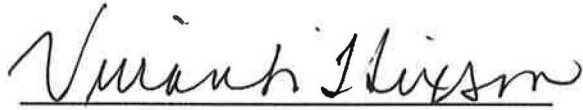


Tennessee Alarm Systems Contractors Board 12-7-17

MINUTES of the Tennessee Alarm Systems Contractors Board Meeting, held
December 7, 2017, in Nashville Tennessee.



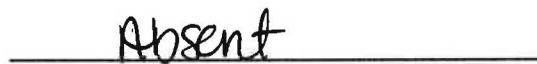
Vivian Hixson, Chair



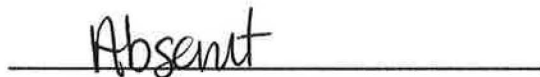
McKenzie C. Roberts, Vice Chair



Karen D. Jones, Secretary



William Scott Cockroft



John Keith Harvey

ALARM SYSTEMS CONTRACTORS

BOARD MEETING

December 07, 2017

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ALARM SYSTEMS CONTRACTORS

BOARD MEETING

December 7, 2017

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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I N D E X

Chair's Welcome
Page 4
Old Business
Minutes, 10/19/17
Page 5
Legal Report
Page 8

Appearances
Page 43
Administrative Report
Page 60

Education Report
Page 61
New Business
Page 73

A P P E A R A N C E S

BOARD MEMBERS

Captain Vivian L. Hixson, Chair, via telephone

McKenzie C. Roberts, Vice Chair

Keith Harvey

ALSO PRESENT

Ashley Thomas, Staff Attorney

Stewart Huffman, Staff Attorney

Cody Vest, Executive Director

Shauna Balaszi, Administrative Assistant

* * *
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 and welcome to the Alarm Systems Contractors Board on December 7, 2017. Ms. Vest, will you please call the roll?

MS. VEST: Steve Harvey – Keith Harvey?

MR. HARVEY: Here.

MS. VEST: Ken Roberts?

MR. ROBERTS: Here, more or less.

MS. VEST: Vivian Hixson?

CHAIRPERSON HIXSON: Here.

MS. VEST: Scott Cockroft? Karen Jones?

Let the record show that Scott Cockroft and Karen Jones are not present, and Vivian Hixson is calling in electronically, but you do have a quorum, Madam Chair.

CHAIRPERSON HIXSON: Thank you. The next item on our agenda is to review the agenda for today's meeting, and if so, we will have to have a voice rollcall; is that correct?

MS. VEST: Yes, ma'am.

1 CHAIRPERSON HIXSON: Okay. Do we have a
 2 motion to adopt?
 3 MR. ROBERTS: Make a motion to adopt.
 4 You going to second?
 5 MR. HARVEY: Second, yes.
 6 CHAIRPERSON HIXSON: Okay. We have a
 7 motion by Mr. Roberts and a second by Mr. Harvey to
 8 adopt the agenda for today's meeting as presented.
 9 Ms. Vest, please call the roll for the motion.
 10 MS. VEST: Keith Harvey?
 11 MR. HARVEY: Yes.
 12 MS. VEST: Ken Roberts?
 13 MR. ROBERTS: Yes.
 14 MS. VEST: Vivian Hixson?
 15 CHAIRPERSON HIXSON: Yes. Okay, the
 16 motion carries.
 17 The next item are the minutes from the
 18 October 19, 2017, board meeting. Do we have a motion
 19 to approve those minutes as presented?
 20 MR. ROBERTS: Madam Chair, I make a
 21 motion that we do not approve the minutes as they
 22 have been presented, there were a number of
 23 corrections that still need to be made, and that they
 24 should be brought back to our next meeting after they
 25 have been more thoroughly reviewed.

1 this meeting was posted to the Board website on
 2 November 29, 2017.
 3 As there is not a physical quorum
 4 present, a statement of necessity will be read into
 5 the record and filed with the Tennessee Secretary of
 6 State, as required by statute. Pursuant to Tennessee
 7 Code Annotated 8-44-108(b)(2), which states, "If a
 8 physical quorum is not present at the location of a
 9 meeting of a governing body, then an order for a
 10 quorum of members to participate by electronic or
 11 other means of communication, the governing body must
 12 make a determination that a necessity exists. That
 13 determination must include a recitation of the facts
 14 and circumstances on which it was based."
 15 Further, Tennessee Code Annotated
 16 8-44-108(a)(3) defines necessity as matters to be
 17 considered by the governing body at that meeting
 18 require timely action by the body, that physical
 19 presence by a quorum of the members is not practical
 20 within the period of time requiring action and that
 21 participation by a quorum of the members by
 22 electronic or other means of communication is
 23 necessary.
 24 This is the regularly scheduled meeting
 25 of the Tennessee Alarms Systems Contractors Board.

1 CHAIRPERSON HIXSON: Okay.
 2 MR. HARVEY: Second.
 3 CHAIRPERSON HIXSON: All right. We have
 4 a motion by Mr. Roberts and a second by Mr. Harvey
 5 not to approve the minutes as presented, but to
 6 present at the February meeting. Ms. Vest, please do
 7 the rollcall vote.
 8 MS. VEST: Keith Harvey?
 9 MR. HARVEY: Yes.
 10 MS. VEST: Ken Roberts?
 11 MR. ROBERTS: Yes.
 12 MS. VEST: Vivian Hixson?
 13 CHAIRPERSON HIXSON: Yes. The motion
 14 carries, these will be delayed until the February
 15 hearing.
 16 MS. VEST: Madam Chair, let me stop you
 17 just a moment, please.
 18 CHAIRPERSON HIXSON: Okay.
 19 MS. THOMAS: I just wanted to read the
 20 statement of necessity, for the record, since we do
 21 have a quorum by electronic means.
 22 This is the regularly scheduled meeting
 23 of the Tennessee Alarm Systems Contractors Board,
 24 which is taking place in Conference Room 1-B of Davy
 25 Crockett Tower in Nashville, Tennessee. Notice of

1 The purpose of this meeting, with members attending
 2 by teleconference, is to discuss the agenda as posted
 3 to the Board website.
 4 MS. VEST: Thank you. Madam Chair, we
 5 can continue.
 6 MR. ROBERTS: Do we need a motion to
 7 approve that or just reading it is sufficient?
 8 MS. THOMAS: Reading is sufficient.
 9 Thank you.
 10 CHAIRPERSON HIXSON: So we don't need a
 11 motion; Ashley reading it into the record is
 12 sufficient to approve it by -- or to approve the
 13 meeting handled this way?
 14 MS. VEST: Correct.
 15 CHAIRPERSON HIXSON: Okay. The next item
 16 on the agenda is the legal report. Ms. Thomas?
 17 MS. THOMAS: Yes, ma'am. I'll begin with
 18 case number 1, 2017047171. Complainant alleges that
 19 Respondent is advertising installation of security
 20 cameras without a license. This matter was sent for
 21 investigation. The investigator determined that
 22 Respondent was licensed as an alarm systems
 23 contractor on May 8, 2014; that license expired on
 24 May 31, 2016.
 25 Additionally, there was no evidence that

1 Respondent ever registered as a corporation with the
 2 State of Tennessee; however, a limited liability
 3 corporation in the State of Kentucky was located, but
 4 this corporation was dissolved on October 1, 2016.
 5 The Respondent told investigator that he
 6 was a qualifying agent for another alarm company,
 7 which was a based in Tennessee. Respondent told the
 8 investigator that the Respondent company only
 9 operates in Kentucky at this time. Respondent also
 10 told the investigator that he was in the process of
 11 severing his association with the Tennessee company,
 12 so that he can apply for licensure for the Respondent
 13 company. Respondent states that he has not conducted
 14 any business in Tennessee since the expiration of the
 15 company license.
 16 My recommendation is to close.
 17 CHAIRPERSON HIXSON: Okay. Do we have
 18 any discussion on the decision or the recommendation?
 19 MR. HARVEY: I would make a motion we
 20 concur with Counsel on this decision.
 21 CHAIRPERSON HIXSON: Okay. We have a
 22 motion by Mr. Harvey. Do we have a second?
 23 MR. ROBERTS: Second.
 24 CHAIRPERSON HIXSON: And a second by
 25 Mr. Roberts. Ms. Vest?

1 MS. VEST: Keith Harvey?
 2 MR. HARVEY: Yes.
 3 MS. VEST: Ken Roberts?
 4 MR. ROBERTS: Yes.
 5 MS. VEST: Vivian Hixson?
 6 CHAIRPERSON HIXSON: Yes. So the motion
 7 carries to concur with our Counsel's recommendation.
 8 Number 2?
 9 MS. THOMAS: Yes. Case number 2 is
 10 2017057221. Complainant alleges that Respondent
 11 continued to bill for services after they were
 12 cancelled personally with the CEO via telephone in
 13 June 2017 and by letter in July 2017. Respondent
 14 stated that the contract with Complainant required
 15 30-days written notice prior to cancellation.
 16 Respondent received written notice of cancellation on
 17 July 12, 2017.
 18 Respondent responded to the complaint and
 19 stated that the contract has been cancelled and that
 20 there is no balance owed on the account.
 21 My recommendation is to close.
 22 MR. ROBERTS: Madam Chairman, I make a
 23 motion that we concur with recommendation of Counsel.
 24 MR. HARVEY: Second.
 25 CHAIRPERSON HIXSON: Okay. We have a

1 motion by Mr. Roberts and a second by Mr. Harvey to
 2 concur with our counsel's recommendation. All in
 3 favor -- Ms. Vest, please call the roll.
 4 MS. VEST: Keith Harvey?
 5 MR. HARVEY: Yes.
 6 MS. VEST: Ken Roberts?
 7 MR. ROBERTS: Yes.
 8 MS. VEST: Vivian Hixson?
 9 CHAIRPERSON HIXSON: Yes. The motion
 10 carries.
 11 MS. THOMAS: Case number 3 is 2017057241.
 12 Complainant alleges that Respondent came to her home
 13 and told her that her current alarm company had
 14 merged with Respondent's employer and that he was
 15 there to, quote, upgrade the system.
 16 Complainant made calls and determined
 17 that there was no merger, and she immediately put a
 18 stop payment order with her bank. Complainant
 19 alleged that Respondent obtained her business
 20 fraudulently.
 21 Respondent responded to the complaint and
 22 states that they resolved the matter through the
 23 Better Business Bureau complaints and that the
 24 services were cancelled and the agreement was
 25 terminated. Respondent provided no statements as it

1 relates to the alleged fraudulent activity in
 2 obtaining the Complainant's business.
 3 My recommendation is to authorize a
 4 formal hearing and send a consent order with a civil
 5 penalty of \$500 for violation of Tennessee
 6 Comprehensive Rules and Regulations
 7 0090-06-.03(2)(f), being the standards of conduct and
 8 ethics.
 9 MR. ROBERTS: Madam Chairman, a make a
 10 motion we concur with recommendation of our Counsel.
 11 MR. HARVEY: I second.
 12 CHAIRPERSON HIXSON: We have a motion by
 13 Mr. Roberts and a second by Mr. Harvey to concur with
 14 our Counsel's recommendation. Ms. Vest?
 15 MS. VEST: Keith Harvey?
 16 MR. HARVEY: Yes.
 17 MS. VEST: Ken Roberts?
 18 MR. ROBERTS: Yes.
 19 MS. VEST: Vivian Hixson?
 20 CHAIRPERSON HIXSON: Yes.
 21 MS. VEST: Motion carries.
 22 CHAIRPERSON HIXSON: Motion carries.
 23 Okay.
 24 MS. THOMAS: Case number 4 is 2017057981.
 25 This is an industry complaint. Complainant alleges

1 that Respondent was performing an upgrade to a
 2 hospital's fire alarm devices and that Respondent is
 3 unlicensed.
 4 Respondent responded to the complaint and
 5 states that they were not installing the system, only
 6 furnishing materials for the installation. An
 7 investigation was requested.
 8 The investigator determined that a
 9 licensed company had contracted with two individuals
 10 to perform the work. One of the workers is listed as
 11 an applicant and one is not listed at all.
 12 Respondent states that he never received any
 13 paperwork back from the State on the expired
 14 applicant.
 15 My recommendation is to close.
 16 MR. ROBERTS: May I ask a question here?
 17 The Respondent apparently replied that they had
 18 contracted with two individuals to do the work?
 19 MS. THOMAS: Yes.
 20 MR. ROBERTS: Okay.
 21 MS. THOMAS: So two employees -- or they
 22 would have been independent contractors, I'm
 23 assuming, to conduct the work. And their argument is
 24 that one of the people they thought had a license and
 25 it was expired, and the other person had an

1 application on file. And I guess they reached out to
 2 the Board office to determine the license status of
 3 the expired party, but they claimed they did not get
 4 a response back.
 5 MR. ROBERTS: The licensed company
 6 couldn't contract with other individuals or companies
 7 because the individuals would be acting as
 8 independent contractors, couldn't do that.
 9 MS. THOMAS: Right. And I think in this
 10 case, the terminology of "contracted with", I think
 11 they are referring to the employer/employee
 12 relationship as the -- I guess the alarm systems
 13 contractor and then the person they hired being the
 14 independent contractor. So they are paying them as a
 15 1099 verses a W-2. I think in this instance that's
 16 the term "contracted with". So not necessarily joint
 17 venture on --
 18 MR. HARVEY: You are saying they were
 19 working as employees through the licensed contractor.
 20 MS. THOMAS: Right.
 21 MR. ROBERTS: I don't think you can do
 22 that. You are paying them --
 23 CHAIRPERSON HIXSON: It doesn't seem to
 24 me either that they could.
 25 MR. ROBERTS: If you are paying them as a

1 1099, basically you are saying they are independent
 2 contractors.
 3 MS. THOMAS: Okay.
 4 MR. ROBERTS: They would have to be QAs
 5 and have a license in order to do that.
 6 MS. THOMAS: Okay. So I guess in that
 7 sense, if we are going by that, then I would need to
 8 change my recommendation that there was some sort of
 9 joint venture happening.
 10 MR. ROBERTS: Either a joint venture or
 11 the two individuals that were supposed to be doing
 12 the work were not licensed to do it. This, I think,
 13 needs some more work on this one. Actually, it
 14 appears to me that what's happened -- and I don't
 15 know about the original Respondent; were they just an
 16 equipment supplier, they were just supplying the
 17 equipment, or is that the licensed company we are
 18 talking about here?
 19 MS. THOMAS: That's the licensed company
 20 that said they were furnishing the materials. That's
 21 the licensed company.
 22 MR. ROBERTS: Something's not right
 23 there. They are -- it sounds like what they were
 24 doing was they were trying to do the job -- they were
 25 a licensed company. They were trying to do the job,

1 but weren't going use their employees to do it and
 2 weren't going to hire somebody as part of their
 3 company to do it, that -- something's not right here.
 4 MS. THOMAS: Okay. So are you requesting
 5 additional investigation?
 6 MR. ROBERTS: I think we need some
 7 additional investigation and information on this.
 8 MS. THOMAS: And you --
 9 MR. ROBERTS: It would appear to me, just
 10 from what I'm seeing here, that the licensed company
 11 is not doing -- they are not aboveboard on this
 12 thing.
 13 MS. THOMAS: Okay, so do you want me to
 14 investigate, I guess, their business practices?
 15 Because, like I said, there was an investigation
 16 conducted on this particular complaint, so if I can
 17 get some guidance as to exactly what I'm looking
 18 into.
 19 MR. ROBERTS: What do you think, Keith?
 20 MR. HARVEY: We need to figure out the
 21 two gentlemen that are working, what is their
 22 relationship. I think that's what we are really
 23 after.
 24 MR. ROBERTS: If they were going to be
 25 employed by the licensed contractor, then --

1 MS. THOMAS: Without giving the names,
2 can you read that portion of their story for the
3 Board?
4 MR. ROBERTS: Something's not right.
5 MS. THOMAS: And I'm asking Stewart to
6 read from the actual investigation files so you can
7 see exactly what was said.
8 MR. HUFFMAN: The investigator called the
9 Respondent and asked about the allegations, admitted
10 to paying a Tennessee licensed contractor to make the
11 needed renovations and upgrades to the establishment.
12 MR. ROBERTS: That would be the hospital
13 that is making that reply.
14 MR. HUFFMAN: That would be the
15 Respondent.
16 MS. THOMAS: The named Respondent. So
17 they are saying that we gave the equipment to another
18 licensed company.
19 MR. HUFFMAN: Right. And then the other
20 company that the equipment was given to confirmed
21 that they were currently installing the fire alarm
22 system at the hospital. And that's -- he also told
23 the investigator that two men at his company were
24 working onsite doing the installation of the new fire
25 alarm system.

