

Tennessee Alarm Systems Contractors Board 02/16/2017

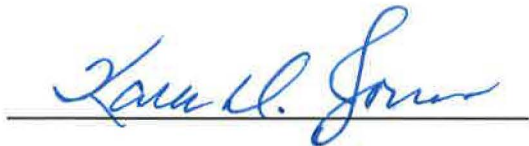
**MINUTES** of the Tennessee Alarm Systems Contractors Board Meeting, held **February 16, 2017**, in Nashville Tennessee.



Vivian Hixson, Chair



McKenzie C. Roberts, Vice Chair



Karen D. Jones, Secretary



William Scott Cockroft



John Keith Harvey

# ALARM SYSTEMS CONTRACTORS

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## COMMISSION MEETING

February 16, 2017

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ALARM SYSTEMS CONTRACTORS

BOARD MEETING

February 16, 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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A P P E A R A N C E S

BOARD MEMBERS

Captain Vivian L. Hixson, Chair

McKenzie C. Roberts, Vice Chair

William Scott Cockroft

Karen Jones

Keith Harvey

ALSO PRESENT

Ashley Thomas, Staff Attorney

Lindsey Shepard, Staff Attorney

Shilina Brown, Staff Attorney

Cody Vest, Executive Director

Shauna Balaszi, Administrative Assistant

PROCEEDINGS

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

CHAIRPERSON HIXSON: Good morning, everyone, we are going to call to order this Thursday, February the 16th, 2017, meeting of the Alarms Systems Contractors Board. Ms. Vest, would you please call the roll.

MS. VEST: Scott Cockroft?

MR. COCKROFT: Here.

MS. VEST: Keith Harvey?

MR. HARVEY: Here.

MS. VEST: Vivian Hixson?

CHAIRPERSON HIXSON: Here.

MS. VEST: Karen Jones?

MS. JONES: Here.

MS. VEST: McKenzie Roberts?

MR. ROBERTS: Here.

MS. VEST: Let the record show all board members are present, you do have a quorum, madam chair.

CHAIRPERSON HIXSON: The next item on the agenda is to review and adopt the agenda for today's

1 meeting. If the Board so moves, we need a motion to  
 2 adopt.  
 3 MR. ROBERTS: Madam chair, I make a  
 4 motion we adopt the agenda as it has been prepared.  
 5 MR. HARVEY: Second.  
 6 CHAIRPERSON HIXSON: We have a motion by  
 7 Mr. Roberts, a second by Mr. Harvey to adopt today's  
 8 agenda as presented. All in favor voice by saying  
 9 aye.  
 10 THE BOARD: Aye.  
 11 CHAIRPERSON HIXSON: All opposed? The  
 12 motion carries.  
 13 The next item is a review and approval of  
 14 the minutes from the October 20, 2016, Board meeting.  
 15 I think there are some changes that need to be made  
 16 to that. Mr. Cockcroft?  
 17 MR. COCKROFT: Well, I would make a move  
 18 that we would approve the minutes with the changes.  
 19 It was just one small change where I had said, "I  
 20 thought it would be in order to ask someone," in  
 21 instead of "be ordered to ask them in."  
 22 CHAIRPERSON HIXSON: Do you recall what  
 23 page that was on?  
 24 MR. COCKROFT: It was on Page 186.  
 25 CHAIRPERSON HIXSON: So a slight change

1 MR. COCKROFT: Second.  
 2 CHAIRPERSON HIXSON: Okay. We have a  
 3 motion by Mr. Roberts, a second by Mr. Cockcroft, to  
 4 postpone the election of officers for the Board until  
 5 the next meeting, which I believe is in April; is  
 6 that correct?  
 7 MS. VEST: Yes.  
 8 CHAIRPERSON HIXSON: All in favor voice  
 9 by saying aye.  
 10 THE BOARD: Aye.  
 11 CHAIRPERSON HIXSON: All opposed? The  
 12 motion carries.  
 13 And then the next is the adoption of the  
 14 Robert's Rules of Order for the Board.  
 15 MR. ROBERTS: Madam Chairman, I make a  
 16 motion we adopt the Robert's Rules of Order. The  
 17 latest changes to Robert's Rules of Order allow in  
 18 small groups the officers to vote and participate a  
 19 little less formally than perhaps had been in the  
 20 past. I make a motion we adopt Robert's Rules of  
 21 Order with the latest edition.  
 22 MR. HARVEY: Second.  
 23 CHAIRPERSON HIXSON: We have a motion by  
 24 Mr. Roberts, a second by Mr. Harvey, to adopt the  
 25 latest version of the Robert's Rules of Order. All

1 in the wording on Page 186. I think you have  
 2 addressed that with our court reporter?  
 3 MR. COCKROFT: Yes, ma'am.  
 4 CHAIRPERSON HIXSON: Any other changes or  
 5 questions that we have about the minutes? Okay. Do  
 6 we have a motion with that -- I'm sorry, you did make  
 7 a motion.  
 8 MR. COCKROFT: Yes.  
 9 CHAIRPERSON HIXSON: Do we have a second?  
 10 MR. ROBERTS: Second.  
 11 CHAIRPERSON HIXSON: Okay. We have a  
 12 motion by Mr. Cockcroft and a second by Mr. Roberts to  
 13 approve the minutes with that one minor change. All  
 14 in favor voice by saying aye.  
 15 THE BOARD: Aye.  
 16 CHAIRPERSON HIXSON: All opposed? The  
 17 motion carries.  
 18 The next item is the election of  
 19 officers.  
 20 MR. ROBERTS: Madam --  
 21 MS. VEST: Go ahead.  
 22 MR. ROBERTS: Madam Chairman, I make a  
 23 motion that we retain the existing officers and  
 24 postpone the further elections until our next  
 25 meeting.

1 in favor voice by saying aye.  
 2 THE BOARD: Aye.  
 3 CHAIRPERSON HIXSON: All opposed? The  
 4 motion carries.  
 5 The next item on our agenda is the legal  
 6 report. Ms. Thomas?  
 7 MS. THOMAS: Good morning, board members.  
 8 I did want to explain a slight change to the legal  
 9 division since we last met in October. The legal  
 10 division has restructured the way that we provide  
 11 service to our board members. As you can see, I do  
 12 have accompanied me Lindsey Shepard and Shilina Brown  
 13 and Jennifer Smith. We will in total make up your  
 14 legal team.  
 15 They will handle the complaints from  
 16 start to finish now. I think in the past I have  
 17 handled them to present to you anonymously, and if  
 18 they went to hearing, they went to a disciplinary  
 19 counsel. We have made a change to where Ms. Brown  
 20 and Ms. Shepard will handle the cases from the moment  
 21 they are filed through a hearing, if necessary.  
 22 So today there will be a mixture of the  
 23 three of us presenting cases to you. I still have a  
 24 few that were open when we made the change, so the  
 25 first part of the legal report will be me, and then I

1 will turn it over to Lindsey and Shilina.

2 CHAIRPERSON HIXSON: Thank you, and  
3 welcome.

4 MS. THOMAS: So we can go ahead and start  
5 with the legal report.

6 Number one is 2016049371. This complaint  
7 opened alleging that Respondent is operating without  
8 a designated qualifying agent. The license for  
9 Respondent's designated qualifying agent expired on  
10 March 31, 2016. The designated qualifying agent did  
11 not submit a renewal application within the  
12 three-month late renewal period.

13 On June 20, 2016, Respondent submitted an  
14 incomplete application to the Board Office for  
15 renewal. During a compliance inspection, Respondent  
16 states that the application fee was submitted,  
17 however, the qualifying agent's photos and the late  
18 fee were not submitted. Respondent then obtained the  
19 necessary information for the qualifying agent and  
20 resubmitted an application to the Board Office in an  
21 effort to comply.

22 My recommendation is to issue a letter of  
23 warning regarding Tennessee Code Annotated  
24 62-32-304(b) and (h). My reasoning, Respondent made  
25 an attempt to renew the qualifying agent license

1 that equipment. Complainant states that Respondent  
2 refused written notice of cancellation and issued  
3 billing for monitoring service through June of 2016,  
4 despite services not being provided.

5 Respondent states that Complainant's  
6 written request for cancellation was received in  
7 November 2015, but were not timely processed.  
8 Respondent apologized for the error. Respondent  
9 states that Complainant's accounts were credited for  
10 the months of February through July 2016.  
11 Additionally Respondent issued a refund of \$124.97 to  
12 Complainant for the months of January and  
13 February 2016. Respondent states that Complainant's  
14 accounts were cancelled on June 30, 2016, and  
15 Complainant has no further obligation.

16 My recommendation is to authorize a  
17 formal and send a consent order with a civil penalty  
18 in the amount of \$500 for violation of Tennessee Code  
19 Annotated 62-32-319(b)(9).

20 CHAIRPERSON HIXSON: And for the record  
21 and the audience, will you tell us what that is?

22 MS. THOMAS: That is the statute that  
23 allows the Board to issue civil penalty for  
24 misconduct or gross negligence by a respondent  
25 company.

1 within 90 days and subsequent actions were taken in  
2 attempts towards compliance.

3 CHAIRPERSON HIXSON: Okay.

4 MR. ROBERTS: Madam Chairman, I make a  
5 motion that we concur with the recommendation of our  
6 counsel.

7 MR. COCKROFT: Second.

8 CHAIRPERSON HIXSON: Okay. We have a  
9 motion by Mr. Roberts, a second by Mr. Cockcroft to  
10 concur with our counsel's recommendation. All in  
11 favor voice by saying aye.

12 THE BOARD: Aye.

13 CHAIRPERSON HIXSON: All opposed? Motion  
14 carries.

15 MS. THOMAS: Case number two is  
16 2016052461. This is a consumer complaint alleging  
17 misconduct by a Respondent. Complainant alleges  
18 after purchasing monitoring service for two  
19 locations, she experienced break-ins, as well as  
20 false alarms. Complainant states that Respondent  
21 never alerted her or the police after the alarms were  
22 activated. Complainant states that Respondent failed  
23 to provide assistance when requested.

24 Complainant states that she returned the  
25 equipment in 2015 and Respondent failed to replace

1 CHAIRPERSON HIXSON: Thank you.

2 MR. COCKROFT: Do we have anything from  
3 the Respondent explaining what happened or a response  
4 to the system not working --

5 MS. THOMAS: The malfunction in the  
6 system? The only response we have is the written in  
7 regards to the accounts, they did not address the  
8 faulty equipment.

9 MR. ROBERTS: Did the Respondent offer  
10 any sort of explanation, other than just supplying  
11 refunds for services and --

12 MS. THOMAS: They did not. The only --  
13 other than addressing the account discrepancy, the  
14 only thing that the Respondent stated is, "We would  
15 like to apologize for any inconvenience caused by  
16 this mishap and will do what's necessary to correct  
17 the issue."

