second.
 21 CHAIRPERSON HIXSON: We have a motion by
 22 Mr. Roberts, a second by Mr. Cockcroft to concur with
 23 Counsel's recommendation. All in favor voice by
 24 saying aye.
 25 THE BOARD: Aye.

1 CHAIRPERSON HIXSON: All opposed. The
 2 motion carries.
 3 MS. THOMAS: Case Number 4 is 2016031801.
 4 This complaint opened alleging that respondent is
 5 installing cameras and security equipment without a
 6 license. The complaint included a copy of a security
 7 system quote that included camera installation.
 8 Respondent states that the company does not install
 9 security systems but rather the security work is
 10 contracted to a licensed alarm systems contractor. A
 11 statement was included from the Alarm Systems
 12 Contract -- meant to say Contractor -- I'm sorry --
 13 who indicated that the respondent incorporates a
 14 security systems estimate in the bids provided to
 15 customers. Respondent's witness indicates that the
 16 licensed company provides the installation,
 17 programming and monitoring.
 18 My recommendation is to issue a letter of
 19 warning regarding Tennessee Code Annotated
 20 62-32-304(e) and close.
 21 MS. JONES: I'm confused a little bit.
 22 It says someone is installing cameras and security
 23 equipment without a license, but then down there it
 24 says a licensed alarm systems contractor. Can you
 25 kind of draw me a picture of who and what?

1 MS. THOMAS: So respondent makes bids,
2 and included in their bids is the installation of
3 security systems. For that particular act, they hire
4 a licensed alarm systems contractor to do that.

5 MS. JONES: They subcontract a
6 licensed --

7 MS. THOMAS: Right, and that's for
8 discussion for the Board, as I was reading through
9 the case file, because it seemed like they use this
10 particular alarm systems contractor exclusively, and
11 it almost rises to the level of a joint venture.

12 That's why I wanted to start with the letter of
13 warning for the joint venture rather than a
14 subcontractor, because I feel like that that's more
15 of a one-off rather than an established relationship,
16 that I am going to always use this person. But I am
17 open to the Board's interpretation of that activity.

18 MS. JONES: So there's an unlicensed CCTV
19 company contracting a licensed alarm company?

20 MS. THOMAS: I'm not sure if they are
21 CCTV, but I guess they sell this equipment.

22 MS. JONES: They don't have a license for
23 nothing, for anything --

24 MS. THOMAS: Right. They are not
25 licensed for anything under our statute.

1 MS. JONES: They just hire a
2 subcontractor to do it and in their camera quote,
3 they have a security quote?

4 MS. THOMAS: Right.

5 MR. COCKROFT: By "security," we are
6 saying a burglar alarm-type system?

7 MS. THOMAS: Yes, sir.

8 MR. COCKROFT: So they are quoting a
9 camera system and a burglar alarm system for someone
10 else, or a licensed company to install, but the one
11 doing the quoting is not --

12 MS. THOMAS: Is the unlicensed company.

13 MS. JONES: Does the alarm contractor
14 have CCTV on their classification -- on the license?

15 MS. THOMAS: I believe so. I'd have to
16 look at the case file again.

17 CHAIRPERSON HIXSON: It would still be
18 unlicensed activity.

19 MS. JONES: Yeah, I don't know how they
20 are --

21 MR. HARVEY: They couldn't sell it,
22 though.

23 MS. JONES: Their name shouldn't be on
24 the quote, I guess is what I am saying. It should
25 be -- the alarm company should be -- should be doing

1 the bid for the CCTV and the cameras.

2 MR. COCKROFT: What does this other
3 company, the unlicensed, the respondent, what do they
4 do? What is their primary business?

5 MS. THOMAS: Again, I didn't pull the
6 case file. I can get my paralegal to pull that case
7 file, but I believe they just sell the cameras, the
8 equipment, if I am remembering correctly.

9 MR. COCKROFT: And it may not really have
10 any bearing. I guess I was more trying to get a
11 picture of what they were doing. If this is an HVAC
12 contractor that is also trying to sell alarms or this
13 is a contractor that is building a house.

14 MS. THOMAS: They do sell audio-video
15 equipment.

16 MR. COCKROFT: Okay.

17 MR. ROBERTS: So are they licensed to do
18 anything that's regulated by this Board?

19 MS. THOMAS: They are not.

20 MR. ROBERTS: So they are going out and
21 selling closed circuit television and security
22 systems perhaps along with some other stuff.

23 MS. THOMAS: Yes.

24 MR. ROBERTS: And then they are hiring
25 some other company to do the installation.

1 MS. THOMAS: Yes.

2 MR. HARVEY: Its a licensed company.

3 MR. ROBERTS: Well, that puts them in the
4 category of actually selling this which is -- which
5 would be regulated by this Board. If they are going
6 out and selling it.

7 MS. THOMAS: Okay.

8 MR. ROBERTS: I think we probably need a
9 little more information on this particular --

10 MR. COCKROFT: And it would even get back
11 to the joint venture if there would be something with
12 the other company involved.

13 MR. ROBERTS: I wouldn't necessarily see
14 it as a joint venture, however, which was the
15 question you raised. The fact -- let me put it in a
16 little different context. Say there's a general
17 contractor. They are building a house and they
18 include a security system. They include a closed
19 circuit television system as part of the overall
20 general contract. And then they hire that work out
21 to a licensed contractor. Then that would be -- you
22 know, would be within an appropriate relationship.
23 And the fact that they used the same subcontractor on
24 a regular basis would not indicate a joint venture.
25 It's just that they use the same subcontractor, which

1 is a pretty common practice.

2 But, if on the other hand, you've got a
3 specialty company -- say they do sound systems, but
4 they are also selling the customer a closed circuit
5 television system and selling the customer a security
6 system, then they are actually doing the sale and
7 then just parceling part of it off to a licensed
8 company. I would think that is improper and --

9 CHAIRPERSON HIXSON: It's unlicensed
10 activity.

11 MR. ROBERTS: Yeah. So we kind of need
12 to get a few more details on that. Would you --
13 maybe we want to skip that one and go on to the next
14 one and come back.

15 CHAIRPERSON HIXSON: I think she sent her
16 paralegal.

17 MS. THOMAS: She went to get the case
18 file.

19 CHAIRPERSON HIXSON: So we are ready for
20 Number 5.

21 MS. THOMAS: Case 2016039161. This
22 complaint opened alleging misconduct by respondent.
23 The complainant alleges that respondent cancelled the
24 monitoring service without 30 days' written notice,
25 in breach of the contract signed between the parties.

1 Complainant states that the breach in the agreement
2 endangered his company. Respondent states that
3 notice was provided to complainant that his account
4 would be cancelled due to his failure to pay the
5 outstanding balance. Respondent indicated several
6 instances wherein complainant made partial payments,
7 if any, on the account, and as of June 2016 there was
8 an outstanding balance of \$831.24. Respondent states
9 that attempts to settle the outstanding balance were
10 unsuccessful.

11 Finally, respondent states the following:
12 Complainant's lack of cooperation and aggression
13 toward respondent company, complainant's account was
14 cancelled and the balance zeroed out. Respondent
15 included invoices showing complainant's outstanding
16 balance, as well as correspondence from complainant
17 to respondent regarding the discrepancy and balance
18 due.

19 My recommendation is to close as the
20 matter is a breach of contract dispute.

21 MR. ROBERTS: Madam Chairman, I make a
22 motion that we concur with the recommendation of
23 counsel.

24 MR. COCKROFT: Second.

25 CHAIRPERSON HIXSON: We have a motion by

1 Mr. Roberts, a second by Mr. Cockroft, to concur with
2 our counsel's recommendation in this matter. All in
3 favor voice by saying aye.

4 THE BOARD: Aye.

5 CHAIRPERSON HIXSON: All opposed. The
6 motion carries.

7 MS. THOMAS: Case Number 6 is 2016039961.
8 This complaint alleges that respondent engaged in
9 misconduct in violation of Tennessee Code Annotated
10 62-32-319. Complainant alleges that respondent
11 falsely reported time to his employer for which he
12 received compensation. Complainant provided an
13 agreement purported to be signed by respondent
14 wherein he acknowledged the theft of time, and agreed
15 to resign from his position within respondent company
16 and not work as a registered employee under the
17 certification granted by the Alarm Systems
18 Contractors Board. Respondent's registered employee
19 license did expire on May 31, 2016, and no new
20 application had been submitted.

21 My recommendation was to close and flag
22 as respondent is no longer a licensed registered
23 employee.

24 MR. HARVEY: Make a motion to concur with
25 counsel.

1 MS. JONES: Second.

2 CHAIRPERSON HIXSON: We have a motion by
3 Mr. Harvey, a second by Ms. Jones to concur with our
4 counsel's recommendation. All in favor voice by
5 saying aye.

6 THE BOARD: Aye.

7 CHAIRPERSON HIXSON: All opposed. The
8 motion carries.

9 MS. THOMAS: Case Number 7 is 2016040441.
10 This complaint opened alleging that respondent failed
11 to submit a change of address within 30 days, in
12 violation of Tennessee Comprehensive Rules and
13 Regulations 0090-01-.069(g). On January 29, 2016,
14 the Board Office received returned mail indicating
15 respondent's new address. When contacted, respondent
16 confirmed the change of address and indicated that
17 the effective date for the change of address is
18 May 2015.

19 My recommendation is to issue a letter of
20 warning regarding Tennessee Comprehensive Rules and
21 Regulations 0090-01-.069(g).

22 MR. COCKROFT: What's the timeframe that
23 they are supposed to report within? Is it 30 days?
24 90 days --

25 MS. THOMAS: 30 days.

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1 MR. ROBERTS: Madam Chairman, I make a
 2 motion we concur with the recommendation of our
 3 counsel.
 4 MR. COCKROFT: Second.
 5 CHAIRPERSON HIXSON: We have a motion by
 6 Mr. Roberts, a second by Mr. Cockcroft to concur with
 7 our counsel's recommendation in this matter. All in
 8 favor voice by saying aye.
 9 THE BOARD: Aye.
 10 CHAIRPERSON HIXSON: All opposed. The
 11 motion carries.
 12 MS. THOMAS: Case Number 8 is 2016041691.
 13 This complaint opened alleging that respondent failed
 14 to include its certification number on
 15 correspondence, in violation of Tennessee Code
 16 Annotated 62-32-316(d). Respondent submitted
 17 correspondence to the Board wherein the certification
 18 number was not included. Respondent apologized for
 19 the error and has corrected the company
 20 correspondence to include that certification number.
 21 My recommendation is to issue a letter of
 22 warning regarding Tennessee Code Annotated
 23 62-32-316(d).
 24 MR. COCKROFT: I make a motion --
 25 MR. HARVEY: To concur with counsel.

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1 MR. COCKROFT: I'll second then.
 2 CHAIRPERSON HIXSON: Motion by
 3 Mr. Harvey, a second by Mr. Cockcroft to concur with
 4 our counsel's recommendation in this matter. All in
 5 favor voice by saying aye.
 6 THE BOARD: Aye.
 7 CHAIRPERSON HIXSON: All opposed. The
 8 motion carries.
 9 MS. THOMAS: Case Number 9 is 2016048211.
 10 This complaint opened alleging that respondent failed
 11 to submit termination notices for two registered
 12 employees timely, in violation of Tennessee
 13 Comprehensive Rules and Regulations 0090-01-.069(k).
 14 The Board Office received two termination notices on
 15 February 16, 2016, indicating termination dates of
 16 January 20, 2015, and January 26, 2015. Respondent
 17 states the applications contained a typographical
 18 error, and the dates of termination should have read
 19 January 20, 2016, and January 26, 2016.
 20 My recommendation is to close as the
 21 respondent's explanation of a typographical error
 22 appears corroborated based on the Board Office's
 23 dates of licensure.
 24 MS. JONES: I make a motion we concur
 25 with counsel.

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1 CHAIRPERSON HIXSON: Okay. We have a
 2 motion by Ms. Jones to concur with our counsel's
 3 recommendation. Do we have a second?
 4 MR. HARVEY: Second.
 5 CHAIRPERSON HIXSON: And a second by
 6 Mr. Harvey. All in favor voice by saying aye.
 7 THE BOARD: Aye.
 8 CHAIRPERSON HIXSON: All opposed. The
 9 motion carries.
 10 MS. THOMAS: Case Number 10 is
 11 2016048261. This is a consumer complaint alleging
 12 misconduct by respondent. Complainant alleges that
 13 respondent came to her home and sold an alarm
 14 monitoring service without fully explaining the
 15 service or that she would be entering a second
 16 contract unrelated to her first contract. Respondent
 17 denies any misconduct as related to the sales with
 18 complainant. Respondent states that the welcome call
 19 survey was reviewed, and complainant acknowledged
 20 that respondent company was not associated with any
 21 other security company and had no responsibility for
 22 cancellation of her outstanding contract.
 23 Respondent provided a copy of the
 24 contract with complainant which included a
 25 clarification questionnaire. Within the

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1 questionnaire complainant acknowledged that
 2 respondent company was not associated with any other
 3 security company. She accepted responsibility for
 4 addressing any contractual and/or financial
 5 obligation with her previous alarm company. The
 6 questionnaire included complainant's initials by each
 7 declaration and her signature at the end of the
 8 questionnaire.
 9 My recommendation is to close.
 10 MR. HARVEY: Make a motion to concur with
 11 counsel.
 12 CHAIRPERSON HIXSON: Before we do, are
 13 you going to send a letter to this complainant?
 14 MS. THOMAS: Usually the letter --
 15 CHAIRPERSON HIXSON: Explaining the
 16 Board's action?
 17 MS. THOMAS: Yes, we usually send a
 18 letter.
 19 MR. HARVEY: That's a civil matter versus
 20 what we do.
 21 CHAIRPERSON HIXSON: Yeah, I agree.
 22 MR. COCKROFT: This one kind of troubles
 23 me. I mean, it goes to some of what the new rules
 24 are about as far as the door-to-door sales. I
 25 just -- I don't understand how the consumer signed

1 all these things, said all these things, but now they
2 are saying they weren't told this. Was it -- did you
3 have a voice recording? Did they have a recording --

4 MS. THOMAS: I don't have a copy of the
5 welcome call survey, but I do have a copy of the
6 questionnaire and the contract that the complainant
7 signed.

8 CHAIRPERSON HIXSON: And she doesn't
9 dispute that she signed this?

10 MS. THOMAS: She does not.

11 CHAIRPERSON HIXSON: Okay.

12 MR. COCKROFT: The complainant doesn't
13 dispute it now?

14 MS. THOMAS: No, she does not dispute it.

15 MR. COCKROFT: So the complainant now
16 says different than what they complained about; is
17 that what I am --

18 MR. HARVEY: No.

19 MS. THOMAS: She's not saying -- she's
20 saying that they did not fully explain it.
21 Unfortunately, she signed a contract indicating that
22 she clearly understood all of the terms. She
23 initialed all the declarations. I don't know that we
24 can now hold the company responsible for her entering
25 into two contracts when she has declared that she

1 understood that she wasn't under an obligation, or
2 the company was not under an obligation to cancel her
3 first contract.

4 CHAIRPERSON HIXSON: As long as she
5 acknowledges that she initialed each of those
6 declarations, I think a letter of explanation that
7 the Board's not going to take any action on this
8 should be sufficient for that.

9 MR. ROBERTS: I don't fully agree with
10 that. I am concerned that the action here by the
11 respondent is contrary to the spirit of the rules and
12 code of conduct that we incorporated recently.

13 MR. COCKROFT: I agree. That's -- this
14 goes right to the root of that.

15 MR. ROBERTS: I believe so. Now, what
16 action we want to take, I think the complainant bears
17 some responsibility for what's taken place. If they
18 have initialed and indicated that they knew this,
19 then I think the complainant is not without blame,
20 but, you know, this case goes right to the heart of
21 what we had instituted in our Code of Conduct Rules.

22 MR. COCKROFT: I'd like to know more from
23 the complainant. If the salesperson went in and
24 said, you know, sign here and checked all these
25 things off and doesn't explain anything, I'd like to

1 know if verbally that was the same thing that took
2 place. Because it's just hard to believe that the
3 person signed all this paperwork with all of this
4 stuff saying they didn't have a contract, they didn't
5 have another alarm. We have heard this numerous
6 times, and sometimes there is even a recording where
7 they supposedly said they understood that. But I
8 guess it could be buyer's remorse where down the line
9 they are saying they don't want it.

10 MR. HARVEY: Maybe going forward that
11 should be part of the questioning with the
12 investigation on these cases so that we don't just
13 sit here and assume that they have been bamboozled.

14 MR. COCKROFT: Because we need to start
15 finding out, I guess, if -- like, did they present
16 the card, their business card with their name, their
17 license number, represent themselves as the company
18 they said they were. I mean, that's --

19 MS. THOMAS: And in this particular case,
20 all of those were -- like I said, they initialed
21 those decorations that she knew this was the name of
22 her company -- well, the company that was selling her
23 the new alarm. She knew that they were not
24 affiliated with her previous company. But if there's
25 additional investigation that the Board would like me

1 to do, I can definitely send that out.

2 MR. HARVEY: All I was suggesting is in
3 the future maybe that just be part of the
4 investigations, that line of questioning; were they
5 harassed or were they asked to do something they
6 didn't understand, to go along with the new rules
7 which --

8 MR. ROBERTS: Because this is a situation
9 where we are really trying to protect the consumer.
10 I would -- Madam Chairman, I would make a motion that
11 we send this respondent a letter of warning outlining
12 the new rules and the code of conduct, which may not
13 have been in effect at the time this transaction took
14 place anyway, so that the respondent company would be
15 aware of what our rules now encompass, so that we
16 would perhaps not encounter future problems of this
17 type. Yeah, I think we need to send the respondent a
18 letter of warning outlining our -- the current rules.

19 MS. JONES: This happens so much, I hear
20 it. I'm sure all the other contractors do too. When
21 you go out on a job site, they tell you what the
22 other contractor did. And if we were to go over all
23 these cases, we would be here every day just going
24 through these cases and doing their investigative
25 work.

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1 MR. ROBERTS: Madam Chairman, let me
2 rephrase that. Rather than call it a letter of
3 warning, let me suggest we send them a letter of
4 instruction so that they would be -- because, you
5 know, the respondent company here certainly doesn't
6 feel like they have done anything wrong. The
7 complainant is unhappy, but she's complacent or
8 complacent in what happened here, so I think a letter
9 of instruction rather than a letter of warning would
10 be a better way to term that.

11 MS. THOMAS: Is there a particular
12 instruction -- I guess I'll let the motion go and
13 then I'll ask my question.

14 MR. HARVEY: We have an original motion.
15 Do we have to vote on that if you are going to make
16 another one?

17 MR. ROBERTS: No. I just changed the
18 wording from letter of warning to letter of
19 instruction.

20 MR. HARVEY: There was a motion before
21 that to concur with the counsel.

22 MS. BELL: Keith made that motion
23 earlier.

24 CHAIRPERSON HIXSON: Did he get a second?
25 MS. VEST: No, there was no second.

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1 CHAIRPERSON HIXSON: Okay. So do you
2 want to propose a new motion?

3 MR. ROBERTS: I would -- I would make a
4 motion that we --

5 MR. HARVEY: No. I just want to make
6 sure we didn't skip over it.

7 CHAIRPERSON HIXSON: Okay.

8 MR. ROBERTS: Thank you, you are right.
9 I would make a motion we send the respondent a letter
10 of instruction making them aware of the new rules so
11 that perhaps they could preclude some of this type of
12 unhappy customer in the future.

13 MR. COCKROFT: Does that really help the
14 consumer at this point, though? I guess this
15 consumer is still left --

16 MR. HARVEY: From a consumer standpoint
17 it's still a civil matter, from the contract.

18 MR. COCKROFT: Okay.

19 CHAIRPERSON HIXSON: So do we have a
20 second to Mr. Roberts' motion?

21 MS. JONES: I second.

22 CHAIRPERSON HIXSON: Okay. We have a
23 motion by Mr. Roberts, a second by Ms. Jones to send
24 a letter of instruction to the respondent in this
25 matter, and then, of course, there will be a letter

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1 going to the complainant explaining the Board's
2 action. All in favor voice by saying aye.

3 THE BOARD: Aye.

4 CHAIRPERSON HIXSON: All opposed. The
5 motion carries.

6 MS. THOMAS: Just before we move on, in
7 the letter of instruction, am I specifying any
8 particular part of the Code of Conduct or just the
9 "Contracting with Customers" portion? Am I trying to
10 bring that to the respondent's attention or am I --
11 what am I actually advising them in that letter of
12 instruction?

13 CHAIRPERSON HIXSON: I don't know that
14 the whole Code of Conduct, but I think -- if you want
15 to include that, I think it would be okay. But I
16 think more specifically the new rule about the -- is
17 it the door-to-door sales?

18 MS. THOMAS: There is a door-to-door and
19 then there's also 0090-06-.04 titled "Contracting
20 with Customers."

21 CHAIRPERSON HIXSON: I think both would
22 be applicable.

23 MR. COCKROFT: I would think that they
24 would want to point out they need to more fully
25 explain the terms of the agreement. My guess would

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1 be that the contract with all these things were
2 checked off and it was pushed in front of her to
3 sign --

4 CHAIRPERSON HIXSON: No, it says she
5 initialed by each declaration. That's why I kept
6 questioning Ashley, was this just a check-off form
7 that she signed en masse? But she actually initialed
8 beside each declaration so she failed to read it
9 which --

10 MR. COCKROFT: I am making assumptions
11 here, but I just don't see how the consumer did it
12 other than if it was strictly she changed her mind --
13 he or she changed her mind.

14 MS. VEST: We're going to have to be
15 careful. If this is anything other than a letter of
16 instruction, letter of warning, if there was a fine
17 attached to this and then we had to go to a formal
18 hearing, we are talking about a contract dispute that
19 you --

20 CHAIRPERSON HIXSON: That's why we are
21 not taking issue. It's just to bring to that
22 company's attention about the rules, especially the
23 new rules on this --

24 MS. VEST: But then what did the company
25 do wrong?

1 MR. COCKROFT: My guess would be they
2 didn't fully explain the agreement. They probably
3 presented paperwork and said here's all the
4 paperwork, you initial here, here, here, here, sign
5 it here.

