

Alabama Electronic Security Board of Licensure
Board Meeting
Thursday, November 6, 2014, 9:30 a.m.
AIDT Training Center
15 Technology Court
Montgomery, Alabama

Kristi Jennings, Chairperson, called the meeting to order at 9:45 a.m. at the AIDT Training Center, Montgomery, Alabama, as posted on the Secretary of State website. The meeting immediately followed the 9:30am Public Hearing on proposed rules changes. Ms. Jennings asked Harold Mann, AESBL Staff, to call the roll. Members present: Sheriff James W. Johnson, Kristi Jennings, Joe Marsh and new member, John Orr, Sr. Stacia Robinson and Scott Hunter were not in attendance.

- I. A quorum was present. Bettie Carmack, Assistant AG and Board Legal Counsel, certified there was a quorum present.
- II. Minutes of August 19, 2014 Board Meeting:
Ms. Jennings asked Members to review the minutes for the August 19, 2014, Board Meeting. One correction was noted as needing to be made in item IV. Contracts and Resolutions, C.: Change the word "Service" to "Safety". Ms. Jennings called for a motion on the minutes. Motion to approve the minutes with the identified change was made by Sheriff Johnson and it was seconded by Mr. Marsh. Sheriff Johnson voted to approve, Ms. Jennings voted to approve and Mr. Marsh voted to approve. Mr. Orr abstained since he has been appointed by the Governor but not confirmed by the Senate.
- III. Discussion of Relevant Concerns:
Lee Schofield asked about "certified proctors" (CP) and what is required for a person to become a CP. He would like to see the Board set standards for qualifications needed.
- IV. Discussion/Vote on Proposed Rules changes:
Ms. Jennings called on the Board Members asking if there was any discussion regarding the proposed rules. One spelling correction was pointed out by an AESBL staff member to correct the spelling of "canon" in the Code of Ethics section of the Administrative Code. Because some of the Rule changes dealt with training and

some questions were raised in the Public Hearing, which had preceded the Board Meeting, regarding the need for more in depth vetting of submitted education courses prior to approval and for more education standards, Ms. Jennings discussed the need for an Educational Committee to consider standards. With no further discussion on the proposed Rule changes, Ms. Jennings asked for a motion regarding them. Motion made by Mr. Marsh to accept the proposed rules as written along with the correction in spelling of "canon" that was pointed out. Second by Sheriff Johnson. Mr. Marsh voted to approve, Ms. Jennings voted to approve, Sheriff Johnson voted to approve. Mr. Orr abstained.

A separate motion was made by Ms. Jennings to form an Education Committee to review the current process and to consider standards for course submission for approval, verification of the content of a training course and for the qualifications of instructors. Second by Mr. Marsh. Mr. Marsh voted to approve, Ms. Jennings voted to approve, Sheriff Johnson voted to approve. Mr. Orr abstained. Ms. Jennings appointed herself, Mr. Marsh, Mr. Orr.

V. Training:

JADE Learning had submitted a four-hour CEU course, Networking and Cabling for Security Installations, for approval. After some discussion as to whether or not this course should be held and reviewed by the newly formed Education Committee (EC), the Board's Legal Counsel suggested that any new standards recommended by the EC would have to be approved first. Motion was made to approve the training course by Mr. Marsh. Second by Sheriff Johnson. Mr. Marsh voted to approve, Ms. Jennings voted to approve, Sheriff Johnson voted to approve. Mr. Orr abstained.

VI. Licensing of Companies for 2014/2015 - Ms. Jennings called for a motion on the 27 companies that had been licensed since August 12, 2014. Motion by Mr. Marsh to approve the companies. Second by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve, Ms. Jennings voted to approve. Mr. Orr abstained.

VII. Licensing of Individuals for 2014/2015:

Ms. Jennings called for a motion on the 312 individual licensees that have completed the licensing process since the August 12, 2014. Motion to approve the licensees by Mr. Marsh. Second by Sheriff Johnson. Mr. Marsh voted to approve,

Ms. Jennings voted to approve and Sheriff Johnson voted to approve. Mr. Orr abstained.

VIII. Investigative Committee (IC) Recommendations:

A. The IC had reviewed two complaints regarding unlicensed employees against Advance Video & Security (AVS), Trussville, AL. The IC recommended a penalty of \$250.00 for each incident. A Consent Decree was sent to AVS which signed the agreement and paid the penalties prior to the Board Meeting. Motion made to accept the IC Recommendation by Mr. Marsh. Seconded by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr abstained.

B. The IC recommended a \$250.00 penalty against Power Home Technologies LLC, Huntsville, AL, for allowing an unlicensed employee to work. A consent Decree was sent to the company which promptly signed the agreement and paid the penalty.

