



**Alabama Electronic Security Board of Licensure
Special Called Board Meeting
Wednesday, May 31, 2017, 9:00 a.m.
AIDT Training Center
15 Technology Court
Montgomery, Alabama**

John Orr, Chairman, called the meeting to order at approximately 9:15 a.m. at the AIDT Training Center in Montgomery, Alabama, as posted on the Secretary of State's website. Mr. Orr asked Lynne Taunton, AESBL Executive Director, to call the roll. Board members present: John Orr, Sheriff Derrick Cunningham, Scott Hunter, Kristi Jennings, Joe Marsh, and Stacia Robinson.

I. Quorum:

A quorum was present. Ms. Carmack, Assistant AG and Board's Legal Counsel certified the quorum.

II. Legal presentation by Vivint, Inc.:

The purpose of the special called meeting was for the Board to discuss with representatives from Vivint, Inc., their declaration of an exemption under the Electrical Contractor's Board. Vivint, Inc., was represented by the following: Mr. Nathan Wilcox, Chief Compliance Officer; and Mr. Riley Roby and Mr. Joseph Leavens, attorneys from the law firm of Balch and Bingham. The representatives of Vivint, Inc., were in attendance to discuss an exemption found in the AESBL statute 34-1A-6 (13) regarding a licensed obtained for the Alabama Electrical Contractor's Board. Mr. Roby reviewed the existing laws; Mr. Leavens reviewed the exemption language, including a 2005 opinion issued by the Alabama Attorney General; and Mr. Wilcox discussed Vivint's internal hiring and training procedures, including third-party background checks conducted by the firm. It was stated by Mr. Wilcox that

Vivint, Inc., intended to continue licensing with the Alabama Electronic Security Board of Licensure, but that newly hired individuals would work under the Electrical Contractor's License of Mr. Larry Evers until they could be licensed with the AESBL.

As information, Mrs. Deborah Speigner, AESBL Compliance Auditor, asked to read the following statement to the representatives of Vivint, Inc., and so that it may be stated within the record as well:

The clear intent of the law is that the AESBL will look at the background of each and every person who enters a home or business; not to hide behind a license for a General Contractor or an Electrical Contractor.

In doing our job and having thorough state/federal background checks accomplished, we have found the following:

- *Intent to murder*
- *Manslaughter*
- *Domestic abuse*
- *Drug abuse*
- *Burglary*
- *Drug distribution*
- *DUI*
- *Felony arrests*
- *Rape/sodomy*
- *Assault with a deadly weapon*
- *Firing into an occupied building/vehicle*
- *Kidnapping*
- *Individual in jail for burglary installing systems as work release*

These are examples of what background checks reveal.

III. Executive Session:

A motion was made by Mrs. Stacia Robinson to enter into Executive Session to discuss with the Board's attorney the legal ramifications of controversies not yet being litigated but may likely be litigated if the Board were to take a certain course of action and to additionally discuss the good name and character of those involved as well as confidential information. Second by Mr. Hunter. A roll call vote was taken: Mr. Orr voted to approve, Sheriff Cunningham voted to approve, Mr. Hunter voted

to approve, Mrs. Jennings voted to approve, Mr. Marsh voted to approve, and Mrs. Stacia Robinson voted to approve. Motion carried. Assistant Attorney General Bettie Carmack declared at 10:30 a.m. that the Board was in Executive Session until approximately 11:00 a.m.

A motion was made by Mr. Marsh to return to General Session. Second by Sheriff Cunningham. A roll call vote was taken: Mr. Orr voted to approve, Sheriff Cunningham voted to approve, Mr. Hunter voted to approve, Mrs. Jennings voted to approve, Mr. Marsh voted to approve, and Mrs. Stacia Robinson voted to approve. Motion carried. Assistant Attorney General Bettie Carmack declared that the Board was back in session at 11:25 a.m.

The following order was read by Chairman Orr:

- The AESBL unanimously declines the exemption for both Vivint, Inc., and Smart Home Pros.
- All unlicensed employees must submit a completed application by June 15, 2017.
- If the following is provided for new employees, the AESBL will not take immediate disciplinary action against the companies:
 - A completed application must be submitted on all employees, including training.
 - Companies must submit internal third-party background checks based upon the employee's Social Security Number.
 - Companies must submit a signed affidavit, including the signature of the Qualifying Agent, that the employee's background check is clean.
 - If the ALEA/FBI background check conducted by the AESBL comes back unclear, companies must terminate the employee and surrender his/her license to the AESBL.
- Additionally, the administrative staff of the AESBL will work with ALEA in order to expedite the office process.

A motion was made by Mr. Orr for legal counsel to issue the above order in response to Vivint's request for an exemption. Second by Sheriff Cunningham. Mr. Orr voted to approve, Sheriff Cunningham voted to approve, Mr. Hunter voted to approve, Mrs. Jennings voted to approve, Mr. Marsh voted to approve, and Mrs. Stacia Robinson voted to approve. All in favor. None opposed. Motion carried.

IV. Other Business:

Ms. Janet Robinson, AESBL Executive Assistant, asked the Board to form an Unlicensed Companies Committee in order to properly handle all reports being submitted to the AESBL Compliance Auditor, Mrs. Deborah Speigner. Mr. Hunter and Mr. Marsh volunteered to be on the Committee. A motion was made by Mr. Orr to

form the Committee and to appoint Mr. Hunter and Mr. Marsh. Second by Sheriff Cunningham. All in favor. None opposed. Motion carried.

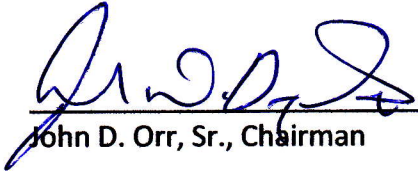
Next Scheduled Board Meeting:

Tuesday, August 14, 2017

Adjournment:

Motion to adjourn was made by Mr. Marsh. Second by Mr. Orr. Mr. Marsh voted to approve, Mr. Orr voted to approve, Sheriff Cunningham voted to approve, Mr. Hunter voted to approve, Mrs. Jennings voted to approve, and Stacia Robinson voted to approve. Motion carried. The Board adjourned at 11:54 a.m.

Approved by the Board on August 14, 2017.



John D. Orr, Sr., Chairman



Lynne Taunton, Executive Director