6 MS. VEST: And how do we stop the next
7 person from doing that?

8 MS. JONES: Exactly.

9 MR. COCKROFT: I don't know, but that's
10 what those rules were supposed to do.

11 MS. VEST: I don't think so. I disagree
12 with that.

13 MS. JONES: Like I said, we'll be here
14 all day if we start doing everybody's investigative
15 work.

16 MR. ROBERTS: I think we have taken the
17 appropriate action to let this company be aware that
18 perhaps they need to be a little more careful. It
19 would appear to me that we have an unsophisticated
20 customer here that was just not very aware of some of
21 the ramifications of what the customer was doing. So
22 I think -- again, I think our action is perfectly
23 appropriate.

24 MS. THOMAS: Okay.

25 CHAIRPERSON HIXSON: Okay. Number 11.

1 MS. THOMAS: Case Number 11, 2016049691.
2 This complaint opened alleging that respondent failed
3 to include the company certification number on
4 correspondence, in violation of Tennessee Code
5 Annotated 62-32-316(d). The Board received a letter
6 in connection with the registered employee
7 application, and the letter did not include the
8 company certification number. Respondent states that
9 going forward the company will include the
10 certification number on all correspondence.

11 My recommendation is to issue a letter of
12 warning regarding Tennessee Code Annotated
13 62-32-316(d) and close.

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

16 MR. HARVEY: Second.

17 CHAIRPERSON HIXSON: We have a motion by
18 Mr. Cockroft, a second by Mr. Harvey, to concur with
19 counsel's recommendation. All in favor voice by
20 saying aye.

21 THE BOARD: Aye.

22 CHAIRPERSON HIXSON: All opposed. The
23 motion carries.

24 MS. THOMAS: Case Number 12 is
25 2016052571. This complaint opened alleging

1 unlicensed activity by respondent, in violation of
2 Tennessee Code Annotated 62-32-304. The complaint
3 alleged that respondent is providing a large network
4 of fire alarm systems in Tennessee without being
5 licensed by the Board or as a general contractor.

6 Respondent, an out-of-state company, states that the
7 company was hired to find qualified licensed
8 contractors to work at the Tennessee facilities.

9 Respondent states that after proposals were
10 submitted, the company selected the best licensed
11 contractor. Respondent states that the selected
12 company presented the license, insurance and the
13 activity was confirmed with the Board Office.

14 My recommendation was to close as I did
15 not see a violation alleged.

16 MR. COCKROFT: So the out-of-town or
17 out-of-state contractor, the respondent, didn't do
18 any work, they were helping find a contractor in the
19 state?

20 MS. THOMAS: Yes, yes.

21 MR. COCKROFT: And all the work was done
22 in the licensed contractor's name?

23 MS. THOMAS: That's correct.

24 MR. COCKROFT: In essence they came to
25 help them shop for security systems?

1 MR. ROBERTS: Acting as a consultant it
2 would seem.

3 MR. HARVEY: Except they turned in an
4 estimate first. That's a violation.

5 MS. VEST: Where does it say that?

6 MS. JONES: The consultant, I guess.

7 MS. THOMAS: No. No, they didn't.

8 MR. HARVEY: Isn't that what you said?

9 MS. VEST: No.

10 MS. THOMAS: No, they didn't. The
11 respondent company was hired by -- was hired by a
12 Tennessee company to get the bids to install that
13 fire alarm system, and they received the bids and
14 picked the best person for it and they received their
15 license --

16 MR. HARVEY: So the licensed company
17 submitted the bids?

18 MS. THOMAS: Right.

19 MR. ROBERTS: Madam Chairman, I make a
20 motion we concur with the recommendation of our
21 counsel.

22 MR. COCKROFT: Second.

23 CHAIRPERSON HIXSON: Okay. We have a
24 motion by Mr. Roberts, a second by Mr. Cockroft, to
25 concur with counsel's recommendation. All in favor

1 voice by saying aye.

2 THE BOARD: Aye.

3 CHAIRPERSON HIXSON: All opposed. The
4 motion carries. Number 13.

5 MS. THOMAS: 13, yes. Case number
6 2016051381. This complaint opened alleging various
7 administrative errors by respondent, including
8 operating a business without a designated qualifying
9 agent since February 23, 2016. Failure to certify
10 its branch office, failure to register employees
11 within 30 days, and operating under a name under that
12 which the company was certified. Respondent has --
13 that probably should say other than the company that
14 it's certified under.

15 Respondent has settled a prior complaint
16 and is in a payment plan currently. The instant
17 complaint is the result of the respondent's
18 compliance effort. The Board Office received a
19 designated qualifying agent and registered employee
20 application for respondent company in September of
21 2016. However, the previous designated qualifying
22 agent left the company in February 2016. Respondent
23 also uses a name and location other than the company
24 name and address which is certified.

25 Respondent did submit an application in

1 order to obtain a designated qualifying agent and
2 added a DBA and address to the company certification.
3 Additionally, respondent indicated that all clients
4 have been informed of the company address change and
5 DBA.

6 My recommendation was to issue a letter
7 of warning and close.

8 MR. COCKROFT: So did they move or do
9 they have two locations?

10 MS. THOMAS: They have two locations.

11 MR. COCKROFT: So they can't really add
12 an address, can they? I mean, they can't have more
13 than one.

14 MS. THOMAS: They didn't --

15 So they have moved. At one point, they
16 had two addresses.

17 MS. VEST: Let me try to help just a
18 little bit.

19 MR. ROBERTS: I'm not clear on this one.

20 MS. VEST: This individual did come into
21 the office and speak to us, Ashley and myself. There
22 was a civil penalty that --

23 MR. ROBERTS: You have to speak into the
24 microphone.

25 MS. VEST: Well, I am, it's just not

1 working. Like I say, they did come in and talk with
2 us about this, and there was a civil penalty
3 assessed, and then there was another very, very large
4 civil penalty assessed. What happened in the office
5 was we didn't attach this one with the second one
6 that they have the payment plan with.

7 MR. COCKROFT: So this is some clean-up
8 to the other --

9 MS. VEST: Yes, to the other two that we
10 have already settled, and they do have a payment plan
11 on that large one.

12 MR. ROBERTS: Thank you. That makes a
13 lot more sense then.

14 CHAIRPERSON HIXSON: But they are
15 working -- according to the wording in this, they are
16 working diligently to bring everything into
17 compliance, correct?

18 MS. THOMAS: That's correct.

19 MR. ROBERTS: Madam Chair, I make a
20 motion we concur with the recommendation of our
21 counsel here.

22 MR. COCKROFT: Second.

23 CHAIRPERSON HIXSON: Okay. We have a
24 motion by Mr. Roberts, a second by Mr. Cockcroft, to
25 concur with counsel's recommendation. All in favor

1 voice by saying aye.

2 THE BOARD: Aye.

3 CHAIRPERSON HIXSON: All opposed. The
4 motion carries.

5 MS. THOMAS: I believe we just have to go
6 back to case number 4. So respondent company is
7 giving estimates for home automation systems, and for
8 the security portion he contracts out to a licensed
9 alarm systems contractor.

10 CHAIRPERSON HIXSON: Define home
11 automation.

12 THE REPORTER: Define what?

13 MR. ROBERTS: Home automation.

14 CHAIRPERSON HIXSON: Home automation.

15 MS. THOMAS: That's the only
16 information -- that's the only information he gave
17 about what his company did versus what the licensed
18 contractor does.

19 MR. COCKROFT: Typically home automation
20 would be lights and thermostats.

21 MR. ROBERTS: Door locks.

22 MR. COCKROFT: Sprinklers.

23 CHAIRPERSON HIXSON: Cameras.

24 MS. THOMAS: So the bid includes audio
25 locations, TV locations, and then there's a security

1 systems on-line, a cameras line and then in-ceiling
2 speakers for all audio locations, pool audio surround
3 systems. Those are the things that are on the bid.
4 And for the camera and security portion they used an
5 alarm systems contractor that is licensed by the
6 Board.

7 MS. JONES: But they didn't put a
8 security system in?

9 MS. THOMAS: I'm sorry?

10 MS. JONES: They didn't put a security
11 system in? They just put cameras?

12 MS. THOMAS: No, security system is
13 listed on the bid as well --

14 MS. JONES: Oh, I didn't hear that part.

15 MS. THOMAS: -- but the respondent
16 company did not complete that installation. That's
17 what they hired the licensed company for.

18 MR. COCKROFT: And they are not licensed
19 as a general contractor or something like that?

20 MS. THOMAS: Not that I know of. No they
21 are not, I'm sorry.

22 MR. ROBERTS: Based on the information
23 that -- and my understanding of the information you
24 presented, what this company is doing is they are
25 going out and selling a home automated sound system,

1 they are selling a security system, and they are
2 selling closed circuit television. Then they are
3 subcontracting out the installation of the closed
4 circuit television and the security system, but
5 they -- that, in my opinion, would be in violation of
6 our ordinances because they are, in fact, going out
7 and selling the security systems and the closed
8 circuit televisions and then just hiring somebody
9 else to do the installation. And that, in my
10 opinion, would be a violation of our ordinances.

11 MR. COCKROFT: I think it is a violation
12 of the ordinance, but I think the one difference in
13 what you might have stated, I think their feeling,
14 the reason they feel it's not is that the licensed
15 contractor is billing everything. But the way you
16 said it they were subcontracting. I think they are
17 actually selling it, and the other company is
18 probably billing and doing everything in their name,
19 the licensed company, but that's still a violation.

20 CHAIRPERSON HIXSON: It's not the general
21 contractor.

22 MR. COCKROFT: Right, they would have to
23 be a general contractor.

24 CHAIRPERSON HIXSON: Right, but they are
25 not. They are a home automation, but yet they are

1 selling cameras and security but then contracting
2 with the installer. They are selling the equipment
3 and they are not licensed.

4 MS. JONES: If they did it the other way
5 around, it would have been different. If the
6 security company had subcontracted the automation
7 company, that would have been all right.

8 MR. ROBERTS: It would be my impression
9 that this respondent company needs to be licensed to
10 sell closed circuit television and security
11 equipment, because that is apparently what they are
12 doing.

13 MS. THOMAS: Okay.

14 CHAIRPERSON HIXSON: So is your -- your
15 letter of warning going to --

16 MS. THOMAS: Yes, it could be for the
17 unlicensed activity for -- it could be a letter of
18 warning for that. Like I said, I had it as joint
19 venture, but if we want to warn them as to the
20 unlicensed activity, we can do it that way. If you
21 think that this rises to the level that it requires a
22 civil penalty, of course.

23 MS. JONES: Did the complainant say
24 they -- these two people had done it many times?

25 MS. THOMAS: The complainant is a

1 competitor.

2 CHAIRPERSON HIXSON: What?

3 MS. THOMAS: A competitor so another
4 licensed contractor.

5 MS. JONES: Do they have proof that they
6 have done it many other times besides this one?

7 MS. THOMAS: The statement from
8 respondent's witness indicates that they have done
9 this previously. They have included this in their
10 bids and contracted that out.

11 CHAIRPERSON HIXSON: I don't know that a
12 letter of warning would be fitting for this
13 situation. This seems to rise above just the --

14 MR. ROBERTS: I -- I am inclined to agree
15 that I think this rises above just a letter of
16 warning.

17 CHAIRPERSON HIXSON: Yeah.

18 MR. COCKROFT: To both the licensed
19 company and the unlicensed company?

20 MS. JONES: Yeah.

21 MR. ROBERTS: No, I don't know that the
22 licensed company -- again, based on the information
23 presented, it would not seem to me that a licensed
24 company is doing anything improper. If they are
25 acting as a subcontractor on doing the security

1 closed circuit television installation as a
2 subcontractor, they probably are not doing anything
3 improper. If they are -- in fact, if it is a joint
4 venture -- and we don't have information on that one
5 way or the other -- then we do have a violation
6 there.

7 MS. THOMAS: All we have is the statement
8 from that licensed company that says that they are
9 contacted by respondent company and they estimate the
10 cost to provide the security systems, and then that
11 is included in the respondent's estimate to the
12 customer.

13 MS. JONES: I didn't mean the licensed
14 company. I meant the unlicensed company is who I
15 would make a motion that we fine them for unlicensed
16 activity.

17 MR. COCKROFT: If all the work's being
18 done in the licensed company name, you could almost
19 say this was like the other one where the
20 out-of-state company was being a security consultant
21 for the people. I don't think that's really what's
22 being done here. I don't know that we have a clear
23 picture of, are they really dealing with the licensed
24 company or not. I mean --

25 MS. THOMAS: I missed the first part of

1 your question.

2 MS. JONES: You don't think the homeowner
3 mason company knows they need a license so they are
4 going to subcontract it out to somebody that does
5 have one?

6 MR. COCKROFT: It sounds like -- it does
7 sounds like they're trying to subcontract.

8 MS. JONES: But going around a law?

9 MR. COCKROFT: Yes, it sounds to me like
10 some sort of joint venture. It's hard to tell from
11 the information we have whether or not the licensed
12 company is at fault there or not. If it's truly that
13 someone just calls up the licensed company and says,
14 Can you do a quote for these people? And then all of
15 the business is handled by the licensed company, the
16 licensed company didn't do anything wrong. But it is
17 sounds like there's more to it than that, like
18 there's an ongoing relationship.

19 MS. JONES: On what we have, I will make
20 a motion that we fine the unlicensed company and then
21 we'll get more information, I promise you. If
22 nothing is going on, they are going to call and say,
23 Hey, wait a minute, we'll get a broader picture.

24 MS. THOMAS: From the unlicensed company?
25 All right. As far as unlicensed activity, is the

1 Board -- is the motion to include a civil penalty in
2 the amount of \$500 or a thousand? I say "a thousand"
3 because the statute says \$1,000 for unlicensed
4 activity at a minimum.

5 CHAIRPERSON HIXSON: Yeah, we have
6 decided on those without making further reductions
7 because that was adjusted several years ago, I
8 believe. I don't know. I'm reaching out to you
9 because it seems -- I know we are saying that the
10 licensed alarm company isn't doing anything wrong,
11 but I would hate to see that company continue to be
12 involved in an activity that is not aboveboard.

13 MS. THOMAS: To include the licensed
14 company we would have to establish a separate
15 complaint against them and investigate their dealings
16 with this unlicensed company further. To pull them
17 into this particular violation under this complaint,
18 they did not have a proper opportunity to respond or
19 offer a response. They offered a statement as a
20 witness to the respondent.

21 So I would say if the Board is curious as
22 to the licensed company's activity, that's a separate
23 complaint, separate and apart from this particular
24 one we are discussing now.

25 MR. ROBERTS: Madam Chairman, I make a

1 motion that we authorize a formal hearing and -- but
2 would authorize a settlement of this with a \$500
3 civil penalty for engaging in unlawful -- I'm sorry?

4 CHAIRPERSON HIXSON: It's \$1,000.

5 MS. VEST: The minimum is \$1,000.

6 CHAIRPERSON HIXSON: It's a thousand --

7 MR. ROBERTS: Is that statutory?

8 MS. JONES: It is.

9 MS. THOMAS: It is.

10 MR. ROBERTS: Then we'll make it \$1,000
11 for engaging in unlicensed activity.

12 MR. COCKROFT: Haven't there been other
13 cases where it was done at a lower amount?

14 MS. VEST: The statute says it's a
15 thousand dollars minimum.

16 MR. COCKROFT: I have wondered about
17 that, but I thought there were some other fees that
18 were --

19 MS. VEST: Well, you do have a fee
20 schedule here, but it's not for unlicensed activity.

21 MR. COCKROFT: Okay. I was thinking
22 there were some that were less than that.

23 CHAIRPERSON HIXSON: Okay. Do you have
24 anything else on your motion?

25 MR. ROBERTS: No.

1 CHAIRPERSON HIXSON: We have a motion by
2 Mr. Roberts to authorize a formal hearing with a
3 consent order of \$1,000 civil penalty for engaging in
4 unlicensed activity. Do we have a second?

5 MR. HARVEY: Second.

6 CHAIRPERSON HIXSON: And a second by
7 Mr. Harvey. All in favor voice by saying aye.

8 THE BOARD: Aye.

9 CHAIRPERSON HIXSON: All opposed. The
10 motion carries.

11 Now, does the Board wish to open a
12 complaint against the alarm company that's involved
13 with this unlicensed activity?

14 MR. ROBERTS: I don't visualize in this
15 situation, particularly unlicensed activity on the
16 part of the licensed company. It might be worth a
17 little bit of further inquiry, a little bit further
18 investigation as to the relationship between the two
19 companies. But based on, you know, what's presented
20 here, I just don't see that we have any reasonable
21 indication of unlicensed -- unlicensed activity on
22 the part of the licensed company.

23 CHAIRPERSON HIXSON: Would this require a
24 complaint being opened?

25 MS. VEST: Yeah, I believe this would

1 require a complaint being opened for me to get on the
2 phone and ask these people about this complaint.

3 CHAIRPERSON HIXSON: That's what I said a
4 minute ago. Did anybody want to propose a motion to
5 open a complaint to investigate the level of activity
6 of the licensed company with the unlicensed activity?

7 MS. JONES: I think the other company
8 ought to drag them in. If there's a civil penalty in
9 it and it goes to a hearing, I think that we'll talk
10 to them, don't you?

11 MR. COCKROFT: I do think that probably
12 would happen, but I still think we should look into
13 it. Is the issue -- is there some issue with opening
14 a complaint if we -- if you look into it and you find
15 there isn't a violation, we can still close it
16 without any prejudice against them or --

17 MS. THOMAS: If there's no violation
18 found, of course, we can always close that complaint.

19 MR. COCKROFT: I guess we are hesitant to
20 say we want to open a complaint.

21 MS. VEST: I do have the authority to
22 close it administratively, so it would never be
23 presented to you.

24 MR. ROBERTS: Then with that
25 understanding, I make a motion we open a complaint

1 against the registered company here. That would be
2 based on them engaging in a joint activity.

3 CHAIRPERSON HIXSON: Okay. We have a
4 motion by Mr. Roberts to authorize a complaint to be
5 opened against the licensed company to determine
6 their level of activity in a joint venture. Do we
7 have a second?

8 MR. COCKROFT: Second.

9 CHAIRPERSON HIXSON: And a second by
10 Mr. Cockroft. All in favor voice by saying aye.

11 THE BOARD: Aye.

12 CHAIRPERSON HIXSON: All opposed.

13 MS. JONES: I forgot to say aye.

14 CHAIRPERSON HIXSON: The motion carries.

15 MS. THOMAS: After a lot of conversation,
16 I think that will conclude the legal report.

17 CHAIRPERSON HIXSON: Thank you. You did
18 an excellent job.

19 Okay, can we take a break?

20 MR. ROBERTS: Madam Chairman, before we
21 do that, let me take just a moment to compliment our
22 legal section. I think they are doing -- she's doing
23 an outstanding job, and I, for one, would just like
24 to recognize the hard work she puts into this. I
25 think it's exceptionally well done.

1 MS. THOMAS: Thank you very much. I
2 appreciate that.

3 CHAIRPERSON HIXSON: And the fact that
4 she stuck with this for two months too.

5 Okay, we are going to take a 20-minute
6 recess.

7 (Short break.)

8 (Keith Harvey left the meeting room.)

9 CHAIRPERSON HIXSON: We are going to call
10 back to order this meeting of the Tennessee Alarm
11 Systems Contractors Board. I think we are going to
12 skip down to Exhibit E on our agenda.

13 MS. VEST: No, it's under E. It's not
14 the E. It's Mr. Hartbarger, Assistant of Operations
15 Technology Changes and Licensing.

16 CHAIRPERSON HIXSON: Okay. It's beneath
17 Exhibit E, it's an individual entry?

18 MS. VEST: Right.

19 CHAIRPERSON HIXSON: Mr. Hartbarger,
20 would you like to come forward and address the Board,
21 please.

22 MR. HARTBARGER: Chairperson and
23 distinguished members of the Board. I am here today
24 to talk to you about licensing and what the future
25 for licensing may hold. You wink at me when I'm

1 doing okay, and I'll keep the speed down.

2 MR. COCKROFT: You might want to sit down
3 at the mic over there.

4 MR. HARTBARGER: I am here to talk to you
5 today about the future of licensing. We have seen
6 over the course of many years that licensing has
7 changed, and the certificate and the need for the
8 certificate. And so every individual board that I
9 have spoken with have unique needs for it. So what
10 we want to do is I am going to start a dialogue.

11 I'm not here today to suggest to you that
12 we know all the answers, but the point is to come
13 talk to you and to start a dialogue and to suggest to
14 you a couple of things, and to show you a couple of
15 items and see where your mind will go with that. And
16 making sure what your rules are, your statutes and
17 all those things are all aligned to be able to
18 deliver some of these technologies. And some of the
19 technologies I'll show you today.

20 So my point is to show you this. Not to
21 say this is the answer, just to show you this purely
22 to get you to think about what the future might hold
23 for you. Is that okay with you?

24 CHAIRPERSON HIXSON: Sure.

25 MR. HARTBARGER: So if you want -- I

1 think you have the paper in front of you also. So if
2 you want to know the first couple that we are going
3 to do, this is the one we are going to look at. It's
4 the one that's the Old Style. It's the one I'm sure
5 you are very familiar with. So that is a lovely
6 photograph taken on the floor of my office so that we
7 get the flavor for this.

8 This is not high-tech. This is a piece
9 of paper, and it's printed on a form. And if you
10 know anything about protected forms in the past,
11 protected forms were difficult to reproduce. There
12 wasn't the technology that exists today. Today, so
13 you can understand it, I can take this form, go to my
14 house with an Inkjet printer and some simple software
15 and produce one of these that's indistinguishable to
16 you from the one that you are looking at in front of
17 you.