C. Consider Alternative Settlement-Alarm Protection Alabama (APA): Upon recommendation of Legal Counsel, this item was deferred to be considered in Executive Session.

IX. Other Business:

A. Attorney General's Opinion:

Since the August Board meeting, the Board received an opinion that had been requested at the May Board meeting regarding whether or not the Board has the authority to require a license for unlocking services. The AG's Opinion was that it does not since the mere act of deactivating an otherwise functioning lock does not constitute servicing the lock. A copy of the opinion was provided to the Board members for their review.

B. Contract with Hendon B. Coody, Attorney at Law:

The Board had approved the contract with Ms. Coody for submission to the Contract Review Committee (CRC) at its August meeting. The CRC approved the contract and it was subsequently signed by Governor Bentley. A copy of the contract that had been signed by the Governor was provided to the Board. No further action was necessary.

C. Monetary Penalty (Fines)-Recommended Changes:

1. A recommendation was made asking the Board to allow the Executive Secretary and the Board's Legal Counsel to take necessary action to collect unpaid monetary penalties without prior Board approval. Motion was made by Mr. Marsh to approve the recommendation. Second by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr abstained.
2. A recommendation was for the Board to consider changing the process for assessing monetary penalties. After the Board has the opportunity to review documents showing the current process and the new recommended process, a motion was made by Mr. Marsh to approve the new process. Second by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr abstained.
3. A recommendation on a new schedule of fines for four specific requirements that are listed in Code of Alabama, 1975, Section 34-1A-5, items h, i, j and l. Mr. Marsh made a motion to approve the new schedule. Second by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr abstained.

D. Staff member, Janet Robinson, asked Ms. Jennings to appoint an Investigative Committee to review some Administrative Complaints that had been received. Ms. Jennings appointed Mr. Marsh to the committee.

E. A copy of the memorandum that was sent to the AESBL Inspectors by the Executive Secretary, Lynne Taunton, was presented to the Board for their information. The work schedule was expanded to accommodate the recent changes that had been made in the law to allow two-year, staggered term licenses and to allow the Board to inspect unlicensed companies and take action to bring those unlicensed companies into compliance. (Act # 2013-221).

F. On recommendation of Board's Legal Counsel, Agenda Item F of Other Business was deferred for consideration in Executive Session.

G. Staff presented a document from a company requesting an opinion of the Board as to whether or not a license is required for companies that install a

certain device used to detect/prevent theft of property, shoplifting, etc. Motion made by Ms. Jennings to appoint a committee consisting of Board member Scott Hunter and the soon-to-be Sheriff of AutaugaCounty, Joe Sedinger, to consider the request. Second by Mr. Marsh. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr abstained.

H. Ms. Jennings asked if there were any nominations for Chair of the Board for 2015. Mr. Marsh made a motion to nominate Ms. Jennings. Second by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr abstained.

I. Ms. Jennings called for a motion on the proposed Quarterly Board Meeting Schedule, which includes Tuesday, February 10, 2015; Tuesday, May 12, 2015; Tuesday, August 11, 2015 and Tuesday, November 10, 2015. Mr. Marsh made a motion to approve the proposed meeting schedule. Second by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr abstained.

XI. Appeals of Monetary Penalties (Fines):

- A. The staff received a letter the morning of the Board Meeting from Mr. Jim Campbell of Galleria Lock & Key that stated he would not attend the Board Meeting. Mr. Marsh made a motion to deny the appeal request for Galleria Lock & Key. Second by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr abstained.
- B. Mr. Scot Muncher of Ion Integrated Solutions presented his appeal to the Board and answered questions of the Board. Mr. Marsh made a motion to approve the appeal and waive the monetary penalty for Ion. Second by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr abstained.
- C. Mr. Matt Ward of Coalvision LLC presented his appeal request to the Board. Mr. Marsh made a motion to approve the appeal and waive the monetary penalty for Coalvision. Second by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr

abstained.

- D. At the recommendation of Legal Counsel, the Staff reported that it had received a notice of a Bankruptcy filing for Vault Security. Vault Security was fined \$1,000.00 in 2013 for failing to renew its license by the specified deadline. Legal Counsel had reviewed the bankruptcy filing and because of the total amount of debt listed in the filing and the fact that it was a Chapter 7 bankruptcy, Legal Counsel was of the opinion that attempting to get the fine paid was not in the Board's best interests since the cost to recover it may be significant and any attempt to do so most likely would be unsuccessful. Mr. Marsh made a motion to hold the fine in abeyance with the intention of requiring it be paid if Vault Security reapplies for a license. Second by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr abstained.
- E. Ms. Dana Nix of A Anytime Lock and Key asked to present her appeal of the monetary penalty A Anytime had been assessed. Ms. Nix had not followed instructions in the letter notifying her of the monetary penalty to request an appeal in writing prior to the Board Meeting. Ms. Jennings agreed to let her to present her appeal. Mr. Marsh made a motion to approve the appeal of the monetary penalty for A Anytime Lock & Key. Second by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr abstained.