1 CHAIRPERSON HIXSON: Is that person that
2 said they had the two people working onsite, is that
3 company licensed in Tennessee as an alarm systems
4 contractor?
5 MS. THOMAS: Yes.
6 MR. HUFFMAN: Yes.
7 MR. ROBERTS: For fire alarms.
8 MR. HUFFMAN: Yes.
9 MR. ROBERTS: Okay, well that sounds
10 proper.
11 MS. THOMAS: So the named Respondent in
12 this complaint, they indicated that we only furnished
13 the equipment to a licensed company. The licensed
14 company said, yes, we did get the equipment from the
15 named Respondent, and we sent two people onsite to do
16 the installation. Those people had, I think -- did
17 they say an expired license and then the other person
18 had an application on file.
19 MR. HUFFMAN: Right.
20 MR. HARVEY: But they worked for a
21 licensed company.
22 MS. THOMAS: Right.
23 CHAIRPERSON HIXSON: Does the licensed
24 company use employees that were either not registered
25 or expired?

1 MR. ROBERTS: One apparently had an
2 application.
3 MS. THOMAS: Right.
4 MR. ROBERTS: And -- but the other one
5 had expired.
6 MS. THOMAS: Right. And part of their
7 response in that regard is that they contacted the
8 Board office about the expired applicant, but did not
9 hear back. And I cannot confirm whether or not that
10 actual communication was true.
11 MS. VEST: Our office wasn't able to --
12 when I checked into this, I wasn't able to follow up
13 on this either. I don't know whether they did or did
14 not contact the office.
15 MR. ROBERTS: That would sound like an
16 actionable complaint, that they are -- they have
17 working employees with an expired application.
18 CHAIRPERSON HIXSON: I agree.
19 MR. ROBERTS: But it sounds like the
20 original Respondent just furnishing the equipment to
21 a licensed contractor, that doesn't seem to be a
22 violation.
23 MR. HARVEY: Huh-uh.
24 MS. THOMAS: Right. And that goes to my
25 recommendation. I think if we are going to

1 investigate the other company, that's a separate
2 complaint.
3 MR. ROBERTS: That would seem
4 appropriate.
5 MR. HARVEY: So we need to close this
6 case as it is and open a new one.
7 MS. THOMAS: Yes.
8 CHAIRPERSON HIXSON: Okay. Keith, I only
9 heard a small portion of what you said.
10 MR. HARVEY: So I would make a motion to
11 follow the recommendation of Counsel to close this
12 case and to open another case against the secondary
13 company to check on the registration of their
14 employees.
15 MR. ROBERTS: Second.
16 CHAIRPERSON HIXSON: Okay. We have a
17 motion by Mr. Harvey and a second by Mr. Roberts to
18 close the original complaint on the Respondent and to
19 open a new case on the licensed company who installed
20 the alarm. Ms. Vest?
21 MS. VEST: Keith Harvey?
22 MR. HARVEY: Yes.
23 MS. VEST: Ken Roberts?
24 MR. ROBERTS: Yes.
25 MS. VEST: Vivian Hixson?

1 CHAIRPERSON HIXSON: Yes.
 2 MS. VEST: Motion carries.
 3 MS. THOMAS: Okay, case number five is
 4 2017059121. Complainant alleges that Respondent
 5 installed an alarm system at a home that she owns,
 6 but that her daughter lives in. Complainant was
 7 alerted to this when she received an e-mail that her
 8 credit score had changed. Complainant discovered
 9 that Respondent had written off the account for
 10 nonpayment and that her name was listed as the
 11 customer. Complainant had her daughter locate the
 12 original contract and it was not signed by the
 13 Complainant.
 14 Respondent responded to the complaint and
 15 states that they are work to go resolve the complaint
 16 to Complainant's satisfaction. They state that
 17 Complainant's name has been removed from all aspects
 18 of the delinquent account, there's been no rebuttal
 19 from the Complainant, and my recommendation is to
 20 close.
 21 MR. HARVEY: Make a motion to concur with
 22 Counsel and close this case.
 23 MR. ROBERTS: Second.
 24 CHAIRPERSON HIXSON: Okay. We have a
 25 motion by Mr. Harvey and a second by Mr. Roberts

1 concurring with Counsel's recommendation in this
 2 case. Ms. Vest, please call the roll.
 3 MS. VEST: Keith Harvey?
 4 MR. HARVEY: Yes.
 5 MS. VEST: Ken Roberts?
 6 MR. ROBERTS: Yes.
 7 MS. VEST: Vivian Hixson?
 8 CHAIRPERSON HIXSON: Yes.
 9 MS. VEST: Motion carries.
 10 MS. THOMAS: Case number six is
 11 2017059721. Complainant alleges that she was on a
 12 free trial period with Respondent and that she had
 13 paid for the system in full with the money back
 14 guarantee. When she called to cancel and get her
 15 money back, she was told that she signed a three-year
 16 contract. Complainant has halted the monitoring and
 17 Respondent is still charging 27.99 for nothing.
 18 Complainant alleges she was never told about the
 19 contract. Complainant blocked her credit card
 20 company from paying Respondent without her
 21 permission.
 22 Respondent initially requested an
 23 extension for the response until September 27, 2017.
 24 Respondent provided a response to the complaint on
 25 November 22, 2017. In their response, Respondent

1 states that the Complainant actually contracted with
 2 one of their authorized dealers and that these
 3 authorized dealers are authorized to market and sell
 4 Respondent's monitoring equipment -- or services, I'm
 5 sorry. Respondent states that these authorized
 6 dealers are independent contractors and not agents of
 7 Respondent. Respondent states that the complaint --
 8 I'm sorry, the Complainant currently has no
 9 obligation to them, but provided a response from the
 10 authorized dealer. The authorized dealer provided a
 11 response and is refusing to provide a refund or
 12 cancel Complainant's contract.
 13 My recommendation is to close as to the
 14 named Respondent. Additionally, I would recommend
 15 establishing a complaint against the authorized
 16 dealers for violations of Tennessee Comprehensive
 17 Rules and Regulations 0090-06 being the standards of
 18 conduct.
 19 MR. HARVEY: That's kind of sticky. We
 20 don't really have a good response from the Respondent
 21 of what their situation was, whether he felt like
 22 that this lady was telling the truth about this
 23 situation or not.
 24 MS. THOMAS: And to that point, I would
 25 say that I think that that is probably because

1 they -- the named Respondent did not contract with
 2 the Complainant, an authorized dealer did, and so
 3 their knowledge of the actual contracting is limited
 4 in that an authorized dealer made the contract and
 5 that's why I said establish a complaint against those
 6 parties.
 7 MR. ROBERTS: But they are the ones that
 8 are charging her apparently. Apparently she's still
 9 being charged 27.99 for -- from the Respondent
 10 company.
 11 MS. THOMAS: Right. And Respondent
 12 company did indicate that she has no obligation --
 13 the Complainant has no obligation to them.
 14 MR. ROBERTS: Having no obligation to
 15 them, what does that exactly mean?
 16 MS. THOMAS: From my reading of it, they
 17 are not charging her the 27.99, and so they don't
 18 have any additional business with her.
 19 CHAIRPERSON HIXSON: Didn't you say the
 20 authorized dealer provided the response to provide a
 21 refund or cancel her contract?
 22 MS. THOMAS: Right, and that is a
 23 separate party from the named Respondent.
 24 CHAIRPERSON HIXSON: Yeah, but didn't the
 25 original company not send the second company out to

1 upgrade her system or whatever it was or provide a
 2 free period?
 3 MS. THOMAS: No, I wouldn't say that the
 4 named Respondent sent out the authorized dealer, I
 5 think the authorized dealer is probably marketing the
 6 named Respondent's equipment and monitoring services.
 7 So it's not they sent them out on this particular
 8 sales pitch, it's just that when they showed up door
 9 to door, they are saying we are offering this
 10 equipment, these monitoring services.
 11 MR. ROBERTS: It sounds like the
 12 installing company -- not the Respondent that we have
 13 here, that the installing company went out and
 14 installed an alarm system, got a contract, and turned
 15 around and sold that contract off to the Respondent
 16 company that we have here.
 17 MS. THOMAS: Right.
 18 MR. ROBERTS: They started billing the
 19 customer. Customer says, well, I don't want this,
 20 don't know anything about a contract, and you are
 21 charging me 27.99 effecting -- probably effecting my
 22 credit and who knows what else. And the Respondent
 23 company is saying, oh, no, you don't have -- you
 24 don't have an obligation to us, the -- and the --
 25 don't have any obligation to them -- and that's kind

1 of a vague term.
 2 I'm not real comfortable with the
 3 understanding exactly what that is. The authorized
 4 dealer, the installing company, if you will, is
 5 refusing to provide any sort of refund or cancel the
 6 contract.
 7 MS. THOMAS: Right. And I think that
 8 that's indicative of maybe a bigger conversation at
 9 some point about that type of relationship and who
 10 owes the customer what as it relates to -- I'm
 11 installing equipment from one company, but I am a
 12 dealer, you know, for this company. Because I think
 13 a lot of times the complaints that I see, sometimes
 14 the customers are confused as to who they are
 15 actually contracting with, so I think that might be a
 16 bigger conversation to have, and I think that's
 17 probably what causes confusion in these complaints.
 18 MR. ROBERTS: I'm sure it is. The
 19 authorized dealer -- and maybe I ought to call it the
 20 installer company, and I would assume that they are a
 21 licensed company, it will go out and do -- provide
 22 all their services in the name of the Respondent
 23 company that we have here, so the customer probably
 24 never realizes that they are not dealing with the
 25 name they are seeing, but rather dealing with an

1 authorized dealer.
 2 The customer here has still got --
 3 apparently the customer here still has not received a
 4 refund and still is being held to a contract. The
 5 Respondent company says we can't do that, but I would
 6 guess that the contract is between the customer and
 7 the Respondent here.
 8 MS. THOMAS: So the contract has the
 9 named Respondent there, so it has the name, but then
 10 it says an authorized dealer in smaller print under
 11 it. So if I were imagining, I would think that the
 12 customer is assuming that it's contracting with --
 13 MR. ROBERTS: You have a copy of the
 14 contract or something that you've seen?
 15 MS. THOMAS: In the file.
 16 MR. ROBERTS: Fine. So technically the
 17 contract would be between the customer and the
 18 authorized dealer.
 19 MS. THOMAS: Yes.
 20 MR. ROBERTS: Okay.
 21 CHAIRPERSON HIXSON: Is the authorized
 22 dealer in this case a licensed contractor?
 23 MS. THOMAS: I believe so, but I would
 24 have to double-check. Give me just a second, I'll
 25 check.

1 CHAIRPERSON HIXSON: Because if they are
 2 the one that came out and told her it was a free
 3 trial period, but yet somehow led her to -- is there
 4 a -- I don't know, is there a signed contract for two
 5 years of service.
 6 MS. THOMAS: I'd have to look at that
 7 contract again.
 8 CHAIRPERSON HIXSON: Okay. Is that
 9 something you can do now or do we need to move on and
 10 come back to it later?
 11 MS. THOMAS: I have Stewart is looking at
 12 it now, but if you wanted to move on, that's
 13 completely up to the Board.
 14 MR. ROBERTS: You know, it would seem to
 15 me that the recommendation here is probably a valid
 16 one, that the Respondent is a large company somewhere
 17 else, and they -- the only thing they did was buy the
 18 contract, technically. So closing that with regards
 19 to them is probably an appropriate response. But --
 20 and also, the recommendation would be to establish a
 21 complaint about the authorized dealer.
 22 MS. THOMAS: And to answer the question,
 23 it appears that the authorized dealer has an expired
 24 contract -- expired license, I'm sorry.
 25 MR. ROBERTS: Oh. Do we know --

1 MS. THOMAS: Right. I think that goes
2 back to the question of, are they an authorized
3 dealer, are they working under the larger company's
4 license so that they don't need this one, and I think
5 that's why I say it's a bigger conversation.

6 MR. ROBERTS: I wouldn't think so. I
7 wouldn't think that the authorized dealer -- and I
8 keep -- you refer to them as the installing company
9 makes it a little bit clearer. The installing
10 company is a separate legal entity operating under
11 some sort of contract agreement with the -- our
12 Respondent here.

13 And I would say that -- well, that they
14 would -- are not operating under the Respon -- any
15 license that the Respondent may have. It would be
16 interesting to find out when this system was
17 installed and compare that back to when the
18 installing company's license expired, because they
19 may have been installing it licensed -- may have been
20 installing the system with an expired license.

21 All right. Let me offer a hypothetical
22 case that's related to this. Let's assume for a
23 moment that the company installed a system,
24 installing dealer, has now gone out of business.
25 Then that would leave this customer with a contract

1 that has been purchased by our Respondent here, with
2 no recourse to go back and have anything done about
3 it. Where would we go in that situation?

4 MR. HARVEY: I think that would become a
5 civil matter at that point.

6 CHAIRPERSON HIXSON: Ken, I don't -- am I
7 missing something about the contract being sold? I
8 mean, it seems to me the installing company -- the
9 authorized dealer installing company, went out under
10 the name of Company A that sold the system, but then
11 when she called Company A to cancel, they said, well,
12 we didn't actually do it, Company B, one of our
13 authorized dealer did. We have no -- we don't have a
14 problem cancelling it, but we can't do it because our
15 contract is actually with Company B. Is that kind of
16 correct, Ashley?

17 MS. THOMAS: It is.

18 CHAIRPERSON HIXSON: Ken, tell me where
19 you are getting that her contract was sold to
20 somebody. I think I am just missing that part.

21 MR. ROBERTS: I think actually that would
22 be the normal practice in that the authorized dealer
23 would go out and do the work, do the installation,
24 they turn around and pass that back to the -- to the
25 Respondent company here and they get paid -- they get

1 paid their money right then. And in effect, the
2 Respondent company's buying the contract. Now that
3 hasn't been stated here. Would you agree, Keith?

4 MR. HARVEY: Absolutely.

5 MR. ROBERTS: That would be the normal
6 practice, and I'm confident that's what happened
7 here. You know, the recommendation -- the
8 recommendation we have got here is a reasonable and
9 valid one. My concern is that here we have got a
10 situation where the customer out there is going to be
11 left holding the bag with a \$27.99 charge per month
12 for who knows how long and receiving no services and
13 has no recourse back against that.

14 CHAIRPERSON HIXSON: Well, she's blocked
15 payment with her credit card. I know she -- you
16 know, right now she's still liable for it, but I
17 agree with the recommendation to close against the
18 Respondent, but to open an investigation -- or open a
19 complaint with investigation against this authorized
20 dealer slash installer as to -- if they are
21 legally -- or they are still licensed and what their
22 practices are. Could she file a complaint with the
23 Secretary of State or the State Consumers Office
24 about this billing practice, since we have no power
25 over it?

1 MS. THOMAS: She can. Yeah, we can refer
2 that to Consumer Affairs as well.

3 MR. ROBERTS: I'd say there's a good
4 chance that -- as far as the installing company's
5 concerned, I bet you there's a good chance that they
6 have folded their tents and moved off into some other
7 form of business. I'd be surprised to find they
8 still exist.

9 MS. THOMAS: Right.

10 CHAIRPERSON HIXSON: But I would like to
11 open a complaint against them and have an
12 investigation to see if they are still operating or
13 what their status is.

14 MR. ROBERTS: Absolutely. Absolutely.

15 CHAIRPERSON HIXSON: So we are -- her
16 recommendation we are going to agree with, as well as
17 the authorizing a complaint or establishing a
18 complaint against the second company.