18 So in the past this was considered a
19 security measure. If you look at the form, you are
20 going to see the word "void." If you get the right
21 angle, you are going to see the word "void" in it so
22 that if it were photocopied. That used to be the
23 height of security for a form. Today it is not the
24 height of security because as we said, we know people
25 that were manufacturing licenses -- I believe it was

1 for manicures -- they literally used Microsoft Excel
2 and a colored printer, and they were producing these.
3 And they looked better than the ones that we
4 produced, to be honest with you. They actually had
5 better coloration and better uniformity to it, so
6 it's actually better in their cases than the one we
7 have.

8 So this is where we start today. Where
9 we want to start to go to is the beginning of
10 something that could be automated and something that
11 could be leveraged. People do not stay in their
12 office. People are out and about all the time. So
13 we need to get to something that's mobile. So I'll
14 tell you that in the beginning.

15 As the first step, we need to get to a
16 different style of license that is more legible when
17 someone walks in. If you look at the previous style,
18 you very quickly see that it was a -- the previous
19 style which is just paper -- I'm sorry. If you look
20 at that style, you'll notice that the fonts are not
21 difficult to read. If you are very far way from it,
22 in many cases you can't read it. And, again, it was
23 kind of in the day of 1980, which we probably thought
24 that was the height of something that looked good and
25 was esthetically pleasing.

1 Today what we are trying to go for is
2 something that's very simple and straightforward, and
3 so this is a prototype. This is not the end result
4 that you would get to, but it's a prototype of
5 something suggesting let's use cleaner fonts, make it
6 more legible. And if you'll look at the area on the
7 form, the -- if you look at this area on the form,
8 you see a lot of blank area.

9 So what we are trying to do is thinking
10 in terms of how do we create a form that could be
11 used uniformly amongst all the alarm and associated
12 people? And so anything that would be unique to you
13 would be located in this area. And so that -- you
14 will also notice there is code over here, and I am
15 going to talk about that in a second. But initially
16 we would probably print this here and send this to
17 you, and it would be on the exact same stock that you
18 get today. So as you are looking at it, you are
19 looking at this form.

20 So it is something that provides us with
21 a different methodology of prints and something we
22 can actually get -- the state has a requirement that
23 we -- any form that we send out must go through a
24 forms committee. We can create one form that can be
25 used uniformly across all boards.

1 So now the next thing -- and it is
 2 something that I am actually working on and excited
 3 about personally because we're working on it -- is
 4 the next step is, do we need to print this here and
 5 stick it in postal? And then we've actually had many
 6 issues over the last month and a half or two months
 7 between state postal and the US Postal Service. They
 8 are getting really slowed down. And something
 9 leaving here that you would normally expect to be
 10 there in two days, three days tops is being a month.
 11 So in many cases, there were people calling and
 12 getting duplicates, and they were getting -- there
 13 were some, I think four or five duplicates on some of
 14 the boards, and then literally all would show up on
 15 the same day. They got backlogged somewhere in the
 16 postal system and wouldn't show up. Depending on the
 17 type of permit it was, some people were not allowed
 18 to work as a result of that not being there. Don't
 19 know if that would impact folks at your board, but it
 20 did impact other people, would refuse to let them
 21 work without this piece of paper in hand. So we
 22 wanted to get to something that goes beyond that. '

23 So next the step -- and it's something
 24 that I am working on -- is take a look at this piece
 25 of paper. This would be something that you are going

1 to be able -- could be able to in the very near
 2 future be able to print at your office. So you go in
 3 and renew your license or you apply for a new
 4 license. When that process is complete and you've
 5 paid your fees, and if somebody's got continuing
 6 education and there's a bond requirement or whatever
 7 may be done, when the person on Cody's staff hits the
 8 button that says approve this -- once you get an
 9 E-mail and this is what was attached inside the
 10 E-mail. So you know that that's not too far away,
 11 something I'm doing here in a test mode that we are
 12 doing this today. We are able to send this and it
 13 shows up in your E-mail account.

14 So all you would have to do is go into
 15 your VO account that you are aware of, that VO
 16 account, and you would select a little switch that
 17 says, I want to be able to receive documents and
 18 E-mails. And it's got a field that says E-mail
 19 address, and you would put in the E-mail address that
 20 you want to receive these documents. And from that
 21 point on, any document that we deemed to bill to you,
 22 to send to you electronically, when you said that you
 23 wanted it, it would show up in your E-mail account.

24 So now you are not waiting for days or
 25 weeks or whatever to get your license. Your license

1 shows up from the time that it's approved here, maybe
 2 within 10 or 15 minutes later, showing up in your
 3 inbox and you'd be able to print it. Some
 4 professions, in terms of what they want to be able to
 5 produce and put in a frame may or may not be suitable
 6 for the kind of paper I showed you today. There is
 7 paper that we would recommend that you potentially go
 8 pick up. It's a little heavier card stock that you
 9 can put in your printer if you wanted something just
 10 a little thicker so you could put -- proudly display
 11 it.

12 One of the reasons that we at this point
 13 in our testing have limited it to a small amount of
 14 color, if you print it on this kind of paper, if you
 15 put a lot of color, the paper will buckle. I don't
 16 know if you are familiar with that. Have you ever
 17 printed a photo on plain white paper and you see it
 18 all puckers up? So that's why we've limited the
 19 amount of color on here, is so you will be in a
 20 position to print it and not have it do that to you.

21 So again, this is a prototype that we are
 22 looking at, this particular form being something we
 23 will be able to produce here. And this form, still
 24 on the same old card stock, it produces it in gray
 25 scale. But then when we allow you to produce it in

1 your office, then you have the ability to have it pop
 2 up in color with just a little splash of color for
 3 you to go in the frame.

4 Something even a little bit more
 5 exciting -- I mean, I could show you my phone, but
 6 that same certificate, as you can see, it took a
 7 photo of the phone. It shows up on the phone. It
 8 fits nicely in one of the phones for somebody to be
 9 able to show it to them.

10 MR. ROBERTS: Does it work on flip
 11 phones?

12 MR. HARTBARGER: There's no good answer
 13 for this. No. It don't work on flip phones. You
 14 need some type of Smart Phone to be able to display
 15 it.

16 MS. VEST: Paul, let me ask on this one
 17 here that you handed out, the paper one. Where is
 18 the photo going to go?

19 MR. HARTBARGER: You know we did not --
 20 in this particular case we didn't save a lot of
 21 space. But the photo would go -- actually, we would
 22 move it around to be similar. And if you look -- if
 23 you line those up next to each other, you can see
 24 that the photo would go -- still go here in the same
 25 spot. We've left space for it. It's not perfectly

1 spaced out.

2 MS. VEST: Okay. I see. All right.

3 MR. HARTBARGER: So we are actually
4 working on being able to take the photos that are
5 sent in, and the photos will be scanned and actually
6 printed directly on this piece of paper. In those
7 cases, it's the case very specifically that we would
8 recommend you get the thicker paper. So when it
9 prints, it will be sharper images. So yes, we are
10 going to attach the form, the photo that you would
11 use, and then when this prints it would actually
12 print in this area.

13 And again, you would want to use probably
14 a little heavier paper so it did not pucker and
15 distort the image. There's paper that's maybe a dime
16 a sheet that you can print those on that would do a
17 really nice job, that you could then cut out, either
18 choose to laminate or not laminate or stick it in one
19 of the holders and it would work great.

20 MR. ROBERTS: This is more secure?

21 MR. HARTBARGER: We are going to go into
22 a little bit more of the security because the point
23 is what you have today is not secure. And so what we
24 want to do is go over some steps that give you a
25 little bit more security. So I have purposely not

1 were talking about all this space over here,

2 whatever, that's where their certificate would go --
3 where their classifications -- excuse me -- would go.

4 MR. HARTBARGER: So in this case, whether
5 you be looking at that phone and someone scanned
6 that -- because you actually can take the phone and
7 lay it on the table and take another phone and scan
8 it. It will scan the code, and it immediately -- the
9 verify application -- are you familiar with the
10 verify application? -- it goes to the verify
11 application and looks up this individual and takes
12 you straight to this page, which is the information
13 about the licensee that would have been on that page
14 that are reflective of that QR Code.

15 And so the security that we are trying to
16 build into this is something -- it's completely easy
17 to take any paper form and duplicate it. And so what
18 we want to do is give something so that if someone
19 does duplicate it, when they create that QR Code, if
20 the QR Code doesn't match who you are standing in
21 front of, it pulls up another licensee or pulls up
22 something that says this person expired two years ago
23 and I am looking at a piece of paper that says their
24 expiration date is a year from now, you know that
25 it's been tampered with.

1 mentioned this little code down here for a second, so
2 that's where we are going to go next. It's called
3 the QR Code. If you are ever interested in it if you
4 have the iPhone and the Android phones, the one I use
5 is the one from a company called QR Reader. I am not
6 endorsing it. It's called QR Reader by a company
7 called Scan. And you can find it. And it works
8 really well to scan these codes and pull up the
9 information.

10 So now let's talk a little bit more about
11 security. Something that we can do with security to
12 make this work better is both from the phone or from
13 the printed document. What if someone could walk up
14 with a phone, have a little app that we just
15 mentioned called QR Reader, pull over the bar code,
16 and it sits there for a second, and the next thing
17 that comes up is this on their phone?

18 And it's actually information about that
19 licensee as of that minute. So it's got their
20 license status, their expiration date, the original
21 date, the names. And in this particular case, it
22 lists their specialties and goes a step further.
23 So -- are those actually listed on their paper
24 certificate?

25 MS. VEST: Yes. That was -- when you

1 What we are trying to do is be able to
2 get people to utilize what is in everybody's hand
3 today, which are mostly Smart Phones, a few flip
4 phones, but put something in their hands so we can
5 leverage the technology on-site, whether it be in the
6 field, if it's an employee, could be scanning of the
7 alarm system employee, or it could be the contractor,
8 the main contractor, whoever. But when they scan the
9 code, it's going to go straight to the database and
10 tell you about them.

11 Other items we have talked about -- and,
12 obviously, it will be a board decision or other
13 decision all over the place -- is also on this same
14 screen potentially listing disciplinary actions that
15 have been settled. It will list any disciplinary
16 actions, so if someone had been disciplined, someone
17 scans that code, it comes up, lists information about
18 them, lists their specialties, and then right below
19 that lists one line per each of the disciplinary
20 actions that have occurred. And with potentially the
21 ability to click on any of them and see more detail.

22 MR. ROBERTS: Now, that's assuming that
23 you have Internet connectivity when you scan the QR
24 Code?

25 MR. HARTBARGER: Yes, sir, that's

1 assuming you have Internet connectivity.

2 MR. ROBERTS: We do have some that --
3 where you don't have that connectivity. I just
4 wanted to make sure I understood that correctly.
5 Thank you.

6 MR. HARTBARGER: Yes, sir. That's why
7 for the foreseeable future you are going to remain
8 with the ability to be able to print the documents,
9 so that you have a document that you can carry it
10 with you. So in a situation where that occurred, you
11 would be able to rely on that.

12 MR. COCKROFT: And if it's an expired
13 license, it would pull up showing something void or
14 expired. I tried the code just now and it took me to
15 the search page, one of those generic ones but it
16 didn't show -- it just took me to the generic search
17 page.

18 MR. HARTBARGER: That's what's coded on
19 this QR Code, is the ability just to get you there.
20 We do not have it coded to a specific business at
21 this point. I don't have it coded there.

22 MR. COCKROFT: Okay.

23 MR. HARTBARGER: But each one of these on
24 every license would be a unique QR Code, that when
25 you scan it, it would take you straight to the screen

1 I am showing you, take you straight to that type of
2 screen.

3 MR. COCKROFT: And even if someone didn't
4 have Internet connectivity, it's not worse -- it's as
5 good as what we have now, so if they have Internet
6 connectivity it's so much better.

7 MR. ROBERTS: Yes, absolutely.

8 MR. HARTBARGER: Not to get real
9 technical with it, but you can actually take a photo
10 of this, and you can use that app I was telling you
11 about, QR. If you are not connected, you can take a
12 photo of the QR Code, get back in range of Internet
13 connectivity, and you can say scan it now, and it
14 will actually go through and do it two hours later,
15 whenever you get back to some place.

16 MR. COCKROFT: I like all the benefits of
17 the electronic aspect. I know Cody probably would
18 like us to only do that, but I still think we are
19 going to need cards. Maybe eventually we wouldn't,
20 but I think for the short-term --

21 MS. VEST: Well, why would you actually
22 need a card if the individuals you are sending out to
23 my home has it on his telephone and I am a savvy
24 consumer, I am going to ask for an ID, and he's going
25 to show it to me? You give him an ID anyway for your

1 company. He probably wears your company ID. He's
2 got mine in his back pocket in his wallet. It's just
3 a card.

4 MR. COCKROFT: Well, I guess we would
5 have the option that they could print it themselves
6 and laminate it if they wanted to. You would have
7 the issue where someone may not have a Smart Phone.

8 MS. VEST: Well, now, what we are talking
9 about? Don't all these cards come to the company?
10 So you are not talking about Johnny sitting at home
11 doing it himself?

12 MR. ROBERTS: Well, they do now, but, you
13 know, I am not sure how the new registration
14 terminations are. I don't know how they are handled.
15 Are they sent to the company?

16 MS. VEST: Everything in your case is
17 sent to the company except for criminal histories.
18 That's something that we might -- we might -- excuse
19 me -- we might want to take a look at this, and with
20 this different -- this technology that's coming, we
21 may want to look at something --

22 CHAIRPERSON HIXSON: Well, isn't this up
23 here at the top? Can that be -- come with the ID?
24 Couldn't that be used in --

25 MR. COCKROFT: Right, they could still

1 print it out and laminate it.

2 CHAIRPERSON HIXSON: He was saying if
3 someone didn't have Internet connectivity, you would
4 have this, that you could issue to the -- or give out
5 to the --

6 MR. HARTBARGER: That would be your
7 backup. So I talked to Cody on several occasions
8 that we're working on it, to take the photos that
9 they send in, scan those photos, and actually print
10 that all in one shot to that card. That's why I was
11 suggesting you might use a heavier card stock. When
12 you know you are printing those, you put the heavier
13 photographic file paper in, it prints on there and
14 gives you a much more durable and clean image.

15 CHAIRPERSON HIXSON: I always think about
16 people like parents in their 80s -- they don't have
17 Internet connectivity, and they are going to revert
18 back. They want to see something that they can look
19 at, you know. If you were to ask my dad what a QR
20 scan was today, he'd look at you like you've grown a
21 third eye. So, you know, I think about older people
22 that still want to see an ID.

23 You know, I like the format, I think it's
24 an excellent idea, especially if you have a photo,
25 but I still think that needs to be implemented and

1 not rely on just that scan code. Because you are not
2 looking at one segment of the population. You have
3 got to look at, you know, the whole spectrum. And a
4 lot of our alarm systems are with the elderly, and,
5 you know, I think about them, especially with my
6 parents.

7 MS. VEST: I just don't understand that,
8 because Johnny is going into the home. What
9 difference if he shows you a card or shows you on a
10 telephone?

11 MR. COCKROFT: Right, and we do have the
12 option to still print the card. When I first started
13 saying something, I didn't think about that.

14 CHAIRPERSON HIXSON: Yeah, when you get
15 to be 86, you'll understand, and that's all I'm going
16 to say.

17 MS. VEST: I am pushing that myself, but
18 I don't --

19 CHAIRPERSON HIXSON: When you get to be
20 that age, you'll understand.

21 MR. COCKROFT: But it sounds like we
22 would still have the option -- the company still has
23 the option to print a card out. And I don't think
24 it's any less secure than this card, because this one
25 can easily be duplicated. Can we --

1 CHAIRPERSON HIXSON: I agree.

2 MR. COCKROFT: Because we have had
3 complaints and we've got issues where that happened.

4 MR. ROBERTS: Did the -- if we did it
5 with photographs and the photographs being printed on
6 the card, which I think we'd really need, would it be
7 possible to also incorporate that in the on-line so
8 that when they pulled up the -- when they ran the QR
9 Code, the photograph would show up there also?

10 MS. VEST: Let me interrupt that. Why do
11 we need the photo? You've already got their ID on --
12 I am just asking a question because it's in the
13 statute. I understand that rule. The man from, say,
14 Comcast comes to my house. He doesn't have that
15 photo ID. I don't ask to see that photo ID. So my
16 question is, why are we putting -- who does that
17 benefit? They have got their ID in the back pocket.
18 They got your tag on that says I work for this
19 company, so why are we putting a photo on it?

20 MR. ROBERTS: Well, I think for --
21 especially for an unsophisticated customer -- and I
22 keep thinking of the lady that we dealt with the
23 complaint a little while ago that initialed
24 everything and was paying no attention to what she
25 was doing. You know, we have got some very

1 unsophisticated customers out there, and they are
2 going to look at that picture. They kind of like
3 indicated a minute ago, they -- some of them wouldn't
4 have a clue as to what a QR Code is and they are
5 using -- my wife uses a flip phone. She wouldn't
6 take anything for it. So the flip phones are out
7 there, I know.

8 MR. HARTBARGER: You can get parts for
9 another six months and then you are going to be out
10 of luck.

11 MR. ROBERTS: Then I'll be in bad shape.
12 Anyway, you know, people like them really look
13 at a -- look at an ID and say, Hey, yeah, okay,
14 that's who it is. And when they see a person's
15 picture on an ID, that probably means more to them
16 than anything else. They may not even know it's the
17 State of Tennessee, because they see the picture and
18 that just provides reassurance to the customer.

19 I think that the photos are a sig- -- I
20 know they are a lot of trouble and especially -- one
21 of the things that would be, I think, very helpful if
22 we could submit the photos electronically rather than
23 send it in pieces of cardboard with a questionable
24 photograph on it that has to be hand-snipped out and
25 scanned and all that here.

1 MS. VEST: Well, I'll interrupt you there
2 and attempt to tell you, yes, sir, that's the way we
3 are going. You will be doing your applications
4 on-line. There will be no paper applications, and
5 you will upload your education, your photo, whatever
6 document that you need to send to us you have to do
7 it on-line with the applications and on your renewal.
8 That's --

9 MR. ROBERTS: Makes perfect sense. Yeah.
10 But so you have already got the photo in electronic
11 format. It would be easy enough, I would think, to
12 include it in the -- we want it on what's going to be
13 an ID card here. I just wondered if it could be
14 included --

15 MR. HARTBARGER: I will take it down as a
16 suggestion and see what we might be able to reach
17 across there to be able to find that information.

18 MS. VEST: Are you saying -- I'm sorry.
19 I just can't get this straight in my mind. Are you
20 saying your -- whatever you call that individual that
21 goes to the home, they knock on the door and say,
22 Hey, I'm Johnny Smith from ABC, or whatever, they
23 whip out their state ID and say, This is my picture?
24 You always use your ID when you go knock on Mary's
25 door?

1 MR. COCKROFT: Theoretically I think you
2 are supposed to.
3 MR. ROBERTS: Supposed to -- supposed to
4 have it, yeah. In the Code of Conduct --
5 MS. JONES: You are supposed to be
6 wearing it, aren't you?
7 MR. ROBERTS: The Code of Conduct says
8 you have to present it.
9 CHAIRPERSON HIXSON: One other thing on
10 the license style, as long as it's active black is
11 okay. But if there was some type of revoked,
12 suspended or whatever, could that be changed to red?
13 MR. HARTBARGER: We can change the
14 coloration, yes, ma'am.
15 CHAIRPERSON HIXSON: Well, I mean, it
16 would just draw someone's eye to it that they weren't
17 active.
18 MR. COCKROFT: You know, a lot of small
19 companies don't have their own ID's. I mean, you are
20 talking -- some of the large national companies have
21 a company ID that has a photo ID. We have a lot of
22 small businesses that are licensed in the industry
23 that don't have their own company ID per se.
24 MS. VEST: Well, this is where I speak up
25 and say, In my office, I am dealing with 90 to

1 95 percent versus those 5 percent that don't, and
2 this is the way that we are going to hopefully
3 proceed in the future. And if it means doing
4 seminars and trying to educate or get out a news
5 media, to get to the news media, whatever, how this
6 has to be done, I think that's the direction we are
7 going to have to go into. Yes, sir, you are right,
8 we do have companies -- I've have got several guard
9 companies, for instance, don't even have a fax
10 machine yet. Well, they are really out of date, but
11 I have to deal with that other 95 percent that do.
12 MR. HARTBARGER: I spoke with a couple of
13 groups, and people that have -- just in general read
14 literature. Some individuals in some areas are
15 requiring a driver's license because it is one of the
16 few ID's that they spend a lot of money -- the state
17 spends a ton of money to get that, as unforgeable as
18 you can possibly get it. So there is some thought
19 process that I've read about, about asking that
20 people would show their driver's license. Just put
21 that out for your consideration.
22 MR. COCKROFT: It's a more secure photo
23 ID, then just have the other as a companion?
24 MR. HARTBARGER: Yep. Those are some of
25 the case studies that I have read about, using that

1 as a state-sponsored ID. It's got a great photo.
2 It's difficult to duplicate in the -- in a home
3 setting. You can send it to China and get it
4 duplicated for a buck, but other than that.
5 MR. ROBERTS: Well, these -- what you are
6 proposing here printed in your office would be easily
7 forged and duplicated probably a little bit more so
8 than what we currently have, but I don't think
9 significantly more so. It would be easy to take that
10 and basically copy it, reproduce it, put a new QR
11 Code on there, but the QR Code would be invalid. But
12 that wouldn't bother my wife with her flip phone.
13 No, I don't see that what you are
14 proposing would be any significant problem. Like I
15 say, I think the -- to me, probably the thing that
16 would be the least convenient was now when we get our
17 card, get the cards back, they are laminated. And
18 with this, we'd be printing there in our office on
19 whatever paper we happen to have, and unless we've
20 got a laminator we don't have laminated cards, which
21 are -- but on the other -- now, will these be able to
22 be printed more than once? In other words, if you
23 send me this on-line, can I print three copies of it
24 or five copies of it?
25 MR. HARTBARGER: You could.