18 MR. ROBERTS: Looks like they have --  
19 your last sentence here, "Respondent thinks accounts  
20 were cancelled and the Complainant has no further  
21 obligation," so it sounds like the Respondent, the  
22 alarm company, has cancelled the contract, refunded  
23 their money and -- but we don't have any indication  
24 that there were -- other than the Complainant was  
25 saying that she had a break-in and false alarms and

1 she wasn't -- I say "she," the Complainant was not  
2 happy, I'm not sure that rises in my mind to the idea  
3 of gross negligence.

4 MS. THOMAS: Okay.

5 MR. COCKROFT: I definitely wouldn't  
6 think that the monetary part of it would. The fact  
7 that they continued to bill in error, they did  
8 correct that, they did a refund. Some of the other  
9 issues, as far as what happened with the system,  
10 could have been, but we don't really have anything  
11 that's addressing that.

12 MS. THOMAS: Right.

13 MR. ROBERTS: There's not any indication  
14 that the system was improperly installed or defective  
15 in some way. You haven't presented any indication  
16 that that occurred, other than what the Complainant  
17 was --

18 MS. THOMAS: Other than the allegations,  
19 no, sir. That's all I had as far as the equipment  
20 capabilities or malfunction.

21 MR. COCKROFT: Was there follow-up with  
22 the Complainant to find out that this refund did  
23 happen and that they are satisfied at this point?

24 MS. THOMAS: There was not a follow-up.

25 MR. ROBERTS: Madam Chairman, with what

1 referred to the State of Mississippi for evaluation  
2 of a violation under Mississippi law. My  
3 recommendation is to close this complaint.

4 MR. HARVEY: I make a motion to concur  
5 with counsel.

6 CHAIRPERSON HIXSON: We have a motion by  
7 Mr. Harvey to concur with counsel. Do we have a  
8 second?

9 MR. ROBERTS: Second.

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

12 THE BOARD: Aye.

13 CHAIRPERSON HIXSON: All opposed? The  
14 motion carries.

15 MS. THOMAS: Case number four is  
16 2016052641. This complaint opened when the Board  
17 Office received notification that Respondent had been  
18 operating without a designated qualifying agent since  
19 February 1, 2016, in violation of Tennessee  
20 Comprehensive Rules and Regulations 0090-01-.07(8).

21 The Board Office received a transfer  
22 notice evidencing that the DQA left the company as of  
23 January 31, 2017. Respondent states that the company  
24 was unaware that the DQA filed a transfer  
25 notification. However, upon learning of the error,

1 we are presented with here and the way that the  
2 Respondent company has replied and their actions look  
3 like they were trying to be reasonable, I just don't  
4 see that this would rise to the level of gross  
5 negligence in my mind. I would then make a motion  
6 that we dismiss this complaint.

7 MS. JONES: I second. In my past 30,  
8 40 years, over 50 percent's been user error.

9 CHAIRPERSON HIXSON: A motion by Mr.  
10 Roberts and second by Ms. Jones to dismiss this  
11 complaint. All in favor voice by saying aye.

12 THE BOARD: Aye.

13 CHAIRPERSON HIXSON: All opposed? Motion  
14 carries.

15 MS. THOMAS: Okay. Case number three is  
16 2016052621. This is a consumer complaint. Upon  
17 researching the evidence, the Complainant is a  
18 resident of the State of Mississippi. Respondent --  
19 while it is true that the company is licensed in the  
20 State of Tennessee, the Complainant was serviced by a  
21 properly licensed branch in the State of Mississippi.  
22 As the matter does not touch the State of Tennessee  
23 or involve the Tennessee Alarm Contractors Licensing  
24 Act or corresponding rules, there's no jurisdiction  
25 to take action by the Board. This matter has been

1 Respondent contacted the DQA, who indicated that due  
2 to internal company miscommunication, the transfer  
3 notice was filed. Respondent states that the DQA has  
4 been transferred back to that company and continues  
5 to work at present.

6 Respondent states that the North Carolina  
7 Alarm Board contacted this Board Office which  
8 prompted the investigation of the current complaint.  
9 Respondent apologizes for the violation, but states  
10 it was unintentional.

11 My recommendation is to issue a letter of  
12 warning regarding Tennessee Code Annotated  
13 62-32-304(b) and (h). Respondent corrected the error  
14 as it relates to the designated qualifying agent and  
15 the error resulted in no harm to the public.

16 MR. ROBERTS: This is kind of an  
17 interesting case. The DQA was transferred and the  
18 company didn't know it?

19 MS. THOMAS: Yes. The DQA indicated in  
20 this response that he filed the transfer notice  
21 because he was not getting any assignments. So he  
22 thought that the relationship was over, filed the  
23 transfer notice. And then once he talked to his  
24 employer, he realized that was not the case, and so  
25 they contacted the Board Office to try to correct

1 that.

2 MS. JONES: A full-time employee didn't

3 know that --

4 MS. THOMAS: That was the statement I

5 received.

6 MR. ROBERTS: All right. Madam Chairman,

7 I make a motion we concur with the recommendations of

8 our counsel and issue a letter of warning in this

9 case, that would seem appropriate, but it also seems

10 almost bordering on the bizarre that the designated

11 qualifying agent transferred and his employer had no

12 idea that was taking place. That just seems bizarre.

13 CHAIRPERSON HIXSON: I have one question.

14 You have got January 31, 2017, should that have been

15 2016?

16 MS. THOMAS: I believe so. That may be

17 an error on my part. Yes, that's an error on my

18 part. I apologize, it should be January 31, 2016.

19 CHAIRPERSON HIXSON: Okay. We have a

20 motion by Mr. Roberts to concur with our counsel in

21 this matter. Do we have a second?

22 MR. HARVEY: Second.

23 CHAIRPERSON HIXSON: And a second by

24 Mr. Harvey. All in favor voice by saying aye.

25 THE BOARD: Aye.

1 CHAIRPERSON HIXSON: All opposed? The

2 motion carries.

3 MS. THOMAS: Case number five is

4 2016054881. This complaint alleges unlicensed

5 activity by a Respondent in violation of Tennessee

6 Code Annotated 62-32-304, as well as unlawful

7 employment.

8 The Board Office received a qualifying

9 agent application wherein the applicant indicated

10 experience gained through employment for Respondent

11 company without valid registration. The qualifying

12 agent applicant indicated that from May 2008 through

13 May 2011, he was employed as director of

14 infrastructure and security. Board Office research

15 indicates that the applicant was not listed as an

16 employee for any of the years listed.

17 In response to the instant complaint, the

18 chief operating officer states that his company was

19 not formed until January of 2016 and therefore cannot

20 be in violation of the laws and rules.

21 Investigation revealed the following:

22 Alarm Company One was licensed from February 2, 2010,

23 through February 2012. The president of Alarm

24 Company One held 100 percent ownership. Qualifying

25 agent applicant attested to employment from May 2008

1 through May 2011 for Alarm Company One. The business

2 license for Alarm Company One became inactive on

3 August 9, 2011.

4 Alarm Company Two filed a business

5 license with the Tennessee Secretary of State on

6 February 25, 2016. Alarm Company Two became licensed

7 with the Board in November 2016. President of Alarm

8 Company Two holds a 75 percent ownership. Qualifying

9 agent applicant attested to an intent to work for

10 Alarm Company Two upon application approval.

11 All evidence points to the named

12 respondent being the party responsible for the

13 employment of the qualifying agent applicant.

14 There's a 25 percent ownership change with the

15 controlling owner of Alarm Company One maintaining a

16 majority and/or controlling share of Alarm Company

17 Two. By incorporating as a new company, Alarm

18 Company Two cannot escape liability for the violation

19 of employing an unregistered qualifying agent

20 applicant.

21 My recommendation is to authorize a

22 formal and send a consent order with a civil penalty

23 in the amount of \$500 for violation of Tennessee Code

24 Annotated 62-32-312(c), which is unlawful employment.

25 MR. COCKROFT: Was Company One a

1 sole-proprietor or was it also incorporated or an

2 LLC?

3 MS. THOMAS: Alarm Company One did have

4 employees, yes, sir.

5 MR. COCKROFT: What was the entity? Was

6 it a sole-proprietorship?

7 MS. THOMAS: No, it was a corporation.

8 It was a corporation.

9 MR. COCKROFT: But it appears to you to

10 be the same company, same person?

11 MS. THOMAS: The ownership is the same

12 with the exception of the 25 percent change. So it

13 looks like when they formed as Alarm Company Two,

14 they took on a partner who took 25 percent ownership

15 of the company.

16 MR. ROBERTS: Let me make sure I

17 understand this. This one is not quite clear or not

18 clear to me. You had an application submitted for a

19 qualifying agent that required experience, and his

20 experience was that he had worked for this company

21 from 2008 to 2011. You checked, and there was no --

22 he was not registered anywhere as an employee of that

23 company during that time period?

24 MS. THOMAS: That's correct.

25 CHAIRPERSON HIXSON: So then you went

1 back to the company that supposedly employed that  
2 individual to try and verify if he worked there, I  
3 guess, and if he didn't -- I mean, if he did, why  
4 wasn't it registered, which would be a clear  
5 violation?

6 MS. THOMAS: And by that time they had  
7 formed as Alarm Company Two.

8 MR. ROBERTS: Reformed as another company  
9 with additional people. That's interesting. And  
10 then Company Two says that they have no  
11 responsibility for Company One, which doesn't exist  
12 any longer presumably.

13 MR. HARVEY: Alarm Company One was a  
14 corporation that had formally closed, and Alarm  
15 Company Two has the same ownership.

16 MS. THOMAS: Uh-huh.

17 MR. HARVEY: Or stockholders, if you  
18 will. I'm assuming Alarm Company Two is a  
19 corporation as well?

20 MS. THOMAS: It is.

21 MR. ROBERTS: Is this QA applicant  
22 working for Company Number Two at this point?

23 MS. THOMAS: That application has not  
24 been approved as of yet.

25 MR. ROBERTS: So is he working at all?

1 Were they immediately back to back?

2 MS. THOMAS: I could only go by the  
3 business licenses. The business license for  
4 Company One was August 2011, and the license for  
5 Company Two --

6 CHAIRPERSON HIXSON: It says February of  
7 2016.

8 MS. THOMAS: February of 2016.

9 MR. ROBERTS: A little bit of legal  
10 advice here. It would seem to me as an engineer, and  
11 certainly not as an attorney, that Company Two is  
12 making a valid point that they could not be held  
13 liable for the actions of another corporate entity,  
14 even though they have got the same owners. Can you  
15 express an opinion on that, a legal type opinion on  
16 that?

17 MS. THOMAS: The way I looked at this  
18 case, kind of like I explained here, forming as  
19 another entity does not negate the violations that  
20 occurred as the first company. You can still go  
21 towards the officers of that first company, which in  
22 fact would be the officers of the second company.  
23 The named respondent would be the former company, but  
24 they still have to answer for that.