19 MR. ROBERTS: I think we should go a
20 little bit further than that.

21 CHAIRPERSON HIXSON: Okay.

22 MR. ROBERTS: That I think we should
23 write a letter to the Respondent company, perhaps
24 urging them to get this situation resolved. Just the
25 fact that they are getting an official letter from

1 our Board here would encourage them to come up with
 2 some sort of satisfactory response. So closing it,
 3 yes, but I think we should send them, like I say, a
 4 letter urging them to make some sort of settlement
 5 with this -- with this customer and see where that
 6 goes. So let me -- let's not close this yet.
 7 CHAIRPERSON HIXSON: Okay.
 8 MR. ROBERTS: We certainly need to
 9 establish a complaint against the authorized dealer,
 10 whoever that was, and they are possibly operating --
 11 installing systems without a license, so there needs
 12 to be complaint against them, also against our
 13 standards of conduct. So that would be one, perhaps
 14 two complaints against the company that actually did
 15 the installation. But I think -- like I said, I
 16 think we need to send a letter to the Respondent
 17 company urging them to resolve this satisfactorily on
 18 behalf of the customer.
 19 So I guess we need a motion to do that.
 20 I would make a motion that we send a letter asking
 21 them to make some sort of satisfactory reconciliation
 22 with the customer and that we establish a complaint
 23 against the authorized dealer here in violation of
 24 the -- our standards of conduct and also possibly
 25 installing without a license.

1 MR. HARVEY: Second.
 2 CHAIRPERSON HIXSON: Okay. We have a
 3 motion by Mr. Roberts -- this is a lot of things --
 4 to Respondent company, requesting that they make some
 5 sort of satisfactory resolution with the customer and
 6 then open a complaint against the authorized dealer
 7 listed in this complaint to determine their status
 8 and also for possible violations of our standard of
 9 conduct. Is that correct, Ken?
 10 MR. ROBERTS: Yes.
 11 CHAIRPERSON HIXSON: Okay. Ms. Vest?
 12 MS. THOMAS: Just before the Board votes,
 13 if I can ask a question. So we are holding the
 14 complaint open, I'll send a letter; and at that
 15 point, do you want me to bring it back to the Board
 16 with their response to the letter?
 17 MR. ROBERTS: Yeah, why don't you do
 18 that, just so we'll know what's going on. Will that
 19 be a problem for you?
 20 MS. THOMAS: No, I can bring it back.
 21 MR. ROBERTS: Just let us know what
 22 happened. My guess is that the Respondent company
 23 will make some sort of arrangement to settle this
 24 with the client, as we are encouraging them to do,
 25 but I'd like to find out what actually took place

1 here.
 2 MS. THOMAS: Okay.
 3 MS. VEST: Okay.
 4 MR. ROBERTS: So -- and then we can close
 5 it at that point.
 6 MS. THOMAS: Okay.
 7 MS. VEST: All right. We have the
 8 motion. Keith Harvey?
 9 MR. HARVEY: Yes.
 10 MS. VEST: Ken Roberts?
 11 MR. ROBERTS: Yes.
 12 MS. VEST: Vivian Hixson?
 13 CHAIRPERSON HIXSON: Yes.
 14 MS. VEST: Motion carries.
 15 MS. THOMAS: Okay. Case number seven is
 16 2017 --
 17 CHAIRPERSON HIXSON: Ashley, I'm sorry,
 18 before we go to number seven. When you open the
 19 complaint against the authorized dealer and we do end
 20 up -- we conduct an investigation, will we determine,
 21 number one, whether the license was expired, but will
 22 the investigators also delve into whether or not this
 23 is registered employees or if there's other
 24 violations in addition to a possible standard of
 25 conduct violation as well?

1 MS. THOMAS: Yes, ma'am, I will include
 2 all that information in my investigation request.
 3 CHAIRPERSON HIXSON: Okay, thank you. I
 4 guess, number seven?
 5 MS. THOMAS: Okay, case number seven is
 6 2017060071. This is an industry complaint.
 7 Complainant alleges that Respondent advertised on
 8 Facebook to install security cameras without a
 9 license.
 10 Respondent responded to the complaint and
 11 states that he does asphalt sealing and installs
 12 self-monitoring Samsung security cameras from Sam's
 13 Club that require no monthly fees or monitoring.
 14 Respondent states that the Complainant is a
 15 competitor who is trying to create confusion about
 16 his business. Respondent states that he has a
 17 business license and he does asphalt sealing and
 18 pressure washing. Respondent also states again that
 19 he, quote, "Puts up self-monitoring Samsung security
 20 cameras from Samsung." Respondent again states that
 21 there are no monthly fees or monitoring included.
 22 My recommendation is to issue a letter of
 23 warning regarding Tennessee Code Annotated
 24 62-32-304(j), which prohibits the sale, installation,
 25 and servicing of television or still cameras without

1 certification and close.
 2 MR. ROBERTS: I think that that would be
 3 incorrect. This guy's installing camera systems.
 4 Where he buys the camera systems is immaterial.
 5 Whether he buys them from Sam's Club or finds them on
 6 the street, he is still installing close circuit TV
 7 systems, which requires a license.
 8 MS. THOMAS: Okay.
 9 MR. HARVEY: The only way that would not
 10 require a license is if you were installing it for
 11 yourself.
 12 MS. THOMAS: Right.
 13 MR. HARVEY: Not for others.
 14 MS. THOMAS: Right, and I don't dispute
 15 that.
 16 MR. ROBERTS: So --
 17 CHAIRPERSON HIXSON: So are you all
 18 wanting to open a complaint against this person for
 19 unlicensed activity; is that what I gather?
 20 MR. ROBERTS: We have a complaint open,
 21 but I think the letter of warning would be
 22 inappropriate. What is the proposed settlement for
 23 installation of security systems without a license,
 24 unlicensed installations?
 25 MS. THOMAS: Unlicensed activity by

1 statute is a \$1,000 civil penalty.
 2 MR. ROBERTS: I would make a motion then
 3 that we authorize a formal complaint and offer a
 4 settlement of a \$1,000 penalty for installing alarm
 5 systems without a license.
 6 MR. HARVEY: Second.
 7 CHAIRPERSON HIXSON: Ms. Vest?
 8 MS. VEST: You going to repeat the
 9 motion?
 10 CHAIRPERSON HIXSON: Okay. We have a
 11 motion by Mr. Roberts to authorize a formal
 12 conference --
 13 MR. ROBERTS: Hearing.
 14 CHAIRPERSON HIXSON: Huh?
 15 MR. ROBERTS: Formal hearing.
 16 CHAIRPERSON HIXSON: I'm sorry, formal
 17 hearing, and to impose a \$1,000 civil penalty with an
 18 offer of settlement for installing CCTV systems
 19 without a license as required by law.
 20 MS. VEST: Keith Harvey?
 21 MR. HARVEY: Yes.
 22 MS. VEST: Ken Roberts?
 23 MR. ROBERTS: Yes.
 24 MS. VEST: Vivian Hixson?
 25 CHAIRPERSON HIXSON: Yes.

1 MS. VEST: Motion carries.
 2 MS. THOMAS: Case number eight is
 3 2017060321. Complainant alleges that Respondent
 4 contracted with his parents for services since 1995.
 5 After the death of his father, his mother had to move
 6 to a facility and the phone service was disconnected.
 7 Complainant worked with Respondent and agreed to meet
 8 and have a mobile service installed. Complainant
 9 states that the agent failed to appear for the
 10 installation appointment and that Respondent is
 11 currently billing for no services.
 12 When Complainant's mother was diagnosed
 13 with dementia, he discovered that Respondent had been
 14 billing his mother and that she was unaware that
 15 there was no service. Complainant states that
 16 Respondent continued to bill his parents even though
 17 they knew they were not providing any services.
 18 Respondent turned Complainant's mother's
 19 account over to a collection agency. Respondent
 20 states that they did not initially cancel the account
 21 due to receiving no written notice. They state that
 22 as a gesture of good will, the account was closed at
 23 the agency, and that the additional agency fees have
 24 been paid and all balances have been cleared.
 25 My recommendation is to close.

1 MR. ROBERTS: Make a motion that we
 2 concur with the recommendation of Counsel.
 3 MR. HARVEY: Second.
 4 CHAIRPERSON HIXSON: Okay. We have a
 5 motion by Mr. Roberts and a second by Mr. Harvey to
 6 concur with our Counsel's recommendation in this
 7 matter. Ms. Vest?
 8 MS. VEST: Keith Harvey?
 9 MR. HARVEY: Yes.
 10 MS. VEST: Ken Roberts?
 11 MR. ROBERTS: Yes.
 12 MS. VEST: Vivian Hixson?
 13 CHAIRPERSON HIXSON: Yes.
 14 MS. VEST: Motion carries.
 15 MS. THOMAS: And case number nine is
 16 2017060641. This is an industry complaint.
 17 Complainant alleges that he received an e-mail from
 18 Respondent asking if they ever sub out any of their
 19 work. Complainant states that Respondent is
 20 unlicensed. Respondent states that he only performs,
 21 quote, "this type of work," end quote, if he is
 22 working with a licensed -- a state licensed
 23 contractor. This matter was sent for investigation.
 24 Respondent provided the investigator with
 25 a sworn statement indicating that he only

1 subcontracts with licensed companies. Respondent
2 indicated that he has contacted the Board staff
3 twice, and each time he was told that a license was
4 not needed for him to subcontract. Respondent also
5 provided a copy of his subcontracting agreement with
6 the licensed company.

7 It appears that Respondent may be
8 confused as to the requirements of the Alarm Systems
9 Contractors Board and the Board for Licensing
10 Contractors, and it can be assumed that Respondent
11 spoke with members of the Contractors Board office.

12 My recommendation is to issue a letter of
13 warning regarding Tennessee Code Annotated
14 62-32-304(f) and close. And that particular statute
15 deals with subcontracting with a licensed alarm
16 systems contractor.

17 MR. HARVEY: I make a motion to concur
18 with Counsel.

19 MR. ROBERTS: Second.

20 CHAIRPERSON HIXSON: Okay. We have a
21 motion by Mr. Harvey and a second by Mr. Roberts to
22 concur our Counsel's recommendation in this matter.
23 Ms. Vest?

24 MS. VEST: Keith Harvey?

25 MR. HARVEY: Yes.

1 MS. VEST: Ken Roberts?

2 MR. ROBERTS: Yes.

3 MS. VEST: Vivian Hixson?

4 CHAIRPERSON HIXSON: Yes.

5 MS. VEST: Motion carries.

6 MR. ROBERTS: Let me say this, I think
7 that rather than just a standard letter of warning,
8 it needs to be explained to this Respondent that he
9 cannot -- that the fact that he's subcontracted from
10 a licensed contractor has no bearing, that if he is
11 doing installations, he has to be licensed. And he
12 obviously -- or I am assuming that he does not
13 understand that. And so I would -- the letter that
14 you are sending needs to make that clear so that he
15 won't continue that action any longer.

16 MS. THOMAS: Absolutely. And that's why
17 I say in looking at his response in the
18 investigation, I think that he spoke with the
19 Contractors Board, which has a bit of different
20 requirements, as far as subcontracting, and so, like
21 you said, the letter will include the difference in
22 this Board's requirements for subcontracting.

23 MS. VEST: I apologize, I forgot to
24 introduce on record our new assistant general
25 counsel, Stewart Huffman. He is now your litigator

1 for the Alarm Systems Contractors Board. We'd like
2 to welcome him aboard. And Madam Chair, can we take
3 like a five-minute break?

4 CHAIRPERSON HIXSON: Yes.
5 (Short break.)

6 CHAIRPERSON HIXSON: We are going to call
7 our meeting back to order. The next item on the
8 agenda is appearances. Do we have any appearances
9 today?

10 MS. VEST: Yes, ma'am, we do.

11 CHAIRPERSON HIXSON: Okay. Do you want
12 to proceed?

13 MS. VEST: Yes. You should have
14 Exhibit A, should be John Murray on your iPads.

15 Mr. Murray is here with his qualifying
16 agent. Would you come up and sign in, please? You
17 are the qualifying agent, could you sign in? And if
18 you gentlemen would, please, take a seat over there
19 to the right.

20 I'll give you a little history while they
21 are signing in. This is Mr. Murray. Mr. Murray has
22 come before the Board before. He was here, I
23 believe, February of '17. We did -- you did approve
24 his application based on the fact that he would take
25 drug tests and pass the drug test. We were notified

1 by his company at that time, which was ACT Security,
2 that he had been terminated, he had failed his drug
3 test. According to the order, he was revoked.

4 He since now -- I think, as of February
5 the 5th, made new application and is with a new
6 company Beacon Technology. Since his application was
7 revoked, I told him he would need to come before the
8 Board and talk to you about making his new
9 application, see if you would approve it.

10 Rest I am going to leave to Mr. Murray to
11 explain the circumstances. Like I said, he made the
12 application online, I got to think February the 4th
13 -- December the 4th, excuse me. He just made it.

14 MR. MURRAY: Basically I made a bad
15 decision in using someone else's urine sample to pass
16 the test, when I was requested to take the test from
17 ACT Security. I didn't know if I was going to have a
18 clean sample or not, so that's why I chose to do that
19 because of past experiences. So I was just looking
20 for another opportunity to continue doing alarm
21 systems, which I have done pretty much my whole
22 career.

23 MS. VEST: Would you introduce yourself,
24 sir?

25 MR. CUNNINGHAM: My name is Adam

1 Cunningham, and I am with Beacon Technologies. I am
 2 our fire QA.
 3 MS. VEST: I am going to leave this up to
 4 the Board and let them ask whatever questions they
 5 need to ask.
 6 MR. HARVEY: I guess the most obvious
 7 question would be, why was it any question that you
 8 may not pass?
 9 MR. MURRAY: Well, from marijuana use in
 10 the past, I wasn't sure if it would be out of my
 11 system or not. And instead of taking it a step
 12 further and thinking it through and possibly testing
 13 myself prior to going and seeing if I was clear or
 14 not, I chose to use my helper's urine sample at the
 15 time, which ended up failing the test. Which is a
 16 bad choice on my part, but I have been drug tested
 17 since then several times and I have not tested
 18 positive for anything.
 19 MS. VEST: Did you bring one of those
 20 tests with you?
 21 MR. CUNNINGHAM: I have six copies.
 22 MS. VEST: All right. Vivian, you are
 23 not going to be able to see this one. It's the drug
 24 tests that he had.
 25 CHAIRPERSON HIXSON: Okay.

1 MS. VEST: I'll read this out to you.
 2 It's from screen -- Escreen, Specimen Results
 3 Certificate for John Murray. The date was December
 4 the 4th, 2017, and he came back negative.
 5 MR. MURRAY: I would also like to say
 6 that prior to getting the results of the positive
 7 test, ACT -- once I told them the situation and what
 8 I had done, they took me for another drug screen the
 9 day that I was terminated, and I tested negative that
 10 day as well. But they said that the results were
 11 already submitted to the Alarm Board and that they
 12 had to terminate me due to the revoked license and
 13 what happened.
 14 MS. VEST: Can I ask you, how does
 15 Escreen do that? I mean, you didn't have to go in
 16 personally to give the sample? How did you get the
 17 sample --
 18 MR. ROBERTS: It's hard to give a sample
 19 impersonally.
 20 MS. VEST: I thought maybe he mailed it
 21 in. I don't know.
 22 MR. CUNNINGHAM: It's a rapid drug
 23 screen. You pay, you go down there that day, they do
 24 a screen and have the results in like 15 minutes, I
 25 think is what it is.

1 MS. VEST: How did you get somebody
 2 else's in there?
 3 MR. MURRAY: In a separate little bottle
 4 in my pocket.
 5 MS. VEST: I'm sorry, I apologize, I have
 6 never had one.
 7 MR. ROBERTS: You have obviously never
 8 done that.
 9 MS. VEST: I never have. No, sir, I
 10 never have.
 11 MR. ROBERTS: That's not an uncommon
 12 practice for folks that are trying to get a clean
 13 drug test.
 14 MS. VEST: How do you trust a clean drug
 15 test then?
 16 MR. CUNNINGHAM: I think he's proved that
 17 you don't.
 18 MR. ROBERTS: I know Vivian may have more
 19 intimate knowledge of that -- I mean, more knowledge
 20 of that than we might have.
 21 MS. VEST: Yeah, Vivian, you got any
 22 input?
 23 MR. MURRAY: The places I have been to
 24 recently have -- they make you empty your pockets and
 25 they check your pockets.

1 CHAIRPERSON HIXSON: That's how I have
 2 always known them to be done by reputable companies,
 3 and they check the person before they are allowed to
 4 give the urine specimen to ensure that they don't
 5 have another sample to substitute. So I don't know
 6 about the Escreen or that first company's policy,
 7 that they are really that good.
 8 MS. VEST: Is that the way Escreen did
 9 it, Mr. Murray?
 10 MR. MURRAY: Yeah, the places that I have
 11 been to recently have -- they are, like, Concentra,
 12 and so when they check everything, they check your
 13 pockets and everything before you take the urine
 14 sample.
 15 MS. VEST: Okay.
 16 MR. MURRAY: The first time that it came
 17 back positive was from -- I don't know what company
 18 it was from, but it was a lab that sent the results
 19 out. It wasn't a rapid screen.
 20 MS. VEST: So you are telling me I can
 21 trust this one here, that you gave me, this negative?
 22 MR. MURRAY: Yes, ma'am.
 23 MR. HARVEY: How long you been working
 24 with Beacon?
 25 MR. MURRAY: Probably about five months.