Sheriff Johnson left the meeting at approximately 11:55 a.m. and returned at approximately 11:58a.m.

Motion was made by Ms. Jennings to enter into Executive Session for: (1) To discuss the general reputation and character of two applicants. Executive Session should last approximately fifteen (15) minutes. (2) To consider the alternate settlement proposal of Alarm Protection Alabama and discuss the legal ramifications with the Board's Legal Counsel of the proposal. (3) To discuss the legal ramifications with the Board's legal Counsel of the request for Public Records for Alarm Protection Alabama and its employees and to consider fees for fulfilling such a request. Second by Mr. Marsh. Roll Call Vote: Ms. Jennings voted to approve. Mr. Marsh voted to approve. Sheriff Johnson voted to approve. Mr. Orr abstained. Executive session was certified by Assistant Attorney General Bettie Carmack at 12:00p.m.

Executive Session Item #1:

X. Review of License Applications:

Applications [REDACTED] of Justin Seale and Kevin Rice were reviewed. Only Justin Seale was present. He was called in to be questioned by the board.

Executive Session Item #2:

Consider Alternative Settlement-Alarm Protection Alabama (APA): At the August 2014 Board Meeting the Board approved a recommendation from the IC for a \$250.00 penalty against APA. A Consent Decree was sent to APA. APA responded with an alternative settlement to the complaint agreeing to paid a \$500.00 penalty if the Board agrees that it will not have to sign the Consent Decree. The reason provided was that a Consent Decree could affect the company's credit rating.

Executive Session Item #3:

The request for Public Records regarding Alarm Protection Alabama and its employees was discussed by the Board and with Legal Counsel.

Motion was made to return to General Session by Mr. Marsh. Second by Sheriff Johnson. Ms. Jennings voted to approve, Sheriff Johnson voted to approve and Mr. Marsh to approve. Mr. Orr abstained. The Board returned to General Session at 12:42p.m. In General Session,

1. A motion was made by Mr. Marsh to deny the appeal of Mr. Seale until he can furnish [REDACTED] documents to show [REDACTED] and [REDACTED], he can reapply for a license. Second by Sheriff Johnson. Ms. Jennings voted to approve, Mr. Marsh voted to approve and Sheriff Johnson voted to approve. Mr. Orr abstained.
2. Motion made by Mr. Marsh to accept the alternative settlement offered by Alarm Protection Alabama. Second by Sheriff Johnson. Mr. Marsh voted to approve, Sheriff Johnson voted to approve and Ms. Jennings voted to approve. Mr. Orr abstained.
3. Motion was made by Mr. Marsh to authorize the Staff to develop a form and questionnaire for use in requests for records and to set a reasonable fee schedule for fulfilling such requests. Second by Sheriff Johnson. Mr. Marsh voted to approve, Ms. Jennings voted to approve and Sheriff Johnson voted

to approve. Mr. Orr abstained.

Additional questions arose concerning Mr. Rice's license. It was suggested by Legal Counsel that the Board re-enter Executive Session. A motion was made to enter Executive Session by Mr. Marsh to discuss the general character and reputation of the applicant for approximately five minutes, after which time the Board would return to General Session. Second by Sheriff Johnson. Roll Call Vote: Mr. Marsh voted to approve. Sheriff Johnson voted to approve. Ms. Jennings voted to approve. Mr. Orr abstained. Bettie Carmack, Legal Counsel for the Board, certified that the Board was in Executive Session at 12:52pm.

After resolving the questions, a motion was made by Mr. Marsh to exit Executive Session and to return to General Session. Second by Sheriff Johnson. Roll Call vote: Mr. Marsh voted to approve. Sheriff Johnson voted to approve. Ms. Jennings voted to approve. Mr. Orr abstained. The Board returned to General Session at 12:55pm.

In General Session, Mr. Marsh made a motion to impose an emergency suspension of the license of Mr. Kevin Rice. Second by Sheriff Johnson. Mr. Marsh voted to approve. Sheriff Johnson voted to approve. Ms. Jennings voted to approve. Mr. Orr abstained.

Ms. Jennings asked if there was any other business to discuss. There being none, a motion was made to adjourn by Mr. Marsh. Second by Sheriff Johnson. Mr. Marsh voted to approve, Ms. Jennings voted to approve and Sheriff Johnson voted to approve. Mr. Orr abstained.

Meeting adjourned at 12:59p.m.

Approved by the Board on February 10, 2015

Kristi Jennings
Kristi Jennings, Chairperson

Lynne Taunton
Lynne Taunton, Exec. Secretary