1 MR. ROBERTS: Give one to each employee?
2 MS. VEST: We couldn't block that out?
3 It doesn't need to ask for a duplicate or pay for a
4 duplicate, a second card?
5 MR. HARTBARGER: We may have to explore
6 it on the whole option, how they approach the on-line
7 printing.
8 MS. VEST: Is that what you're asking?
9 MR. HARTBARGER: We need to explore that.
10 MR. ROBERTS: Again, it wouldn't be
11 anything to keep me from printing off five of them.
12 MS. VEST: Right.
13 MR. COCKROFT: I just can't see that that
14 would be a --
15 MR. ROBERTS: But if we got photos on
16 them, then printing off five would be a little more
17 challenging, wouldn't have five different employees
18 with the same photograph and long hair.
19 MR. COCKROFT: Don't you think the person
20 that was going to print out multiple times would also
21 be the same person that would just forge it? I mean,
22 it's --
23 MS. VEST: You'd deal with that in a
24 different way.
25 MR. COCKROFT: Right.

1 CHAIRPERSON HIXSON: Are you going to do
2 like a consumer affairs campaign to -- a consumer
3 affairs campaign to notify the public of the changes
4 that are coming so they'll know to look for this
5 QR Code, scan code versus --

6 MR. HARTBARGER: I'm sure Cody is going
7 to do that.

8 CHAIRPERSON HIXSON: I don't know if you
9 all changed across the board --

10 MR. HARTBARGER: You know what? I kid
11 when I say that because I actually was the IT
12 director here for 12 and a half years, and so, of
13 course, I would not have done that. But now as an
14 assistant commissioner of operations, I would
15 absolutely involve Cody and the team as we try to put
16 something together. There would be a campaign. So,
17 yes, ma'am, we would.

18 MS. VEST: Yes, I'm sure we'd be doing
19 something of that nature because this is going to
20 affect all the programs that are under our
21 supervision.

22 CHAIRPERSON HIXSON: But I was just
23 thinking of the state website, if it was at a less
24 specific group than just the Alarm Systems
25 Contractors Board. If you are making these changes

1 systemwide, that perhaps it needs to be further up on
2 the website, you know, where the consumers would come
3 to that before they would enter the particular -- the
4 boards.

5 MR. HARTBARGER: I think you would have
6 to do something like that. We would obviously work
7 on that, but I would think that would be
8 multi-layered. You would have something that would
9 be generalized to gather people's attention, and then
10 try to funnel it into the area that was very specific
11 to them.

12 CHAIRPERSON HIXSON: That's what I was
13 saying. You know, wait until you get down into the
14 specifics but have something further up on the
15 website, you know, so that it catches people's eye
16 when they first go to that website.

17 MS. VEST: This change is going to affect
18 all regulatory boards.

19 CHAIRPERSON HIXSON: Yes.

20 MS. VEST: Yes, and I'm sure we will be
21 doing some on our website. I have asked for years to
22 have flashing red or something to get their attention
23 right then, other than going down and wait until they
24 get to the Alarm Board.

25 CHAIRPERSON HIXSON: That's exactly what

1 I was saying. If you have it at a higher level on
2 the website before you start going into the
3 particular boards and licensing sections, then they
4 know past that point, you know, they can't get to
5 this point unless they see this banner first.

6 MR. HARTBARGER: The way the Internet
7 works today is that most people arrive at pages via
8 Google or something similar to it, and since you can
9 search that way if you were to search for alarm
10 contractors, it's going to probably take you to your
11 web page and bypass all those intervening pages. And
12 so that's when I mentioned it being multilayered.
13 You are going to need that to be on all those layers.
14 So if you land at commerce and insurance, or if you
15 land at regulatory boards, or if you land at alarm
16 contractors --

17 CHAIRPERSON HIXSON: It's there.

18 MR. HARTBARGER: -- each one of those
19 layers is there once you do something you can see.

20 CHAIRPERSON HIXSON: Yes.

21 MR. HARTBARGER: I don't know that you've
22 noticed that -- the on-line capabilities that we
23 have, we have recently added videos. When you go to
24 the VO page, the main page to sign up for a new
25 account or renew your account, over on the right-hand

1 side at this point there are three videos that we
2 have linked to. And so over time there will probably
3 be instructional videos or something specific like
4 this. So if someone was going to be instructed, I
5 want to receive my license via E-mail as opposed to
6 printing and having to wait for it, there's probably
7 a video to say if you want to start that process, go
8 and click this box that says receive via e-mail, and
9 then go to this box that has the E-mail address and
10 use an E-mail address if you want to receive that
11 style of document. And then from that point on, when
12 you go and say print the document, it's going to act
13 like it's printing, but it's going to E-mail it to
14 you as opposed to printing it here, having to be
15 forwarded and stuff by the postal group or the
16 US Postal Service and sent to you.

17 CHAIRPERSON HIXSON: Okay.

18 MS. VEST: Any questions?

19 MR. COCKROFT: Is there a significant
20 expense now in making the cards? Would you have a
21 savings if you didn't make the cards?

22 MS. VEST: Yes. Whenever you consider
23 everything, the biggest thing is the employee time,
24 and then, of course, with IT they have to actually
25 print the certificates. You have that expense. And

1 then you come into my office -- I have told you
2 before we'd have to cut the photos out with a pair of
3 scissors, and then we have to do the two-sided tape,
4 do the laminate. It's the only way you hold a
5 picture on to it, so it's very labor intensive. Then
6 you do have the mail.

7 MR. ROBERTS: Do you use a flip phone
8 too?

9 MS. VEST: I have gotten rid of my flip
10 phone. I have an Android.

11 MR. COCKROFT: Here is where my thought
12 was going. If there's a difference in cost, if
13 either the registration fee could be lower or we
14 charge more or charge a fee for having a card, if 95
15 percent of the people wouldn't print the card -- I
16 mean, wouldn't want an actual card, but for that
17 5 percent, if they could check off something and get
18 you to make the cards for those and send those out
19 where they pay an extra fee or if everybody else pays
20 a lower fee.

21 MS. VEST: Well, that may be something
22 that we can look at, but we are trying to get the
23 industry to go through this. But, like you said,
24 there may be a transition period that we could do
25 that. I don't know. I'd have to talk with Paul

1 about that, how that would work; but that's an idea.

2 MR. COCKROFT: I like everything we've
3 heard, though. I probably personally would just
4 print it myself and laminate it and that would be the
5 end of it.

6 MR. ROBERTS: I don't see anything
7 that -- like I say, the photographs are significant,
8 but I don't see anything with what you are proposing
9 here, the change that would be a real showstopper as
10 far as I would be concerned.

11 MS. VEST: All right. Let me see. I may
12 have misunderstood, Paul, but whenever you send me
13 your renewal, for instance, your application, and you
14 have uploaded your photo, I am going to send it back
15 to you with the photo already on it. So you won't
16 need to do the laminate -- I mean, put the photo on
17 it.

18 MR. HARTBARGER: Right.

19 MS. VEST: You won't really need to even
20 laminate it if you don't want to.

21 MR. ROBERTS: The photograph is part of
22 the records that are maintained here. That's the way
23 it should be.

24 CHAIRPERSON HIXSON: Yes. And, you know,
25 you've gone to the electronic fingerprint submission.

1 I don't know why --

2 MS. VEST: That everybody has to do.

3 CHAIRPERSON HIXSON: Yeah, I don't know
4 why you couldn't submit the electronic photo
5 submission too. You could still do it for the
6 smaller companies that might not have the great
7 technology.

8 MS. VEST: Madam Chair, we are getting
9 there. We're getting there.

10 CHAIRPERSON HIXSON: Thank you. Enough
11 said.

12 MR. ROBERTS: It would be good if the
13 photograph could be included with the information
14 that comes after going through the QR Code.

15 MR. HARTBARGER: I made a note of it.

16 MR. COCKROFT: And they would probably
17 need a way to crop it or something so that they are
18 picking just the face, because people are going to
19 upload pictures that are humongous and small.

20 MS. VEST: Oh, yes. We don't want your
21 wedding photo, thank you.

22 MR. ROBERTS: Got the family dog in it.

23 MR. COCKROFT: I would think for the
24 staff's, you know, position, it would be nice if
25 somehow the person uploading it, cropping it or doing

1 something to it.

2 MS. VEST: Well, the -- you could tell
3 them, like we have now, there's a passport style.
4 Just tell them it's got to fit in this box, crop it
5 to fit.

6 MR. COCKROFT: I'm just thinking about if
7 there was an on-line tool where they upload the photo
8 and then they can select it with a box and submit it
9 or something.

10 MR. ROBERTS: Do we stipulate a passport
11 style photograph?

12 MS. VEST: Yes.

13 MR. ROBERTS: Well, that should clear
14 that up.

15 MS. VEST: And even that is too big. All
16 that simply means is it is a frontal photo; it's not
17 the side. This right here, this is all we want. So
18 if you get a passport, it is a one-by-one, and that
19 is too large for us to put on a license, so we still
20 have to cut it down with a pair of scissors. So this
21 is all we want, this right here.

22 MR. ROBERTS: When you are doing it
23 electronically, though, you can print it any size you
24 want. That would be a huge advantage to you I'm
25 sure.

1 MS. VEST: We get big ones, we make it
2 small.
3 MR. COCKROFT: Thank you very much.
4 CHAIRPERSON HIXSON: Thank you. You did
5 an excellent job.
6 MR. HARTBARGER: Thank you. Very nice to
7 speak with you today.
8 MS. VEST: Thank you, Paul. I appreciate
9 it.
10 MR. HARTBARGER: You didn't tell them
11 about my fourth grade education.
12 MS. VEST: Third grade.
13 MR. HARTBARGER: Third grade.
14 MS. VEST: I'll have to tell you all that
15 story. Paul's already had a presentation with my PI
16 board, and I'm probably going to say this
17 incorrectly. I don't know how it came about, but
18 somebody said -- one of the members said, well, what
19 was it about sending -- a third grader could do that.
20 Oh, we need to get a third grader to come in and show
21 us.
22 MR. HARTBARGER: Come in and show us how
23 to do this.
24 MS. VEST: So I just turned to Paul and
25 said, "Well, there he is." And I apologized. I did

1 not hear what the gentleman had said at first when I
2 pointed to Mr. Hartbarger. I did apologize.
3 MR. HARTBARGER: I didn't even know I
4 could make it to the sixth-grade level, so I was
5 hurt.
6 MS. VEST: Thank you.
7 CHAIRPERSON HIXSON: Thank you.
8 MS. THOMAS: Thank you.
9 CHAIRPERSON HIXSON: Are we ready for
10 your section? Do you want to do the appearances?
11 MS. VEST: I think -- actually I think
12 Mr. James Beaty is here. He is the gentleman -- if
13 you would go down to Exhibit E, he is with Lowe's
14 Home Center. I asked this gentleman to come in and
15 speak with you today. I could not decide what could
16 be -- whether he needed to be licensed or not.
17 Sometimes it gets so technical I am not able to do
18 that, so I did ask the gentleman to come in and speak
19 to you today about what his concerns are and what he
20 wants to do in the future with Lowe's Home Centers.
21 And I was afraid -- this is actual
22 Lowe's, that everybody knows as Lowe's. This could
23 open up the door for other companies as well, so I
24 wanted to make sure you knew exactly what he was
25 talking about. You do have a -- if you go to

1 Exhibit E, if you want to kind of look that over
2 first. He did send in an E-mail.
3 Mr. Beaty, did you sign in? You did
4 sign --
5 MR. BEATY: Yes, I did.
6 MS. VEST: You did this morning?
7 I hope I pronounced that name correctly.
8 MR. BEATY: Beaty.
9 MS. VEST: Beaty, excuse me.
10 CHAIRPERSON HIXSON: Go ahead, sir.
11 MR. BEATY: Sure. Basically I was
12 requesting license because -- it fits that they
13 would -- that we would do this because we have had
14 the product since 2012, and -- but it's a
15 do-it-yourself and monitored on your iPhone or your
16 Android.
17 CHAIRPERSON HIXSON: Make sure the thread
18 is on there or else you are not getting recorded.
19 MR. COCKROFT: You can also hold that
20 button if you want to.
21 MR. BEATY: And now we are offering a
22 premium monitoring service which is offered by UCC,
23 and UCC is licensed in Tennessee. And -- but since
24 we have chosen to brand it with Iris monitoring --
25 Iris Premium Monitoring, it's now our product. So

1 therefore, I think we should have to license with the
2 State of Tennessee for that purpose. The licensing
3 piece -- the monitoring piece of it is handled by
4 UCC. It's kind of like the -- but since we are
5 branding it, it's ours.
6 So that's when I applied. And then the
7 question had come up, well, should you license,
8 should you not? The do-it-at-home kit has all these
9 pieces that you can purchase, including cameras, but
10 it's not monitored, it's not installed. We don't
11 offer a premium installation. It's just the product
12 you buy off the shelf and install yourself, and at
13 some point if you want it monitored professionally,
14 then you go on-line and you sign up for it through
15 UCC.
16 MS. VEST: Can you put the charge on your
17 Lowe's card for the monitoring?
18 MR. BEATY: I believe so. Well, I
19 don't -- you know, I would say so because it's a VISA
20 card.
21 MR. COCKROFT: I think you are correct,
22 that it would need licensing from the standpoint of
23 monitoring if Lowe's will be billing the customer.
24 But the do-it-yourself installation is, in my opinion
25 fine. I guess the question comes into, then, what

1 employees need to be licensed or what -- who's -- is
 2 anyone doing any consulting, anyone at the stores?
 3 Do they have information, or is it all going to be
 4 done on-line after they buy the do-it-yourself
 5 equipment at the store?

6 MR. BEATY: Right. Any professional
 7 services like monitoring are going to be done -- all
 8 that will be enrolled on-line. There's a whole
 9 process for that. As far as the employees that would
 10 have to be licensed, of course, you don't want to
 11 license every employee in the store. You know, it's
 12 a skewed number to them. But the Iris team that
 13 would be involved with the monitoring aspect of it,
 14 in fact, that's my job, and --

15 MR. COCKROFT: Are there employees that
 16 would handle if someone wants to change their call
 17 list or they want to change their zone descriptions,
 18 and that sort of stuff? Is that your people? Ae
 19 they doing that on-line?

20 MR. BEATY: No, actually our developers
 21 wrote into the API for stages, which is the
 22 automation that UCC is using, and so you are just
 23 basically changing it through the UCC portal.

24 MR. COCKROFT: So you have employees,
 25 though, that will have access to that information

1 somewhere, somehow? I mean, if a customer -- if they
 2 want to somehow or another speak to a live person,
 3 they can, can't they?

4 MR. BEATY: We have access to their
 5 billing information.

6 MR. COCKROFT: Okay.

7 MR. BEATY: Because I thought the same
 8 thing. Excuse me.

9 MS. JONES: What about employees that are
 10 subcontracted and they work for Lowe's? Let's say I
 11 buy so many squares of siding. And I can't put
 12 siding on, but I know Lowe's has got workers that you
 13 do subcontract and they'll come and put it in. How
 14 many of those people are going to be doing this?

15 MR. BEATY: None. At this point there is
 16 no professional installation. This is the subject.
 17 And, actually, that's how I got involved because I
 18 was working for UCC at the time that Lowe's
 19 approached us, and I warned them exactly about that.
 20 If you offer a professional installation, then now
 21 you are going to open up a can of worms that you are
 22 going to have to meet certain requirements.

23 So there are some states where they may
 24 do that, that don't have licensing requirements that
 25 would apply to them, where they'll have a referral

1 program where they will refer a licensed contractor
 2 to do that. Tennessee is not one of them.

3 MR. ROBERTS: Well, I think clearly the
 4 idea of selling a box of parts that the homeowner
 5 would install does not require any licensing. I
 6 mean, that's real clear. The monitoring is being
 7 done by a company that's licensed in Tennessee, UCC,
 8 as you indicated. That's appropriate. If you have a
 9 small technical team that was involved in customer
 10 support -- and I don't know whether you do or not.
 11 Don't have anything like that?

12 MR. BEATY: Not for the monitoring aspect
 13 of it. There's a support team for the devices. You
 14 know, like you can call for, you know, Hey, this box
 15 is beeping. What do I do? There's support like
 16 that. But that --

17 MS. JONES: That still needs to be
 18 licensed.

19 MR. COCKROFT: What if the call-in says,
 20 I can't get the monitoring to work? What do they do
 21 then?

22 MR. BEATY: Well, that would be -- if it
 23 has something to do with monitoring, it would have to
 24 be UCC. The device themselves, like the support line
 25 for the devices, which has been in place all this

1 time, since 2012, and been sold in Tennessee, just
 2 like the ones that you bought at Radio Shack or
 3 anywhere else. The reason that I don't think that
 4 that has a licensing requirement is because -- well,
 5 it's no longer the call-in Bosch support or ADL -- or
 6 DENFEL support or anything like that. If you call
 7 them, they are not licensed in Tennessee. If they
 8 are having a problem connecting or the monitoring is
 9 not working, I imagine their first call would be Hey,
 10 it's not working. Then it would be passed on.

11 MS. JONES: The reason I ask is, I have
 12 knowledge of a former employee that worked for a
 13 contractor and he -- for -- I am going to say 10,
 14 12 years. And they didn't get along. He wanted to
 15 take over the company and so forth. He goes to work
 16 for Lowe's. He's providing technical support for
 17 this system that you are selling. If they call in
 18 and say Hey, this isn't working. Why? Well, you
 19 should put it in the corner so you could -- he should
 20 be licensed. He's not. He was only a registered
 21 employee.

22 But he's got a badge because he didn't
 23 turn it in, and it doesn't have an expiration date on
 24 it. So he's running around with a badge at Lowe's.
 25 And Lowe's has investment in him because they really

1 don't understand that he's not an alarm contractor.
 2 They think because he's got that badge and his
 3 picture and no expiration date that he's good to go.
 4 MR. BEATY: I have no knowledge of this.
 5 Our support team is in Kansas.
 6 MS. JONES: Well, I mean, if I know that
 7 it's happening, other people know that it's happening
 8 and they know to call him. So everybody that
 9 purchases that system in that town, they say Oh, you
 10 need to call this Lowe's over here. They've got
 11 somebody in there sponsored by the state. He knows
 12 what he's doing. He'll come out and work on it for
 13 you. So after hours he goes out and works on it and
 14 he gets money.
 15 MR. BEATY: Does he charge?
 16 MS. JONES: Of course he does. Why would
 17 he go after hours?
 18 MR. BEATY: Does he charge as an
 19 individual?
 20 MS. JONES: Charges the individual that
 21 purchased the --
 22 MR. COCKROFT: That sounds like that's a
 23 separate issue.
 24 MS. JONES: Its something that could
 25 happen all the time. I mean, that's why I was

1 talking about siding, the people that put siding on.
 2 I didn't want to go here, but now I am here. You
 3 have people that do that, and you are going to have
 4 people that do this.
 5 MR. BEATY: Well, you know, I fought the
 6 whole DIY thing from day -- because I have been in
 7 the industry for 30 years. So, you know,
 8 professionals install alarm systems. That's why, you
 9 know, we have boards and that's why we do what we do.
 10 But times have changed. You put it on a Smart Phone.
 11 It's not being monitored. It's not -- you know, you
 12 install it yourself. We can't legislate too much.
 13 Now, anytime a police officer or fireman
 14 is dispatched, yes, we can legislate that. So I
 15 understand your concerns, and, you know, if you'd
 16 share a name, I could do something about it, since
 17 it's the company I work for. But the -- you know,
 18 people are going to break rules. We just have to
 19 catch them.
 20 MS. JONES: Exactly.
 21 MR. BEATY: Yeah, and, you know, so I
 22 don't disagree with that at all. Like I said, my
 23 purpose was to come down here and just make sure that
 24 we fit that piece because, you know, I agree that I
 25 think we should be licensed. I think we should be

1 licensed because we are selling a monitoring product
 2 even though we are selling it on-line and all that.
 3 MS. THOMAS: Kent, I'm sorry, Mr. Beaty,
 4 I don't mean to cut you off. To that point, I think
 5 his initial question is what classification should
 6 his company receive or apply for when they submit an
 7 application to the Alarm Board? And then there's a
 8 second component that I'm not sure if the Board has
 9 considered. This system, Mr. Beaty -- if I can ask
 10 you this -- is offered at all Lowe's locations? They
 11 can purchase this anywhere?
 12 MR. BEATY: Yeah, this is -- this system
 13 has been on the market since 2012.
 14 MS. THOMAS: And with the addition of the
 15 monitoring option, once that happens, I guess my
 16 question to the Board at that point is, once this
 17 company is licensed under whichever classification
 18 the Board decides, there has to be a qualifying
 19 agent. Does that need to be for every Lowe's
 20 location where this system is sold, or would that be
 21 for Iris Home Management solely? I think that's
 22 something else the Board needs to consider as well.
 23 MS. JONES: Well, Iris is the way it
 24 works for us. We have a different building and we
 25 are selling stuff. We have a different QA. So each

1 individual building storefront has to be licensed and
 2 has to have a QA. So that would mean many --
 3 MS. THOMAS: Right, and that's --
 4 MS. JONES: I mean, once you open this
 5 floodgate, it's hard to get the cattle back in once
 6 they get out.
 7 CHAIRPERSON HIXSON: But doesn't all the
 8 monitoring go to one central location, but Lowe's is
 9 putting their hands in the process to collect the
 10 billing?
 11 MR. BEATY: Yes. Basically since the
 12 decision was made to do the billing, they have
 13 inserted -- I say "they" because I was sitting on the
 14 UCC side. Because if they would have just left it
 15 with UCC, there's not an issue. Once they put their
 16 name on it, they want to bill it because they are
 17 billing now. Once they did that, it put them in that
 18 situation.
 19 Now, here's the way I look at it is,
 20 since you don't register at the store, you do it
 21 on-line, it's no different than Amazon or anything
 22 else. It's one entity. So -- and you guys can make
 23 the decision, but I am just saying that's my thought
 24 is, it's one entity, it's one monitoring center.
 25 MS. JONES: Okay. Many locations you can

1 buy it at.