1 I came on in the cabling department, but I have --
2 from being in the business for so long, I have a lot
3 of knowledge in the industry, and I would like to
4 further my career -- instead of being in the cabling
5 department, be able to further my knowledge.

6 MR. HARVEY: And Mr. QA, what can you
7 tell us about his work time with Beacon?

8 MR. CUNNINGHAM: Well, obviously I
9 wouldn't put myself on the line, if I didn't feel
10 strong about this. For what he's done in the past,
11 I -- it's not my business what he's done in the past,
12 I want what he's doing now. He's a good employee,
13 he's there, he's smart, his knowledge is good. He
14 knows a lot more than a lot of guys we got doing lead
15 work. And it's his career, it's an opportunity to
16 get back into doing alarms.

17 I know he's passionate about it and I
18 think that he's good at it and I want him for that,
19 if we can have him for that. So we are at your mercy
20 and realize that. And he's taken, I guess, three
21 drug tests since he's been with Beacon now. We're a
22 drug-free workplace. When he got hired on, he took a
23 drug test. Specific sites, when you go, contractors
24 require you to do that, and, of course, we did one
25 another day for me. He had never failed a drug test

1 submitted to me. Found this out from the past.
2 So yeah, he made some mistakes and it's
3 not good, but I think he's a good employee, I think
4 he's a good person, and I want to -- if things go
5 okay, I have already talked about the owners of the
6 company of doing a monthly -- maybe weekly random --
7 whatever, enforce that policy, make sure that -- it's
8 not that I don't trust him, but we want to keep
9 ourselves straight too.

10 MS. VEST: Okay. Mr. Murray, have you
11 been charged since your last arrest?

12 MR. MURRAY: No, ma'am.

13 MS. VEST: The reason that he was before
14 you before was the -- or his arrest record and the
15 drug use, quite frankly.

16 MR. MURRAY: That was all prior to moving
17 to Tennessee and trying to start over and get my life
18 together.

19 CHAIRPERSON HIXSON: Are you the
20 gentleman from New Jersey that came before the Board
21 earlier this year?

22 MR. MURRAY: Yes, ma'am.

23 CHAIRPERSON HIXSON: Okay. When was the
24 last time you used any drugs at all?

25 MR. MURRAY: It would be prior to coming

1 here in February of this year. The beginning of
2 probably last summer, prior to moving here.

3 CHAIRPERSON HIXSON: But yet you used
4 someone else's sample because you weren't sure any
5 marijuana would show up in your system?

6 MR. MURRAY: Yeah, because of being
7 around it with other people and knowing people that
8 do it and putting myself in bad situations.

9 CHAIRPERSON HIXSON: Are you still
10 hanging out with those people?

11 MR. MURRAY: No, ma'am.

12 MR. ROBERTS: Mr. Murray, I am not
13 terribly sympathetic. It is my understanding that at
14 the previous appearance before the Board, we gave you
15 a second chance and you blew it. I am not terribly
16 sympathetic to your situation at this point. You
17 know, it just doesn't seem that you have been trying
18 to live up to the second chance that you had at that
19 point, now you are asking us for basically a third
20 chance.

21 MR. MURRAY: I agree.

22 MR. HARVEY: Yeah, Ken took the words
23 right out of my mouth. We obviously put some faith
24 and trust in you the last time around to give you the
25 chance to -- and that's not something we do a lot of

1 to even go so far as to ask for the drug test
2 regularly to kind of keep you on board. I don't --
3 you know, we hear about how passionate you are, you
4 want to be in the industry and want to further your
5 career, but you are not doing those simple things
6 that it takes to get there, from our standpoint, from
7 what we are seeing. You may be seeing something
8 totally different as the QA in short-term employment,
9 but what assurances do we have? What's going to
10 happen different, should we give that third chance?
11 In a year, I might add.

12 MR. MURRAY: I mean, the difference would
13 be, you know, subjected to the drug testing that was
14 initially asked for me to do, you know, providing
15 results and -- I mean, the difference would be just
16 doing the right thing and making the right decisions,
17 not falling back on bad habits.

18 MR. ROBERTS: See, really, this Board is
19 charged with protecting the general public. But in
20 fact, what we really are in charge of is protecting
21 the general public, Beacon Technologies as an
22 employer, and hopefully you. Because if you are out
23 on a job site and under the influence and have some
24 sort of an accident, it could hurt you, it could be
25 very detrimental to Beacon, it could hurt the general

1 public.

2 So it's important that the role that we
3 fulfill in trying to make sure that the people that
4 are in the alarm industry are clean, sober, and
5 qualified employees, to the best that we can do that.
6 And frankly, your record just doesn't show that.

7 MR. MURRAY: I understand.

8 MR. ROBERTS: It just does not. On the
9 other hand, I am fully sympathetic with somebody
10 that's trying to make an honest living and support a
11 family and conduct a normal lifestyle, I am fully
12 sympathetic to that. So these two understandings on
13 my part are kind of in conflict. On one hand, I'm
14 sympathetic, on the other hand, I'm not. I am just
15 trying to figure out some real solution that would
16 help all parties involved, would set aside the
17 statute that we are charged to operate under.

18 CHAIRPERSON HIXSON: Well, Ken and Keith,
19 would y'all entertain that he continue on in a
20 nonregistered employee capacity with Beacon so he
21 does remain employed for a period of six months and
22 we require Beacon to test him at a legitimate
23 screening site once a month for six months and then
24 reconsider?

25 MR. ROBERTS: Yeah, I'd be agreeable to

1 that.

2 CHAIRPERSON HIXSON: That way in six
3 months, if he screened by Beacon -- and I want these
4 to be surprise tests, I don't want them to be given
5 -- any notice given to him. I guess -- I don't
6 remember the man's -- is it Mr. Cunningham? I know
7 you said Adam.

8 MR. CUNNINGHAM: Yes, that's correct.

9 CHAIRPERSON HIXSON: Okay. Adam, these
10 will not need to be scheduled on the same day every
11 month so he has opportunity to make arrangements, but
12 almost be a surprise testing for a period of six
13 months. And then we'll bring him back before the
14 Board, and if he's tested clean, then we'll
15 reconsider.

16 MR. ROBERTS: Would that seem to be a
17 reasonable solution?

18 MR. CUNNINGHAM: Absolutely. We are a
19 drug free employment, so we are very hard on that and
20 we do that anyway, but we don't want people using.

21 MR. ROBERTS: I know our company's the
22 same way, we are a drug-free workplace and we do
23 random testing. This would be more than random
24 testing, this would be a monthly test.

25 MR. CUNNINGHAM: Correct.

1 MR. ROBERTS: And come back before the

2 Board six months from now --

3 MS. VEST: Well, if he's not a registered
4 employee --

5 MR. ROBERTS: He's not working in the
6 alarm industry --

7 MS. VEST: That's correct. So he's not
8 subject to whatever decision we are going to -- you
9 are going to make here. So what are we saying, it's
10 up to Beacon if they want to keep him in a
11 nonregistered employee position for that length of
12 time?

13 MR. CUNNINGHAM: Correct.

14 MR. ROBERTS: What we are proposing would
15 be an opportunity for you to become a registered
16 employee in the alarm industry. That seems like a
17 pretty reasonable solution to me.

18 MR. HARVEY: We cannot ask you to give
19 drug screening, since you are not registered, but
20 what we are saying is if you were to come back here
21 with six months worth of clean drug tests, we would
22 reconsider.

23 MR. MURRAY: Right.

24 CHAIRPERSON HIXSON: Yes, that way he
25 continues to be employed with Beacon. You know, Adam

1 says he's a really good, dedicated employee, very
2 intelligent, so you don't really want to punish
3 Beacon, but yet we have to ensure, before we give him
4 registered employee status, that he's drug free for
5 six months. I mean, it's a win-win for everybody, as
6 far as Beacon and with Mr. Murray, I think.

7 MR. ROBERTS: I would also suspect if he
8 turned up with a positive drug test that Beacon would
9 --

10 MR. CUNNINGHAM: Immediate termination.

11 MR. ROBERTS: -- with the drug-free
12 workplace, would terminate immediately. I know
13 that's what we do.

14 MR. CUNNINGHAM: That's correct. That's
15 correct.

16 MS. VEST: Let me also explain, I am not
17 going to be able to hold the application open for six
18 months. The computer has been designed now to close
19 quicker.

20 MR. ROBERTS: Make a reapplication.

21 MS. VEST: You would have to make a new
22 application.

23 MR. CUNNINGHAM: Just the midway point
24 make a new application or --

25 MS. VEST: At the end of the six months.

1 MR. CUNNINGHAM: Let it expire --
 2 MR. ROBERTS: It's going to expire anyway
 3 at the end of six months. If you'll come back to the
 4 Board with a record of random drug tests on a monthly
 5 basis that you can show -- demonstrate those records,
 6 that we would reconsider an application at that
 7 point.
 8 MR. CUNNINGHAM: Okay.
 9 MR. ROBERTS: Do we need to put that in
 10 the form of a motion?
 11 MS. VEST: Yes.
 12 MR. ROBERTS: All right. I'll make a
 13 motion then that if Mr. Murray and the qualified
 14 agent come back six months from now, approximately
 15 six months from now, with six monthly clean drug
 16 tests, then we would consider an application for a
 17 registered employee in the alarm industry at that
 18 point.
 19 MR. HARVEY: Second.
 20 MS. VEST: Let me ask the question, do
 21 you want me to bring it back to the Board or do you
 22 want me to look at them and see if they are clean and
 23 just approve it?
 24 MR. ROBERTS: I think it can be handled
 25 administratively.

1 MS. VEST: Then we'll take a look at your
 2 drug exam when you make your application. You'll
 3 need to turn in all your drug tests, all right, so I
 4 can make that determination.
 5 MR. ROBERTS: So they'll give you an
 6 opportunity to continue on in this -- or to reengage
 7 in this industry, but you've got to stay clean to do
 8 it.
 9 MR. MURRAY: Absolutely.
 10 MR. ROBERTS: It's in your own best
 11 interest to do that anyway, unless you want to stay
 12 working for Beacon. I assume, I'm guessing, Beacon
 13 wants you to stay with them or they wouldn't be here
 14 in the first place.
 15 MR. CUNNINGHAM: That's correct, I need
 16 him.
 17 MR. ROBERTS: That gives you a pass. We
 18 have a motion then. Did you make a second?
 19 MR. HARVEY: Second.
 20 MS. VEST: Vivian.
 21 CHAIRPERSON HIXSON: I'm sorry, I am not
 22 hearing Keith sometimes, is what it is. We have a
 23 motion by Mr. Roberts and a second by Mr. Harvey that
 24 states Mr. Murray will submit to drug screening for
 25 the next six months under Beacon's purview, if his

1 screens are clear, he can make reapplication and his
 2 registered employee status can be approved
 3 administratively; is that correct?
 4 MR. ROBERTS: Yes.
 5 CHAIRPERSON HIXSON: All right. All in
 6 favor voice -- I'm sorry. Ms. Vest, will you call a
 7 roll?
 8 MS. VEST: Keith Harvey?
 9 MR. HARVEY: Yes.
 10 MS. VEST: Ken Roberts?
 11 MR. ROBERTS: Yes.
 12 MS. VEST: Vivian Hixson?
 13 CHAIRPERSON HIXSON: Yes.
 14 MS. VEST: Motion carries.
 15 MR. HARVEY: Good luck.
 16 MR. CUNNINGHAM: Thank you, guys, very
 17 much.
 18 MR. MURRAY: Thank you.
 19 CHAIRPERSON HIXSON: Thank you for
 20 appearing before the Board. And Mr. Murray, don't
 21 let us down this time, please.
 22 MR. MURRAY: I won't. Thank you for
 23 another opportunity.
 24 CHAIRPERSON HIXSON: Okay. Ms. Vest, the
 25 next item on the --

1 MS. VEST: Madam Chair, can you hold just
 2 a moment, please?
 3 (Discussion off the record.)
 4 MS. VEST: All right, I'm finished, Madam
 5 Chair. I was just doing some discussion there with
 6 Mr. Murray how he was going to --
 7 CHAIRPERSON HIXSON: That's okay. When
 8 you all step out of the microphone, I don't hear
 9 anything, it just goes silent.
 10 MS. VEST: Okay. We can move on down to
 11 my administrative matters, if you would like.
 12 CHAIRPERSON HIXSON: The next item is the
 13 regulatory Board monthly report.
 14 MS. VEST: Yes, ma'am. We have the
 15 monthly report. All I have here, actually, is for
 16 October. There's not that much to report. We still
 17 are showing our two vacant positions, that was for
 18 Karen Jones and Ken Roberts.
 19 CHAIRPERSON HIXSON: Do we have any
 20 update on that at all?
 21 MS. VEST: There has not been any update
 22 to my office.
 23 CHAIRPERSON HIXSON: Okay.
 24 MS. VEST: The governor has not informed
 25 me yet. And, of course, they both continue to serve

1 until we hear, and we certainly appreciate that.
 2 CHAIRPERSON HIXSON: I am not hearing
 3 anything.
 4 MS. VEST: I said they continue to serve
 5 and we certainly appreciate it.
 6 CHAIRPERSON HIXSON: Okay. Thank you.
 7 MS. VEST: The next item is the budget
 8 review, which I do not have; I just got that
 9 yesterday afternoon. I do have some questions about
 10 that, so therefore I am not going to put it on this
 11 agenda, I will present -- it would have been the
 12 October. So in February we'll have several months of
 13 budgets from me to present to you.
 14 The next item would be the legislative
 15 update, and I don't have a legislative update either.
 16 I don't have an application for review, and I do not
 17 have a request for an extension, and we do not have
 18 any criminal records for review.
 19 CHAIRPERSON HIXSON: Okay. So we move to
 20 the education report.
 21 MS. VEST: Yes, ma'am. I believe that
 22 this information was given out. We did send some
 23 material to Karen Jones, but since she was not able
 24 to be present, I believe we sent that information to
 25 Ken Roberts.

