



Alabama Electronic Security Board of Licensure
Board Meeting
Tuesday, November 13, 2018, 9:30 a.m.
AIDT Training Center
15 Technology Court
Montgomery, Alabama

After a public hearing on the proposed Rule changes, John Orr, Chairman, called the meeting to order at approximately 9:40 a.m. at the AIDT Training Center, Montgomery, Alabama, as posted on the Secretary of State's website. Mr. Orr asked Lynne Taunton, AESBL Executive Director, to call the roll. Members present: John Orr, Sheriff Cunningham, Kristi Jennings, Joe Marsh, Seanne' Warrior, and Scott Hunter.

I. Quorum:

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

II. Minutes of August 7, 2018, Board Meeting:

Mrs. Taunton asked members to review the minutes for the August 7, 2018, Board Meeting. Motion to approve the minutes was made by Mr. Marsh. Second by Mrs. Jennings. An individual vote was taken: Mr. Marsh voted to approve. Mrs. Jennings voted to approve. Sheriff Cunningham voted to approve. Mr. Orr voted to approve. Ms. Warrior voted to approve. Mr. Hunter voted to approve. Motion carried.

Minutes of September 7, 2018, Board Meeting:

Mrs. Taunton asked members to review the minutes for the September 7, 2018, Board Meeting. Motion to approve the minutes was made by Mr. Marsh. Second by Mrs. Jennings. An individual vote was taken: Mr. Marsh voted to approve. Mrs. Jennings voted to approve. Sheriff Cunningham voted to approve. Mr. Orr voted to approve. Ms. Warrior voted to approve. Mr. Hunter voted to approve. Motion carried.

III. Discussion of Relevant Concerns:

Mr. Orr called for a motion on the proposed Rule changes. Motion to approve the Rule changes was made by Mr. Marsh. Second by Sheriff Cunningham. Mr. Marsh voted to approve. Sheriff Cunningham voted to approve. Mr. Orr voted to approve. Ms. Warrior voted to approve. Mrs. Jennings voted to approve. Mr. Hunter voted to approve. Motion carried.

Mr. Clay Hornsby from the Alabama Law Institute was invited to attend the meeting to speak about collateral consequences of criminal convictions. However, Mr. Hornsby was not in attendance.

IV. Certification Training:

Ms. Michelle Yungblut with ESA spoke with the Board in person and Mr. Kaleb Brashear with Elite CEU spoke with the Board via telephone conference regarding web-based proctored examinations. The Board held the matter over until Executive Session.

Ms. Yungblut inquired about online instructor-led training. The Board agreed that the method of instruction does not affect the content of the course and is, therefore, not under the Board's purview.

V. Permitting of Licensing of Companies for 2018/2019 and 2019/2020:

Mr. Orr called for a motion on the fifty (50) companies that have been licensed from July 1, 2018, to September 30, 2018.

For 2018—Of the 50 companies, ten (10) were licensed for 2017/2018. A motion to approve these licenses of the ten (10) companies was made by Mr. Marsh. Second by Mrs. Jennings. All others were in favor. None opposed. Motion carried.

For 2018/2019—Of the 50 companies, thirty-four (34) were licensed for 2018/2019. A motion to approve the licenses of the 34 companies was made by Mr. Marsh. Second by Mr. Jennings. All others were in favor. None opposed. Motion carried.

For 2019/2020—Of the 50 companies, six (6) were licensed for 2019/2020. A motion to approve the licenses of the 6 companies, effective January 1, 2019, was made by Mr. Marsh. Second by Mrs. Jennings. All others were in favor. None opposed. Motion carried.

Permitting of Licensing of Individuals for 2018/2019 and 2019/2020:

Mr. Orr called for a motion on the two hundred fifty-eight (258) individuals who were licensed with background checks from July 1, 2018, to September 30, 2018.

For 2018—Of the 258 individuals, seventy-two (72) were licensed for 2017/2018. A motion to approve the licenses of the 72 individuals was made by Mr. Marsh. Second by Mrs. Jennings. All others were in favor. None opposed. Motion carried.

For 2018/2019—Of the 258 individuals, one hundred twenty-three (123) were licensed for 2018/2019. A motion to approve the licenses of the 123 individuals was made by Mr. Marsh. Second by Mrs. Jennings. All others were in favor. None opposed. Motion carried.

For 2019/2020—Of the 258 individuals, sixty-three (63) were licensed for 2019/2020. A motion to approve the licenses of the 63 individuals, effective January 1, 2019, was made by Mr. Marsh. Second by Mrs. Jennings. All others were in favor. None opposed. Motion carried.

VI. Approval of Contracts for AESBL Inspectors:

An RFP was opened on September 5, 2018, on the state database at www.rfp.alabama.gov requesting proposals for AESBL Inspectors for Region 1 (North Alabama), Region 2 (Central Alabama), and Region 3 (South Alabama). Four proposals were received. The RFP Committee met on October 19, 2018, and selected three of the four respondents. A motion to approve the following contracts was made with the following changes:

- Pre-approved overnight travel shall be compensated at a fixed rate of \$100 per day plus mileage.
- Remove language added by the staff regarding compensation for clerical work at a rate of \$20 per hour and reimbursement for postage.