25 CHAIRPERSON HIXSON: So what happened

1 Is he registered as an employee somewhere?

2 MS. VEST: Yes.

3 MR. ROBERTS: Of Company Two?

4 MS. VEST: Of Company Two.

5 MR. ROBERTS: So he was registered at  
6 Company One, he moved over to Company Two when they  
7 reformed into Company Two, now he's a registered  
8 employee.

9 MS. VEST: In Company Two.

10 MR. ROBERTS: And the principal owner of  
11 Company One has indicated, "Oh, yeah, he worked for  
12 us," that's a paraphrase of course.

13 MS. THOMAS: The response we received to  
14 this complaint was, "We were not a company at the  
15 time that you are saying this violation occurred, so  
16 we cannot have been guilty of the violation you are  
17 alleging."

18 MR. COCKROFT: And it's the same person  
19 saying they worked there and the same -- and they  
20 owned 100 percent of this company that's saying they  
21 didn't work there?

22 MS. THOMAS: It's the 25 percent owner  
23 that provided the response to this complaint.

24 MR. HARVEY: What is the timeframe  
25 between Company One closing and Company Two opening?

1 with the customers in the business between 2011 and  
2 2016?

3 MS. THOMAS: I have no answer for that,  
4 I'm sorry.

5 MR. ROBERTS: Well, I'd suggest when the  
6 business licenses were issued, so they could have  
7 been in business in a normal fashion during that  
8 period --

9 CHAIRPERSON HIXSON: Well, would the  
10 State have employees for Alarm Company One during  
11 this five-year period?

12 MS. VEST: I don't have -- I don't know  
13 the answer to that question. I didn't check to see  
14 about the employees with that.

15 MR. ROBERTS: The applicant for a QA  
16 license, does it appear that that person is kind of  
17 an innocent bystander in this process or was he -- do  
18 you have any indication of what's been going on as  
19 far as his involvement? Did he know he wasn't  
20 registered?

21 MS. THOMAS: I have no indication that he  
22 knew he was not registered. I think he thought he  
23 was working properly to gain the experience to  
24 qualify as the QA.

25 MR. ROBERTS: You can certainly go back



1 and say, "Okay, we don't have evidence that you have  
2 experience because you weren't a registered  
3 employee." That sort of takes -- that's sort of  
4 beating up on the QA applicant who may be an innocent  
5 bystander in this process. So I am not -- and then  
6 he can gather letters and such saying that he was in  
7 fact employed, and it just complicates things.

8 If in fact he's an innocent bystander  
9 here, so to speak, then, you know, I'm reluctant to  
10 penalize him in that regard. If he had been acting  
11 in good faith as an employee and said, "Look, here I  
12 was working with this company and I have got  
13 experience and now I want to become a qualifying  
14 agent," I am reluctant to take action against him.

15 On the other hand, I would feel that  
16 Alarm Company Two has a valid complaint or a valid  
17 comment that they can't be held responsible for  
18 another corporate entity. However, I also realize  
19 that if we authorize a formal hearing on this with a  
20 consent in the amount of \$500, which is what you have  
21 recommended, that they'd be sort of dumb if they  
22 didn't take that up because it would cost far more  
23 than \$500 to appear before formal hearing and contest  
24 it.

25 MR. COCKROFT: The QA applicant is not

1 application, then we effectively shut them down  
2 because they don't have a qualifying agent.

3 MS. VEST: Right.

4 MR. COCKROFT: This isn't even about  
5 denying the application at this point, this is  
6 strictly about --

7 MS. THOMAS: The activity of Company One  
8 trying to shield itself behind Company Two.

9 MR. HARVEY: Company One, the owner of  
10 Company One, was he the qualifying agent for that  
11 company that is now mostly owner of Company Two?

12 MS. THOMAS: That I don't know.

13 MR. HARVEY: I think that's the only way  
14 we can file a liability to him to the second company  
15 is if he was responsible in that manner for the  
16 first.

17 MS. THOMAS: I would have to look that  
18 information up.

19 CHAIRPERSON HIXSON: I have a question.  
20 Who does this DQA applicant say he worked for between  
21 2011 and 2016?

22 MS. THOMAS: Alarm Company One.

23 CHAIRPERSON HIXSON: So he's listed no  
24 break in employment from 2011 through 2016?

25 MS. THOMAS: I'm sorry, his statement was

1 employed by either company at this time?

2 MS. THOMAS: I believe he's an employee  
3 of Alarm Company Two.

4 MR. COCKROFT: But he is an employee,  
5 he's not one of the owners?

6 MS. VEST: To answer your question, his  
7 application was for a qualifying agent. That's what  
8 started the whole thing, was his experience. He was  
9 trying to use it for what I considered unlicensed  
10 activity because he wasn't registered with the first  
11 company.

12 MR. COCKROFT: It almost sounded like  
13 what Ken was saying was that -- because I would agree  
14 with Ken, if this was someone that worked for Company  
15 One, which is now applying to Company Z, something  
16 totally separate from these, I don't think we should  
17 hold that person responsible or have a problem. But  
18 if that person is trying to be a qualifying agent for  
19 Company Two, I think it's a different matter. It  
20 sounds like they are all intertwined more.

21 MR. ROBERTS: Does Company Two have  
22 another qualifying agent?

23 MS. THOMAS: Not that I'm aware of.

24 MS. VEST: Not that I'm aware, no.

25 MR. ROBERTS: So if we deny this

1 from May 2008 through 2011. I don't have any  
2 indication of where he worked in between there.

3 CHAIRPERSON HIXSON: I would like to know  
4 where he worked for those years.

5 MS. THOMAS: No, he didn't put anything  
6 in between 2011 and 2016.

7 MR. COCKROFT: Has the corporation for  
8 Company One been dissolved or is it still active?

9 MS. THOMAS: I'm sorry, say that again?

10 MR. COCKROFT: Company One, is it still  
11 active?

12 MS. THOMAS: It is not.

13 MR. COCKROFT: Has it been dissolved?

14 MS. THOMAS: No, that license expired --

15 MR. COCKROFT: I guess the corporate  
16 entity, if we can go back against them -- if that  
17 entity doesn't exist, I guess we have no recourse  
18 against Company One.

19 MS. THOMAS: Right. And I feel like --  
20 my gut tells me that's what they are trying to avoid  
21 by Company One not existing, Company Two did not  
22 exist when this supposedly occurred, so --

23 MS. JONES: You can always ask them to  
24 appear, you'll have faces to put with companies.

25 MS. THOMAS: I think as far as this

1 complaint goes, at that point we'd just have to go  
2 straight to a hearing and try to get someone in to  
3 answer for that. But we'd have to have something to  
4 file, as far as what violation we are going to put  
5 against them and against whom. So we'd have to  
6 figure out which company we are going after.

7 MR. ROBERTS: I must say, I don't think  
8 we have ever had a case quite like this one before.  
9 Madam Chairman, I would make a motion that we concur  
10 with the recommendation of our counsel, which would  
11 be to authorize a formal hearing and send a consent  
12 order with a civil penalty of the amount of \$500 for  
13 violation of Tennessee Code Annotated 62-32-312(c).

14 CHAIRPERSON HIXSON: We have a motion by  
15 Mr. Roberts. Do we have a second?

16 MR. COCKROFT: What is that?

17 CHAIRPERSON HIXSON: I think it's  
18 unlicensed activity.

19 MS. THOMAS: The statute that I cited was  
20 the unlawful employment. Unlicensed activity, as we  
21 discussed, that would be 320, and that would be a  
22 \$1,000 civil penalty by statute.

23 MR. HARVEY: And you are filing that  
24 against Company Two, not the individual.

25 MS. THOMAS: Right. Which is why I went

1 formal hearing and the civil penalty of \$500.

2 MR. COCKROFT: Well, it almost sounds to  
3 me as though we would then be acknowledging that  
4 experience for the QA license to move forward.

5 MR. ROBERTS: Well, presumably the QA  
6 actually had that experience and actually worked with  
7 the company. Whether he's culpable in this or not, I  
8 don't know, but it sounds like he legitimately had  
9 the experience. The problem was that they didn't  
10 register him as an employee.

11 MS. THOMAS: I will offer to the Board  
12 that if there are additional questions you'd like me  
13 to ask through a subsequent investigation, I can try  
14 that, and we can defer this until the next meeting,  
15 if you think that that will provide some clarity  
16 prior to going forward with the hearing.

17 MR. ROBERTS: I made a motion and it  
18 hasn't been seconded yet.

19 MS. JONES: What was it? To concur --

20 CHAIRPERSON HIXSON: To concur with  
21 counsel's recommendation. I thought Mr. Cockcroft  
22 started to second it. But you didn't do it, did you?

23 MR. COCKROFT: No, I didn't. I was just  
24 asking a question.

25 MS. VEST: Is it going to die for lack of

1 with unlawful employment, because Company Two is  
2 licensed. And kind of like Mr. Roberts indicated,  
3 they were not formed at the time this alleged  
4 violation occurred. So it's hard to say they were  
5 unlicensed at the time, if we have no indication that  
6 they were operating.

7 MR. HARVEY: I'm not following how we get  
8 to the fact that Company Two is in violation.

9 MR. ROBERTS: That evidence would be  
10 presented at a formal hearing, if they choose not to  
11 pay the \$500.

12 MR. HARVEY: True.

13 MR. COCKROFT: I'm lost about the  
14 standpoint of that it sounds like they are trying to  
15 say -- that this person's trying to say they worked  
16 there because they want the experience, but yet that  
17 same person almost as the other company is saying  
18 they didn't work there. It almost sounds like the  
19 same person is saying both things, but maybe I'm not  
20 following that.

21 MR. ROBERTS: It would seem what they are  
22 doing is they are saying, "Yeah, this guy worked for  
23 us, but you can't penalize us because that was a  
24 previous company and that company doesn't exist any  
25 more." That was the reason I made the motion for the

1 a second?

2 CHAIRPERSON HIXSON: Anybody going to  
3 second it or are we going to let it die?

4 MR. COCKROFT: If we move forward with  
5 this, if we -- he does -- they can respond  
6 differently. I'll second.

7 CHAIRPERSON HIXSON: Okay. We have a  
8 motion by Mr. Roberts and a second by Mr. Cockcroft to  
9 concur with our counsel's recommendation. All in  
10 favor voice by saying aye.

11 THE BOARD: Aye.

12 CHAIRPERSON HIXSON: All opposed?

13 MR. HARVEY: Nay.

14 CHAIRPERSON HIXSON: We have four that  
15 approve and one that votes no.

16 MS. VEST: So we are going forward with  
17 the \$500 civil penalty?

18 CHAIRPERSON HIXSON: And authorized  
19 formal.

20 MS. VEST: Yes.

21 MS. THOMAS: And I will say if they offer  
22 a different explanation or they offer more  
23 explanation, I will re-present this to the Board at  
24 the next meeting.

25 MR. ROBERTS: I think it would be fully

1 appropriate.

2 MS. THOMAS: Okay. So my last case on

3 the legal report is number six, 2016060001. This

4 complaint opened alleging unlicensed activity by

5 Respondent. The Board Office received an anonymous

6 complaint indicating that Respondent company

7 represented itself as a specialist in video

8 surveillance, however, the company is not licensed.