2 CHAIRPERSON HIXSON: Do all of the
3 locations in Tennessee for your monitoring service,
4 does it all go to one address in Tennessee, or does
5 it go to individual Lowe's stores in Tennessee?

6 MR. BEATY: No, it goes to one address.

7 MR. ROBERTS: And where would that
8 address be at?

9 MR. BEATY: That address is actually in
10 North Carolina.

11 MS. JONES: They are selling it in every
12 store.

13 MR. ROBERTS: Okay. So here's the way I
14 would view that. You are selling a product over the
15 counter, you are exempt. That's clear from day one.
16 You sell the product. If it happens to be a motion
17 detector, it's no different from selling a hammer as
18 far as our board is concerned. If you are not
19 providing consulting services, if you are not going
20 out and doing some sort of installation, you are just
21 selling a product over the counter, you are exempt.
22 And that would apply to all of the Lowe's stores.

23 CHAIRPERSON HIXSON: Do the salespeople
24 in the individual stores where these do-it-yourself
25 systems are sold, do they sell the monitoring inside

1 the stores?

2 MR. BEATY: No. There was a discussion
3 at one point of doing a kiosk at the stores, but
4 that's not happening.

5 MR. COCKROFT: Will there be any in-store
6 like a display?

7 MR. BEATY: There's paperwork in the box
8 for the premium monitoring option, and the premium
9 monitoring option, by the way, which also is so
10 different, it's on demand. It's not even a contract.
11 I mean, as far as like a one-year contract or a
12 six-month contract or anything. It's on demand.

13 CHAIRPERSON HIXSON: So when they check
14 out of the store, when they go through the checkout
15 line and they buy this system, they don't purchase
16 monitoring on their way out the door?

17 MR. BEATY: No, they can't purchase it.
18 They have to go home or on-line --

19 CHAIRMAN HIXSON: It's done after the
20 fact outside the confines of Lowe's.

21 MR. COCKROFT: Why don't you walk us
22 through the whole process. You walk into the Lowe's
23 store and what happens?

24 MR. BEATY: You walk into the Lowe's
25 stores. You pick out what you needed, how many

1 contacts, how many motion detectors, whatever you
2 want if you want to put a camera on or whatever. You
3 go home and you install the system, and you register
4 it on-line. It's basically IP.

5 MR. COCKROFT: Doing it on your phone.

6 MR. BEATY: And you now have a -- you are
7 now monitoring it on your phone. So that's the basic
8 system. So it goes off when you are at work. You
9 get it up. You see the kids came home and tripped
10 the alarm. Everything is great. Now you go on
11 vacation. You decide that you want to -- well, you
12 don't know anybody in the neighborhood or something
13 like that. You don't have anybody to check on your
14 house if the alarm goes off. Where is that box at?

15 You pull it out and there's a little card
16 in there. You want to sign up for the premium
17 monitoring. You go on-line. You enroll. You go
18 through all of the whole thing. And that is
19 basically UCC managing that site.

20 And once that's done, there will be a
21 testing thing that has to happen to make sure signals
22 are going through. And once you do that, you'll get
23 a notification that your signals are being received
24 and you can actually see them through the portal.
25 Because like I said, what our team did is they

1 wrote to the API stages, so that basically you are
2 just looking at UCC's portal and you are seeing
3 basically what the dealer would see.

4 MR. COCKROFT: I mean, I think you are on
5 the right track. I commend you for coming forward
6 and thinking you need to be licensed. I just think
7 that we are a little different somewhere. I think
8 there's probably some more people in Lowe's
9 somewhere. Because UCC's got a problem with a
10 customer. This customer's irate or whatever, there's
11 some issue. They've got to have somebody even if
12 it's -- maybe you handle all of it, but they have to
13 have someone that they call and say Look, I can't go
14 anywhere with this customer. You need to handle it.
15 There's got to be someone.

16 MR. BEATY: Well, that's part of my job
17 is to make sure that the monitoring is what our
18 anticipation is, and make sure that -- you know, work
19 with the -- you know, initially it was to work with
20 the developers on the API and so forth. So any
21 issues that we have there, I have to make sure that
22 UCC is addressing that.

23 And I don't see that as our problem when
24 it's the monitoring. It's our problem as far as it's
25 our customer, but, you know, I have got to have the

1 monitoring company respond to why --
 2 MR. COCKROFT: There's got to be a "buck
 3 stops here" somewhere.
 4 CHAIRPERSON HIXSON: I'm sorry, are you
 5 talking about problems with the monitoring or are you
 6 talking about problems getting the system up and
 7 running?
 8 MS. JONES: Either/or.
 9 MR. COCKROFT: Both. Say the customer
 10 can't get the system -- typically the central station
 11 isn't going to do -- he may have something worked out
 12 to where they are going to do tech service for them.
 13 MR. BEATY: If they can't get the system
 14 running, we do have a support phone line.
 15 MR. COCKROFT: Whose employee is that?
 16 MR. BEATY: Do what?
 17 MS. JONES: Who?
 18 MR. COCKROFT: Who pays their paycheck?
 19 MR. BEATY: Lowe's.
 20 MR. COCKROFT: That person needs to be
 21 licensed. That needs to be a registered employee.
 22 MR. BEATY: Support for the DIY product?
 23 MS. JONES: Yes.
 24 MR. COCKROFT: Because that's who they
 25 are going to call when they can't get the -- get it

1 customer.
 2 MR. BEATY: Well, again, this is new. We
 3 are talking about something that's not really --
 4 otherwise, I wouldn't be here. It's new, so --
 5 MS. JONES: You need some licensing.
 6 MR. BEATY: Okay.
 7 MR. COCKROFT: And I think even the
 8 in-store stuff could be -- I think where Ken was
 9 eventually going -- I don't know. I don't want to
 10 speak for Ken, but some of the in-store could be
 11 borderline. If it's absolutely selling equipment,
 12 you are not selling monitoring, you are not promoting
 13 it, there is not a sign that says monitoring
 14 available, if it's all strictly you buy this box, you
 15 take it home and then Oh, I can get it monitored, and
 16 then call a number from there, and the store has
 17 nothing to do with it -- you ask a person in the
 18 store about how does monitoring work? And they say
 19 Oh, I don't know. You have to handle it on-line,
 20 that would be okay.
 21 But if they say Oh, well, you do X, Y, Z,
 22 and all this other stuff, they are selling it. They
 23 are selling that service. They are telling them
 24 about -- that's what selling is, is you know --
 25 MR. BEATY: Right.

1 connected monitoring-wise. I mean, unless -- all
 2 they are going to say is --
 3 CHAIRPERSON HIXSON: They are not calling
 4 Iris; they are calling Lowe's.
 5 MR. BEATY: Right. They are calling --
 6 well, Iris is Lowe's, right? It's just a DBA.
 7 CHAIRPERSON HIXSON: I know, but you are
 8 still calling Lowe's.
 9 MR. BEATY: Yeah, okay. You are calling
 10 Lowe's because you are having problems with the
 11 installation. But see, the way I look at it is, or
 12 the way I have always seen this is it's the same
 13 thing with Ademco. Ademco is not licensed in
 14 Tennessee and Bosch is not licensed in Tennessee,
 15 and --
 16 MR. COCKROFT: But they don't have access
 17 to the central station information.
 18 MR. BEATY: Yeah, separate things. You
 19 said if they had a problem with their installation.
 20 If they have a problem with their installation, who
 21 would they call?
 22 MS. JONES: No, the customer doesn't call
 23 Ademco and Shields and the supplier. The customer
 24 calls the alarm contractor, which is us, and we call
 25 our supplier. We would be calling Lowe's not the

1 MS. JONES: Every alarm contractor that
 2 has a business -- let's say I have a business in
 3 three towns -- for each town, even though I am
 4 Lowe's, or I am ABC Alarm Company, I have to have a
 5 QA for that storefront that's advertising, Hey, we've
 6 got monitoring, we've got alarm equipment, I would
 7 have to have three licensed individuals in those
 8 storefronts that people were able to walk in to and
 9 buy equipment.
 10 MR. BEATY: Okay. So as long as no one
 11 at the store or there's no advertising at the store
 12 out front advertising monitoring --
 13 MS. JONES: Then you can't have a support
 14 line or anything like that. You've just got to be
 15 able to sell them equipment and they are on their
 16 own. Then if they have trouble, they're going to
 17 call the alarm contractor.
 18 MR. BEATY: They have an 800 number in
 19 the box that shows --
 20 MS. JONES: They've got to be licensed.
 21 MR. ROBERTS: I am not sure I agree with
 22 that. I'm not sure I agree with that. They sell the
 23 product over the counter. They sell a box of parts.
 24 They are not doing any installation. They are not
 25 telling the customer how many motion detectors, how

1 many glass breaks or smoke detectors or whatever.
2 CHAIRPERSON HIXSON: Until it comes to
3 the monitoring.

4 MR. ROBERTS: And I guess I'm looking at
5 it from different aspects or different parts. In
6 terms of selling the product, they are not doing
7 anything other than what Radio Shack and others have
8 done or, for that matter, you can buy the parts over
9 the Internet. And so I see no requirement for Lowe's
10 licensing. I see no -- in terms of sales, I see no
11 requirement for the Lowe's store there in McMinnville
12 to have a qualified agent or registered employees or
13 any of that. You just sell the product over the
14 counter. And I would see this as clearly exempt
15 within our statutes.

16 Monitoring is a little different
17 situation. The fact that you have a licensed
18 monitoring company providing the monitoring services,
19 they are licensed, they have registered employees,
20 then that's good, and that's exactly the way it
21 should be.

22 Now, as to you and the group of people
23 that are identified as Iris and providing the
24 monitoring, and you are providing the branding for
25 that, that's kind of a gray area in my opinion. The

1 fact that you have come forward and will go through
2 the licensing process, have a qualifying agent and
3 registered folks, I think that is -- that would
4 eliminate any doubt in my mind. I think it's
5 probably a fairly limited number of employees. Maybe
6 a handful, I don't know. That, I think, would
7 eliminate any question in my mind that you are doing
8 what would be required at a minimum. I think you are
9 doing the right thing, but you know -- and it would
10 be in the monitoring category.

11 MR. BEATY: Right.

12 MR. ROBERTS: It's a bit of a gray area.

13 MR. BEATY: It is. And that's why I
14 came, because it is gray. This is new. There's
15 nothing in the legislation specifically for this, so
16 we are either going to have to work within it or, you
17 know, down the road --

18 MR. ROBERTS: And you are trying to work
19 within it, and I think it's the thing to do. I think
20 if you do that, you are doing the right thing.

21 MR. COCKROFT: Ken, what would be your
22 recommendation, though, from the standpoint of
23 selling monitoring in the store? I mean, you know
24 they are going to want something when they sell the
25 box.

1 MR. ROBERTS: If the box sells monitoring
2 available, fine. If the box says on the inside
3 monitoring available, so what? If it says it on the
4 outside, I don't care. If they put out a sign up
5 next to it, Monitoring Available, it's still the
6 customer's buying the parts. The customer's doing
7 the installation. The customer's actually hooking up
8 the monitoring on-line. I don't --

9 MS. JONES: And if it doesn't work, who
10 do they call?

11 MR. ROBERTS: If it doesn't work, they'd
12 probably take it back to the store and say, You know,
13 this doesn't work.

14 MS. JONES: No. Lowe's -- if you take
15 your hammer back and say There's something wrong with
16 this hammer, do they give you another one or -- they
17 don't make you buy another one. They've got somebody
18 there to help you.

19 MR. ROBERTS: You know, I personally hold
20 Lowe's in high regard. My dealings with them have
21 been excellent. We buy a fair amount of stuff from
22 Lowe's. That's aside from the issue at hand, but,
23 no, I think that if you -- if you are licensing in
24 the monitoring category, you are branding location
25 where you are doing your billing and all that, I

1 think it would be adequate in my opinion.

2 MR. BEATY: And one thing is -- and I get
3 your point, but the thing is, since 2012 they have
4 been selling this box and calling a support line, and
5 they haven't had a licensing requirement until the
6 monitoring came into play. And that's -- to me,
7 it's -- you know, I look at it like you guys. You
8 know, I am an industry person, and this is what I am
9 doing now. So I am supporting my company and trying
10 to help them to fit in within -- so when they want to
11 do this -- when Tennessee was a target state, I did
12 the same thing in Florida, is, I said, Well, hold on.
13 There's things you are going to have to do in
14 Tennessee. And this is -- and they hired a big
15 consulting firm, the one that's advertised in all the
16 trades, and they came up with their version. But
17 their version was is Oh, you can do it, and then no.

18 CHAIRPERSON HIXSON: How does the billing
19 work? Is it billed to your Lowe's card?

20 MR. BEATY: Right now when you bill, you
21 can do it -- putting a credit card on-line is the way
22 to do it. So you can use your Lowe's card. You can
23 use a VISA, Master Card, American Express, whatever.

24 MS. JONES: I'm sorry, I was telling --

25 MR. COCKROFT: I'll repeat what she was

1 saying so we --
 2 MS. JONES: I think so we -- I said, so
 3 we can sell parts to people. There is a lot of
 4 people that come say, I don't need you for my wiring,
 5 (inaudible), and we can mount the devices blah, blah,
 6 blah. I say, no, you can't do that. We've got to do
 7 it. So I ask him, so we can just sell parts to
 8 people and let them put it in theirself and not have
 9 to have a license?
 10 MR. COCKROFT: You could if you were just
 11 in the business of selling parts. You could have a
 12 store that was, you know, the alarm store.
 13 MS. JONES: I'd love to, but somebody is
 14 going to come back and say, This don't work, fix it.
 15 MR. COCKROFT: And you hand them a new
 16 one and they --
 17 MS. JONES: No. They say Come fix it.
 18 MR. COCKROFT: They say Come fix it, and
 19 you say I'm sorry, we don't have installation people.
 20 MS. VEST: What does Florida do, sir?
 21 Are you licensed in Florida?
 22 MR. BEATY: Licensed in Florida as an
 23 alarm contractor.
 24 MS. VEST: You are? Lowe's is?
 25 MR. BEATY: Yes, it's just an

1 alarm company --
 2 MS. VEST: What is the Board saying?
 3 Just Lowe's gets one license, one QA?
 4 MR. COCKROFT: I think we have a
 5 differing opinion --
 6 MR. ROBERTS: Registered employees in the
 7 monitoring category, and I think that would be
 8 sufficient. It would certainly satisfy what I would
 9 feel like would be appropriate.
 10 MR. BEATY: And the way I approached this
 11 was anyone that would have access to that portal
 12 within UCC that isn't a Lowe's employee would have to
 13 be licensed.
 14 MR. ROBERTS: That, to me, would meet the
 15 requirements, and that also -- in the monitoring
 16 category. And I think that would preclude somebody
 17 later on complaining Hey, Lowe's is providing
 18 monitoring services because of the Lowe's branding.
 19 And then you have got a license. There wouldn't be
 20 any questions. I think it would be sufficient.
 21 Do we need to put that in the form of a
 22 motion of some sort?
 23 MS. VEST: That registered -- excuse
 24 me -- that registered employee, where is the license
 25 going to go?

1 MR. COCKROFT: The license will go to
 2 wherever his -- location to him.
 3 MS. VEST: To North Carolina?
 4 MR. ROBERTS: Could be in North Carolina,
 5 yeah.
 6 MS. VEST: That's where the employee's
 7 going to be doing the monitoring, in North Carolina?
 8 MR. BEATY: That's where the billing will
 9 be coming from.
 10 MS. VEST: No, where is the person
 11 sitting that's doing the monitoring?
 12 MR. ROBERTS: That's UCC.
 13 MR. BEATY: It's contracted through UCC.
 14 MR. COCKROFT: And they are a licensed
 15 contractor already?
 16 MR. BEATY: Yes. But that's why I said
 17 the billing. I figured the billing would be --
 18 because the powers that be have insisted on branding
 19 that so --
 20 MR. ROBERTS: Let's put this in the form
 21 of a motion to kind of wrap it up, if you all are in
 22 agreement.
 23 MR. COCKROFT: I think we need to be
 24 pretty clear about the standpoint about the location,
 25 that there doesn't need to be any consulting or sales

1 at the site of the monitoring.
 2 MR. ROBERTS: Yes. Why don't we make a
 3 motion to the effect that based on the information
 4 presented, Lowe's is only selling the product over
 5 the counter at their stores, providing no direct
 6 monitoring service from the stores or consulting or
 7 installation from the stores. Therefore, the stores
 8 would not require licensing in any of the alarm
 9 categories.
 10 Secondly, that the company is providing
 11 monitoring services through a subcontractor in that
 12 location where the monitoring is being handled in
 13 terms of the billing process, which, based on what
 14 you have told us, is in North Carolina. We would
 15 have that entity licensed as an alarm contractor in
 16 the monitoring category, and they would need a
 17 qualifying agent, and the employees there would be
 18 registered employees. So that would -- if we accept
 19 that in the form of a motion, maybe that will settle
 20 this issue.
 21 MR. COCKROFT: Do you have something
 22 else?
 23 MS. JONES: I think they analyzed it.
 24 CHAIRPERSON HIXSON: I'm still hanging
 25 up. The billing doesn't go to, like, a Lowe's in

1 Concord, North Carolina. It would go to UCC in
 2 North Carolina, but Lowe's is --
 3 MR. BEATY: No, the billing -- basically
 4 UCC -- it's just like a dealer arrangement for an
 5 alarm contractor, a contract monitoring company,
 6 because that's what UCC is.
 7 MR. ROBERTS: Third party.
 8 MR. BEATY: Yeah, third party.
 9 CHAIRPERSON HIXSON: But you are
 10 paying -- I am paying my alarm systems contractor --
 11 MR. COCKROFT: You are paying Lowe's.
 12 MR. BEATY: You are paying Lowe's. If
 13 you go buy one today, which the premium monitoring is
 14 not offered in Tennessee right now, but if you went
 15 and bought one today, the basic package is like 9.95
 16 a month. Now, that's not monitoring. That's
 17 basically paying for the app, the connectivity to
 18 your home. But, you know, it's got the automation
 19 features too, where you can adjust your temperature
 20 and turn lights on and all that sort of stuff, just
 21 like the other one.
 22 But, you know, and that's the way it's
 23 been for years. It's just they are adding this one
 24 element. So the bill currently -- if you pay that
 25 bill today, it goes to Mooresville, Carolina, and the

1 only thing different with the premium monitoring is
 2 it would just also be paying for the premium
 3 monitoring. It's the same as it was. It's just that
 4 that's the element.
 5 MR. COCKROFT: And then UCC -- the
 6 third-party monitoring company invoices Lowe's for
 7 all of the customers involved.
 8 MR. BEATY: Exactly. Every time they
 9 enlist one, they just add that to their bill since
 10 it's on demand, it's not full-time. Because at
 11 full-time it's better to just go -- in my opinion,
 12 it's better to just go to an alarm contractor. The
 13 on demand thing, that's the marketing thing they went
 14 for here. The on demand, you only pay for it when
 15 you need it or you want it.
 16 MR. COCKROFT: Have you got a clear
 17 picture of that now?
 18 CHAIRPERSON HIXSON: Yeah. Yeah, okay.
 19 MS. JONES: UCC is not getting the money;
 20 Lowe's is.
 21 MR. ROBERTS: Right.
 22 CHAIRPERSON HIXSON: I know, but I think
 23 about -- I pay my licensed alarm contractor who I
 24 know he has limited -- you know, he has access to my
 25 billing information. My catch in this is when you

1 pay Lowe's for this, who's got access to the
 2 customer's billing information for the monitoring?
 3 Does that make sense?
 4 MR. ROBERTS: The Lowe's -- and I
 5 think --
 6 MR. BEATY: And they have --
 7 MR. ROBERTS: -- it would be the Lowe's
 8 center there in North Carolina.
 9 MR. BEATY: Right, just as they have now.
 10 CHAIRPERSON HIXSON: And you are going to
 11 register those people, correct?
 12 MR. BEATY: Register the people doing the
 13 billing?
 14 CHAIRPERSON HIXSON: That's -- yeah.
 15 MR. BEATY: Every --
 16 CHAIRPERSON HIXSON: That's got access to
 17 customer information.
 18 MR. BEATY: Customer information.
 19 CHAIRPERSON HIXSON: Am I out of line on
 20 this?
 21 MS. JONES: No.
 22 CHAIRPERSON HIXSON: Well, when we have
 23 billing for this, one of the key things is protection
 24 of the customer. And if you've got somebody that's
 25 got access to people's billing information for alarm

1 services, we don't pay John Q out here. It stays
 2 inside the system where we either pay our alarm
 3 system contractor, or you pay directly to the
 4 monitoring company, because you have got confidential
 5 information that's being passed along.
 6 MR. BEATY: And we do now. So -- you
 7 know, because -- that's the part -- that's the logic
 8 I am not following, is we have that information --
 9 that customer information now, but we are not
 10 required to --
 11 CHAIRPERSON HIXSON: But you are going
 12 into monitoring which makes it licensed required.
 13 MR. BEATY: Okay. So that's the reason
 14 that you are saying that.
 15 CHAIRPERSON HIXSON: Yeah.
 16 MR. BEATY: Okay. So if we limit it
 17 to --
 18 CHAIRPERSON HIXSON: If I pay \$10 to use
 19 an app, okay, but when you start entering into --
 20 like into monitoring, which is a licensed field,
 21 there's certain requirements that people involved in
 22 that process have to follow, which means --
 23 MR. BEATY: I understand. I understand.
 24 CHAIRPERSON HIXSON: You know, if UCC was
 25 a licensed monitoring company and the customers were