A. Edward K Weatherford—A motion to approve the contract for Edward K Weatherford with the above changes was made by Mr. Marsh. Second by Sheriff Cunningham. All others were in favor. None opposed. Motion carried.

B. A.G. Lang— A motion to approve the contract for A.G. Lang with the above changes was made by Mr. Marsh. Second by Sheriff Cunningham. All others were in favor. None opposed. Motion carried.

C. Will Hamm, Jr.— A motion to approve the contract for Will Hamm, Jr. with the above changes was made by Mr. Marsh. Second by Sheriff Cunningham. All others were in favor. None opposed. Motion carried.

VII. Executive Session:

A motion was made by Mr. Marsh to enter Executive Session to discuss the good name and character of licensed companies and to discuss with the Board's attorney the legal ramifications of web-based proctored examinations presented to the Board by representatives from ESA and Elite CEU. Second by Mr. Orr. A roll call vote was taken: Mr. Marsh voted to approve, Mr. Orr voted to approve, Sheriff Cunningham voted to approve. Mrs. Jennings voted to approve, Ms. Warrior voted to approve, and Mr. Hunter voted to approve. Assistant Attorney General Bettie Carmack declared at 11:30 a.m. that the Board was in Executive Session until approximately 12:30 p.m.

A motion was made by Mr. Marsh to return to General Session. Second by Sheriff Cunningham. A roll call vote was taken: Mr. Marsh voted to approve, Sheriff Cunningham voted to approve, Mr. Orr voted to approve, Mr. Hunter voted to approve, Mrs. Jennings voted to approve, and Ms. Warrior voted to approve. Assistant Attorney General Bettie Carmack declared that the Board was back in General Session at 12:33 p.m.

Regarding item **IX.A.**, a motion was made by Mr. Marsh to approve web-based proctoring, in general, pending a Rule change. Second by Mr. Orr. All were in favor. None opposed. Motion carried.

Regarding item **IX.B.**, a motion was made by Mr. Marsh to amend Administrative Rule 304-X-1-.01(26) to remove the words "in person" regarding proctored exams. The new language shall read: *"Proctored exam: An exam taken in front of a Certified Proctor who is present during the examination."* Second by Mr. Orr. Mr. Marsh voted to approve, Mr. Orr voted to approve, Mrs. Jennings voted to approve, Sheriff Cunningham voted to approve, Mr. Hunter voted to approve, and Ms. Warrior voted to approve. Motion carried.

Regarding item **IX.C.**, a motion was made by Mr. Marsh to accept the consent decree from GHS Interactive Security LLC, requiring a fine of \$2,000 to be paid for unlicensed workers. Second by Sheriff Cunningham. All were in favor. None opposed. Motion carried.

Regarding item **IX.D.**, a motion was made by Mr. Marsh to approve the application of C.D. conditioned upon him not being arrested or charged with another crime within the next 12 months. C.D. must immediately notify the Board of any arrest or criminal charge and, a failure to do so, will result in C.D.'s license not being renewed

(if the information is discovered at the time of renewal) or his licensed being revoked if discovered prior to the time of C.D.'s renewal application. In November of 2019, C.D. must submit a criminal background check conducted by his employer or another entity authorized to conduct background checks in the State of Alabama. Second by Sheriff Cunningham. All were in favor. None opposed. Motion carried.

VIII. AESBL Budget for Fiscal Year 2018:

Ms. Robinson presented a report reflecting deposits and payments made in the fourth quarter of FY2018.

IX. Other Business:

A. Election of CHRI auditor for 2019:

A motion was made by Sheriff Cunningham to nominate Ms. Warrior for CHRI auditor for FY2019. Second by Mrs. Jennings. All were in favor. None opposed. Motion carried.

B. Election of Chairman and Vice Chairman for 2019:

A motion was made by Mrs. Jennings to nominate Mr. Orr as the Chairman for FY2019. Second by Mr. Hunter. All were in favor. None opposed.

A motion was made by Mrs. Jennings to nominate Sheriff Cunningham as the Vice Chairman for FY2019. Second by Mr. Hunter. All were in favor. None opposed.

C. FY2019 Insurance Policy for Board Members:

Mrs. Taunton provided the board members a certificate of general liability through the State of Alabama Division of Risk Management as proof of insurance coverage requested.

D. Scheduled Board Meetings for 2019:

Ms. Robinson provided the board members with a list of scheduled quarterly board meetings for 2019. All meetings have been posted on the Secretary of State's website.

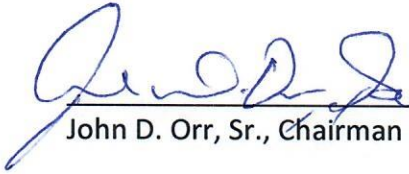
Next Scheduled Board Meeting:

Tuesday, February 5, 2019.

Adjourn:

Motion to adjourn was made by Sheriff Cunningham. Second by Mr. Marsh. Sheriff Cunningham voted to approve, Mr. Marsh voted to approve, Mr. Orr voted to approve, Kristi Jennings voted to approve, Ms. Warrior voted to approve, and Mr. Hunter voted to approve. Motion carried. The Board adjourned at 12:43 p.m.

Approved by the Board on February 5, 2019.



John D. Orr, Sr., Chairman



Lynne Taunton, Executive Director