9 Through investigation, Respondent states

10 that the company does not provide monitored burglar

11 and fire alarm systems, but rather devices and

12 software for surveillance purposes. Respondent

13 states that the company does not provide, sell or

14 monitor portable investigative equipment. Respondent

15 states that the equipment sold is used by a client

16 for detecting and signaling an event.

17 In the included letter, the Respondent

18 indicated that the customer would own both the

19 cameras and access to the videos produced from

20 Respondent's equipment. The proposal does detail

21 itemization for labor, which includes installation,

22 wiring and configuration.

23 My recommendation is to authorize a

24 formal and send a consent order with the civil

25 penalty in the amount of \$1,000 for violation of

1 Tennessee Code Annotated 62-32-304(a), which is

2 unlicensed activity.

3 MR. COCKROFT: I make a motion to concur

4 with our recommendation from counsel.

5 MR. HARVEY: Second.

6 CHAIRPERSON HIXSON: Okay. We have a

7 motion from Mr. Cockroft and a second by Mr. Harvey

8 to concur with counsel's recommendation in this

9 matter. All in favor voice by saying aye.

10 THE BOARD: Aye.

11 CHAIRPERSON HIXSON: All opposed? Motion

12 carries.

13 MS. THOMAS: At this time I'll turn it

14 over to Ms. Shepard and Ms. Brown.

15 MS. SHEPARD: I have the next two cases

16 on this legal report.

17 Number seven is case number 2016060061.

18 This case arises out of the consumer complaint

19 alleging Respondent installed a defective alarm

20 system. Complainant filed the complaint on behalf of

21 his elderly sister who lives in a rental home with an

22 alarm system monitored by Respondent. Complainant

23 and his sister are both contacts on the alarm

24 monitoring account.

25 Respondent upgraded the sister's alarm

1 system to wireless in July 2016. Subsequently, there

2 were approximately five false alarms. Respondent

3 replaced the sensors on October -- on August 2nd and

4 August 9th. On September 23, 2016, someone broke

5 into the sister's house. The burglars broke multiple

6 metal doors that were hooked up to alarm sensors.

7 Complainant alleges he had turned his

8 sister's alarm on a couple days earlier. Complainant

9 further alleges Respondent never notified him of the

10 break-in. Complainant called the Respondent soon

11 after the break-in, but he claims Respondent never

12 returned his call.

13 Monitoring records show Respondent did

14 not receive an alert from the September 23, 2016,

15 burglary. Respondent suggests that the alarm system

16 may not have been armed when the burglars broke in.

17 Records further show Respondent did not receive any

18 signals from September 1, 2016, until they received a

19 timer test signal on September 27, 2016. Respondent

20 says the timer test is a scheduled monthly test to

21 ensure the alarm system is communicating with the

22 central station.

23 According to call and service logs,

24 Respondent promptly responded to all customer

25 inquiries and service requests. A copy of the

1 complaint was sent via certified mail and signed for

2 by someone at Respondent's office. Respondent did

3 not send a written response within 20 days.

4 When our investigator contacted

5 Respondent, the general manager claimed they never

6 received the complaint. Our investigator set up a

7 meeting with the general manager. When our

8 investigator arrived, he was told the manager was not

9 in, but had left some documents for him. The

10 investigator did receive a written response from

11 Respondent's qualifying agent.

12 My recommendation is we submit a letter

13 of warning for violation of Tennessee Comprehensive

14 Rules and Regulations 0090-01-.07, which is failing

15 to respond to a complaint from the Board within

16 20 days.

17 MR. COCKROFT: Is there an amount for

18 this violation in the list or in the -- previously it

19 had had a dollar amount, did it not?

20 MS. SHEPARD: The maximum civil penalty

21 is \$1,000.

22 MS. THOMAS: Are you talking about

23 failure to respond?

24 MS. VEST: Under -- normally it would be

25 the \$100.

1 MR. COCKROFT: There's some guidelines  
2 that were set up, you may not have those, I don't  
3 know, even before I was here a prior Board had set  
4 some guidelines for fines for civil penalties for  
5 such --

6 MS. VEST: Let me tell the Board that on  
7 your unfinished business we do have the scheduled fee  
8 schedule that we talked about at the previous meeting  
9 and some of the necessary changes. So whenever I met  
10 with Lindsey, I believe I am the one that said  
11 "letter of warning" because that's what we are going  
12 to ask for for the first offense. But if you are  
13 asking me about the other times before this, yes, it  
14 was \$100 for failure to respond to the complaint.

15 MR. HARVEY: I make a motion that we  
16 concur with counsel in this situation, but maybe also  
17 provide a letter to the complainant that this is more  
18 of a civil matter than a Board matter, as far as  
19 alarm not working properly.

20 MR. COCKROFT: I would agree with that as  
21 far as a letter. It is troubling that they didn't  
22 respond and then they weren't there when they set up  
23 an appointment to be there. That was more my  
24 concern, I guess. It seems like they were ignoring  
25 the complaint to some extent.

1 CHAIRPERSON HIXSON: Okay. We have a  
2 motion by Mr. Harvey and a second by Mr. Cockcroft to  
3 concur with our counsel's recommendation, but with a  
4 letter being sent -- a letter of explanation being  
5 sent to Complainant. All in favor voice by saying  
6 aye.

7 THE BOARD: Aye.

8 CHAIRPERSON HIXSON: All opposed? The  
9 motion carries.

10 MS. SHEPARD: All right. The next case  
11 number is 2016066031. An industry competitor filed a  
12 complaint alleging that Respondent engages in  
13 unlicensed alarm system contracting. Respondent's  
14 owner, operator, and qualifying agent is a licensed  
15 electrician. Respondent applied for and received a  
16 licensing exception in 2008 pursuant to  
17 TCA 62-32-305(7).

18 In 2009, we amended Rule 0090-1-.03(3) to  
19 change the application requirements for licensing  
20 exemptions. We mailed a memo to all exempt  
21 contractors notifying them of the rule change.  
22 Respondent mistakenly believed his 2008 exemption was  
23 still in effect and did not submit a new application.

24 When his complaint was opened and  
25 Respondent was notified he needed to reapply for a

1 licensing exemption, he did so promptly. Respondent  
2 met the statutory requirements for exemption at all  
3 times relevant. Respondent has submitted all  
4 necessary paperwork and renewed his exemption.

5 Then I also have some additional  
6 information that I discussed with Cody. So when  
7 this -- at one point the Respondent was actually  
8 licensed as an alarm system company. That license is  
9 currently invalid because they do not have a  
10 qualifying agent, but under that statute that I  
11 mentioned, 62-32-305(7), we allow licensed  
12 electricians under the Contractors Board to apply for  
13 exemptions for licensing for alarm system  
14 contractors.

15 So what happened is we sent this case for  
16 investigation, and the investigator told him you  
17 don't have an exemption on file anymore. So he  
18 felt -- the Respondent filled out another application  
19 for exemption and submitted it to the investigator,  
20 thinking that by submitting it to the investigator,  
21 he was submitting it to the Board.

22 So Cody just got a copy of that renewed  
23 application. And Respondent also recently renewed  
24 his contractors electrician license, which is --  
25 which is set to expire on November 30, 2018. And as

1 I said, at all times relevant, Respondent met the  
2 statutory requirements for exemption. My  
3 recommendation is that we close this case.

4 MR. ROBERTS: It would be my assessment  
5 here that the Respondent has tried to reasonably  
6 comply with the requirements that are placed before  
7 him. Would that be a reasonable assumption?

8 MS. SHEPARD: Yes, I believe so.

9 MR. ROBERTS: Madam Chairman, I make a  
10 motion we concur with the recommendation of counsel  
11 and close this particular complaint.

12 MR. COCKROFT: Second.

13 CHAIRPERSON HIXSON: We have a motion by  
14 Mr. Roberts and second by Mr. Cockcroft to concur with  
15 our counsel's recommendation in this matter. All in  
16 favor voice by saying aye.

17 THE BOARD: Aye.

18 CHAIRPERSON HIXSON: All opposed? The  
19 motion carries.

20 MS. SHEPARD: I will further the  
21 remainder of the cases to my co-counsel.

22 MS. BROWN: Good morning, board members,  
23 this is Shilina Brown. Number nine is 2016056491 and  
24 2016056492. This consumer complaint alleges  
25 dishonest dealing.

1 The Complainant entered into a contract  
2 for alarm system and monitoring with Respondent Two,  
3 subsidiary of Respondent One, in June 2013 for a  
4 36-month period. The contract was set to expire in  
5 June 2016. On October 7, 2015, Respondent one, the  
6 parent company, sent Complainant a letter stating  
7 that she had signed a new sales and monitoring  
8 contract on October 6, 2015.

9 I'm sorry, that date I previously said,  
10 June 2016, I'll have to check that, but I'm not clear  
11 why this is October 6, 2015. In any event, she  
12 states that she did not sign the second contract and  
13 her signature was forged. She contacted Respondent  
14 One, and they sent her all the documents, and it  
15 appears the new contract was signed on October 6,  
16 2015, for a 60-month period. Neither respondent  
17 provided a response.

18 My recommendation is to close the  
19 complaint against Respondent One. As to Respondent  
20 Two, authorize a formal and send a consent order with  
21 a civil penalty in the amount of \$1,000 for violation  
22 of Tennessee Code Annotated Section 62-32-319(d), and  
23 the Rule -- Tennessee Comprehensive Rules and  
24 Regulations 00990-06-.03(1). I believe there was  
25 some overlap in the dates here, as to the second

1 respondent provided a response?

2 MS. BROWN: Yes, sir.

3 MR. ROBERTS: That would also seem to be  
4 a rule violation. They are required to respond  
5 within 20 days, are they not?

6 MS. BROWN: Correct.

7 MS. THOMAS: Yes.

8 MR. ROBERTS: So that would be an  
9 additional -- for a first offense we are talking in  
10 terms of a letter of warning on those issues to both  
11 respondents. Did the investigation indicate that  
12 there was a forged document here or are we just have  
13 counterclaims, yes, I did, no, I didn't?

14 MS. BROWN: Let me just check. Based on  
15 the actual documents, it does appear that it is a  
16 different signature.

17 MR. HARVEY: Did the alarm company  
18 rectify that, as far as a reimbursement or cancelling  
19 of the contract?

20 MR. ROBERTS: They didn't respond.

21 MS. BROWN: We don't have a response from  
22 the -- any response.

23 MR. ROBERTS: What company is the  
24 contract with? Is it with Company One or Company --  
25 Respondent One or -- how can we call them respondents

1 contract was signed while the first contract was  
2 still in effect.

3 CHAIRPERSON HIXSON: Ms. Brown, would you  
4 like to explain to the audience what 62-32-319(d) and  
5 the other -- 009-06-.03(1) is for the audience?