1 paying UCC directly, where everybody's registered in
 2 the monitoring post and all that, that's one thing.
 3 But you are circumventing and going through Lowe's,
 4 which gives them access to customer's confidential
 5 information. Am I correct, Ashley?
 6 MS. THOMAS: Yes.
 7 CHAIRPERSON HIXSON: Thank you.
 8 MR. BEATY: So if we throw the monitoring
 9 license in there, it wouldn't require that.
 10 Understanding, though, that that's still a small
 11 amount of people.
 12 MR. ROBERTS: Yes.
 13 MS. JONES: It doesn't matter if it's
 14 just one.
 15 MR. BEATY: Well, I understand. That's
 16 what I am saying. That's fine. I guess what I'm
 17 saying is it's doable.
 18 MS. JONES: Yeah.
 19 MR. COCKROFT: Well, that's why I wanted
 20 to understand if it was a large amount of people, and
 21 I figured it wasn't a large amount of people.
 22 MS. JONES: It's not now because it's
 23 new. It will be.
 24 MR. BEATY: No, no, it's still -- once
 25 you've registered --

1 legislation out there that actually covers it, so
 2 that it's outlined --
 3 CHAIRPERSON HIXSON: I think you are
 4 correct. You need to go as an alarm systems
 5 contractor for Lowe's in Tennessee, and anybody
 6 that's involved in the monitoring process needs to be
 7 licensed and registered, correct?
 8 MS. JONES: Who will be their QA if they
 9 have to have a license as a company?
 10 CHAIRPERSON HIXSON: Are you not
 11 qualified to be a QA?
 12 MS. JONES: Who's going to be their QA?
 13 MR. BEATY: I can.
 14 MR. ROBERTS: Does that sound like a
 15 doable process, Mr. Beaty?
 16 MR. BEATY: Yes.
 17 MR. ROBERTS: Does that seem unduly
 18 burdensome?
 19 MR. BEATY: It's a -- as long as we don't
 20 have to do each store or I have to get everybody at
 21 corporate, because that's where corporate is, yeah, I
 22 think we can do it, because I think I can limit it --
 23 MR. ROBERTS: I think we can go that
 24 route.
 25 CHAIRPERSON HIXSON: You've already got

1 MR. ROBERTS: Just get a larger computer.
 2 MR. BEATY: Yeah, exactly.
 3 MR. COCKROFT: It sounds like a lot of
 4 the content is it is going to be self-serviced.
 5 There won't be a lot of employees on Lowe's end of
 6 it.
 7 MR. BEATY: Yeah, it's pretty much
 8 automated.
 9 MS. JONES: There's another device out
 10 there. I don't know whether Lowe's sells it or not,
 11 but, I mean, it tells me when the -- it is lit up. I
 12 have a rental house and I've just got one small one
 13 in my house. It tells me when -- it tells me when
 14 the temperature goes up and down, when somebody opens
 15 the door. When somebody comes in, I can even push a
 16 button on my phone and talk to them. I did that
 17 once. I said, it's not your day to be working. They
 18 are just looking around. But they are going to get
 19 larger. You can put four of those devices on an app
 20 now, but when they go into monitoring, then they are
 21 going to have to step into this same home theory
 22 in --
 23 MR. BEATY: I'd recommend that -- like I
 24 said, everyone's going to try to fit in somewhere.
 25 It's either that or just, like I said, let's put some

1 it in Florida, correct? And I take it from the way
 2 you described it, it is very similar to what we are
 3 asking or telling you, you need to be in Tennessee,
 4 correct?
 5 MR. BEATY: Right, the test is just a lot
 6 tougher. That doesn't mean --
 7 CHAIRPERSON HIXSON: In Tennessee.
 8 MR. BEATY: -- that -- that don't mean
 9 that it don't make it right.
 10 MR. ROBERTS: Actually, it's the people
 11 he has to deal with; that's the problem. He was just
 12 too polite to say that.
 13 Do I need -- do we need to restate the
 14 motion or?
 15 CHAIRPERSON HIXSON: Based on the
 16 information that Lowe's is only selling
 17 over-the-counter equipment at stores, no monitoring,
 18 consulting or installation at individual stores,
 19 yeah, you should probably do so to make sure we cover
 20 on the monitoring part.
 21 MR. ROBERTS: I was afraid of that. You
 22 got the first part, that as long as there's not --
 23 they are selling a product over the counter in the
 24 stores, they are not providing installation, they are
 25 not providing consulting, they are just selling a

1 product, and therefore, there would be no licensing
2 required for those activities in the Lowe's stores.

3 The monitoring aspect of this is being
4 done by a licensed sub -- by a licensed third-party
5 monitoring center, so we have no issue with that.
6 Lowe's with their branding, wherever they are
7 located, whether it's North Carolina, wherever, would
8 be licensed in the monitoring category and alarm
9 contractor in the State of Tennessee, and they have
10 to have qualified agents, and the key people that
11 were involved with the monitoring and billing process
12 would be registered employees.

13 CHAIRPERSON HIXSON: Okay. Did you get
14 all that on the record? Do we have a second to Ken's
15 motion?

16 MR. COCKROFT: Second.

17 CHAIRPERSON HIXSON: And a second by
18 Mr. Cockroft. All in favor voice by saying aye.

19 THE BOARD: Aye.

20 CHAIRPERSON HIXSON: All opposed. The
21 motion carries.

22 MS. VEST: Okay. Let me ask that
23 question, sir. Lowe's was going to register Lowe's
24 home center doing business as Iris Small Home
25 Management?

1 MR. BEATY: Smart Home Management.

2 MS. VEST: Smart Home Management?

3 MR. BEATY: Yes.

4 MS. VEST: That would be their DBA.

5 MR. BEATY: Yes.

6 CHAIRPERSON HIXSON: For the State of
7 Tennessee.

8 MS. BELL: Thank you, Mr. Beaty.

9 CHAIRPERSON HIXSON: Do we have any more
10 appearances here?

11 MS. VEST: Yes, we do. Is Mr. Barnes
12 here? Okay. How about Mr. Fisher? You want to come
13 up, sir. You want to take just a real small short
14 break for the court reporter whose fingers are coming
15 off?

16 CHAIRPERSON HIXSON: Yes. Thank you.
17 (Short break.)

18 CHAIRPERSON HIXSON: Are either of our
19 appearances here?

20 MS. VEST: We have two appearances. It's
21 going to be Mr. Fisher and Mr. Warford, but
22 Mr. Fisher is first. That is Exhibit G. He wants
23 you to -- wait a minute. We are on the record now?

24 Yes, his application is for qualifying
25 agent, and he wants you to review his experience.

1 MR. FISHER: Good afternoon, Board.

2 Thank you for allowing me to speak. I have an
3 application in front of you for qualifying agent, and
4 in that application I listed my RCDD as the
5 industry-approved certification.

6 CHAIRPERSON HIXSON: Make sure you are
7 speaking directly into that.

8 MR. FISHER: Okay, better? I have listed
9 my RCDD as the industry-approved certification.

10 That's a BICSI certification, requires several years
11 of experience, to be exact, ten, several
12 recommendations from customers and previous employers
13 to get it. And the course of study for the exam
14 includes the NEC information from RL Laboratories,
15 TIAEIA, IEEE and --

16 THE REPORTER: I'm sorry, TRA what?

17 CHAIRPERSON HIXSON: Mr. Fisher, she's
18 the court reporter.

19 MR. FISHER: Right, I know.

20 CHAIRPERSON HIXSON: So when you say
21 "RCDD," will you please not use acronyms so that she
22 can figure out what you are talking about.

23 MR. FISHER: Okay. Ready?

24 CHAIRPERSON HIXSON: And speak slowly.

25 MR. FISHER: Registered Communications

1 Distribution Designer. That's issued by BICSI, which
2 is Building Industry Consulting Services
3 International. To receive that, the study materials
4 are the TDMMs, which is Telecommunications
5 Distribution Methods Manuals, the NEC, which is the
6 National Electrical Code, as well as codes and
7 standards from RL Laboratories, TIAEIA, which is
8 Telecom Industries Alliances and Electronics
9 Industries Alliances. And IEEE, which is Institute
10 of Electrical and Electronics Engineering.

11 So in order to receive that certificate,
12 I had to study those materials as well as have ten
13 years of experience. The qualifying agent
14 applications that I have in front of you are for CCTV
15 and burglar alarm. Specifically my experience is the
16 design and installation of surveillance systems and
17 access control systems. So not burglar alarms per
18 se, but access controls where you have a card swipe
19 to open a door or gate.

20 All of these systems now have gone to IP
21 standards, meaning they all run over traditional data
22 cabling for the most part. It's all low voltage.
23 And an RCDD certificate allows me to design and
24 approve the low voltage installations as per code.
25 So I am asking the Board to allow me to use that as

1 my approved certification.

2 MS. VEST: Sir, did you bring that with
3 you? I don't have that in your packet. I don't
4 think it's in the information they have.

5 MR. FISHER: Yes, ma'am, I do.

6 MS. BELL: That's not anything I'll have
7 to look at because we were reviewing his experience
8 because he hadn't submitted the training yet. But
9 that would take the place of the burglar alarm and
10 the CCTV training?

11 MR. FISHER: Yes, ma'am, and I did also
12 pass the Board tests.

13 MS. BELL: We have a copy of your exam
14 scores, but we never got your training certificate.
15 And we haven't been able to verify your experience
16 because you've never been registered in Tennessee
17 even though you've worked here for several years.

18 MR. FISHER: Most of my experience in the
19 State of Tennessee was with two fully certified
20 electrical contractors, so I was not required to be
21 registered.

22 MS. BELL: Except for the AT Net
23 Services.

24 MR. FISHER: With AT Net Services, I was
25 registered with the company that AT Net Services

1 purchased which was SDI Networks.

2 MS. BELL: I didn't find any record you
3 have ever been registered in Tennessee.

4 MR. FISHER: It was in 2008.

5 MS. BELL: Did you ever get your card
6 back?

7 MR. FISHER: I honestly don't remember.

8 MS. BELL: I don't think they ever
9 submitted it. I looked yesterday three times,
10 couldn't find you in the database.

11 MR. FISHER: Wouldn't necessarily
12 surprise me. I did fill out all the paperwork. I
13 filled out the forms for the background checks. I
14 did the fingerprints and I submitted it all to our
15 human resources. So it should have been filed, but
16 that it wasn't is not surprising. You do find that
17 SDI was a registered --

18 MS. BELL: The SDI was until they got
19 bought out.

20 MR. FISHER: Okay. Right.

21 MR. COCKROFT: I don't necessarily hold
22 it against you that they didn't turn the paperwork
23 in, but I am speaking for myself. But what all did
24 you do at the -- you have been at -- the experience
25 is what at Stanley? And is it A-1 or AT?

1 MR. FISHER: Staley and AT Net, I have
2 listed. And there's one other company that --
3 further back that I didn't list in the experience,
4 right.

5 MR. COCKROFT: Okay. Just briefly tell
6 us what you did at both of those places. Is that
7 what you were already describing, both the places,
8 doing data and camera, system design, access control?

9 MR. FISHER: Yes, sir. With SDI Networks
10 I was regional director of infrastructure and
11 security. My scope of work included designing,
12 speccing and designing the systems, and that was
13 systems --

14 CHAIRPERSON HIXSON: What systems?

15 MR. FISHER: Anything from voice data to
16 surveillance to access controls, audiovisual systems.
17 I also had sales responsibilities. So I had a
18 customer load and a quota that I had to meet, but
19 then I worked in the design aspect for the other
20 salespeople in the company. And then I would oversee
21 the project, project manage it to completion.

22 And then while at Staley, I was a project
23 manager at Staley. Most of the projects I did for
24 Staley were out of state. They are a national
25 contractor. They are licensed in 48 states. I would

1 design and oversee the projects. Most of those were
2 voice data, but there were several customers where I
3 installed surveillance cameras and access controls.

4 CHAIRPERSON HIXSON: But throughout all
5 your experience you have none with burglar alarms?

6 MR. FISHER: Not burglar alarms per se,
7 but access controls, which is -- according to my
8 understanding, I have to have -- AT Net has to have
9 the burglar alarm certification in order to sell
10 access controls. We don't sell burglar alarms.

11 MS. JONES: Are you going to have a
12 locksmith license and still access control?

13 MR. FISHER: Pardon me?

14 MS. JONES: You can have a locksmith
15 license and install access control also.

16 MR. FISHER: I saw that and I questioned
17 that. I think -- y'all might want to change that.

18 MS. BELL: Only for a single entry point.

19 MR. FISHER: It's an access control, so
20 it's a card swipe and a magnet that releases or --

21 MS. JONES: A locked door.

22 MR. FISHER: A locked door.

23 MR. COCKROFT: I didn't think the
24 locksmith covered a multi-door access --

25 MS. BELL: It doesn't cover integrated

1 access control at all.

2 MS. JONES: It says it on my license,
3 access control.

4 MS. VEST: I think we are getting off
5 topic here.

6 CHAIRPERSON HIXSON: I agree.

7 MR. ROBERTS: Cody or Beth, can you help
8 me identify the items that we are supposed to be
9 specifically reviewing here?

10 MS. BELL: Well --

11 MS. VEST: He's here to review his
12 experience.

13 MS. BELL: And we hadn't received his
14 training until today, and he wants to use the BICSI
15 training to replace the required national recognized
16 training in burglar alarm and CCTV, which we didn't
17 know until today.

18 MR. ROBERTS: I'm not familiar with the
19 BICSI training. Can you explain to me what that is?

20 MR. FISHER: Sure. BICSI is an
21 organization that maintains the codes and standards
22 for the communications infrastructure industry. So
23 BICSI is an acronym. It stands for Building Industry
24 Consulting Services International. In order to
25 receive the RCDD, you have to certify that you have

1 ten years' experience in the industry. You have to
2 have written letters from a previous employer, a
3 customer, and then a third that's just a general
4 written letter of recommendation. Mine was from a
5 distributing partner.

6 You study three three-ring binders that
7 are about yea thick. I studied for six months. You
8 also study the National Electrical Code and then
9 codes and standards from the other regulating bodies,
10 the TIA/EIA and IEEE. And then you sit for an exam.
11 It's about a four-hour exam. There's 150 questions
12 or so. If you pass, you pass. If you fail, they let
13 you know you failed and what your score was. So I
14 passed. They told me I passed.

15 MR. COCKROFT: Ken, I'm familiar with it.
16 It is fairly extensive and it's fairly common for the
17 data, but I think it would -- it definitely is a very
18 comprehensive training and certification on data
19 wiring and IP protocols.

20 CHAIRPERSON HIXSON: They are not burglar
21 alarms.

22 MR. COCKROFT: Everything that he's
23 installing, it's all -- so much of it is IP, I mean
24 camera systems, the access control. I personally
25 would think it would apply, you know, in his case.

1 Of course he's got a license that says he can also
2 install a burglar alarm. That's some of the -- he
3 don't really want that, but that's what he has to get
4 to do access control. My guess would be that he
5 probably has better knowledge than some alarm
6 installers on IP stuff. I would think it would be.

7 MR. ROBERTS: You would feel like then
8 that it is equivalent to a national training course?
9 Basically that's what you are telling me, is it not?

10 MR. COCKROFT: Yes.

11 MR. ROBERTS: Okay, okay. Again, since I
12 wasn't personally familiar with it, that's fine. I
13 just needed to kind of understand that.

14 MR. FISHER: In addition to the initial
15 training and taking of the exam, we have to maintain
16 continuing education on it as well. I have to get 45
17 continuing education hours every three years,
18 mandated that we attend the conference. They make us
19 keep up with changes in the industry.

20 MR. ROBERTS: I am well familiar with
21 credentials. I am just not familiar with that
22 particular one.

23 MR. FISHER: That's fine.

24 MR. ROBERTS: So if we are willing to
25 accept that as the training, then the question comes

1 down to the experience. And the certificates -- I am
2 trying to sort through this. The certificates we
3 have would indicate -- you are applying, what? --
4 for -- in the burglar alarm category, burglar alarm
5 closed circuit TV, those two categories?

6 MR. FISHER: Yes.

7 MR. ROBERTS: Would you help me identify
8 what your installation work has been in those
9 categories then?

10 MR. FISHER: Yes, sir.

11 MR. ROBERTS: I know you touched on it,
12 but I was reading at the same time.

13 MR. FISHER: I assume from what you all
14 are looking at that you have my QA application in
15 front of you, so it's Addendum A is my experience.
16 It's Part 2. I listed work while I was at Staley,
17 Incorporated. While there, I designed and installed
18 a security surveillance system and an access control
19 system at Tennessee Packaging, which was a -- they
20 make corrugated boxes. They are in Loudon,
21 Tennessee. It was seven doors and 25, 30 cameras.
22 Kirkland's Home Stores was a customer of
23 mine. They are headquartered in Jackson, Tennessee.
24 I did work for them all over the country, did about
25 80 new stores. So when they would build a new store,

1 they would put six cameras in the store. And I
2 didn't design that system, but I did oversee the
3 installation of all of those jobs.

4 While at SDI/AT Net -- and these were all
5 actually contracted and awarded to us when we were
6 SDI. I designed and installed a surveillance system
7 for the Hawkins County schools, seven schools and a
8 little over 300 cameras total. That was a fully
9 integrated IP system with servers at each site, new
10 cable and infrastructure, new cameras installed. The
11 North City Utility Board as a customer, we designed
12 and installed surveillance system and access controls
13 for them, 49 cameras and a dozen or so doors and a
14 couple of gates. So drive-up gate access where you
15 flash a card and the gate will open.

16 Letcher County Health Department, that's
17 in Kentucky, but I designed and installed
18 surveillance system and access control system for
19 them. Knox County Health Department, that's Knox
20 County, Kentucky, same thing, access control system
21 and surveillance. Both of those are small. Eight
22 cameras at one, 10 cameras at another, and four doors
23 at each of them, so smaller installations.

24 And then Johnson University which used to
25 be Johnson Bible College, we designed and

1 installed -- actually, we designed and installed and
2 then uninstalled an access control system. We were
3 the first company in the southeast to install Cisco's
4 access control system, and we were the first company
5 in the southeast to uninstall Cisco's new access
6 system, because it didn't work. That's what I have
7 listed. That's five of each them as was required per
8 the rule book.

9 MR. ROBERTS: Do we have any other
10 questions?

11 MR. COCKROFT: I don't have any other
12 questions. You?

13 MS. JONES: No.

14 MR. ROBERTS: Madam Chairman, I make a
15 motion we grant -- we grant Mr. Fisher's license as a
16 qualified agent in the burglar alarm closed circuit
17 television category.

18 MR. COCKROFT: Second.

19 CHAIRPERSON HIXSON: We have a motion by
20 Mr. Roberts, a second by Mr. Cockroft to grant
21 Mr. Fisher's QA license requested in the categories
22 of CCTV and burglar alarm installation. All in favor
23 voice by saying aye.

24 THE BOARD: Aye.

25 CHAIRPERSON HIXSON: All opposed. Motion

1 carries. Congratulations.

2 MR. FISHER: Thank you.

3 MS. BELL: Is his BICSI certificate still
4 up there?

5 MR. ROBERTS: Yes, it is here. I put it
6 up here where it would be out of the way.

7 MS. BELL: I need to make sure I've got
8 it to put it in your file.

9 MR. ROBERTS: She needs a copy of it.

10 MR. FISHER: You can have that one.

11 CHAIRPERSON HIXSON: Do we have another
12 appearance here?

13 MS. THOMAS: We do.

14 MS. VEST: Yes, we do. We have
15 Mr. Warford.

16 CHAIRPERSON HIXSON: Exhibit H.

17 MR. WARFORD: Hello. I go by Brian, if
18 that makes any difference, and I have some more
19 information for the Board. I've got seven copies.
20 How many would you like?

21 MS. VEST: We need five and then six, and
22 then we need one -- we need seven.

23 MR. WARFORD: I may need one of those to
24 reference myself.

25 MS. BELL: Okay. Mr. Warford is

1 Exhibit H.

2 MR. COCKROFT: There's a lot of stuff to
3 look over. We'll just take a minute to go through
4 everything.

5 MR. WARFORD: That's fine, take your
6 time.

7 MR. COCKROFT: So what are we looking at?
8 Is our main concern experience, qualified experience?

9 MS. VEST: Yes, I believe that's why he's
10 here. And you're going to take his unlicensed
11 activity as experience.

12 MS. BELL: Well, he has other experience,
13 but it's not exactly in alarms. It's in a variety --
14 it's similar.

15 MR. WARFORD: That's correct. I have
16 been working in the low voltage field with home
17 audio-type products since 1990. I was at Nicholson's
18 Hi-Fi, not far from here, for 16 years, where I did
19 design, sales and installation of all kinds of low
20 voltage systems.

21 MR. COCKROFT: What all kind of systems
22 did you do?

23 MR. WARFORD: At Nicholson's?

24 MR. COCKROFT: Uh-huh.

25 MR. WARFORD: Well, we distributed audio

1 and video, so whole house music, TVs in multiple
 2 locations. We did very large homes with complex
 3 lighting systems with computerized panels to control
 4 the lights throughout the house. We did touch
 5 screens where you can control the lights and the
 6 temperature and the music and tie all that together.
 7 So we did the highest levels of home automation that
 8 are available, and I have continued to do that since
 9 I established my company in 2007.

10 MR. ROBERTS: This license application is
 11 for security?

12 MR. WARFORD: Security and CCTV.

13 MR. ROBERTS: Do you have any sort of
 14 experience in the closed circuit TV installations?

15 MR. WARFORD: Yes. The large home that I
 16 list on this security, it's the first set of
 17 pictures. You can see the -- that's the gate control
 18 which I did not do, but there's two cameras built
 19 into the gate control, one of which you can see
 20 hanging down below it. There are six other cameras
 21 on that property that are, you know, just -- they are
 22 not Internet cameras; they have a local DVR.

23 You know, we started doing video
 24 doorbells back as early as the mid-'90s at
 25 Nicholson's, so I have been doing CCTV for a long

1 time. Not a whole lot on it, but for a long time.
 2 But more and more -- because of the Internet-based
 3 cameras like the gentleman was talking about before,
 4 more and more people are asking for it because it's
 5 not cost prohibitive like it used to be.

6 MR. COCKROFT: I would feel like the AV
 7 experience would come under the CCTV, would be
 8 comparable there. We do have the issue kind of a
 9 Catch-22 where we have got unlicensed activity being
 10 the experience required. I don't doubt that -- you
 11 know, that you can do the CCTV, and obviously you
 12 have done some alarm work.