1 MR. ROBERTS: Foisted it off on Ken
 2 Roberts, I believe.
 3 MS. VEST: Okay.
 4 MR. ROBERTS: I can -- I can go through
 5 the list. Why don't I go through the list that I was
 6 sent first with the recommendations. I received some
 7 35 pages, initially. Let me just list the courses
 8 and the recommendation.
 9 The first course I have in my hand was
 10 Dinosaur Wisdom for one hour of continuing education;
 11 I would recommend approval. Second one was Managing
 12 Cyber Security Bridging, the Gap Between Leadership
 13 and Technology, one hour of continuing education, and
 14 I would approve it for continuing education.
 15 Incidentally, these were requested for
 16 initial application, but they would be inappropriate
 17 for that, so they would just be for continuing
 18 education.
 19 The next one would be Cyber Security
 20 Trends for the 2018, How Business Leaders Need to
 21 Take Charge, one hour of continuing -- one hour of
 22 continuing education; I would recommend it be
 23 approved for that. The next one is called
 24 Unmarketing for one hour of continuing education; I
 25 recommend it be approved. The next one will be Five

1 Productivity Hacks, which would be for one hour of
 2 continuing education, which I would recommend
 3 approval.
 4 There was a course called Hiring and
 5 Engaging Veterans, Why It Makes Business Sense and
 6 How To Do It, one hour of continuing education; I
 7 would recommend approval for that.
 8 There's a course called the Sneaky Ways
 9 of Self Sabotage. That sounded like a really
 10 interesting course. One hour of continuing
 11 education, which I would recommend that be approved
 12 for that. There was a course called Servant Selling
 13 for one hour of continuing education, which I would
 14 recommend.
 15 There was a course, What Keeps You Up At
 16 Night 2017. That also sounded like an interesting
 17 course, but I would recommend it be approved for the
 18 one hour of continuing education. There was a course
 19 entitled And Then Some, the Art of Exceeding
 20 Expectations, which would be for one hour of
 21 continuing education; I would recommend approval.
 22 And there was a course called, The Data You Need to
 23 Effectively Sell Comprehensive Security, also for one
 24 hour of continuing education, which I would recommend
 25 it be approved. Those were the courses that I was

1 sent initially.
 2 Subsequent to that, I received another
 3 series of courses. I think these were the ones that
 4 were sent to Karen initially. There was a course
 5 called System Enhancement Module 201 for one hour of
 6 continuing education. There was a course that is
 7 called Video As A Service 201 for one hour of
 8 continuing education, which I would recommend it be
 9 approved for that. There was a course called
 10 Interactive Services and Image Sensor 201, which I
 11 would also recommend for one hour of continuing
 12 education. There was a course entitled Installer
 13 Tools 201 for one hour of continuing education, which
 14 I would recommend approval. There was a course
 15 called Automation and Energy 201 for one hour of
 16 continuing education, which I would recommend
 17 approval. And there was a course called Alarm.com
 18 Doorbell Camera 201 for one hour of continuing
 19 education, which I would also recommend approval.
 20 Those were the courses that I reviewed.
 21 And do we want to make that a motion at this point?
 22 You have some courses?
 23 MR. HARVEY: Uh-huh.
 24 MR. ROBERTS: I make a motion that
 25 these -- all those courses I just read be approved

1 for the one hour of continuing education.
 2 MR. HARVEY: Second.
 3 MS. VEST: Vivian, did you hear that?
 4 Vivian? Vivian? Okay, apparently we have lost
 5 Vivian Hixson, who is calling in telephonically.
 6 MR. ROBERTS: We can still continue on.
 7 Once you establish a quorum for a meeting, then it
 8 would continue, unless there's an objection. That's
 9 Roberts Rules of Order, which we adopted.
 10 MS. VEST: Yes, sir. Our staff attorney
 11 is telling me no. We had this discussion in case
 12 Vivian did drop-off, and I have been instructed that
 13 we would not be able to vote.
 14 MS. THOMAS: And that's been confirmed
 15 with the policy director. So discussions can happen,
 16 but once quorum is lost, the vote has to stop.
 17 MR. ROBERTS: Let's see if we can get
 18 Vivian back on the line.
 19 CHAIRPERSON HIXSON: I'm back.
 20 MS. VEST: Okay. You are back Vivian?
 21 CHAIRPERSON HIXSON: Yes, I got dropped.
 22 I'm back, though.
 23 MS. VEST: Okay. Well, Mr. Roberts, will
 24 you mind making your motion again, please?
 25 MR. ROBERTS: I made a motion that we

1 approve all of the courses I read for one hour of
 2 continuing education as requested.
 3 MR. HARVEY: And I seconded.
 4 CHAIRPERSON HIXSON: Okay, thank you. We
 5 have a motion by Mr. Roberts and a second by
 6 Mr. Harvey to approve all the courses read into the
 7 record for CEU -- or for CEU credit at one hour.
 8 MR. ROBERTS: Yes.
 9 CHAIRPERSON HIXSON: Okay. Ms. Vest,
 10 will you call the roll?
 11 MS. VEST: Keith Harvey?
 12 MR. HARVEY: Yes.
 13 MS. VEST: Ken Roberts?
 14 MR. ROBERTS: Yes.
 15 MS. VEST: Vivian Hixson?
 16 CHAIRPERSON HIXSON: Yes.
 17 MS. VEST: Motion carries.
 18 CHAIRPERSON HIXSON: Thank you.
 19 MS. VEST: I believe, Keith, you have
 20 some courses as well.
 21 MR. HARVEY: I didn't cut down any trees
 22 like Ken did, but I just -- the ones you sent me was
 23 the ESA, they were all for continuing education. I
 24 did read through every one of them individually and
 25 thought they were all well sufficient for one hour

1 and two hours of continuing education.
 2 CHAIRPERSON HIXSON: Do we need those
 3 read into the record?
 4 MS. VEST: Yes. I believe so, yes,
 5 ma'am. Hold just a moment. If you'd like me to,
 6 Keith, I can read them into the record, unless you
 7 want to.
 8 MR. HARVEY: That will be fine with me.
 9 MS. VEST: Okay. With the ESA is
 10 Troubleshooting Service and Maintenance Online,
 11 continuing education for one hour. These are all
 12 continuing education. ESA, How to Present the Best
 13 Solutions for Your Client's Needs, one hour. Adams
 14 Rite, R-I-T-E, Storefront Product Application, two
 15 hours for continuing education. Introduction to
 16 Commercial Sales, one hour. Alarm.com -- no, this
 17 is --
 18 MS. BALASZI: You have two copies. There
 19 you go.
 20 MS. VEST: I'm sorry. Selling Integrated
 21 Systems, one hour. Selling Commercial Video
 22 Surveillance Systems, one hour. Selling Commercial
 23 Intrusion Systems, one hour. Selling Commercial Fire
 24 Alarm Systems, one hour. Selling Commercial Access
 25 Control Systems, one hour. Prospecting for Potential

1 Clients, one hour.
 2 They are also asking for 11 hours of
 3 credit for their Leadership Summit, which will be
 4 held on February the 12th through the 15th, 2018. It
 5 will be The Data You Need to Effectively Sell
 6 Comprehensive Security and Then Some.
 7 MS. BALASZI: That's already approved by
 8 Mr. Roberts.
 9 MS. VEST: Is that the one that you
 10 already had, Ken?
 11 MR. ROBERTS: (Nodding head
 12 affirmatively.)
 13 MS. VEST: I apologize. It got approved
 14 twice.
 15 MR. ROBERTS: We haven't approved that
 16 the second time yet.
 17 MS. VEST: Okay. And these were given to
 18 Keith as well.
 19 MS. BALASZI: No, this is just a
 20 duplicate.
 21 MS. VEST: That's all that we had. We
 22 are going to approve those.
 23 MR. HARVEY: I'd make a motion to approve
 24 the ESA courses for continuing education that's been
 25 read into the record.

1 MR. ROBERTS: Second.
 2 CHAIRPERSON HIXSON: Okay. We have a
 3 motion by Mr. Harvey and second by Mr. Roberts to
 4 approve the ESA courses for continuing education at
 5 the rate of one and two hours as read into the
 6 record. Ms. Vest?
 7 MS. VEST: Keith Harvey?
 8 MR. HARVEY: Yes.
 9 MS. VEST: Ken Roberts?
 10 MR. ROBERTS: Yes.
 11 MS. VEST: Vivian Hixson?
 12 CHAIRPERSON HIXSON: Yes.
 13 MS. VEST: Motion carries.
 14 CHAIRPERSON HIXSON: Okay. And you all
 15 cut out, do we need to also have a motion on the
 16 11-hour leadership conference request for February?
 17 MS. VEST: No -- no, ma'am, that was in
 18 Mr. Roberts's course listing.
 19 MR. ROBERTS: That was just when they
 20 were going to offer these particular courses that I
 21 read into the record.
 22 CHAIRPERSON HIXSON: Okay. I'm with you
 23 now. Do we have any more course reviews to go over?
 24 MS. VEST: No, but I do have something I
 25 need to bring to the Board's attention. I would like

1 to read this e-mail that I have received from ESA.
 2 "As a provider of approved quality
 3 education for fire, burglar, and CCT installation
 4 classifications, the Electronic Security Association,
 5 known as ESA, would like to request information on
 6 what steps we need to take to have a new exam
 7 proctoring process approved by the Tennessee Alarm
 8 Systems Contractors Board.
 9 Currently we use either ESA's National
 10 Training School, initials are NTS, instructor or a
 11 third party testing center to proctor the
 12 end-of-course exam. This proctoring and test taking
 13 occurs with a proctor and test taker in the same
 14 room. However, we now have the ability to use
 15 web-based proctoring through a third-party provider.
 16 The ESA education committee thoroughly
 17 vetted the web-based proctoring process and feels
 18 very confident that it is a secured method of
 19 proctoring an ESA slash NTS course exam. We are
 20 happy to provide the Tennessee Alarm System
 21 Contractors Board more information on the web-based
 22 proctoring system so that they can adequately review
 23 it. Please let me know if you need any additional
 24 information."
 25 And this is from Michelle, and I will

1 spell the last name, Y-U-N-G-B-L-U-T, vice-president
 2 of training and certification with the Electronics
 3 Security Association.
 4 Now I know we have discussed before the
 5 proctoring and the web-based, as far as -- as far as
 6 I can remember, we had some problems with that. Or
 7 you did.
 8 CHAIRPERSON HIXSON: How about we have
 9 Ms. Yungblut appear before the Board in February to
 10 provide detailed information on how this works,
 11 instead of trying to vote on it today. Because I see
 12 in her e-mail, she said that she would be present at
 13 a future meeting. Would that be agreeable,
 14 Mr. Roberts and Mr. Harvey.
 15 MR. ROBERTS: That would be agreeable
 16 with me.
 17 MR. HARVEY: Yeah.
 18 MS. VEST: All right. So we'd like to
 19 extend her an invitation to the February 2018
 20 meeting. What do I need to tell her she's coming to
 21 speak on? Just explain the web base or --
 22 MR. ROBERTS: Explain how they -- how
 23 they would conduct the course work and how they would
 24 proctor the examination. Is that right?
 25 MR. HARVEY: Yes.

1 CHAIRPERSON HIXSON: My biggest concern
 2 is that the person taking the test is actually the
 3 person that's being tested.
 4 MR. ROBERTS: I think we would all have
 5 that concern.
 6 MS. VEST: Yes. And I think -- like I
 7 have said, we have addressed this before, like, with
 8 colleges. A lot of -- they are going to web-based
 9 testing. You can do it at home, you can do it in a
 10 classroom. This is how we do some of our testing.
 11 Instead of in our office, when we have to do our
 12 exams or whatever, take specific courses, we do it on
 13 our own computers. We are locked in, they know who
 14 we are, and we are sitting at our desk taking these.
 15 So I mean it's something we might -- we are going to
 16 have to consider. This is more and more -- moving
 17 further and further into the future.
 18 MR. ROBERTS: I think Vivian's suggestion
 19 that we invite the lady to come and explain the
 20 process and how it's done and how it's validated so
 21 that it's secure -- assuring the person taking the
 22 exam is actually the one that's getting credit for
 23 the course.
 24 MS. VEST: Okay. I will extend her the
 25 invitation to come at the February meeting.

1 MR. ROBERTS: I think it was a good
2 suggestion Vivian made.

3 MS. VEST: We don't need a motion on
4 that, Vivian.

5 CHAIRPERSON HIXSON: Okay. That works
6 for me. The next thing -- let's see, let me pull the
7 agenda back up. Did you have that under the course
8 review? Did we have any unfinished business?

9 MS. VEST: I don't have any unfinished
10 business.

11 CHAIRPERSON HIXSON: Do we have any new
12 business?

13 MS. VEST: Yes.

14 CHAIRPERSON HIXSON: Okay.

15 MS. VEST: I am going to read this e-mail
16 as well. Not going to read it all, just says, "Nice
17 speaking to you." I have been asked, "What type of
18 license and testing do I need to obtain to install
19 residential alarm systems that would include keypads,
20 door contacts, motion sensors and glass breaks, smoke
21 detectors and heat detectors. We also install door
22 locks, doorbell cameras, thermostats, and lamp
23 modules that integrate with our alarm systems so that
24 these devices can be controlled over the customer's
25 cellphone. I saw on your website you encourage

1 further education and list Alarm.com as a resource.
2 We are Alarm.com certified and an authorized dealer
3 in seven states." This is from Ryan Torrence,
4 T-O-R-R-E-N-C-E, with Safe and Sound.

5 CHAIRPERSON HIXSON: It sounds to me that
6 he needs to be -- go through the process and become
7 an alarm systems contractor in the State of
8 Tennessee, just like anybody else, if he's installing
9 alarm systems.

10 MS. VEST: I think he's asking his
11 classification, what classification.

12 MR. ROBERTS: It would be my opinion that
13 if he were licensed as a burglar alarm installer,
14 that that would be sufficient. Now, that would be
15 predicated on the understanding that what he is doing
16 is installing a couple of heat detectors, couple of
17 smoke detectors as part of a burglar alarm system,
18 and that also that installing the doorbell cameras
19 and such would still fall closely enough under the
20 burglar alarm category to be sufficient.

21 I would not think that to install a
22 doorbell alarm as part of a burglar alarm system,
23 that he would need, for instance, a closed circuit TV
24 license, just as he would not be required to have a
25 fire alarm license just to install a couple of smoke

1 detectors as part of a residential burglar alarm
2 system. So in summation --

3 CHAIRPERSON HIXSON: I am sorry, it
4 wouldn't be required, but we could encourage him to
5 seek the fire category. I agree with you on the
6 doorbell alarm, that's kind of minimal for CCTV, but
7 if he's going to be installing the fire components,
8 maybe encourage him to seek the fire classification
9 as well.

10 MR. ROBERTS: We can encourage him to do
11 that, but the way we have looked at that in the past,
12 and I believe the way our statute reads, that if
13 that's as a portion of -- a smoke detector added as
14 part of a burglar alarm system would not require
15 beyond the burglar alarm category.

16 If on the other hand he were installing
17 fire systems, that that was what he was installing,
18 then he would need the fire alarm license. But if he
19 was installing smoke detectors as part of a
20 residential burglar alarm system, then his burglar
21 alarm classification would allow that.

22 MS. VEST: So what I am going to respond
23 back to this gentleman is, based on the information
24 that he has provided in his e-mail, he would need the
25 burglar alarm classification.

1 MR. ROBERTS: That is correct.

2 MR. HARVEY: I completely agree.

3 MS. VEST: Thank you. That's all I have,
4 Madam Chair.

5 CHAIRPERSON HIXSON: Okay. Keith, Ken,
6 do y'all have anything?

7 MR. ROBERTS: Let me ask a question. In
8 going through the minutes of our previous meeting, it
9 seems like there was something else that was going to
10 be brought back before the Board. I don't recall
11 right offhand what it was. There was some previous
12 business that I had expected to be brought back,
13 presumably at this meeting.

14 MS. VEST: Just a moment.

15 MR. ROBERTS: I honestly don't recall
16 what it was.

17 MS. VEST: Well, it's obvious --

18 MR. ROBERTS: It wasn't stipulated to be
19 brought back at this meeting, so it could be
20 something we brought back at a future meeting.

21 MS. VEST: All right. We'll go back and
22 look at our minutes.

23 MR. ROBERTS: Look through it and see if
24 there was something else that was supposed to be
25 brought back to the Board. I don't recall what it

1 was.

2 CHAIRPERSON HIXSON: I found it. It's on

3 Page 22 of the October minutes. I am trying to go

4 back and see what it pertains to. Maybe start on

5 Page 20.

6 MS. VEST: Give us just a minute, Vivian,

7 we are looking it up.

8 CHAIRPERSON HIXSON: That's okay. I just

9 opened the minutes to see if I can find out what Ken

10 was talking about, and Page 22 referenced what Ken's

11 talking about. Go back to Page 12, I think that

12 might be where it starts.

13 MS. THOMAS: Is this in regards, if I can

14 ask, to a complaint?

15 CHAIRPERSON HIXSON: Yes, ma'am, it is.

16 Case number four from October legal report.

17 MS. THOMAS: Okay.

18 CHAIRPERSON HIXSON: Case number

19 2017047211. It says, "This case arises out of an

20 industry complaint alleging failure to register

21 employee." I think that is where this actually

22 starts. I pulled it up on Page 22.

23 MS. THOMAS: Okay. I can kind of speak

24 to that.

25 CHAIRPERSON HIXSON: Okay.

1 will not see the Board again until February of 2018.

2 Thank you.

3 (WHEREUPON, the meeting was adjourned at

4 10:47 a.m.)

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1 MS. THOMAS: At this time we are still

2 waiting on the full investigative report to come back

3 from the investigator. I have spoken to him a couple

4 of times, but I wanted to wait until I get the full

5 file before I brought it back to the Board.

6 CHAIRPERSON HIXSON: Okay. So we can

7 expect it at a future meeting then?

8 MS. THOMAS: Yes. I should be able to

9 present that to the Board in February.

10 CHAIRPERSON HIXSON: Okay.

11 MR. ROBERTS: That will be fine with me.

12 CHAIRPERSON HIXSON: Okay. Mr. Roberts,

13 anything else?

14 MR. ROBERTS: No, I don't believe so.

15 CHAIRPERSON HIXSON: Okay. The meeting

16 is adjourned, if we can turn the camera off.