6 MS. BROWN: 319(d) states that the Board  
7 may refuse to issue or renew a certification or  
8 license to any person or firm or corporation for lack  
9 of financial stability, misconduct, gross negligence,  
10 lack of expertise, submission of false evidence with  
11 regard to an application of license or renewal,  
12 conviction of a felony, and any other conduct that  
13 constitutes improper, fraudulent or dishonest dealing  
14 or violation of this part.

15 MS. THOMAS: Do you have a copy of the  
16 rule? Would you like me to read it? And the rule  
17 that Ms. Brown cited is 0090-06-.03(1), which is the  
18 corresponding rule to that statute she read. An  
19 alarm systems contractor, licensee or employee  
20 registrant shall not engage in any deceptive,  
21 misleading, unlawful or unethical business practices  
22 with customers or consumers. Such practices shall  
23 constitute improper, fraudulent or dishonest dealings  
24 pursuant to Tennessee Code Annotated 62-32-319(d).

25 MR. ROBERTS: You indicated that neither

1 when they didn't respond? Is the contract with  
2 Company One or Company Two?

3 CHAIRPERSON HIXSON: Two. I think the  
4 question of renewal for 60 months was supposedly done  
5 by Two, which is a subsidiary of One; is that  
6 correct, Ms. Brown?

7 MS. BROWN: Yes, ma'am.

8 CHAIRPERSON HIXSON: How is Two a  
9 subsidiary of One?

10 MS. BROWN: Respondent One is the parent  
11 company.

12 CHAIRPERSON HIXSON: And Two would be  
13 like a branch?

14 MS. BROWN: I believe so. That's my  
15 understanding.

16 MR. ROBERTS: So I'm wondering why we are  
17 closing the complaint against Respondent One, but  
18 if -- maybe you can elaborate on that a little bit.

19 MS. BROWN: The contract is with  
20 Respondent Two.

21 MR. ROBERTS: And Respondent Two was the  
22 one that supposedly forged the document?

23 MS. BROWN: Yes, the agent for Respondent  
24 Two.

25 MR. ROBERTS: Respondent One then is just

1 presumably a parent -- okay.

2 CHAIRPERSON HIXSON: But then failed to  
3 respond and provide any information.

4 MR. ROBERTS: Okay. The idea of a forged  
5 document concerns me deeply. If we have a company  
6 engaging in that sort of activity, that is a deep  
7 concern. That sort of thing is, in my mind,  
8 intolerable.

9 Madam Chairman, I would make a motion  
10 then that we send a letter of warning to Respondent  
11 One for failure to respond. Again, referring to them  
12 as a respondent may be a little bit of a misnomer.  
13 You get the idea.

14 CHAIRPERSON HIXSON: Parent Company One?

15 MR. ROBERTS: Okay, Parent Company One,  
16 that they get a letter of warning for failure to  
17 respond and that we concur with the recommendation of  
18 our counsel. As far as Respondent Two is concerned,  
19 which would be to authorize formal hearing and send a  
20 consent order with a civil penalty in the amount of  
21 \$1,000 for violation of the Tennessee Code Annotated  
22 that she -- our counsel has indicated.

23 CHAIRPERSON HIXSON: And a letter of  
24 warning -- and a letter of warning to Number Two for  
25 failure to respond to a complaint.

1 MS. BROWN: Number ten is 2016070251.  
2 This complaint is opened alleging unlicensed activity  
3 by Respondent. The Board Office opened the complaint  
4 against the Respondent. Respondent's license has  
5 been expired since December 31, 2002, and has been  
6 monitoring accounts in Tennessee without a license in  
7 violation of Tennessee Code Annotated 62-32-304(a).  
8 Respondent had a previous complaint in 2003 and paid  
9 the civil penalty for unlicensed activity, but failed  
10 to get a license -- failed to get licensed. The  
11 Respondent was an exhibitor at the 2016 Tennessee  
12 Electronic Security Association meeting.

13 The Respondent provided a response  
14 stating that the person that handled the licensing  
15 for the Respondent has been terminated and left under  
16 extremely bad circumstances. The Respondent  
17 acknowledge that they should have been more aware,  
18 this situation should have never occurred, and it  
19 should have been discovered earlier. The Respondent  
20 has applied for a new license.

21 My recommendation is to authorize a  
22 formal hearing and send a consent order with the  
23 civil penalty in the amount of \$5,000 for violation  
24 of Tennessee Code 62-32-304(a), (i), (j), (k), and  
25 Tennessee Comprehensive Rules and Regulations

1 MR. ROBERTS: Yes. Yes, absolutely.

2 MR. HARVEY: Second.

3 CHAIRPERSON HIXSON: Okay. We have a  
4 motion by Mr. Roberts and a second by Mr. Harvey to  
5 concur with counsel in this matter. Letter of  
6 warning to Parent Company Number One and authorize a  
7 civil penalty and a formal hearing, \$1,000,  
8 62-32-319(d) and Tennessee Rules and Regulations  
9 0090-06-.03(1), as well as a letter of warning to  
10 Company Number Two for failure to respond. All in  
11 favor voice by saying aye.

12 THE BOARD: Aye.

13 CHAIRPERSON HIXSON: All opposed? The  
14 motion carries.

15 MS. BROWN: Board members, if you'd like,  
16 since we are opening a formal hearing as to  
17 Respondent Two, we can add the violation for failure  
18 to respond within this -- with this particular  
19 consent order, if you prefer, rather than doing a  
20 letter of warning separately.

21 CHAIRPERSON HIXSON: That's fine. Also,  
22 I don't know if this is appropriate or not, but my  
23 suggestion would be to have the Complainant in this  
24 matter take this up with her local law enforcement  
25 for a potential forgery case.

1 0090-01-.07(8).

2 MR. ROBERTS: Let me ask, would the --  
3 this authorization of -- has this company received a  
4 cease and desist?

5 MS. BROWN: I don't have that  
6 information. I don't believe so.

7 MR. ROBERTS: Madam Chairman, I make a  
8 motion we concur with the recommendation of our  
9 counsel to offer as a formal hearing a consent order  
10 of \$5,000. However, I think also they should be sent  
11 an immediate cease and desist because it would be  
12 apparent from what has been indicated here that this  
13 company continues to operate in violation of the --  
14 of our statutes.

15 MS. JONES: So they haven't had a license  
16 in 14 years; is that what you are saying?

17 MS. VEST: 2006.

18 MS. JONES: I thought it said 2002.  
19 Expired since December 31, '02, and we are at 2016.  
20 So am I looking at that right, so \$5,000 covers  
21 14 years of illegal activity?

22 MR. COCKROFT: That seems low to me in  
23 comparison to some others and that it is an ongoing  
24 thing.

25 MS. JONES: Especially after, oh, well

1 they left after bad circumstances, that should have  
 2 been done, I'm sorry.  
 3 MR. COCKROFT: And there had already been  
 4 another civil penalty, it's not like they weren't  
 5 aware. Was the other -- the other civil penalty was  
 6 for the same thing, unlicensed activity?  
 7 MS. JONES: And at our discretion it  
 8 could be 1,000 to 5,000 per each occurrence. We  
 9 don't even know each occurrence. That's not even per  
 10 each year, much less an occurrence.  
 11 MR. ROBERTS: I'd say my motion died for  
 12 lack of a second.  
 13 MS. VEST: Yes, sir, that's what it  
 14 sounded like.  
 15 MS. JONES: Nothing gets by you, except  
 16 this.  
 17 MR. COCKROFT: So what is the period of  
 18 time if we even had a number of months we can  
 19 possibly --  
 20 MS. JONES: December 31, '02, until now.  
 21 They still don't have a license.  
 22 MS. BROWN: Board members, according to  
 23 my records, they were unlicensed and obtained their  
 24 license on 3/24/04. They had that previous  
 25 violation. That license expired that they obtained

1 MS. JONES: I'm going to propose we go --  
 2 do we need to vote a motion down?  
 3 CHAIRPERSON HIXSON: It died for lack of  
 4 a second.  
 5 MS. VEST: Don't forget the minimum that  
 6 you can charge for unlicensed activity is \$1,000 per  
 7 occurrence.  
 8 MS. JONES: Right.  
 9 MR. ROBERTS: And per occurrence is daily  
 10 for 11 years? I'll have to do a little arithmetic on  
 11 that one.  
 12 MS. THOMAS: It's up to the Board's  
 13 discretion --  
 14 (All talking at the same time.)  
 15 MS. JONES: -- it's how many years? At  
 16 least \$1,000 a year, my goodness. Okay. I'll quit.  
 17 CHAIRPERSON HIXSON: Are you going to  
 18 propose your motion?  
 19 MS. JONES: I just did. I am going to  
 20 say we give them no less than \$1,000 a year for a  
 21 period of 11 years for the time for unlicensed  
 22 activity, not even counting --  
 23 MR. ROBERTS: So your motion then would  
 24 be to authorize a formal hearing and send a consent  
 25 order, so forth, with a proposed civil penalty in the

1 in 2004, that expired on 3/31/2006. So since 2006,  
 2 for a period of ten years.  
 3 MS. JONES: Were they unlicensed from '02  
 4 to '04?  
 5 MS. BROWN: Yes, ma'am.  
 6 MS. JONES: So 12 years.  
 7 CHAIRPERSON HIXSON: Well, 14 months,  
 8 just in that period.  
 9 MS. JONES: Okay. We'll go with ten  
 10 years.  
 11 MR. COCKROFT: The '02 to '04 sounds like  
 12 that was addressed with another civil penalty and  
 13 they did get licensed.  
 14 MS. BROWN: Yes, sir.  
 15 MR. COCKROFT: Then it expired.  
 16 MS. BROWN: Yes, that's correct.  
 17 MR. COCKROFT: So when was that  
 18 expiration, was it in '06?  
 19 CHAIRPERSON HIXSON: 3/31 of '06.  
 20 MR. COCKROFT: Sounds to me it would be  
 21 '06 to current.  
 22 CHAIRPERSON HIXSON: You got 11 years  
 23 because we are halfway into February, so you are  
 24 basically talking 11 years that they operated without  
 25 any license.

1 amount of \$11,000.  
 2 MS. JONES: You do that so much better,  
 3 Ken.  
 4 CHAIRPERSON HIXSON: Yes, that's correct.  
 5 MR. ROBERTS: So you made a motion?  
 6 MS. JONES: I did.  
 7 MR. ROBERTS: I second it.  
 8 CHAIRPERSON HIXSON: We have a motion by  
 9 Ms. Jones and a second by Mr. Roberts to authorize a  
 10 formal and send a consent order with a civil penalty  
 11 in the amount of \$11,000, \$1,000 for each year of  
 12 violation of Tennessee Code Annotated 62-32-304(a),  
 13 (i), (j), and (k), and Tennessee Rules and  
 14 Regulations 0090- 01-.07(3) {sic}. All in favor  
 15 voice by saying aye.  
 16 THE BOARD: Aye.  
 17 CHAIRPERSON HIXSON: All opposed? The  
 18 motion carries.  
 19 MS. BROWN: Board members?  
 20 MR. ROBERTS: Let me ask a question,  
 21 would this also entail a cease and desist along with  
 22 this?  
 23 MS. BROWN: Within the consent order  
 24 there is language referencing that.  
 25 MR. ROBERTS: Okay. I think that's

1 important.