13 MR. WARFORD: Right.

14 MR. COCKROFT: I think we are just kind
 15 of in a sticky situation as far as your experience.

16 MR. WARFORD: Sure, I understand that.
 17 And if I need to pay a fine or something for that
 18 unlicensed activity, I'll just say as a personal
 19 word, it was really interesting to me that I was able
 20 to go to local distributors and sign up to buy the
 21 equipment, that I was able to hook up with a central
 22 station company, that I was able to get an alarm dot
 23 com account. And nobody said, Do you have a license
 24 in --

25 MR. ROBERTS: You just have an honest

1 face.

2 MR. WARFORD: That's right. So I regret
 3 that I didn't have a license, and that's what I am
 4 trying to make right. And once I did realize that, I
 5 stopped marketing it, you know, until such time as I
 6 could get right with the state.

7 MR. ROBERTS: The fact that your
 8 experience was unlicensed experience doesn't negate
 9 the fact that it was experience. I personally, after
 10 looking at the documents presented here would feel
 11 like that Mr. Warford's experience would be adequate
 12 to meet the licensing requirements. Like I say, the
 13 fact that some of it was not licensed experience
 14 doesn't negate the fact that it was experience. The
 15 closed circuit TV experience is a little thin, but as
 16 Scott mentioned, I think it would probably be
 17 adequate.

18 So I would make a motion that we accept
 19 Mr. Warford's experience as meeting the requirements
 20 and that would -- there are other requirements that
 21 still have to be met in order for his license to be
 22 issued.

23 MR. WARFORD: Right. I need to take the
 24 courses and stuff.

25 MR. ROBERTS: But in terms of the

1 experience, I would feel like I could accept what he
 2 has presented as appropriate documentation.

3 So I make a motion that we consider
 4 Mr. Warford's experience as presented for the
 5 security alarm closed circuit television categories
 6 as adequate.

7 CHAIRPERSON HIXSON: We have a motion by
 8 Mr. Roberts. Do we have a second? Okay, we have no
 9 second.

10 MR. COCKROFT: Well, I would like to
 11 second -- and I guess for discussion, I am inclined
 12 to agree. I mean, I feel like the experience is
 13 adequate, but I guess I would like to discuss it, if
 14 we've got other thoughts on the Board.

15 CHAIRPERSON HIXSON: What are your
 16 thoughts?

17 MR. ROBERTS: This would not be directly
 18 granting his license. This would just be accepting
 19 his experience.

20 MS. BELL: He still has to have the
 21 training and pass the test. He's had one burglar
 22 alarm qualification course.

23 MR. WARFORD: I have a copy of it here,
 24 and then a copy should be in your packet. I passed
 25 the LERC on-line, one of the ones that was acceptable

1 to the State of Tennessee. You know, my next step,
2 after coming today where you guys to grant my
3 experience as adequate, would be to take the
4 state-recognized CCTV and security service courses,
5 and, of course, do my best to pass those before I
6 would do any other activity.

7 (Ms. Jones stepped outside the
8 boardroom.)

9 MS. VEST: There goes my quorum. We need
10 to hold on.

11 MR. ROBERTS: You still have a quorum
12 unless it's challenged.

13 MS. VEST: Okay.

14 MR. COCKROFT: Are we just waiting a
15 minute, I guess, until she comes back?

16 MR. ROBERTS: We have a motion and a
17 second.

18 CHAIRPERSON HIXSON: Okay.

19 MR. ROBERTS: Go ahead and vote on it.

20 CHAIRPERSON HIXSON: I was going to give
21 her a couple minutes to see if she's coming back.

22 MR. ROBERTS: Okay.

23 MR. COCKROFT: Is she just not feeling
24 well? She didn't have a problem with this, did she?

25 CHAIRPERSON HIXSON: Let's go ahead and

1 vote on Mr. Warford's -- it is Warford?

2 MR. WARFORD: Warford.

3 CHAIRPERSON HIXSON: Mr. Warford's
4 experience. Just experience only. He would still
5 have to --

6 MR. ROBERTS: Meet other requirements.

7 CHAIRPERSON HIXSON: -- meet all the
8 other requirements from the training as well as
9 testing in order to qualify for the qualifying agent
10 in CCTV and burg. All in favor voice by saying aye.

11 THE BOARD: Aye.

12 CHAIRPERSON HIXSON: Motion carries.

13 MR. WARFORD: Thank you very much.

14 CHAIRPERSON HIXSON: Thank you, sir, for
15 coming.

16 MR. COCKROFT: We appreciate you coming
17 forward and making an attempt to comply with license.
18 There probably will be -- you know, they will open a
19 complaint as far as the unlicensed. We can't really
20 address that today.

21 MR. WARFORD: I understand. Okay.

22 MR. COCKROFT: Don't take that
23 personally.

24 MR. WARFORD: I won't, not at all.

25 MR. ROBERTS: And you are doing the right

1 thing.

2 MR. WARFORD: I am trying. And, you
3 know, whatever I need to do to comply with the
4 complaint, I will do. This was -- adding into my
5 business was customer-driven. It was customers that
6 were frustrated with the big guys like ADT and
7 Comcast and AT&T that said, Can you help us? And I
8 just -- it's my personality that I just try to plunge
9 in and help people, especially when they are already
10 my customers. So that's -- it wasn't something that
11 I planned on; it just kind of happened.

12 MR. ROBERTS: Some companies are a little
13 more customer-oriented than others.

14 MR. WARFORD: That's correct. I am a
15 one-man shop and known for my customer service.
16 Thank you very much.

17 CHAIRPERSON HIXSON: Thank you.

18 MS. BELL: Thank you. Keep me posted.

19 Let's take a break and eat.

20 (Lunch break.)

21 CHAIRPERSON HIXSON: We are going to call
22 back to order this Thursday, October the 20th, 2016
23 meeting of the Tennessee Alarm Systems Contractors
24 Board. Ms. Vest, I am going to defer to you if you
25 want to go next.

1 MS. VEST: Thank you. Now, we do have
2 two other appearances that did not appear, obviously.
3 Did you want to look at their paper application or do
4 you want to wait --

5 MS. BELL: One of -- Barnes was supposed
6 to be here, the QA, and Vanhorn said he was coming,
7 but all we are looking at on him is his criminal
8 history.

9 MS. VEST: So we can go ahead and finish
10 up with these if you'd like before we go into mine.
11 So I think what we are going to take is Exhibit F.

12 CHAIRPERSON HIXSON: And this is for his
13 QA review?

14 MS. BELL: This is to review his degree.
15 He's trying to qualify with an associates degree and
16 four years of experience. I was finally able to
17 document enough experience, but his degree is a
18 little different. Actually, the law just says an
19 associates degree in engineering technology. It
20 doesn't really specify.

21 CHAIRPERSON HIXSON: His is in mechanical
22 engineering, I think.

23 MS. BELL: Which might be even more
24 appropriate than electrical engineering technology,
25 depending on what he's working on.

1 CHAIRPERSON HIXSON: So are we looking
2 just at the education and not the experience?
3 MS. BELL: His experience -- he's got at
4 least four years, which is all he needs with this
5 degree. He also has the training. And he's passed
6 the test, but his degree is just a little bit
7 different than what the statute says. And generally
8 we bring these to you guys. Unless it strictly and
9 straight up says electrical engineering technology,
10 we bring them for review.
11 MR. COCKROFT: I would make a motion that
12 we accept Mr. Barnes' mechanical engineering
13 technology degree for his requirements.
14 CHAIRPERSON HIXSON: Okay. We have a
15 motion by Mr. Cockroft. Do we have a second?
16 MR. ROBERTS: Second.
17 CHAIRPERSON HIXSON: And a second by
18 Mr. Roberts. All in favor voice by saying aye.
19 THE BOARD: Aye.
20 CHAIRPERSON HIXSON: All opposed? The
21 motion carries.
22 MS. VEST: All right. The next one we
23 are going to go to is H -- no, I'm sorry. It's I.
24 Anthony Vanhorn. This here, you are reviewing the
25 criminal record on Mr. Vanhorn.

1 CHAIRPERSON HIXSON: So in this case, he
2 has the experience and training. It's just his
3 criminal record we are looking at?
4 MS. BELL: Yeah. I finally got proof of
5 his experience enough yesterday not to have to worry
6 about that. He owns his own business in Kentucky and
7 has for years. And finally he got a letter from
8 Sentrynet documenting how long he's been operating
9 his own company, so I didn't need to bring that.
10 CHAIRPERSON HIXSON: What category is he?
11 MS. BELL: Burg and CCTV.
12 CHAIRPERSON HIXSON: Have you had a
13 chance to review it? You want to make a motion on
14 it?
15 MR. COCKROFT: I make a motion to
16 approve -- this is file 1961 -- approve his
17 application.
18 CHAIRPERSON HIXSON: Okay. Excuse me.
19 We have a motion by Mr. Cockroft. Do we have a
20 second?
21 MS. JONES: I second.
22 CHAIRPERSON HIXSON: We have a second by
23 Ms. Jones to approve file number 1961. All in favor
24 voice by saying aye.
25 THE BOARD: Aye.

1 CHAIRPERSON HIXSON: All opposed. The
2 motion carries.
3 MS. VEST: Good. Thank you. Now we'll
4 go to Exhibit I.
5 MS. BELL: What about B, C and D?
6 MR. ROBERTS: That was Exhibit I.
7 MS. VEST: I'm sorry.
8 MR. COCKROFT: I think it's labeled
9 different in different places.
10 CHAIRPERSON HIXSON: It's I on all of
11 mine.
12 MR. COCKROFT: Okay. I saw F on the
13 filing.
14 CHAIRPERSON HIXSON: So we have --
15 MS. VEST: I think now we are at my point
16 in this.
17 CHAIRPERSON HIXSON: So you want to go to
18 yours instead of the employee? Okay.
19 MS. VEST: If you don't mind, we are
20 going to go to Exhibit B, which is the disciplinary
21 action report. This form -- I don't know if I
22 presented it to you the last time like this. It is
23 somewhat different from the old form that we used.
24 Disciplinary action for all guests, you did not have
25 any. September, you did not have any activity, but

1 you can look at the -- you can look at the form and
2 see the other programs do.
3 We can go to Exhibit C. Of course, if
4 you have any questions, please ask me. Exhibit C is
5 your monthly report for the month of August and
6 through September. This is a report that I furnish
7 every month to the Assistant Commissioner's Office,
8 tells what we have been doing in the office. Your
9 program still has Karen Jones and McKenzie Roberts.
10 These Board members continue to serve until
11 reappointed or another appointment has been made,
12 because both terms expired 12-31-15.
13 On September the 21st through September
14 the 23rd, Beth Bell and I went to the Tennessee
15 Electronic Security Association. We had a booth and
16 we did a presentation.
17 MR. ROBERTS: An excellent presentation,
18 I would add.
19 MS. VEST: Thank you.
20 MS. BELL: Thank you.
21 MS. VEST: We appreciate that. It was a
22 good turnout. We really enjoyed it. And out of that
23 did come some other -- something else. We are going
24 to -- for security personnel, security guards and
25 trainers and companies -- have a seminar on November

1 the 9th. It's to help individuals know how to
2 navigate our new computer system, our on-line
3 applications, the renewals, their electronic
4 fingerprinting, the changes we want to make in the
5 applications. All that's going to be done in the
6 seminar in different parts of the state.

7 What came out of this one -- we went up
8 there for that -- was that I was asked perhaps we
9 could do that for some of the alarm and company's
10 actual employees that work on the applications or
11 hire the individuals. You might have a compliance
12 person that does that. So Beth and I will be working
13 on having another seminar just based on the alarm
14 industry later, probably after next year -- after
15 this year, excuse me. Next year is 2017.

16 MS. BELL: But I already have people
17 calling me wanting to know when it's going to be.

18 MS. VEST: Well, we have not set that up
19 yet. We are doing it one at a time. So we are
20 really excited about that, that they are really
21 interested enough to listen to us talk again. And
22 actually, like Paul Hartbarger had said earlier, if
23 you go out on this website, you can click on the
24 little video that they did. It's very, very helpful.

25 Okay. So if you don't have any questions

1 about that, we'll just move on to Exhibit D, my
2 budget review. Excuse me. This is a new form and
3 new way that we are doing this as well. You are
4 going to be given this sheet that says Alarm
5 Surplus/Deficit, Fiscal Year Ending in July -- or
6 begins in July 2016 and ends in June 2017, and each
7 month they are going to be able now to break down
8 your revenue versus your expenses.

9 MS. BELL: I have this one up on the
10 screen if it will be easier for y'all to see it that
11 way.

12 MS. VEST: All right. So let's don't --
13 we really don't want to get too alarmed on what we
14 see, because this is for the whole year. So each
15 month is going to be somewhat of a variance there
16 because right now it's showing that you are in a
17 deficit of \$7,617 -- no, 7,617.

18 MS. BELL: It was dollars.

19 MS. VEST: Okay. But the month before
20 you had 21,862, so as the month goes, you have --
21 you'll be in a negative or in a plus. I am not
22 really concerned about that. This program has
23 already had enough moneys that they are
24 self-sufficient, but you can see it breaks down your
25 expenses. It has never been able to do that before,

1 where we go for the edits and expenses of our
2 computer.

3 Administrative cost backs -- that's for
4 our office and the Assistant Commissioner, the
5 commissioner, whomever else that includes. Now we
6 have how much your attorney sitting next to me costs.
7 Legal cost backs.

8 MR. ROBERTS: Wow.

9 CHAIRPERSON HIXSON: Why is there such a
10 great difference between July and August? Is that
11 cumulative or is that --

12 MS. VEST: It's supposed to be actually
13 what is charged per each month. If you have
14 investigations that you have to have for these
15 complaints -- this is what we were talking about
16 earlier this morning about, that 70. It will be a
17 terrible expense on this program if we kept that up.

18 CHAIRPERSON HIXSON: Okay.

19 MS. VEST: You have your investigation
20 costs. Field enforcement, I don't believe we have
21 any of that. In the customer service center is a new
22 telephone system, the Zendesk. We have one person
23 that is designated in our office seven and a half
24 hours a day to answer the telephone for all our
25 programs. And they do have it -- several people that

1 answer the phone in customer service as well.

2 I do not have any legislative update to
3 bring to you. That was next on the agenda there, but
4 I don't -- there has not been any. So if you don't
5 have any questions, I believe we'll just go down to
6 the alarm employee application review if you'd like.

7 CHAIRPERSON HIXSON: Okay.

8 MS. VEST: And I believe we can start
9 with J. We are going to review his criminal record,
10 this gentleman's criminal record.

11 This gentleman was convicted of
12 disorderly conduct on 10-23 of '16. February 23rd of
13 '07, it was criminal intent, theft of property.
14 Aggravated robbery was reduced down to a lesser
15 offense of attempted aggravated burglary, amended to
16 simple assault. And it's a nine-year-old charge. He
17 does tell you on his application a couple of these.

18 Okay, I am going to make a correction to this.

19 The first thing I said, it should have
20 been 10-23-05 instead of '16. Since it's only nine
21 years old, I wasn't able to approve it in the office.
22 He does have the written explanations included. And
23 then you do have -- there's actually just a master
24 output. It's a printout from the computer -- about
25 his charges and his convictions.

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1 MR. ROBERTS: Madam Chairman, I make a
2 motion that we do not grant this application as a
3 registered employee.
4 CHAIRPERSON HIXSON: We have a motion by
5 Mr. Roberts to deny this registered employee
6 application. Do we have a second?
7 MS. JONES: I second.
8 CHAIRPERSON HIXSON: And a second by
9 Ms. Jones.
10 MS. BELL: Under what grounds?
11 MR. ROBERTS: The extensive criminal
12 history.
13 MS. BELL: So it would be under the poor
14 moral character clause.
15 THE REPORTER: The what?
16 MS. BELL: Poor moral character.
17 CHAIRPERSON HIXSON: We have a motion by
18 Mr. Roberts, a second by Ms. Jones. All in favor
19 voice by saying aye.
20 THE BOARD: Aye.
21 CHAIRPERSON HIXSON: All opposed. The
22 application's denied.
23 MS. VEST: All right. Thank you. Now
24 we'll go to K. This individual here, November the
25 18th of 2000 had a DUI, was guilty, got 12 months'

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1 probation; 8-8 of 2009, a DUI, guilty, 12 months'
2 probation; 5-20-14, a DUI, amended to non-finger
3 printable criminal charge, 6-25-16, a DUI. He did
4 not provide any written explanations.
5 MR. COCKROFT: What is the applicant?
6 CHAIRPERSON HIXSON: K.
7 MS. BELL: K.
8 MR. ROBERTS: Madam Chairman, I make a
9 motion we grant this application.
10 CHAIRPERSON HIXSON: We have a motion by
11 Mr. Roberts. Do we have a second?
12 Okay. The motion fails for lack of a
13 second. Do we have another motion? We need a
14 motion, folks.
15 MS. VEST: I think you need a second.
16 MS. THOMAS: No, it died.
17 MS. VEST: Okay. It died for lack of a
18 second. Sorry, I didn't hear that.
19 CHAIRPERSON HIXSON: We need a motion.
20 MR. COCKROFT: I feel like it would be in
21 order to ask the person to come appear before the
22 Board. It's very recent, this charge.
23 CHAIRPERSON HIXSON: Are you putting that
24 in the form of a motion?
25 MR. ROBERTS: Where is -- where does the

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1 gentleman live, do we know?
2 MS. BELL: Chattanooga.
3 CHAIRPERSON HIXSON: And most of his
4 arrests have been in North Georgia, Middle Georgia.
5 MS. BELL: He might live in Georgia.
6 CHAIRPERSON HIXSON: Yeah, he's in
7 LaFayette, Georgia.
8 MS. BELL: Yeah.
9 CHAIRPERSON HIXSON: Okay. Are you going
10 to make that into the form of a motion to have him
11 appear?
12 MR. COCKROFT: Yes. I'll make a motion
13 to ask Mr. Fowlkes to come appear before the Board at
14 the next meeting.
15 MS. BELL: With his DQA?
16 MR. COCKROFT: Yes.
17 CHAIRPERSON HIXSON: Okay. We have a
18 motion by Mr. Cockcroft to require Exhibit K and his
19 DQA to appear before the Board. Do we have a second?
20 I'll second it. All in favor voice by
21 saying aye.
22 THE BOARD: Aye by Mr. Cockcroft and
23 Ms. Jones.
24 CHAIRPERSON HIXSON: All opposed? Are
25 you going to vote?

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1 MS. BELL: Does that mean you abstain?
2 MR. ROBERTS: It just means I didn't
3 vote.
4 MS. VEST: Moving right along. Did the
5 motion carry?
6 CHAIRPERSON HIXSON: Yes, ma'am, it did.
7 MS. VEST: Moving right along to the next
8 one. It's going to be L.
9 Vehicular theft, guilty, three years'
10 probation; 7-17-1999, he was held for a Colorado
11 charge for a bad check, and they classified it as a
12 felony. On 3-22-2007, unlawful carrying of a weapon,
13 got community service and he was discharged.
14 MR. COCKROFT: I'll make a motion to
15 approve file 35394.
16 CHAIRPERSON HIXSON: Okay. We have a
17 motion by Mr. Cockcroft to approve Exhibit L. Do we
18 have a second?
19 MR. ROBERTS: Second.
20 CHAIRPERSON HIXSON: And a second by
21 Mr. Roberts. All in favor voice by saying aye.
22 THE BOARD: Aye.
23 CHAIRPERSON HIXSON: All opposed? The
24 motion carries.
25 MS. VEST: All right, thank you. Now we

1 will move down to the last one, which will be M. We
2 do have a written explanation on this one. On
3 9-3-2003, forgery, guilty. Receiving stolen property
4 was nolle and bad checks. There were seven checks so
5 that you got for forgery, you got pretrial diversion,
6 and it is over ten years old.

7 MR. ROBERTS: Madam Chair, I make a
8 motion that we grant this application.

9 CHAIRPERSON HIXSON: We have a motion by
10 Mr. Roberts to grant Exhibit M, registered employee
11 application. Do we have a second?

12 I'll second it. All in favor voice by
13 saying aye.

14 THE BOARD: Aye.

15 CHAIRPERSON HIXSON: All opposed. The
16 motion carries.

17 MS. VEST: All right. Thank you. Now I
18 believe we can move on down to the alarm employee
19 application review.

20 MS. BELL: We just finished that.

21 MS. VEST: I'm sorry. I am just all over
22 the place here. I guess we are down to the
23 education, which would be Ms. Beth.

24 MS. BELL: I know I've sent everything to
25 Karen, Keith, Ken, and Scott. Did anybody review? I

1 know Karen told me she had been in the hospital and
2 she didn't look at any of it.

3 MR. COCKROFT: I looked through all of
4 them. The concerns are the ones that are the
5 nonproctored qualifying course for burglary alarm
6 qualification, fire alarm qualification.

7 MS. BELL: Again, they are not proctored,
8 period.

9 MR. COCKROFT: And they have been
10 approved prior --

11 MS. BELL: They have been approved for
12 years but --

13 CHAIRPERSON HIXSON: Beth, your mic is
14 not kicking up.

15 MS. BELL: Sorry. That's probably
16 because I am not speaking into it.

17 They have been approved. I believe they
18 were initially approved -- I want to think it's been
19 at least eight or nine years ago. I think maybe '06.

20 MR. COCKROFT: All the continuing ed
21 looks fine to me. That's my only concern. I think
22 if we have to make a decision as a Board, do we want
23 proctored exams or not, or do we want -- we accept it
24 simply with a video proctor?

25 MS. BELL: We haven't, and I think I have

1 seen one certificate for that course. And it wasn't
2 for a qualifying agent; it was for an employee
3 training. Most of the certificates we get in are for
4 either the NTS courses which they held and have a new
5 proctor that's an on-line, kind of a machine that
6 proctors use, and you have to -- you have to be --
7 you have to be at your computer. It randomly comes
8 to see who's sitting at the computer taking the
9 class. I think they just moved to that in the last
10 month. And then the Elite CEU qualifying education
11 courses, they actually have to go to PSI and take a
12 test to complete it. These are the only
13 qualification courses I am aware of that we have on
14 our list right now that are not proctored.