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

18 adjournment?

19 CHAIRPERSON HIXSON: No. Do we normally

20 have one?

21 MR. ROBERTS: She can declare it

22 adjourned. If there's no further business, she can

23 declare it adjourned.

24 MS. VEST: That's fine. We'll go off the

25 record then. Happy holidays to everybody because we

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\$1,000 38:1,4,17**\$27.99** 31:11**\$500** 12:5

0

0090-06 23:17**0090-06-.03(2)(f)** 12:7**0licensed** 18:13

1

1 8:18 9:4**1-B** 6:24**1099** 14:15 15:1**11** 68:2**11-hour** 69:16**12** 10:17**12th** 68:4**15** 46:24**15th** 68:4**17** 43:23**19** 5:18**1995** 39:4

2

2 10:8,9**201** 64:5,7,10,13,15,18**2014** 8:23**2016** 8:24 9:4**2017** 4:8 5:18 7:2 10:13,
17 22:23,25 35:16 46:4
63:16**2017047171** 8:18**2017057221** 10:10**2017057241** 11:11**2017057981** 12:24**2017059121** 21:4**2017059721** 22:11**2017060071** 36:6**2017060321** 39:3**2017060641** 40:16**2018** 62:20 68:4 71:19**22** 22:25**27** 22:23**27.99** 22:17 24:9,17
25:21**29** 7:2

3

3 11:11**30-days** 10:15**31** 8:24**35** 62:7

4

4 12:24**4th** 44:12,13 46:4

5

5th 44:5

6

62-32-304(f) 41:14**62-32-304(j)** 36:24

7

7 4:8

8

8 8:23**8-44-108(a)(3)** 7:16**8-44-108(b)(2)** 7:7

A

ability 70:14**aboard** 43:2**above-captioned** 4:3**aboveboard** 16:11**Absolutely** 31:4 32:14
42:16 54:18 58:9**Access** 67:24**accident** 52:24**account** 10:20 21:9,18
39:19,20,22**ACT** 44:1,17 46:7**acting** 14:7**action** 7:18,20 42:15**actionable** 19:16**activity** 12:1 37:19,25**actual** 17:6 19:10 24:3**Adam** 44:25 54:7,9 55:25**Adams** 67:13**add** 52:11**added** 75:13**addition** 35:24**additional** 16:5,7 24:18
39:23 70:23**Additionally** 8:25 23:14**addressed** 72:7**adequately** 70:22**administrative** 60:11**administratively** 57:25
59:3**admitted** 17:9**adopt** 5:2,3,8**adopted** 65:9**advertised** 36:7**advertising** 8:19**Affairs** 32:2**affirmatively** 68:12**afternoon** 61:9**agency** 39:19,23**agenda** 4:22 5:8 8:2,16
43:8 61:11 73:7**agent** 9:6 39:9 43:16,17
57:14**agents** 23:6**agree** 19:18 31:3,17
32:16 51:21 75:5 76:2**agreeable** 53:25 71:13,
15**agreed** 39:7**agreement** 11:24 29:11
41:5**alarm** 4:7 6:23 8:22 9:6
11:13 13:2 14:12 17:21,
25 18:3 20:20 21:5 25:14
38:4 41:8,15 43:1 44:20
46:11 53:4 55:6,16 57:17
67:24 70:7,20 73:19,23
74:7,9,13,17,20,22,25
75:1,6,14,15,18,20,21,25**Alarm.com** 64:17 67:16
74:1,2**alarms** 7:25 18:7 49:16**alerted** 21:7**allegations** 17:9**alleged** 11:19 12:1**alleges** 8:18 10:10 11:12
12:25 21:4 22:11,18 36:7
39:3 40:17**allowed** 48:3**Annotated** 7:7,15 36:23
41:13**apologize** 42:23 47:5
68:13**apparently** 13:17 19:1
24:8 27:3 65:4**appearance** 51:14**appearances** 43:8**appearing** 59:20**appears** 15:14 28:23
41:7**applicant** 13:11,14 19:8**application** 14:1 18:18
19:2,17 43:24 44:5,6,9,

12 56:17,22,24 57:6,16
58:2 61:16 62:16 67:14

apply 9:12

appointment 39:10

approval 62:11 63:3,7,
21 64:14,17,19

approve 5:19,21 6:5 8:7,
12 43:23 44:9 57:23
62:14 66:1,6 68:22,23
69:4

approved 59:2 62:23,25
63:11,17,25 64:9,25
68:7,13,15 70:2,7

approximately 57:14

argument 13:23

arrangement 34:23

arrangements 54:11

arrest 50:11,14

Art 63:19

Ashley 8:11 30:16 35:17

aspects 21:17

asphalt 36:11,17

assistant 42:24

association 9:11 70:4
71:3

assume 26:20 29:22
58:12

assumed 41:10

assuming 13:23 27:12
42:12

assurances 52:9

assuring 72:21

attending 8:1

attention 69:25

attorney 65:10

authorize 12:3 38:3,11

authorized 23:2,3,5,10,
15 24:2,4,20 25:4,5 26:3,
19 27:1,10,18,21 28:21,
23 29:2,7 30:9,13,22
31:19 33:9,23 34:6 35:19
74:2

authorizing 32:17

Automation 64:15

B

back 5:24 13:13 14:4
19:9 22:13,15 28:10
29:2,17 30:2,24 31:13
34:15,20 43:7 46:4 48:17
49:16 52:17 54:13 55:1,
20 57:3,14,21 65:18,19,
20,22 73:7 75:23 76:10,
12,19,20,21,25

bad 44:14 45:16 51:8
52:17

bag 31:11

balance 10:20

balances 39:24

BALASZI 67:18 68:7,19

bank 11:18

base 71:21

based 7:14 9:7 43:24
75:23

basically 15:1 44:14
51:19

basis 57:5

Beacon 44:6 45:1 48:24
49:7,21 52:21,25 53:20,
22 54:3 55:10,25 56:3,6,
8 58:12

Beacon's 58:25

bearing 42:10

begin 8:17

beginning 51:1

behalf 33:18

bet 32:5

bigger 26:8,16 29:5

biggest 72:1

bill 10:11 39:16

billing 25:18 31:24
39:11,14

bit 29:9 32:20 42:19

blew 51:15

blocked 22:19 31:14

board 4:3,8 5:18 6:23
7:1,25 8:3 14:2 17:3 19:8
28:13 33:1 34:12,15
41:2,9,11 42:19 43:1,22
44:8 45:4 46:11 50:20
51:14 52:2,18 54:14 55:2
57:4,21 59:20 60:13
70:8,21 71:9 76:10,25

Board's 42:22 69:25

body 7:9,11,17,18

bottle 47:3

break 43:3,5

breaks 73:20

Bridging 62:12

bring 34:15,20 45:19
54:13 57:21 69:25

brought 5:24 76:10,12,
19,20,25

budget 61:7

budgets 61:13

Bureau 11:23

burglar 70:3 74:13,17,
20,22 75:1,14,15,20,25

business 9:14 11:19,23
12:2 16:14 24:18 29:24
32:7 36:16,17 49:2,11
62:20 63:5 73:8,10,12
76:12

buy 28:17

buying 31:2

buys 37:4,5

C

cabling 49:1,4

call 4:9 5:9 11:3 22:2
26:19 43:6 59:6 66:10

called 17:8 22:14 30:11
62:23 63:4,8,12,22 64:5,
7,9,15,17

calling 4:18 65:5

calls 11:16

camera 37:3,4 64:18

cameras 8:20 36:8,12,
20,25 73:22 74:18

cancel 22:14 23:12
24:21 26:5 30:11 39:20

cancellation 10:15,16

cancelled 10:12,19
11:24

cancelling 30:14

capacity 53:20

card 22:19 31:15

career 44:22 49:4,15
52:5

carries 5:16 6:14 10:7
11:10 12:21,22 21:2 22:9
35:14 39:1 40:14 42:5
59:14 66:17 69:13

case 8:18 10:9 11:11
12:24 14:10 20:6,12,19
21:3,22 22:2,10 27:22
29:22 35:15 36:5 39:2
40:15 65:11

category 74:20 75:5,15

CCT 70:3

CCTV 38:18 75:6

cellphone 73:25

center 70:11

CEO 10:12

Certificate 46:3

certification 37:1 71:2

certified 74:2

CEU 66:7

Chair 4:20 5:20 6:16 8:4
43:2 60:1,5 76:4

Chairman 10:22 12:9

CHAIRPERSON 4:6,15,
21 5:1,6,15 6:1,3,13,18
8:10,15 9:17,21,24 10:6,
25 11:9 12:12,20,22
14:23 18:1,23 19:18
20:8,16 21:1,24 22:8
24:19,24 27:21 28:1,8
30:6,18 31:14 32:10,15,
21 33:7 34:2,11 35:13,17
36:3 37:17 38:7,10,14,
16,25 40:4,13 41:20 42:4
43:4,6,11 45:25 48:1
50:19,23 51:3,9 53:18
54:2,9 55:24 58:21 59:5,

13,19,24 60:7,12,19,23
61:2,6,19 65:19,21 66:4,
9,16,18 67:2 69:2,12,14,
22 71:8 72:1 73:5,11,14
74:5 75:3 76:5

chance 32:4,5 51:15,18,
20,25 52:10

change 15:8

changed 21:8

charge 31:11 52:20
62:21

charged 24:9 50:11
52:19 53:17

charging 22:17 24:8,17
25:21

check 20:13 27:25 47:25
48:3,12

checked 19:12

choice 45:16

chose 44:18 45:14

circuit 37:6 74:23

circumstances 7:14
44:11

civil 12:4 30:5 38:1,17

claimed 14:3

classification 74:11
75:8,21,25

classifications 70:4

classroom 72:10

clean 44:18 47:12,14
53:4 54:14 55:21 57:15,
22 58:7

clear 42:14 45:13 59:1

cleared 39:24

clearer 29:9

client 34:24

Client's 67:13

Clients 68:1

close 9:16 10:21 13:15
20:5,11,18 21:20,22
23:13 31:17 33:6 35:4
37:1,6 39:25 41:14 56:18

closed 39:22 74:23

closely 74:19

closing 28:18 33:2

Club 36:13 37:5

Cockroft 4:16,17

Code 7:7,15 36:23 41:13

collection 39:19

colleges 72:8

comfortable 26:2

Commercial 67:16,21,
22,23,24

committee 70:16

communication 7:11,
22 19:10

companies 14:6 41:1
48:2

company 9:6,8,11,13,15
11:13 13:9 14:5 15:17,
19,21,25 16:3,10 17:18,
20,23 18:3,13,14,21,24
20:1,13,19 22:20 24:10,
12,25 25:12,13,16,23
26:4,11,12,20,21,23 27:5
28:16 29:8,10,23 30:8,9,
10,11,12,15,25 32:18,23
33:14,17 34:4,22 41:6
44:1,6 48:17 50:6

company's 29:3,18 31:2
32:4 48:6 54:21

compare 29:17

competitor 36:15

Complainant 8:18
10:10,14 11:12,16,18
12:25 21:4,6,8,11,13,19
22:11,16,18,19 23:1,8
24:2,13 36:7,14 39:3,7,8,
15 40:17,19

Complainant's 12:2
21:16,17 23:12 39:12,18

complaint 10:18 11:21
12:25 13:4 16:16 18:12
19:16 20:2,18 21:14,15
22:24 23:7,15 24:5 28:21
31:19,22 32:11,17,18
33:9,12,22 34:6,7,14
35:19 36:6,10 37:18,20
38:3 40:16

complaints 11:23 26:13,

17 33:14

completely 28:13 76:2

components 75:7

Comprehensive 12:6
23:16 63:23 68:6

computer 56:18

computers 72:13

Concentra 48:11

concern 31:9 72:1,5

concerned 32:5

concur 9:20 10:7,23
11:2 12:10,13 21:21
40:2,6 41:17,22

concurring 22:1

conduct 12:7 13:23
23:18 33:13,24 34:9
35:20,25 53:11 71:23

conducted 9:13 16:16

conference 6:24 38:12
69:16

confident 31:6 70:18

confirm 19:9

confirmed 17:20 65:14

conflict 53:13

confused 26:14 41:8

confusion 26:17 36:15

consent 12:4

considered 7:17

Consumer 32:2

Consumers 31:23

contact 19:14

contacted 19:7 41:2

contacts 73:20

continue 8:5 42:15
44:20 53:19 58:6 60:25
61:4 65:6,8

continued 10:11 39:16

continues 55:25

continuing 62:10,13,14,
17,21,22,24 63:2,6,10,
13,18,21,24 64:6,8,11,
13,16,18 65:1 66:2,23

67:1,11,12,15 68:24 69:4

contract 10:14,19 14:6
21:12 22:16,19 23:12
24:1,4,21 25:14,15,20
26:6 27:4,6,8,14,17 28:4,
7,18,24 29:11,25 30:7,
15,19 31:2

contracted 13:9,18
14:10,16 23:1 39:4

contracting 24:3 26:15
27:12

contractor 8:23 14:13,
14,19 16:25 17:10 18:4
19:21 27:22 40:23 41:16
42:10 74:7

contractors 4:8 6:23
7:25 13:22 14:8 15:2
23:6 41:9,10,11 42:19
43:1 49:23 70:8,21

Control 67:25

controlled 73:24

conversation 26:8,16
29:5

copies 45:21 67:18

copy 27:13 41:5

corporation 9:1,3,4

correct 4:24 8:14 30:16
34:9 54:8,25 55:7,13
56:14,15 58:15 59:3 76:1

corrections 5:23

counsel 9:20 10:23
12:10 20:11 21:22 40:2
41:18 42:25

counsel's 10:7 11:2
12:14 22:1 40:6 41:22

couple 74:16,25

courses 62:7 63:25
64:3,20,22,25 66:1,6,20
68:24 69:4,20 72:12

create 36:15

credit 21:8 22:19 25:22
31:15 66:7 68:3 72:22

criminal 61:18

Crockett 6:25

Cunningham 44:25
45:1,21 46:22 47:16 49:8

54:6,8,18,25 55:13
56:10,14,23 57:1,8 58:15
59:16

current 11:13

customer 21:11 25:19
26:10,23 27:2,3,6,12,17
29:25 31:10 33:5,18,22
34:5

customer's 73:24

customers 26:14

cut 66:21 69:15

Cyber 62:12,19

D

Data 63:22 68:5

date 46:3

daughter 21:6,11

Davy 6:24

day 46:9,10,23 49:25
54:10

dealer 23:10 24:2,4,20
25:4,5 26:4,12,19 27:1,
10,18,22 28:21,23 29:3,
7,24 30:9,13,22 31:20
33:9,23 34:6 35:19 74:2

dealers 23:2,3,6,16

dealing 26:24,25

deals 41:15

death 39:5

December 4:8 44:13
46:3

decision 9:18,20 44:15
55:8

decisions 52:16

dedicated 56:1

defines 7:16

delayed 6:14

delinquent 21:18

delve 35:22

dementia 39:13

demonstrate 57:5

department 49:1,5

designed 56:18

desk 72:14

detailed 71:10

detector 75:13

detectors 73:21 74:16,
17 75:1,19

determination 7:12,13
58:4

determine 14:2 34:7
35:20

determined 8:21 11:16
13:8

detrimental 52:25

devices 13:2 73:24

diagnosed 39:12

difference 42:21 52:12,
15

Dinosaur 62:10

director 65:15

disconnected 39:6

discovered 21:8 39:13

discuss 8:2

discussed 71:4

discussion 9:18 60:3,5
65:11

discussions 65:15

dispute 37:14

dissolved 9:4

door 25:8,9 73:20,21

doorbell 64:18 73:22
74:18,22 75:6

double-check 27:24

drop-off 65:12

dropped 65:21

drug 43:25 44:2 45:16,23
46:8,22 47:13,14 49:21,
23,25 50:15 52:1,13
54:19 55:19,21 56:4,8
57:4,15 58:2,3,24

drug-free 49:22 54:22
56:11

drugs 50:24

due 39:21 46:12

duplicate 68:20

E

e-mail 21:7 40:17 70:1
71:12 73:15 75:24

earlier 50:21

education 61:20 62:10,
13,14,18,22,24 63:2,6,
11,13,18,21,24 64:6,8,
12,13,16,19 65:1 66:2,23
67:1,11,12,15 68:24 69:4
70:3,16 74:1