2 MS. BROWN: Yes, I just wanted to add,  
3 the statutes I cited, (a) is for the unlicensed, (i),  
4 (j), and (k) are additional violations. (l) is for  
5 the qualified agent, not having a qualified agent.  
6 So it would be 11,000 for the unlicensed activity,  
7 and if you assessed 1,000 for each of those others,  
8 then it would be an additional 3,000. I just wanted  
9 to clarify that.

10 CHAIRPERSON HIXSON: 3,000 per year?

11 MS. BROWN: It would be as to how you --

12 CHAIRPERSON HIXSON: Go ahead, Ms. Brown.  
13 Go ahead. For the record, we know what (a) is and  
14 you explained (i) is operating without a qualifying  
15 agent. Please tell the audience what (j) and (k) are  
16 so that the Board can determine if we need to change  
17 our previous motion or add new civil penalties for  
18 violation of those.

19 MS. BROWN: Yes, ma'am. (J) is no person  
20 shall sell, install, service, monitor or respond to  
21 alarm signals, signal devices, fire alarms, burglar  
22 alarms, television or still cameras used to detect  
23 fire, burglary, breaking, entering, intrusion,  
24 shoplifting, pilferage or theft in violation of this  
25 part of the rules adopted under this part.

1 at this point.

2 CHAIRPERSON HIXSON: Okay. Move on.  
3 Number 11, I believe.

4 MS. BROWN: Yes, ma'am, Number 11 is  
5 2017001641. An industry competitor filed this  
6 complaint alleging that the Respondent company had  
7 vehicles that do not have a visible contractor  
8 license number displayed on the vehicle in accordance  
9 with Tennessee Code Annotated 62-32-316(d).

10 The Respondent provided a response and  
11 stated that the technician switched vehicles and the  
12 Tennessee license information was not installed on  
13 the truck when the transition slash re-branding of  
14 the company occurred due to the vehicle being  
15 assigned to a technician in a north Georgia region.  
16 The Respondent has resolved the matter and provided  
17 photographs showing the license number is now  
18 displayed on the vehicle.

19 My recommendation is that this matter be  
20 closed.

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

23 MR. COCKROFT: Second.

24 CHAIRPERSON HIXSON: We have a motion by  
25 Mr. Roberts and a second by Mr. Cockroft to concur

1 And (k) is, no person shall advise anyone  
2 as to the need, quantity or quality of alarm systems  
3 and sell these systems unless certified, licensed or  
4 registered under this part.

5 MS. VEST: If I may speak up, we did --  
6 attorney and I did speak concerning this one here.  
7 Under -- normally what you do with unlicensed  
8 activity, we do unlicensed activity, we don't break  
9 it down into categories.

10 We have already got a civil penalty here  
11 of 11,000. If you continue on that line with (i),  
12 (j), and (k), we might have an astronomical fine for  
13 somebody who did unlicensed activity, period. It's  
14 just unlicensed activity.

15 MR. COCKROFT: Right. We want to bring  
16 them into compliance at this point. That's our goal.  
17 If we make this too high, then that would make that  
18 difficult. There's even -- in this list there's --  
19 it's actually a second offense, it could have been  
20 more. It could have been 2,000 per occurrence, and  
21 it could be -- we consider occurrences months,  
22 instead of years. But we want to get them into  
23 compliance, that's the goal.

24 MR. ROBERTS: I feel like the Board's  
25 taken an appropriate action given the circumstances

1 with our counsel's recommendation in this matter.  
2 All in favor voice by saying aye.

3 THE BOARD: Aye.

4 CHAIRPERSON HIXSON: All opposed? The  
5 motion carries. Number 12.

6 MS. BROWN: Number 12 is 2017002021.  
7 This complaint was opened alleging unlicensed  
8 activity by the Respondent. The complaint was filed  
9 by an industry competitor that states the Respondent  
10 has been providing quotes, advertisements,  
11 solicitations, etcetera, without a license for CCTV  
12 and access controls. The Respondent provided a  
13 response stating it does not install any life safety  
14 equipment, and it is an IT and a voiceover IP service  
15 provider.

16 Also, I'd just like to add, the  
17 information that was first sent to us was a website  
18 that did indicate that they did provide some type of  
19 surveillance. However, their new website, their  
20 current website, does not indicate that there is any  
21 type of surveillance or CCTV services.

22 MR. ROBERTS: Would that also apply to  
23 the access controls?

24 MS. BROWN: Yes, sir.

25 MR. ROBERTS: Madam Chairman, I make a



1 motion we send a letter of warning to this particular  
2 company. It would appear that they were probably, in  
3 my mind, providing or offering to provide such  
4 services, but now realized they are not licensed to  
5 do so. I think rather than just closing this, I  
6 think a letter of warning would be more appropriate  
7 given the circumstances.

8 MS. BROWN: Yes, sir.

9 MR. HARVEY: Second.

10 MS. VEST: So what is the letter of  
11 warning for?

12 MR. ROBERTS: Don't do that any more.

13 MS. VEST: Don't do what?

14 MR. ROBERTS: To offer to provide closed  
15 circuit TV and access control services without a  
16 license.

17 MS. VEST: Thank you.

18 CHAIRPERSON HIXSON: Okay. We have a  
19 motion by Mr. Roberts and a second by Mr. Harvey to  
20 send a letter of warning to this Respondent for not  
21 advertising for any type of CCTV install, sales or  
22 services without being properly licensed. All in  
23 favor voice by saying aye.

24 THE BOARD: Aye.

25 CHAIRPERSON HIXSON: All opposed? The

1 today to discuss his criminal record. In 2010 he had  
2 two failure to appear, 2008 three failure to appear.  
3 May of '17, reckless driving, proof of insurance.

4 CHAIRPERSON HIXSON: May of when?

5 MS. VEST: May the 12th of '07. It was  
6 all driving offenses, including a DUI, public intox.  
7 And then on 4/27 of '07 it was aggravated assault,  
8 which he was found guilty. There were some other  
9 charges, but they were dismissed.

10 I asked him to bring whatever  
11 documentation that he had in addition to what he  
12 supplied with me -- or to me with this application.

13 They have not seen this material, Mr.  
14 Smith, so if you can give them a few minutes, please,  
15 to look it over.

16 MR. SMITH: Yes, ma'am.

17 MS. VEST: And when one of our board  
18 members gets finished with the material he's passed  
19 out, I do need a copy of it. Do you have an extra?

20 MR. SMITH: Yes, ma'am, we do come  
21 prepared.

22 THE BOARD: (Board viewing documents.)

23 CHAIRPERSON HIXSON: Would you like to  
24 introduce yourself to the Board while we are  
25 finishing up?

1 motion carries. More legal report?

2 MS. THOMAS: I believe that does complete  
3 the legal report.

4 CHAIRPERSON HIXSON: Thank you, ladies.

5 MS. VEST: I think the next thing on the  
6 agenda is appearances, which we do have quite a few.  
7 Could we take maybe a ten-minute break?

8 CHAIRPERSON HIXSON: Certainly.  
9 (Short break.)

10 CHAIRPERSON HIXSON: We are going to call  
11 our meeting back to order. The next item on our  
12 agenda are the appearances. Ms. Vest, are we ready?

13 MS. VEST: Yes, we are ready. Do we have  
14 an Andrew Smith here?

15 MR. SMITH: Yes, ma'am.

16 MS. VEST: Did anybody come with you?

17 MR. SMITH: Yes, ma'am.

18 MS. VEST: You have already signed in,  
19 I'm sure.

20 MR. HENDRY: May I approach to hand this  
21 out?

22 MS. VEST: Sure. This appearance before  
23 you today is Andrew Smith, and Mr. Smith has made  
24 application to be a registered employee. If I'm not  
25 mistaken, he's working with DataComm. He's here

1 MR. SMITH: Yes, ma'am. I'm Andrew  
2 Smith.

3 MR. HENDRY: I'm Allen Hendry, the owner  
4 of DataComm Corporation.

5 CHAIRPERSON HIXSON: What was your last  
6 name, sir?

7 MR. HENDRY: Hendry, H-E-N-D-R-Y.

8 CHAIRPERSON HIXSON: Do the members have  
9 a question for either Mr. Smith or Mr. Hendry? I  
10 have one. What was the disposition of your  
11 aggravated assault?

12 MR. SMITH: Well, there are actually two  
13 aggravated assaults. Which one are you referring to?

14 CHAIRPERSON HIXSON: How about both.

15 MR. SMITH: Well, the aggravated assault  
16 that is associated with 2005, that was dismissed.  
17 The charge was that I -- whenever we exited the store  
18 with the merchandise when we were chased, that I  
19 punched the man from Walmart. And then when we had  
20 the hearing, it came out that I did not punch him,  
21 that I pushed him. Which, you know, of course is  
22 still horrible, but they decided to drop the assault  
23 on there. On the assault in Germantown, I pled  
24 guilty to it, I was ready to get it all over with.

25 CHAIRPERSON HIXSON: That was the one in

1 the driving with the --  
 2 MR. SMITH: Yes, ma'am.  
 3 CHAIRPERSON HIXSON: What was your  
 4 punishment for the second one?  
 5 MR. SMITH: Honestly, I don't remember,  
 6 and it wasn't in my file. It was just -- not  
 7 dismissed. Let me look back to see. I believe  
 8 actually for that sentence I did 11/29, although I  
 9 don't know why Germantown didn't have a record on it.  
 10 The stuff from Shelby County was a lot more thorough.  
 11 I do believe I was given 11/29 probation.  
 12 CHAIRPERSON HIXSON: And the first one  
 13 was pled down to just assault misdemeanor for pushing  
 14 the Walmart --  
 15 MR. SMITH: That was dismissed.  
 16 CHAIRPERSON HIXSON: That was dismissed,  
 17 okay.  
 18 MR. HENDRY: I can say that Andrew did  
 19 make some poor decisions 10 to 12 years ago and did  
 20 some things in poor judgement, and that is definitely  
 21 not the person he is today.  
 22 CHAIRPERSON HIXSON: Thank you.  
 23 MR. SMITH: If it wasn't for these, I'd  
 24 be a law enforcement officer, but, you know, this  
 25 stuff has definitely ruined my life, as we are seeing