15 MR. ROBERTS: Let's take these one at a
16 time if we could. I went through all of these
17 courses very carefully and have some issues with some
18 of them.

19 MS. BELL: Well, I really think what
20 Grant did was go back to exactly what he had sent us
21 the last time they got renewed, which would have
22 been --

23 MR. ROBERTS: Some of these were just
24 junk.

25 MS. BELL: Yeah.

1 MR. ROBERTS: Let's look at them one at a
2 time if you don't mind. First of all, the Sentrynet
3 course for two hours of continuing education titled
4 Beyond the Signal, I thought that was fine and would
5 recommend that it be approved for two hours'
6 continuing education. The -- looking at the LERC
7 courses, they vary tremendously. The -- let me see
8 if I can put these in some sort of order.

9 The Tennessee Fire Alarm Qualification
10 course, they are requesting -- well, they submitted
11 them two different ways. They submitted them as a
12 group. The course that's listed is Tennessee Fire
13 Alarm Qualification course. Apparently it comprises
14 three separate sections.

15 MS. BELL: Part 1, 2 and 3.

16 MR. ROBERTS: Yeah, Part 1, 2 and 3.

17 They are apparently asking that the combination of
18 the three be suitable for initial application,
19 although they didn't check that on the application.
20 Let me take a look at the courses themselves. Give
21 me just a minute here to get this organized.

22 All right. The Tennessee Fire Alarms
23 course Part 1, they made an application for it to be
24 continuing education, eight hours. Now, there was
25 just not enough material presented with the

1 application to assess whether or not it is -- would
 2 be suitable for eight hours of continuing education.
 3 The second page there, they listed -- they give
 4 you -- there are all sorts of errors in this thing.
 5 For example, I am looking at the second
 6 page dated October -- 1 October '16, they make
 7 reference to the NFPA70, 2015. There wasn't an
 8 NFPA70, 2015. There was one in 2014. So, you know,
 9 just the application in itself has an error built
 10 into it. That is just -- but that was not sufficient
 11 information to judge whether that would be good for
 12 eight hours' continuing education. So I could not
 13 recommend that that be with -- I could not recommend
 14 that it be approved because I don't have enough
 15 information to judge.

16 MR. COCKROFT: I would agree. I think
 17 they are not eight hours for any of those.

18 MR. ROBERTS: Well, again, I just
 19 didn't -- there wasn't enough material presented to
 20 judge even if it's just continuing education.

21 CHAIRPERSON HIXSON: So does that apply
 22 to 1, 2 and 3?

23 MR. ROBERTS: Yes.

24 MR. COCKROFT: They are all requesting
 25 eight hours. I don't think any of them --

1 MR. ROBERTS: They are requesting eight
 2 hours of continuing education, and there is just not
 3 enough material submitted to be able to judge. And
 4 so I could not recommend that they be approved based
 5 on the information presented.

6 MS. BELL: What about the access control
 7 basics?

8 MR. ROBERTS: Well, let me move to those
 9 if you would. Let me look at the Tennessee
 10 Fiberoptics. Tennessee Fiberoptics Basics, Part 1.
 11 That would be -- they are requesting four hours of
 12 continuing education, and I feel like that would be
 13 appropriate. So I would recommend that it be
 14 approved for that.

15 On the other hand, the materials
 16 submitted for the Tennessee Fiberoptics Basics,
 17 Part 2, where they are requesting eight hours of
 18 continuing education, the materials submitted with
 19 that was identical to Part 1.

20 CHAIRPERSON HIXSON: Now, the list that
 21 we have on the iPad says eight hours for each of
 22 those.

23 MR. ROBERTS: Well, the application that
 24 I have and printed off says four hours' continuing
 25 education for Basics, Part 1, and that would be

1 reasonable.

2 CHAIRPERSON HIXSON: So Basics, Part 1 is
 3 for four hours?

4 MR. ROBERTS: Yeah. The Basics, Part 2
 5 material was identical to Part 1, word for word. So
 6 I could not recommend that that be approved because
 7 the materials submitted just doesn't match what they
 8 are asking for.

9 If I may move on. The Tennessee Data
 10 Telco Standards, they are asking for eight hours of
 11 continuing education. I do not see that that course
 12 could possibly be worth eight hours of continuing
 13 education. Four hours, perhaps. So I would
 14 recommend that it could be approved for four hours,
 15 not eight. No matter whether you looked at that or
 16 not, Scott, do you have an opinion on that one?

17 MR. COCKROFT: I looked at all of them.
 18 I didn't notice that -- I was going -- Part 1 and
 19 Part 2 were the same. I was going back to look at
 20 what I had was the same on both of them. I don't
 21 think that any of them are eight hours worth of
 22 training. I was okay with all the classes, the
 23 courses themselves. I do think they are applicable
 24 to the industry and to the work being done. If you
 25 think there's errors in the fire alarm, I'll default

1 to you on that.

2 MR. ROBERTS: Let me move on. The
 3 Limited Energy Calculations Basics, they are
 4 requesting eight hours of continuing education. I
 5 cannot see that material presented would be worth
 6 eight hours of continuing education, four hours at
 7 best. And I consider the course very marginal. So I
 8 would recommend that that be approved for no more
 9 than four hours of continuing education.

10 The Tennessee Access Control Basics
 11 course, they are requesting continuing education,
 12 okay. They are requesting eight hours of continuing
 13 education. I can accept that. However, on Page 4
 14 and Page 8, the spelling of "summary" should be
 15 corrected. They have misspelled it in both places.

16 CHAIRPERSON HIXSON: So you are okay for
 17 the recommendation on the access control?

18 MR. ROBERTS: Eight hours of continuing
 19 education, yes.

20 CHAIRPERSON HIXSON: Okay.

21 MR. ROBERTS: Now, the remaining
 22 courses -- I have just one remaining course, is the
 23 Tennessee Burg Qualification course. That is one
 24 where they are --

25 MS. BELL: Combining three of the

1 eight-hour courses.

2 MR. ROBERTS: Yeah. They are applying --
3 it's a bit confusing. They are applying for 24 hours
4 and I assume initial application.

5 MS. BELL: Yes.

6 MR. ROBERTS: They are wanting to renew
7 the course. They misspelled the word "summary" on
8 Page 7. I can accept that as an initial
9 qualification course, although I think we need to get
10 back to the discussion as to whether or not the
11 course should be proctored to ensure that the person
12 taking the course is actually the one that is taking
13 the examination.

14 MS. BELL: All right. So the
15 recommendation on some of these is to only approve
16 for four hours?

17 MR. ROBERTS: Yes, that's correct.

18 MS. BELL: Okay. Now on the fire --

19 MR. ROBERTS: And continuing education.

20 MS. BELL: This is just continuing
21 education right now.

22 MR. ROBERTS: Right.

23 MS. BELL: On the Fire Alarms, Part 1, 2
24 and 3, I have got my notes that you don't think
25 there's enough material --

1 MR. ROBERTS: That was not enough
2 material to judge the quality of the course on that.

3 MS. BELL: So we are just not even going
4 to review that because they didn't send enough
5 material?

6 MR. ROBERTS: That's correct.

7 MS. BELL: Okay. That's rejected. On
8 the Access Control Basics, there's not eight hours of
9 material. Do you have a recommendation on the number
10 of hours we can approve that for?

11 CHAIRPERSON HIXSON: He said he approved
12 it for eight hours.

13 MS. BELL: They'll take it for eight.

14 Limited Energy Calculations, the recommendation is we
15 approve it for four hours of continuing ed?

16 MR. ROBERTS: Four hours of continuing
17 education, yes, that's correct.

18 MS. BELL: Data/Telecommunications, to
19 approve that for four hours?

20 MR. ROBERTS: Yes.

21 MS. BELL: All right. And then on the
22 Fiberoptic Basics, Part 1 --

23 MR. ROBERTS: It would be approved for
24 four hours.

25 MS. BELL: Four hours of continuing ed

1 only. And Fiberoptics Basics, Part 2?

2 MR. ROBERTS: It would be rejected.

3 MS. BELL: Completely?

4 MR. ROBERTS: Yeah, the material is the
5 same as Part 1.

6 MS. BELL: Okay.

7 MR. COCKROFT: When I looked at them,
8 there was a different outline in the beginning. It's
9 covering -- there's only so much you can cover in
10 fiberoptic splicing and everything else.

11 MS. BELL: Well, do you think -- I mean,
12 again, you could either reject it or -- and he can
13 resubmit it.

14 MR. ROBERTS: I was thoroughly
15 unimpressed with the quality of his presentations.

16 MS. BELL: Okay. So we've got -- we are
17 at the very bottom now. We are ready for the
18 qualification courses. Do we want to hold on to
19 those until he resubmits the other stuff? If they
20 are a combination of these courses and you won't
21 approve them for continuing ed, I can't even consider
22 them for qualifying education.

23 MR. ROBERTS: Right.

24 CHAIRPERSON HIXSON: And the issue of
25 them not being proctored.

1 MS. BELL: Well, y'all haven't made a
2 ruling on that. I have warned him that this could
3 happen, but -- I mean, it --

4 CHAIRPERSON HIXSON: Also, did you get
5 the Beyond the Signal at the top for two hours?

6 MS. BELL: Ken recommended that's okay
7 for two hours.

8 MR. ROBERTS: Yes. Yes.

9 CHAIRPERSON HIXSON: Yes.

10 MS. BELL: Okay. So we are not even
11 going to consider the qualification courses until
12 everything gets resubmitted?

13 MR. ROBERTS: Correct.

14 MS. BELL: Are we going to make a
15 decision about proctored -- being proctored or not?

16 MR. ROBERTS: Well, maybe we -- do we
17 want to take that as one consideration or do we want
18 to break that out?

19 MS. BELL: Well, that's two different
20 things, other than I hate to reject it, because it's
21 not enough material and then turn around at the next
22 meeting and tell him we've decided not to accept it
23 because it's not proctored.

24 MR. ROBERTS: Good point. What do the
25 rest of you think?

1 CHAIRPERSON HIXSON: I agree with what
2 Beth said. I hate to approve it and then come back
3 and tell him no, because it's not proctored.

4 MR. COCKROFT: I think they should be
5 proctored. I think there should be some form. We
6 were probably stretching the bounds with video
7 proctor.

8 MR. ROBERTS: Well, are we talking about
9 the continuing education being proctored?

10 MS. BELL: No.

11 MR. ROBERTS: You're just talking about
12 the initial application being proctored.

13 MR. COCKROFT: Right.

14 MR. ROBERTS: I agree with that. So we
15 could approve then the courses that were submitted
16 for continuing education.

17 MS. BELL: That had the items that we
18 could review.

19 MR. ROBERTS: That had the items we could
20 review, but because I -- you know, they were okay,
21 maybe at best. Like I said, I was thoroughly
22 unimpressed with the quality of the materials.

23 MR. COCKROFT: Is it an on-line course?

24 MS. BELL: Yes.

25 MR. COCKROFT: So we aren't entirely

1 motion that we are not going to accept qualifying
2 education courses unless they are proctored from
3 hence now forward or --

4 MR. ROBERTS: Well, first of all, I make
5 a motion that we accept the courses that I have
6 outlined for continuing education.

7 MR. COCKROFT: Second.

8 MR. ROBERTS: I don't want to go through
9 that list again.

10 CHAIRPERSON HIXSON: Have you -- Jenny,
11 did you get that?

12 Okay. We have a motion by Mr. Roberts, a
13 second by Mr. Cockroft to accept the list with the
14 modifications that have been read into the record.
15 All in favor voice by saying aye.

16 THE BOARD: Aye.

17 CHAIRPERSON HIXSON: All opposed? So
18 that part is taken care of. Now we are moving to the
19 issue of the initial application.

20 MR. ROBERTS: I think we are undermining
21 the entire process of requiring education for our
22 qualifying agents if we do not require that the
23 courses be proctored in some fashion. And that would
24 be my opinion. And I am not -- I don't want to try
25 to get into detailing how they should be proctored,

1 seeing it as it's presented, I guess.

2 MS. BELL: I don't think -- I'll be
3 totally honest with you. I don't think they have
4 been updated since they were initially approved,
5 maybe here and there. He also used to offer the
6 Charley Pierce CCTV Lake training, and he had to quit
7 offering that because it hadn't been updated in so
8 long.

9 MR. ROBERTS: If I understand correctly,
10 his courses are really only accepted by two states,
11 ours, and I forgot whether it's Washington or Oregon
12 or someplace out west.

13 MS. BELL: It's one of those two, and
14 he's in Oregon.

15 MR. ROBERTS: Yeah, that his home state
16 and our state are the only ones that are -- appear to
17 me to be accepting his materials, or accepting -- as
18 far as I can tell, his home state and Tennessee are
19 the only places his materials are being presented or
20 being approved for use. And he makes -- in his
21 advertising makes a big deal that Tennessee has
22 approved his courses for various purposes. I said I
23 was thoroughly, you know, unimpressed with the
24 quality of his materials and presentation.

25 MS. BELL: All right. Do we need a

1 but in this case there's no indication they are
2 proctored in any way, and I feel like that is
3 insufficient to meet the appropriate statutory
4 requirements.

5 So I would make the motion that we do not
6 approve courses for initial application unless they
7 are proctored in some fashion. As far as I know,
8 that really would only apply here. Am I reasonably
9 correct in that, Beth?

10 MS. BELL: Yes.

11 MR. ROBERTS: Yeah. Now, not anything
12 against this particular course provider, but I just
13 do not feel like it's adequate to meet the -- what
14 the statutory expectations are.

15 MR. COCKROFT: I agree. And I think that
16 it does follow the central requirements because the
17 course that's cited in the statute as an
18 equivalent -- or that or an equivalent was an
19 in-person proctored test. I mean, it was a course
20 and test all done in person. So I don't think we
21 are -- there's some concerns that we aren't within
22 our -- within the statute to make that?

23 MS. THOMAS: No.

24 MR. COCKROFT: Okay. Because I think it
25 definitely -- requiring proctor follows the statute

1 of what it was in --
 2 MS. THOMAS: Right. And as a Board, you
 3 can set your own standards as far as education and
 4 training is concerned, and that's part of it. So
 5 there are no rules -- you have not set any rules to
 6 restrict it, so you can change your mind as needed as
 7 the industry develops or as you see fit.
 8 CHAIRPERSON HIXSON: Okay.
 9 MR. COCKROFT: So you did make a motion,
 10 right?
 11 CHAIRPERSON HIXSON: Ken did.
 12 MR. COCKROFT: Second.
 13 CHAIRPERSON HIXSON: Okay.
 14 MS. BELL: I've got it written down.
 15 CHAIRPERSON HIXSON: We have a motion by
 16 Mr. Roberts, a second by Mr. Cockroft to not approve
 17 any courses for initial application or -- what did
 18 you say?
 19 MS. BELL: Qualifying education.
 20 CHAIRPERSON: Qualifying education --
 21 unless said exam is proctored. All in favor voice by
 22 saying aye.
 23 THE BOARD: Aye.
 24 CHAIRPERSON HIXSON: All opposed. The
 25 motion carries.

1 MS. BELL: That concludes the education
 2 report. Thank you.
 3 CHAIRPERSON HIXSON: Okay. Do we have
 4 any other unfinished business?
 5 MS. VEST: No.
 6 CHAIRPERSON HIXSON: New business.
 7 MS. VEST: Under the new business, we
 8 have already passed out -- I believe you have the
 9 2017 meeting dates.
 10 CHAIRPERSON HIXSON: The 2017 what now?
 11 MS. VEST: Meeting dates for the Board
 12 meetings. If you have any problems with that, you
 13 need to let us know as quickly as possible because we
 14 have posted these dates.
 15 CHAIRPERSON HIXSON: I also saw as part
 16 of an attachment that you sent on the parking, there
 17 was a new per diem and other rates that's taking
 18 place.
 19 MS. BELL: Yeah. October 1st every year
 20 they update the per diem rates, and I sent you all
 21 copies of that just so you'd know how much you get
 22 reimbursed on the hotel. I think Nashville, for
 23 Board members is up to 171 now. It's 161 for just
 24 regular staff. The mileage and the food per diem
 25 rates, I think they may have gone down a little bit.

1 The mileage hadn't changed, but I sent that out just
 2 so you guys would know what --
 3 CHAIRPERSON HIXSON: If you all -- if you
 4 didn't see it, it's at the bottom of the parking pass
 5 E-mail. Okay.
 6 MS. BELL: I can send it again.
 7 MR. COCKROFT: No, I saw it.
 8 CHAIRPERSON HIXSON: No, I scrolled on
 9 down if there was anything else, and I saw them
 10 there.
 11 MS. BELL: I just wanted you to all know
 12 the hotel rates had gone up, so that would be
 13 effective October 1st.
 14 CHAIRPERSON HIXSON: It's getting almost
 15 impossible to find a hotel.
 16 MS. BELL: Well, hopefully your ID card
 17 will help some. And it's not going to get any
 18 better, even when they open the new hotels here in
 19 downtown Nashville. The rates are not going to go
 20 down.
 21 CHAIRPERSON HIXSON: It doesn't matter
 22 because I book on-line, and when you try to put a
 23 state government rate in there, it will say no
 24 government rates. I mean, they don't even give you a
 25 choice --

1 MS. BELL: You have to call the hotel
 2 property directly to get a government rate at all.
 3 MS. VEST: Oh, I am sorry. Stand
 4 corrected. We do need to vote on the new dates for
 5 2017.
 6 CHAIRPERSON HIXSON: We need to vote on
 7 our meeting dates?
 8 MS. VEST: Yes.
 9 CHAIRPERSON HIXSON: Have these been
 10 checked against major conferences and events?
 11 MS. VEST: Yes, and the events that I
 12 saw, they --
 13 MS. BELL: Actually, they kind of follow
 14 the very same schedule you had this year, which I had
 15 already researched the holidays and the NCAA
 16 tournament and everything else. But you never know
 17 because there are so many conventions here in town
 18 now.
 19 CHAIRPERSON HIXSON: I know. March is
 20 always a bad time because of the NCAA tournament.
 21 MS. BELL: I don't think y'all are
 22 meeting in March.
 23 CHAIRPERSON HIXSON: No, we skipped March
 24 this year, and we are skipping it next year too.
 25 MS. BELL: Yeah, that's -- the PI

1 Commission has to deal with that. Now they are stuck
 2 with St. Patrick's Day.
 3 CHAIRPERSON HIXSON: Well, we have to
 4 deal with the fanfare so it's all six of one, half a
 5 dozen of another.
 6 MR. ROBERTS: Madam Chair, I make a
 7 motion we adopt the meeting schedule as it's
 8 presented to us.
 9 MR. COCKROFT: Second.
 10 CHAIRPERSON HIXSON: We have a motion by
 11 Mr. Roberts, a second by Mr. Cockroft, to adopt the
 12 2017 Board meeting schedule as presented. All in
 13 favor voice by saying aye.
 14 THE BOARD: Aye.
 15 CHAIRPERSON HIXSON: All opposed. The
 16 motion carries.
 17 Okay. Any more new business?
 18 MS. VEST: That's all I had. Thank you.
 19 MR. COCKROFT: What about the fee
 20 schedule? That was -- did we need to go over this?
 21 MS. VEST: Actually, yes. We don't need
 22 to go over it at this time. We will hopefully go
 23 over it the next time. I have been asked to present
 24 that to you for you to take another look at that.
 25 There are some high penalties there.

1 MS. THOMAS: And if the Board members can
 2 just be looking at that and be thinking of ways to
 3 maybe reduce that, or which of those violations other
 4 than the two we discussed this morning, that could be
 5 handled administratively rather than bringing them to
 6 the Board. That's something we can discuss further
 7 and vote on at the next meeting in December.
 8 MR. COCKROFT: Are some of these ones
 9 that we need to change because of the statute or --
 10 like the first one on this list --
 11 MS. THOMAS: Right, yeah. The first one
 12 on the list is the unlicensed activity. And by
 13 statute, it's a minimum of 1,000 up to 5,000, so --
 14 CHAIRPERSON HIXSON: Because ours has
 15 just got 500. What, do we need to change it to
 16 5,000? Are any of the others statutory, Ashley?
 17 MS. THOMAS: They are not.
 18 MR. ROBERTS: So we are going up on the
 19 rates?
 20 MR. COCKROFT: Well, that one we may have
 21 to, but some of the others we probably should go down
 22 on. That one, we don't have any choice it sounds
 23 like. If it doesn't go to a formal hearing, do we
 24 not have the ability to offer a lesser if they'll
 25 take a civil penalty? I mean, how was it being done

1 before? Just wasn't proper?
 2 MS. THOMAS: Probably not.
 3 MR. COCKROFT: People weren't complaining
 4 because it was less than it was supposed to be.
 5 MS. THOMAS: The statute does say if
 6 there's a finding that there's unlicensed activity,
 7 so if they are agreeing that there's a violation of
 8 that statute, the civil penalty is a thousand
 9 minimum. And I guess we are just going to go with
 10 what the statute says from here on out. Like I said,
 11 that's just for unlicensed activity. That's the one
 12 that is set forth in the statute. Everything else is
 13 what the Board has decided.
 14 MR. COCKROFT: So that's the only one
 15 that has a --
 16 MS. VEST: Set amount.
 17 MR. COCKROFT: -- set amount. Okay,
 18 thank you for providing that.
 19 CHAIRPERSON HIXSON: Anything else?
 20 MS. BELL: I can E-mail that to you all.
 21 So if you want to make some typed-in recommendations,
 22 if you want to do it that way, I'll just E-mail it to
 23 you.
 24 MR. COCKROFT: Thank you.
 25 CHAIRPERSON HIXSON: That will be good.

1 You can send it back and we can compile it for when
 2 we come back.
 3 CHAIRPERSON HIXSON: All minds clear?
 4 This meeting is adjourned until December.
 5 (WHEREUPON, the meeting was adjourned at
 6 2:47 p.m.)
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COUNTY OF SUMNER

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