effect 31:1

effecting 25:21

Effectively 63:23 68:5

electronic 6:21 7:10,22
70:4

electronically 4:19

Electronics 71:2

else's 44:15 47:2 51:4

employed 16:25 53:21
55:25

employee 49:12 50:3
53:20 55:4,11,16 56:1,4
57:17 59:2

employees 13:21 14:19
16:1 18:24 19:17 20:14
35:23 53:5

employer 11:14 52:22

employer/employee
14:11

employment 52:8 54:19

empty 47:24

encourage 33:1 73:25
75:4,8,10

encouraging 34:24

end 35:19 40:21 56:25
57:3

end-of-course 70:12

ended 45:15

Energy 64:15

enforce 50:7

Engaging 63:5

Enhancement 64:5

ensure 48:4 56:3

entertain 53:19

entitled 63:19 64:12

entity 29:10

equipment 15:16,17
17:17,20 18:13,14 19:20
23:4 25:6,10 26:11

ESA 66:23 67:9,12 68:24
69:4 70:1,5,16,19

ESA's 70:9

Escreen 46:2,15 48:6,8

establish 24:5 28:20
33:9,22 65:7

establishing 23:15
32:17

establishment 17:11

ethics 12:8

evidence 8:25

exam 58:2 70:6,12,19
72:22

examination 71:24

exams 72:12

Exceeding 63:19

excuse 44:13

Exhibit 43:14

exist 32:8

exists 7:12

Expectations 63:20

expected 76:12

experiences 44:19

expiration 9:14

expire 57:1,2

expired 8:23 13:13,25
14:3 18:17,25 19:5,8,17
28:23,24 29:18,20 35:21

explain 44:11 56:16
71:21,22 72:19

explained 42:8

extend 71:19 72:24
extension 22:23 61:17

F

Facebook 36:8
facility 39:6
fact 32:25 42:9 43:24
52:20
facts 7:13
failed 39:9 44:2 49:25
failing 45:15
faith 51:23
fall 74:19
falling 52:17
family 53:11
father 39:5
favor 11:3 59:6
February 6:6,14 43:23
44:4,12 51:1 61:12 68:4
69:16 71:9,19 72:25
feel 49:9
feels 70:17
fees 36:13,21 39:23
felt 23:21
figure 16:20 53:15
file 14:1 18:18 27:15
31:22
filed 7:5
files 17:6
find 29:16 32:7 34:25
finds 37:5
fine 27:16 67:8
finished 60:4
fire 13:2 17:21,24 18:7
45:2 67:23 70:3 74:25
75:5,7,8,17,18
five-minute 43:3
Foisted 62:1
folded 32:6

folks 47:12
follow 19:12 20:11
forgot 42:23
form 32:7 57:10
formal 12:4 38:3,11,15,
16
Found 50:1
frankly 50:15 53:6
fraudulent 12:1
fraudulently 11:20
free 22:12 25:2 28:2
54:19 56:4
fulfill 53:3
full 22:13
fully 53:9,11
furnished 18:12
furnishing 13:6 15:20
19:20
future 71:13 72:17 76:20

G

Gap 62:12
gather 37:19
gave 17:17 48:21 51:14
general 42:24 52:19,21,
25
gentleman 50:20 75:23
gentlemen 16:21 43:18
gesture 39:22
give 27:24 43:20 46:16,
18 48:4 51:24 52:10
55:18 56:3 58:5
giving 17:1
glass 73:20
good 4:6 23:20 32:3,5
39:22 48:7 49:12,13,18
50:3,4 56:1 59:15 73:1
governing 7:9,11,17
governor 60:24
guarantee 22:14

guess 14:1,12 15:6
16:14 27:6 33:19 34:22
36:4 45:6 49:20 54:5
guessing 58:12
guidance 16:17
guy's 37:3
guys 49:14 59:16

H

habits 52:17
Hacks 63:1
halted 22:16
hand 53:9,13,14 62:9
75:16
handled 8:13 57:24
hanging 51:10
happen 52:10 65:15
happened 15:14 31:6
34:22 46:13
happening 15:9
happy 70:20
hard 46:18 54:19
Harvey 4:10,11 5:5,7,10,
11 6:2,4,8,9 9:19,22
10:1,2,24 11:1,4,5 12:11,
13,15,16 14:18 16:20
18:20 19:23 20:5,10,17,
21,22 21:21,25 22:3,4
23:19 30:4 31:4 34:1
35:8,9 37:9,13 38:6,20,
21 40:3,5,8,9 41:17,21,
24,25 45:6 48:23 49:6
51:22 55:18 57:19 58:19,
23 59:8,9,15 64:23 65:2
66:3,6,11,12,21 67:8
68:23 69:3,7,8 71:14,17,
25 76:2
head 68:11
hear 19:9 52:3 60:8 61:1
65:3
heard 4:4 20:9
hearing 6:15 12:4 38:13,
15,17 58:22 61:2
heat 73:21 74:16

held 27:4 68:4
helper's 45:14
hire 16:2
hired 14:13 49:22
Hiring 63:4
history 43:20
Hixson 4:6,14,15,18,21
5:1,6,14,15 6:1,3,12,13,
18 8:10,15 9:17,21,24
10:5,6,25 11:8,9 12:12,
19,20,22 14:23 18:1,23
19:18 20:8,16,25 21:1,24
22:7,8 24:19,24 27:21
28:1,8 30:6,18 31:14
32:10,15,21 33:7 34:2,11
35:12,13,17 36:3 37:17
38:7,10,14,16,24,25
40:4,12,13 41:20 42:3,4
43:4,6,11 45:25 48:1
50:19,23 51:3,9 53:18
54:2,9 55:24 58:21 59:5,
12,13,19,24 60:7,12,19,
23 61:2,6,19 65:5,19,21
66:4,9,15,16,18 67:2
69:2,11,12,14,22 71:8
72:1 73:5,11,14 74:5
75:3 76:5
hold 56:17 60:1 67:5
holding 31:11 34:13
home 11:12 21:5 72:9
honest 53:10
honestly 76:15
hospital 17:12,22
hospital's 13:2
hour 62:10,13,21,24
63:1,6,10,13,18,20,24
64:5,7,11,13,15,18 65:1
66:1,7,25 67:11,13,16,
21,22,23,24,25 68:1
hours 67:1,15 68:2 69:5
Huffman 17:8,14,19
18:6,8,19 42:25
Huh-uh 19:23
hurt 52:24,25
hypothetical 29:21

I

Image 64:10
imagining 27:11
immaterial 37:4
immediately 11:17
56:12
impersonally 46:19
important 53:2
impose 38:17
inappropriate 37:22
62:16
Incidentally 62:15
include 7:13 36:1 42:21
73:19
included 36:21
incorrect 37:3
independent 13:22
14:8,14 15:1 23:6
indicating 40:25
indicative 26:8
individually 66:24
individuals 13:9,18
14:6,7 15:11
industry 12:25 36:6
40:16 49:3 52:4 53:4
55:6,16 57:17 58:7
influence 52:23
information 16:7 36:2
61:22,24 70:5,21,24
71:10 75:23
informed 60:24
initial 62:16
initially 22:22 39:20
52:14 62:7 64:1,4
initials 70:10
input 47:22
install 36:8 73:18,21
74:21,25
installation 8:19 13:6
17:24 18:16 30:23 33:15
36:24 37:23 39:10 70:3

installations 37:24
42:11
installed 20:19 21:5
25:14 29:17,23 39:8
installer 26:20 31:20
64:12 74:13
installing 13:5 17:21
25:12,13 26:4,11 29:8,9,
18,19,20,24 30:8,9 32:4
33:11,25 37:3,6,10 38:4,
18 74:8,16,18 75:7,16,
17,19
installs 36:11
instance 14:15 74:23
instructed 65:12
instructor 70:10
integrate 73:23
Integrated 67:20
intelligent 56:2
Interactive 64:10
interest 58:11
interesting 29:16 63:10,
16
intimate 47:19
introduce 42:24 44:23
Introduction 67:15
Intrusion 67:23
investigate 16:14 20:1
investigation 8:21 13:7
16:5,7,15 17:6 31:18,19
32:12 35:20 36:2 40:23
42:18
investigator 8:21 9:5,8,
10 13:8 17:8,23 40:24
investigators 35:22
invitation 71:19 72:25
invite 72:19
involved 53:16
ipads 43:14
issue 36:22 41:12
item 4:22 5:17 8:15 43:7
59:25 60:12 61:7,14

J

Jersey 50:20
job 15:24,25 52:23
John 43:14 46:3
joint 14:16 15:9,10
Jones 4:16,18 60:18
61:23
July 10:13,17
June 10:13

K

Karen 4:16,17 60:18
61:23 64:4
Keith 4:10 5:10 6:8 10:1
11:4 12:15 16:19 20:8,21
22:3 31:3 35:8 38:20
40:8 41:24 53:18 58:22
59:8 66:11,19 67:6 68:18
69:7 76:5
Ken 4:12 5:12 6:10 10:3
11:6 12:17 20:23 22:5
30:6,18 34:9 35:10 38:22
40:10 42:1 51:22 53:18
59:10 60:18 61:25 62:1
66:13,22 68:10 69:9 76:5
Kentucky 9:3,9
keypads 73:19
kind 23:19 25:25 30:15
52:2 53:13 75:6
knew 39:17
knowing 51:7
knowledge 24:3 47:19
49:3,5,13

L

lab 48:18
lady 23:22 72:19
lamp 73:22
large 28:16
larger 29:3
law 38:19

lead 49:14
Leaders 62:20
leadership 62:12 68:3
69:16
leave 29:25 44:10 45:3
led 28:3
left 31:11
legal 8:16 29:10
legally 31:21
legislative 61:14,15
legitimate 53:22
length 55:11
letter 10:13 32:23,25
33:4,16,20 34:14,16
36:22 37:21 41:12 42:7,
13,21
liability 9:2
liable 31:16
license 8:20,23 9:15
13:24 14:2 15:5 18:17
28:24 29:4,15,18,20
33:11,25 35:21 36:9,17
37:7,10,23 38:5,19 41:3
46:12 73:18 74:24,25
75:18
licensed 8:22 13:9 14:5,
19 15:12,17,19,21,25
16:10,25 17:10,18 18:3,
13,21,23 19:21 20:19
26:21 27:22 29:19 31:21
40:22 41:1,6,15 42:10,11
74:13
Licensing 41:9
licensure 9:12
life 50:17
lifestyle 53:11
limited 9:2 24:3
list 62:5,7 74:1
listed 13:10,11 21:10
34:7
listing 69:18
litigator 42:25
live 51:18

lives 21:6
living 53:10
locate 21:11
located 9:3
location 7:8
locked 72:13
locks 73:22
long 31:12 48:23 49:2
longer 42:15
looked 75:11
lost 65:4,16
lot 26:13 34:3 49:2,14
51:25 72:8
luck 59:15

M

Madam 4:19 5:20 6:16
8:4 10:22 12:9 43:2 60:1,
4 76:4
made 5:23 11:16 24:4
44:5,11,13,14 50:2 65:25
73:2
mailed 46:20
Maintenance 67:10
make 5:3,20 7:12 9:19
10:22 12:9 17:10 20:10
21:21 33:4,20,21 34:4,23
38:2 40:1 41:17 42:14
47:24 50:7 53:3,10 54:11
55:9 56:20,21,24 57:12
58:2,4,18 59:1 64:21,24
68:23
makes 29:9 63:5
making 17:13 44:8 52:16
65:24
man's 54:6
Managing 62:11
marijuana 45:9 51:5
market 23:3
marketing 25:5
material 61:23
materials 13:6 15:20

matter 8:20 11:22 30:5
40:7,23 41:22
matters 7:16 60:11
means 6:21 7:11,22
meet 39:7
meeting 4:4,23 5:8,18,
24 6:6,22 7:1,9,17,24
8:1,13 43:7 65:7 71:13,
20 72:25 76:8,13,19,20
members 7:10,19,21 8:1
41:11
men 17:23
mercy 49:19
merged 11:14
merger 11:17
method 70:18
Michelle 70:25
microphone 60:8
midway 56:23
mind 65:24
minimal 75:6
minutes 5:17,19,21 6:5
46:24 76:8,22
missing 30:7,20
mistakes 50:2
mobile 39:8
Module 64:5
modules 73:23
moment 6:17 29:23 60:2
67:5 76:14
money 22:13,15 31:1
monitoring 22:16 23:4
25:6,10 36:13,21
month 31:11 53:23
54:11
monthly 36:13,21 50:6
54:24 57:4,15 60:13,15
months 48:25 53:21,23
54:3,13 55:2,21 56:5,18,
25 57:3,14,15 58:25
61:12
morning 4:6

mother 39:5,12,14
mother's 39:18
motion 5:2,3,7,9,16,18,
21 6:4,13 8:6,11 9:19,22
10:6,23 11:1,9 12:10,12,
21,22 20:10,17 21:2,21,
25 22:9 33:19,20 34:3
35:8,14 38:2,9,11 39:1
40:1,5,14 41:17,21 42:5
57:10,13 58:18,23 59:14
64:21,24 65:24,25 66:5,
17 68:23 69:3,13,15
73:3,20
mouth 51:23
move 28:9,12 39:5 60:10
61:19
moved 32:6
moving 50:16 51:2
72:16
Murray 43:14,15,21
44:10,14 45:9 46:3,5
47:3,23 48:9,10,16,22,25
50:10,12,16,22,25 51:6,
11,12,21 52:12 53:7
55:23 56:6 57:13 58:9,24
59:18,20,22 60:6

N

named 17:16 18:11,15
23:14 24:1,23 25:4,6
27:9
names 17:1
Nashville 6:25
National 70:9
necessarily 14:16
necessity 6:20 7:4,12,
16
needed 17:11 41:4
negative 46:4,9 48:21
Nice 73:16
Night 63:16
nodding 68:11
nonpayment 21:10
nonregistered 53:20
55:11

normal 30:22 31:5 53:11
notice 6:25 10:15,16
39:21 54:5
notified 43:25
November 7:2 22:25
NTS 70:10,19
number 5:22 8:18 10:8,9
11:11 12:24 21:3 22:10
35:15,18,21 36:4,5 39:2
40:15