1 today.  
 2 CHAIRPERSON HIXSON: I don't think it's  
 3 ruined it, I think it just made it a little bit  
 4 difficult for you.  
 5 MR. SMITH: I definitely learned from my  
 6 mistakes though.  
 7 MR. ROBERTS: I think complicated would  
 8 be a better description, rather than ruined.  
 9 MR. SMITH: Yes.  
 10 CHAIRPERSON HIXSON: Any more statements  
 11 you would like to make to the Board, either of you?  
 12 MR. SMITH: All I can say is I have  
 13 definitely changed and I believe, you know, I'm a  
 14 trustworthy and honest person now and definitely  
 15 nothing like the paperwork you see in front of you.  
 16 It's not me any more.  
 17 MR. HENDRY: And from speaking with a  
 18 couple of these recommendations, letter of  
 19 recommendations, people he's worked with and the  
 20 situations and also what I see every day at work,  
 21 he's definitely a trustworthy individual.  
 22 MR. SMITH: I have more character  
 23 references from other law enforcement agencies, but I  
 24 just didn't have time to get them all together. I  
 25 have got them e-mailed to me, if you'd like me to

1 read them off, saying I have been trusted around  
 2 restrictive weapons and explosives and stuff like  
 3 that and been left alone with similar items,  
 4 sensitive items, and nobody has had anything missing  
 5 or no issues ever risen.  
 6 MR. ROBERTS: How long have you been  
 7 working for DataComm.  
 8 MR. SMITH: I started with DataComm  
 9 several years ago, and then left, and then now I have  
 10 been back this stint about four months now.  
 11 MR. HENDRY: He worked for -- DataComm  
 12 was originally started in the late '80s, '89. My  
 13 father started the company. And through several  
 14 different mergers and buyouts, dad started this  
 15 company back again in '05. I believe Andrew worked  
 16 for him in the '05, '06 years through maybe like '07.  
 17 MR. SMITH: I believe it was two-ish.  
 18 MR. HENDRY: It was a two-year period. I  
 19 then took over the company and renamed it in '09. So  
 20 it has been roughly nine, ten years. He's now been  
 21 back with us for -- I believe it's two months,  
 22 three months since he's been back as an employee with  
 23 us.  
 24 MR. ROBERTS: What sort of services do  
 25 you provide? What has Andrew been doing?

1 MR. HENDRY: Our main source of revenue  
 2 is structure cable, voice data cabling, fiber optics,  
 3 the indoor/outdoor plant. We do security work,  
 4 obviously. We have been doing that for the past, I  
 5 guess it's three or four years now. Andrew has been  
 6 doing a little bit of both waiting on this  
 7 application to be approved or denied, and if it is  
 8 denied, then he will do strictly voice and data  
 9 cable. I hope that's not the case, so it does not  
 10 hinder his career moving forward.  
 11 MR. SMITH: But security work that I did  
 12 do here on my first half was Securitas doing banks,  
 13 like ATM installs, you know, bank alarm systems.  
 14 MR. COCKROFT: How did you get into all  
 15 the law enforcement work?  
 16 MR. SMITH: I just always had a passion  
 17 for law enforcement.  
 18 MR. COCKROFT: And so where -- I'm not  
 19 sure I follow the employment history. How long  
 20 were -- have you been at Data Networks now?  
 21 MR. SMITH: Data Networks System was a  
 22 previous company I worked at for ten years, then I  
 23 came here to further my career, and I believe I have  
 24 been here since --  
 25 MR. HENDRY: Two or three months.

1 MR. COCKROFT: So you were there for the  
 2 ten-year period consistently?  
 3 MR. SMITH: Yes, sir.  
 4 MR. COCKROFT: Okay.  
 5 MS. VEST: Well, the application that I  
 6 have is registered employee, states that you were  
 7 employed with this company 9/30/16.  
 8 MR. SMITH: That's probably correct.  
 9 MR. COCKROFT: I was confused, I thought  
 10 it was the same company when I was seeing Data --  
 11 sorry, two different companies.  
 12 MR. HENDRY: Yes, sir.  
 13 MR. COCKROFT: What do you think makes  
 14 you a different person at this point? What's changed  
 15 that this isn't -- what we are seeing isn't what's on  
 16 paper?  
 17 MR. SMITH: For starters, I was just  
 18 young and stupid. Just didn't think about my  
 19 actions, didn't realize the consequences of my  
 20 actions. Just wasn't thinking, honestly.  
 21 MR. ROBERTS: Now you think about them?  
 22 MR. SMITH: Yes, sir. Now I know the  
 23 error of my ways and that every action has a  
 24 consequence.  
 25 MR. ROBERTS: Madam Chairman, I make a

1 You do have a sheet that's titled Tennessee Alarm  
 2 System Contractors Application. Looks like a '95  
 3 forgery, '97 possession of crack cocaine, '98  
 4 possession of marijuana. 2001 some traffic  
 5 incidents. '02 prowling in public places. Traffic  
 6 ticket in '05. Violent threats in '05. Possession  
 7 of drug paraphernalia in '05. Frequently known --  
 8 I'll let you read the rest of them, but you should  
 9 see that on your iPad. It's two sheets.  
 10 THE BOARD: (Board viewing documents.)  
 11 MS. VEST: And the company that he's  
 12 working for is ACT Security.  
 13 MR. HARVEY: Who we got? We got  
 14 Mr. Murray, and who else do we have?  
 15 MR. MANN: My name is Randy Mann, I'm one  
 16 of the designated qualifying agents and partners.  
 17 M-A-N-N.  
 18 MR. HILL: I'm Joel Hill, I'm a partner  
 19 with ACT.  
 20 MR. HARVEY: Mr. Murray, I think we have  
 21 to start with some of these latest drug charges we  
 22 have on here. Are you currently using or in help?  
 23 MR. MURRAY: No. I came from New Jersey  
 24 and I tried to get away from all that to try and  
 25 start my life over and start fresh. No, I'm not

1 motion that we grant Mr. Andrew Smith's application  
 2 as registered employee.  
 3 MR. COCKROFT: Second.  
 4 CHAIRPERSON HIXSON: Okay. We have a  
 5 motion by Mr. Roberts and a second by Mr. Cockroft to  
 6 grant this employee registration application. All in  
 7 favor voice by saying aye.  
 8 THE BOARD: Aye.  
 9 CHAIRPERSON HIXSON: All opposed?  
 10 Congratulations and thank you for coming.  
 11 MR. SMITH: Thank you so much. I won't  
 12 let you down.  
 13 MR. HENDRY: Thank you for your time.  
 14 CHAIRPERSON HIXSON: Next I think we  
 15 have --  
 16 MS. VEST: Yes, our second individual  
 17 will be John Murray? Someone come with Mr. Murray?  
 18 If you would, please.  
 19 CHAIRPERSON HIXSON: Do you have any  
 20 handouts, sir, or is it all in the file?  
 21 MR. MURRAY: It's all in the file.  
 22 CHAIRPERSON HIXSON: Just give us a few  
 23 minutes to read through.  
 24 MS. VEST: If you would, he was kind  
 25 enough to type it all up. They did ask to appear.

1 currently using.  
 2 CHAIRPERSON HIXSON: Make sure the red  
 3 light is on whenever you are speaking, please.  
 4 MR. MURRAY: Okay, there we go. No, I'm  
 5 not currently using.  
 6 MR. HARVEY: I didn't see anything, is  
 7 there any -- have you been through any type of recent  
 8 treatments or help of any kind?  
 9 MR. MURRAY: I have been through  
 10 treatment back in '07, '06. I think there was  
 11 paperwork provided for that. That was -- at that  
 12 point I obtained custody of my kids after I completed  
 13 that treatment, and since then I haven't done any  
 14 treatments, just regular meetings.  
 15 CHAIRPERSON HIXSON: What type meetings  
 16 are you currently attending?  
 17 MR. MURRAY: Right now I'm not attending  
 18 any meetings, but prior to coming to Tennessee I did  
 19 regular NA or AA meetings just to talk about, you  
 20 know, the past and for basic help.  
 21 CHAIRPERSON HIXSON: How long have you  
 22 been in Tennessee?  
 23 MR. MURRAY: Since August.  
 24 CHAIRPERSON HIXSON: August of '16?  
 25 MR. MURRAY: Of 2016, yes.

1 CHAIRPERSON HIXSON: And how long has he  
 2 worked for ACT?  
 3 MR. MANN: Started in September.  
 4 CHAIRPERSON HIXSON: Doing what?  
 5 MR. MANN: Burglar alarm and access  
 6 control and CCTV installations.  
 7 CHAIRPERSON HIXSON: So you have actually  
 8 had him doing the work, although he's not a  
 9 registered employee?  
 10 MR. MANN: Since his application has been  
 11 in, if we have been doing anything wrong, I wasn't  
 12 aware of it.  
 13 MS. VEST: We received the gentleman's  
 14 application on December the 7, 2016, but you did not  
 15 have a board meeting at that time for me to present  
 16 it.  
 17 MR. COCKROFT: But it's my understanding  
 18 he would have been in compliance, as long as he had  
 19 applied, he was fine to work at that point and still  
 20 is, correct?  
 21 MS. VEST: Where is that written?  
 22 CHAIRPERSON HIXSON: 30 days.  
 23 MS. VEST: No, it has 30 days -- he has  
 24 30 days --  
 25 MR. COCKROFT: To apply.

1 MR. ROBERTS: There probably is a testing  
 2 entity who is keeping track of that, I know that's  
 3 what our company does.  
 4 MR. HILL: Yes, sir.  
 5 MS. VEST: In the past when we have had  
 6 records of this nature, you have asked that they have  
 7 random -- submit to a drug testing during the renewal  
 8 cycle.  
 9 MR. ROBERTS: Mr. Murray, it would appear  
 10 evident to you, and probably us as well, that you  
 11 have less than an enviable record.  
 12 MR. MURRAY: Obviously, yes, I do.  
 13 MR. ROBERTS: What attracted you to  
 14 Tennessee?  
 15 MR. MURRAY: One, I had a friend living  
 16 here in Clarksville that was in the military. She  
 17 offered to help me stay on track and improve my life  
 18 and my kids' lives by moving out here and doing the  
 19 right thing.  
 20 CHAIRPERSON HIXSON: How many children do  
 21 you have?  
 22 MR. MURRAY: I have two that I have had  
 23 custody of since '07.  
 24 CHAIRPERSON HIXSON: How old are they?  
 25 MR. MURRAY: My son's 14 and my

1 MS. VEST: Yes. Before he applies, yes.  
 2 MS. THOMAS: We -- there's not a statute  
 3 one way or the other as to whether or not he can work  
 4 with an application on file.  
 5 CHAIRPERSON HIXSON: Is he currently  
 6 being drug screened or tested by your company or  
 7 monitored in any way?  
 8 MR. MANN: We do random drug tests as  
 9 part of the state drug free workplace.  
 10 CHAIRPERSON HIXSON: How many has  
 11 Mr. Murray had since he was -- since he's been in  
 12 your employ?  
 13 MR. MURRAY: Yeah, when I started, I was  
 14 tested.  
 15 CHAIRPERSON HIXSON: But none since then?  
 16 MR. MURRAY: None since then, no, ma'am.  
 17 MR. HILL: It's randomly generated  
 18 through a computer program, so we don't select who is  
 19 to be tested, and that includes the partners. It's  
 20 whenever the computer pulls you up, you go  
 21 immediately that day supervised for testing.  
 22 CHAIRPERSON HIXSON: Whose computer  
 23 system does the random selection?  
 24 MR. MANN: It's from the state, as far as  
 25 I know. I'm not sure.