O

objection 65:8
obligation 23:9 24:12,
13,14 25:24,25
obtain 73:18
obtained 11:19
obtaining 12:2
obvious 45:6 76:17
occurs 70:13
October 5:18 9:4 60:16
61:12
offer 29:21 38:3,18 69:20
offering 25:9
offhand 76:11
office 14:2 19:8,11,14
31:23 41:11 60:22 72:11
official 32:25
online 44:12 67:10
onsite 17:24 18:2,15
open 20:6,12,19 31:18
32:11 34:6,14 35:18
37:18,20 56:17
operate 53:17
operates 9:9
operating 29:10,14
32:12 33:10
opinion 74:12
opportunity 44:20
49:15 54:11 55:15 58:6
59:23

order 7:9 11:18 12:4
15:5 43:7 44:3 65:9

original 15:15 19:20
20:18 21:12 24:25

owed 10:20

owes 26:10

owners 50:5

owns 21:5

P

pages 62:7

paid 22:13 30:25 31:1
39:24

paperwork 13:13

parents 39:4,16

part 16:2 19:6 30:20
45:16 53:13 74:17,22
75:1,14,19

participate 7:10

participation 7:21

parties 24:6 53:16

party 14:3 24:23 70:11

pass 30:24 43:25 44:15
45:8 58:17

passionate 49:17 52:3

past 44:19 45:10 49:10,
11 50:1 75:11

pay 46:23

paying 14:14,22,25
17:10 22:20

payment 11:18 31:15

penalty 12:5 38:1,4,17

people 13:24 18:2,15,16
51:7,10 53:3 54:20

perform 13:10

performing 13:1

performs 40:20

period 7:20 22:12 25:2
28:3 53:21 54:12

permission 22:21

person 13:25 14:13

18:1,17 37:18 48:3 50:4
72:2,3,21

personally 10:12 46:16

phone 39:6

physical 7:3,8,18

pitch 25:8

place 6:24 34:25 58:14

places 47:23 48:10

pocket 47:4

pockets 47:24,25 48:13

point 23:24 26:9 30:5
34:15 35:5 51:16,19
56:23 57:7,18 64:21

policy 48:6 50:7 65:15

portion 17:2 20:9 75:13

position 55:11

positions 60:17

positive 45:18 46:6
48:17 56:8

possibly 33:10,24 45:12

posted 7:1 8:2

Potential 67:25

power 31:24

practical 7:19

practice 30:22 31:6,24
47:12

practices 16:14 31:22

predicated 74:15

presence 7:19

present 4:18 6:6 7:4,8
61:11,13,24 67:12 71:12

presented 5:8,19,22 6:5

pressure 36:18

pretty 44:21 55:17

previous 51:14 76:8,11

print 27:10

prior 10:15 45:13 46:6
50:16,25 51:2

problem 30:14 34:19

problems 71:6

proceed 43:12

process 9:10 70:7,17
72:20 74:6

proctor 70:11,13 71:24

proctoring 70:7,12,15,
17,19,22 71:5

Product 67:14

Productivity 63:1

prohibits 36:24

proper 18:10

proposed 37:22

proposing 55:14

Prospecting 67:25

protecting 52:19,20

proved 47:16

provide 23:11 24:20
25:1 26:5,21 70:20 71:10

provided 11:25 22:24
23:9,10 24:20 40:24 41:5
75:24

provider 70:2,15

providing 39:17 52:14

public 52:19,21 53:1

pull 73:6

punish 56:2

purchased 30:1

purpose 8:1

Pursuant 7:6

purview 58:25

put 11:17 49:9 51:23
57:9 61:10

Puts 36:19

putting 51:8

Q

QA 45:2 49:6 52:8

QAS 15:4

qualified 53:5 57:13

qualifying 9:6 43:15,17

quality 70:2

question 13:16 28:22
29:2 34:13 45:7 57:20
76:7

questions 45:4 61:9

quicker 56:19

quorum 4:19 6:21 7:3,8,
10,19,21 65:7,16

quote 11:15 36:19 40:21

R

R-I-T-E 67:14

random 50:6 54:23 57:4

rapid 46:22 48:19

rate 69:5

reached 14:1

read 6:19 7:4 17:2,6 46:1
64:25 66:1,6,24 67:3,6
68:25 69:5,21 70:1
73:15,16

reading 8:7,8,11 24:16

reads 75:12

real 26:2 53:15

realize 49:20

realizes 26:24

reapplication 56:20
59:1

reason 50:13

reasonable 31:8 54:17
55:17

rebuttal 21:18

recall 76:10,15,25

received 10:16 13:12
21:7 27:3 40:17 62:6
64:2 70:1

receiving 31:12 39:21

recently 47:24 48:11

recitation 7:13

recommend 23:14
62:11,22,25 63:2,7,11,
14,17,21,24 64:8,11,14,
16,19

recommendation 9:16, 18 10:7,21,23 11:2 12:3, 10,14 13:15 15:8 19:25 20:11 21:19 22:1 23:13 28:15,20 31:7,8,17 32:16 36:22 39:25 40:2,6 41:12,22 62:8

recommendations 62:6

reconciliation 33:21

reconsider 53:24 54:15 55:22 57:6

record 4:17 6:20 7:5 8:11 42:24 50:14 53:6 57:4 60:3 66:7 67:3,6 68:25 69:6,21

records 57:5 61:18

recourse 30:2 31:13

reengage 58:6

refer 29:8 32:1

referring 14:11

refund 23:11 24:21 26:5 27:4

refusing 23:11 26:5

regard 19:7

registered 9:1 18:24 35:23 55:3,15,19 56:4 57:17 59:2

registration 20:13

regularly 6:22 7:24 52:2

Regulations 12:6 23:17

regulatory 60:13

related 29:22

relates 12:1 26:10

relationship 14:12 16:22 26:9

remain 53:21

remember 54:6 71:6

removed 21:17

renovations 17:11

repeat 38:8

replied 13:17

reply 17:13

report 8:16 60:13,15,16 61:20

reputable 48:2

request 36:2 61:17 69:16 70:5

requested 13:7 22:22 44:16 62:15 66:2

requesting 16:4 34:4

require 7:18 36:13 37:10 49:24 53:22 75:14

required 7:6 10:14 38:19 74:24 75:4

requirements 41:8 42:20,22

requires 37:7

requiring 7:20

residential 73:19 75:1, 20

resolution 34:5

resolve 21:15 33:17

resolved 11:22 32:24

resource 74:1

Respon 29:14

respond 75:22

responded 10:18 11:21 13:4 21:14 36:10

Respondent 8:19,22 9:1,5,7,8,9,12,13 10:10, 13,16,18 11:12,19,21,25 13:1,2,4,12,17 15:15 17:9,15,16 18:11,15 19:20 20:18 21:4,9,14 22:12,17,20,22,24,25 23:5,7,14,20 24:1,9,11, 23 25:4,12,15,22 26:22 27:5,7,9 28:16 29:12,15 30:1,25 31:2,18 32:23 33:16 34:4,22 36:7,10, 14,16,18,20 39:3,7,10, 13,16,18,19 40:18,19,20, 24 41:1,4,7,10 42:8

Respondent's 11:14 23:4 25:6

response 14:4 19:7 22:23,24,25 23:9,11,20 24:20 28:19 33:2 34:16 42:17

Rest 44:10

results 46:2,6,10,24 48:18 52:15

review 4:22 61:8,16,18 70:22 73:8

reviewed 5:25 64:20

reviews 69:23

revoked 44:3,7 46:12

Rite 67:14

Roberts 4:12,13 5:3,7, 12,13,20 6:4,10,11 8:6 9:23,25 10:3,4,22 11:1,6, 7 12:9,13,17,18 13:16,20 14:5,21,25 15:4,10,22 16:6,9,19,24 17:4,12 18:7,9 19:1,4,15,19 20:3, 15,17,23,24 21:23,25 22:5,6 24:7,14 25:11,18 26:18 27:13,16,20 28:14, 25 29:6 30:21 31:5 32:3, 14,19,22 33:8 34:3,10, 17,21 35:4,10,11 37:2, 16,20 38:2,11,13,15,22, 23 40:1,5,10,11 41:19,21 42:1,2,6 46:18 47:7,11, 18 51:12 52:18 53:8,25 54:16,21 55:1,5,14 56:7, 11,20 57:2,9,12,24 58:5, 10,17,23 59:4,10,11 60:18 61:25 62:1,2,4 64:24 65:6,9,17,23,25 66:5,8,13,14 68:8,11,15 69:1,3,9,10,19 71:14,15, 22 72:4,18 73:1 74:12 75:10 76:1,7,15,18,23

Roberts's 69:18

role 53:2

roll 4:9 5:9 11:3 22:2 59:7 66:10

rollicall 4:24 6:7

room 6:24 70:14

Rules 12:6 23:17 65:9

Ryan 74:3

S

Sabotage 63:9

Safe 74:4

sale 36:24

sales 25:8 67:16

Sam's 36:12 37:5

sample 44:15,18 45:14 46:16,17,18 48:5,14 51:4

Samsung 36:12,19,20

satisfaction 21:16

satisfactorily 33:17

satisfactory 33:2,21 34:5

scheduled 6:22 7:24 54:10

School 70:10

score 21:8

Scott 4:16,17

screen 46:2,8,23,24 48:19

screened 54:3

screening 53:23 55:19 58:24

screens 59:1

sealing 36:11,17

seat 43:18

secondary 20:12

seconded 66:3

Secretary 7:5 31:23

secure 72:21

secured 70:18

security 8:19 36:8,12,19 37:23 44:1,17 62:12,19 63:23 68:6 70:4 71:3

seek 75:5,8

self-monitoring 36:12, 19

sell 23:3 63:23 68:5

Selling 63:12 67:20,21, 22,23,24

send 12:4 24:25 33:3,16, 20 34:14 61:22

sending 42:14

sense 15:7 63:5

Sensor 64:10
sensors 73:20
separate 20:1 24:23
 29:10 47:3
September 22:23
series 64:3
Servant 63:12
serve 60:25 61:4
service 28:5 39:6,8,15
 64:7 67:10
services 10:11 11:24
 23:4 25:6,10 26:22 31:12
 39:4,11,17 64:10
servicing 36:25
set 53:16
settle 34:23
settlement 33:4 37:22
 38:4,18
severing 9:11
short 43:5
short-term 52:8
show 4:17 51:5 53:6
 57:5
showed 25:8
showing 60:17
sign 43:16,17
signed 21:12 22:15 28:4
signing 43:21
silent 60:9
simple 52:5
sir 44:24 47:9 65:10
site 52:23 53:23
sites 49:23
sitting 72:14
situation 23:21,23 30:3
 31:10 32:24 46:7 51:16
situations 51:8
slash 31:20 70:19
small 20:9
smaller 27:10

smart 49:13
smoke 73:20 74:17,25
 75:13,19
Sneaky 63:8
sober 53:4
sold 25:15 30:7,10,19
solution 53:15 54:17
 55:17
Solutions 67:13
something's 15:22 16:3
 17:4
sort 15:8 26:5 29:11
 33:2,4,21 34:5,23 52:24
sound 19:15 74:4
sounded 63:9,16
sounds 15:23 18:9
 19:19 25:11 74:5
speak 71:21
speaking 73:17
specific 49:23 72:12
specimen 46:2 48:4
spell 71:1
spoke 41:11 42:18
staff 41:2 65:10
standard 34:8 35:24
 42:7
standards 12:7 23:17
 33:13,24
standpoint 52:6
start 50:17
started 25:18
state 7:6 9:2,3 13:13
 21:16 31:23 39:21 40:22
 74:7
stated 10:14,19 31:3
statement 6:20 7:4
 40:25
statements 11:25
states 7:7 9:13 11:22
 13:5,12 21:15 23:1,5,7
 36:11,14,16,18,20 39:9,
 15,20 40:19,20 58:24
 74:3

status 14:2 32:13 34:7
 56:4 59:2
statute 7:6 38:1 41:14
 53:17 75:12
stay 58:7,11,13
step 45:11 60:8
steps 70:6
Steve 4:10
Stewart 17:5 28:11
 42:25
sticky 23:19
stipulated 76:18
stop 6:16 11:18 65:16
Storefront 67:14
story 17:2
straight 50:9
street 37:6
strong 49:10
subcontract 41:4
subcontracted 42:9
subcontracting 41:5,15
 42:20,22
subcontracts 41:1
subject 55:8
subjected 52:13
submit 58:24
submitted 46:11 50:1
Subsequent 64:2
substitute 48:5
sufficient 8:7,8,12 66:25
 74:14,20
suggestion 72:18 73:2
summation 75:2
summer 51:2
Summit 68:3
supplier 15:16
supplying 15:16
support 53:10
supposed 15:11 76:24

surprise 54:4,12
surprised 32:7
Surveillance 67:22
suspect 56:7
sworn 40:25
sympathetic 51:13,16
 53:9,12,14
system 11:15 13:5
 17:22,25 21:5 22:13
 25:1,14 29:16,20,23
 30:10 45:11 51:5 64:5
 70:20,22 74:17,22 75:2,
 14,20
systems 4:7 6:23 7:25
 8:22 14:12 18:3 33:11
 37:3,4,7,23 38:5,18 41:8,
 16 43:1 44:21 67:21,22,
 23,24,25 70:8 73:19,23
 74:7,9 75:17

T

T-O-R-R-E-N-C-E 74:4
taker 70:13
takes 52:6
taking 6:24 45:11 70:12
 72:2,14,21
talk 44:8
talked 50:5
talking 15:18
technically 27:16 28:18
Technologies 45:1
 52:21
Technology 44:6 62:13
teleconference 8:2
telephone 10:12
telephonically 65:5
television 36:25
telling 23:22 48:20 65:11
Tennessee 6:23,25 7:5,
 6,15,25 9:2,7,11,14 12:5
 17:10 18:3 23:16 36:23
 41:13 50:17 70:7,20 74:8
tents 32:6

term 14:16 26:1
terminate 46:12 56:12
terminated 11:25 44:2 46:9
termination 56:10
terminology 14:10
terribly 51:13,15
test 43:25 44:3,16 45:15 46:7 47:13,15 49:23,25 52:1 53:22 54:24 56:8 70:12,13 72:2
tested 45:16,17 46:9 54:14 72:3
testing 45:12 52:13 54:12,23,24 70:11 72:9, 10 73:18
tests 43:25 45:20,24 49:21 54:4 55:21 57:4,16 58:3
thermostats 73:22
thing 16:12 28:17 52:16 73:6
things 34:3 50:4 52:5
thinking 45:12
third-party 70:15
Thomas 6:19 8:8,16,17 10:9 11:11 12:24 13:19, 21 14:9,20 15:3,6,19 16:4,8,13 17:1,5,16 18:5, 11,22 19:3,6,24 20:7 21:3 22:10 23:24 24:11, 16,22 25:3,17 26:7 27:8, 15,19,23 28:6,11,22 29:1 30:17 32:1,9 34:12,20 35:2,6,15 36:1,5 37:8,12, 14,25 39:2 40:15 42:16 65:14
thought 13:24 46:20 66:25
three-year 22:15
time 7:20 9:9 41:3 44:1 45:15 48:16 49:7 50:24 51:24 55:12 59:21 68:16
timely 7:18
times 26:13 45:17
today 43:9 71:11

today's 4:23 5:8
told 9:5,7,10 11:13 17:22 22:15,18 28:2 41:3 44:7 46:7
Tools 64:13
Torrence 74:3
totally 52:8
Tower 6:25
training 70:10 71:2
trees 66:21
Trends 62:20
trial 22:12 28:3
Troubleshooting 67:10
true 19:10
trust 47:14 48:21 50:8 51:24
truth 23:22
turn 30:24 58:3
turned 25:14 39:18 56:8
TV 37:6 74:23
type 26:9 40:21 73:17

U

Uh-huh 64:23
unaware 39:14
uncommon 47:11
understand 42:13 53:7
understanding 26:3 51:13 74:15
understandings 53:12
unfinished 73:8,9
unlicensed 13:3 37:19, 24,25 40:20
Unmarketing 62:24
update 60:20,21 61:15
upgrade 11:15 13:1 25:1
upgrades 17:11
urging 32:24 33:4,17
urine 44:15 45:14 48:4, 13

V

vacant 60:17
vague 26:1
valid 28:15 31:9
validated 72:20
venture 14:17 15:9,10
verses 14:15
Vest 4:8,10,12,14,16,25 5:9,10,12,14 6:6,8,10,12, 16 8:4,14 9:25 10:1,3,5 11:3,4,6,8 12:14,15,17, 19,21 19:11 20:20,21,23, 25 21:2 22:2,3,5,7,9 34:11 35:3,7,10,12,14 38:7,8,20,22,24 39:1 40:7,8,10,12,14 41:23,24 42:1,3,5,23 43:10,13 44:23 45:3,19,22 46:1, 14,20 47:1,5,9,14,21 48:8,15,20 50:10,13 55:3,7 56:16,21,25 57:11,20 58:1,20 59:6,8, 10,12,14,24 60:1,4,10, 14,21,24 61:4,7,21 62:3 65:3,10,20,23 66:9,11, 13,15,17,19 67:4,9,20 68:9,13,17,21 69:6,7,9, 11,13,17,24 71:18 72:6, 24 73:3,9,13,15 74:10 75:22 76:3,14,17,21
Veterans 63:5
vetted 70:17
vice-president 71:1
Video 64:7 67:21
violation 12:5 19:22 33:23 35:25
violations 23:16 34:8 35:24
Vivian 4:14,18 5:14 6:12 10:5 11:8 12:19 20:25 22:7 35:12 38:24 40:12 42:3 45:22 47:18,21 58:20 59:12 65:3,4,5,12, 18,20 66:15 69:11 73:2,4
Vivian's 72:18
voice 4:24 59:6

vote 6:7 65:13,16 71:11
votes 34:12

W

W-2 14:15
wanted 6:19 28:12
wanting 37:18
warning 36:23 37:21 41:13 42:7
washing 36:18
Ways 63:8
web 71:21
web-based 70:15,17,21 71:5 72:8
website 7:1 8:3 73:25
weekly 50:6
win-win 56:5
Wisdom 62:10
words 51:22
work 13:10,18,23 15:12, 13 21:15 30:23 40:19,21 49:7,15 71:23
worked 18:20 39:7
workers 13:10
working 14:19 16:21 17:24 18:2 19:17 29:3 40:22 48:23 55:5 58:12
workplace 49:22 54:22 56:12
works 71:10 73:5
worth 55:21
write 32:23
written 10:15,16 21:9 39:21

Y

y'all 53:19 76:6
Y-U-N-G-B-L-U-T 71:1
year 50:21 51:1 52:11
years 28:5

yesterday 61:9

Yungblut 71:9