1 daughter's 12.  
 2 MR. ROBERTS: Why should we grant your  
 3 registration, given the record that is presented to  
 4 us here?  
 5 MR. MURRAY: Well, for one, I would like  
 6 you to know that I am obviously a changed person.  
 7 You know, I love what I do and this is my career,  
 8 this is what I have done for over 15 years. You  
 9 know, if I was the old person I used to be, I would  
 10 say that I wouldn't be in this field any more, but  
 11 being that I changed, I want you to believe that I  
 12 changed as well.  
 13 MS. JONES: So were you in security in  
 14 New Jersey.  
 15 MR. MURRAY: I was since 1998.  
 16 MR. COCKROFT: I don't want to hinder  
 17 your recovery or your moving forward, but I'm having  
 18 a hard time seeing how we can see a change. This is  
 19 a relatively short period of time that this last  
 20 conviction or last -- I don't know, did you pled  
 21 guilty on the last count? I think it was a --  
 22 MR. MURRAY: The last convictions were as  
 23 I was packing up to leave New Jersey. Prior to, I  
 24 guess it is, June or May of 2016, there hadn't been  
 25 any charges for, I guess, since like '07 or '08 might

1 have been my last charge when I obtained custody of  
2 my children. Prior to leaving New Jersey, I was also  
3 going through a divorce with my wife of seven years,  
4 so it's -- not to make any excuses for my actions,  
5 but I had to get away from my surrounding to improve  
6 myself.

7 MR. COCKROFT: It just concerns me  
8 that -- I mean, it was fairly recent in our eyes, in  
9 my eyes.

10 MR. MURRAY: I understand.

11 MR. COCKROFT: And you are saying you are  
12 not in any kind of a program or have participated in  
13 anything in some time, it makes me wonder what's  
14 changed, what's going to happen differently, what's  
15 going to -- I need something to make me feel good  
16 about approving you. At this point I'm just having a  
17 hard time with that. I wish I could. I don't want  
18 to -- I don't want to hurt you moving forward, but I  
19 just don't see -- I just don't see that at this  
20 moment.

21 MR. MURRAY: I understand. I mean the  
22 one thing that's changed is obviously my way of  
23 thinking and, you know, my thoughts of being a parent  
24 and providing for my children over being a drug  
25 addict and moving on with my life.

1 MR. HILL: May I speak before the Board?  
2 I am here just as Randy's partner, but I can stand up  
3 for John's character. While he's been employed at  
4 our company, it has been nothing but exemplary. I  
5 have had a number of clients that have just raved on  
6 what a great job and character he has. And that's  
7 the reason I wanted to come today, is stand before  
8 you all to say more of his character of how he's been  
9 under our employment. I cannot be more proud of what  
10 he's doing in representing -- for me, as a part of  
11 the firm, I take it real serious. I'd like to have  
12 20 more Johns right now because he is that good of an  
13 employee for what he's doing since he's moved to  
14 Nashville.

15 I can't speak to all of his -- and I have  
16 read it and I go, oh, my gosh. But Randy and I  
17 actually get joy out of giving people chances to turn  
18 their life around, and I think John's done it. So  
19 that's my position of him. I'm here to stand up for  
20 him as a character witness.

21 MS. JONES: Your ex-wife, is she still in  
22 New Jersey?

23 MR. MURRAY: Yes.

24 MS. JONES: What does she do?

25 MR. MURRAY: I believe she works in a

1 school now. She was in daycare teaching and  
2 everything prior to us getting divorced. Still not  
3 divorced yet, I am currently separated.

4 MS. JONES: She get to see her kids?

5 MR. MURRAY: They are not -- my kids  
6 weren't her kids. My kids are from a previous  
7 marriage.

8 MS. JONES: Where is she?

9 MR. MURRAY: In Pennsylvania somewhere.  
10 She's not involved.

11 MS. VEST: Would it help the Board -- if  
12 you did approve him, you know we do have the two-year  
13 renewal cycle now and we have quarterly drug screens,  
14 if that's what you are concerned with, which we can  
15 ask him to do.

16 MR. ROBERTS: I think frankly that would  
17 probably be a good suggestion. I think it would  
18 appear clear that the Board has concerns about your  
19 sobriety and freedom from drugs. Mr. Cockcroft  
20 indicated that we don't want to hinder you and your  
21 life, but on the other hand we have a responsibility  
22 protecting the general public, and your record is  
23 certainly not particularly compatible with that.

24 We recognize people do make changes.  
25 Moving from an environment that was conducive to

1 drugs certainly would be a step in the right  
2 direction, seems like you have taken that. Perhaps  
3 the idea of having random quarterly drug testing  
4 during the -- if we grant your license, would you be  
5 willing to undergo random quarterly drug testing?

6 MR. MURRAY: Absolutely.

7 MR. ROBERTS: And have those results  
8 available to the Board prior to your two-year  
9 renewal?

10 MR. MURRAY: Absolutely. I am not  
11 opposed to any of your requests.

12 MR. ROBERTS: I think that would go a  
13 long way of assuring the Board that the changes in  
14 your life that you are indicating would be something  
15 that would be a fact and would provide us with some  
16 reasonable assurance that we are providing -- doing  
17 our jobs in terms of protecting the general public.

18 MR. MURRAY: Anything I can do to prove  
19 to you that I am a changed person, I would gladly do  
20 for you.

21 CHAIRPERSON HIXSON: Mr. Mann, do you  
22 work with Mr. Murray on a daily basis?

23 MR. MANN: No, not out in the field.

24 CHAIRPERSON HIXSON: But I mean do you  
25 have contact with him on a daily basis?

1 MR. MANN: I do not.  
 2 MR. HILL: I do.  
 3 CHAIRPERSON HIXSON: You do?  
 4 MR. HILL: Yes, ma'am. And I work a lot  
 5 with our customers relations, so I'm talking to the  
 6 people he's doing work for. And it's been very  
 7 difficult hard jobs that he's done just an  
 8 unbelievable --  
 9 CHAIRPERSON HIXSON: But you have not  
 10 detected any alcohol or drug use whatsoever that --  
 11 MR. HILL: No, ma'am. And I don't have a  
 12 problem at all with drug testing on a scheduled  
 13 basis. I have no issue with that at all. We'll be  
 14 happy to do that for him. If we thought there was an  
 15 issue, we would be requiring that. Our contract  
 16 preemployment says preemployment drug testing and we  
 17 have the ability to do random drug testing at will.  
 18 We let the computer do it so we are not singling  
 19 people out, but if we have just cause or if the Board  
 20 would like that, no problem at all.  
 21 CHAIRPERSON HIXSON: I think it would  
 22 probably be in order in this case.  
 23 MR. HILL: Delighted to do so.  
 24 CHAIRPERSON HIXSON: Anything else you  
 25 want to hear from the gentlemen?

1 be submitted to the Board when your renewal  
 2 application comes around two years later.  
 3 CHAIRPERSON HIXSON: Okay. We have a  
 4 motion by Mr. Roberts. Do we have a second?  
 5 MR. HARVEY: Second with discussion. I  
 6 have a question.  
 7 MR. MANN: When you say negative, you  
 8 mean positive?  
 9 MR. ROBERTS: Positively.  
 10 MR. MANN: I just wanted to clarify.  
 11 MR. ROBERTS: If there's any indication  
 12 of drug use resulting from those tests, that would be  
 13 reported to the Board and Mr. Murray's registration  
 14 would be immediately suspended.  
 15 MR. MANN: Okay.  
 16 MR. ROBERTS: With his registration  
 17 surrendered.  
 18 MR. HARVEY: And to clarify, you want  
 19 those drug screenings submitted quarterly?  
 20 MR. ROBERTS: No, that they be done  
 21 quarterly, but that if there is a positive test, that  
 22 then that be immediately reported to the Board. But  
 23 they would -- if the drug tests come back negative,  
 24 then they would not -- they would just be held by the  
 25 company and submitted by the end of the two years.

1 MR. ROBERTS: I think just the fact that  
 2 Randy and Joel have been willing to come forward and  
 3 stand up for you indicating their confidence in your  
 4 character, in my opinion, goes a long way.  
 5 MS. JONES: The only reason I asked about  
 6 the wife was -- a lot of times the ex-wife's not here  
 7 and you take the kids up or they come down or  
 8 whatever, that can have a hell of a lot to do with  
 9 the problem. I was just wondering, were you in  
 10 contact with her?  
 11 MR. MURRAY: No, their mother is not  
 12 involved and she hasn't been. So that hasn't  
 13 hindered my sobriety at all, nor has my ex-wife  
 14 hindered any of my sobriety. We have both moved on.  
 15 CHAIRPERSON HIXSON: More questions,  
 16 comments? Motion?  
 17 MR. ROBERTS: Madam Chairman, I will make  
 18 a motion that we grant Mr. Murray's application as  
 19 registered employee with the condition that he  
 20 undergo random quarterly drug testing with results,  
 21 and if there are any negative results from that  
 22 testing, that his registration be immediately  
 23 surrendered. This will be a voluntary thing on your  
 24 part, it would be one of the conditions that we would  
 25 impose here, and that the -- those drug test results

1 MS. VEST: Mr. Roberts, that's not what  
 2 we normally do when we do this. Other ones that we  
 3 have done with these drug screens, they must submit  
 4 the drug test to us. Yes, you'll hear from us and  
 5 we'll tell you what the test will consist of. We  
 6 have it all set up in a packet, we would notify you  
 7 of it, if that's okay.  
 8 MR. ROBERTS: That will be fine.  
 9 CHAIRPERSON HIXSON: We'll follow normal  
 10 procedure then.  
 11 MS. VEST: Okay.  
 12 MR. HARVEY: You have a motion to second?  
 13 CHAIRPERSON HIXSON: Yes, but his motion  
 14 on the drug screen was -- the -- Mr. Roberts's  
 15 inclusion about the drug screening results differs  
 16 from what the state procedure has followed. So do we  
 17 need to --  
 18 MR. ROBERTS: Let's restate the motion --  
 19 CHAIRPERSON HIXSON: -- restate the  
 20 motion to follow the guidelines that the state has  
 21 currently been following on the drug testing, is what  
 22 my --  
 23 MR. ROBERTS: Then we will restate the  
 24 motion, if we may, so that the -- Mr. Murray undergo  
 25 quarterly drug testing on a random basis with results

1 reported to the Board on a quarterly basis. Should  
 2 any test be positive for drug use, that your  
 3 registration would immediately be suspended, and that  
 4 on those conditions your registration be approved.  
 5 CHAIRPERSON HIXSON: Okay. We are clear  
 6 with that. Now you want to second again?  
 7 MR. HARVEY: I'll second.  
 8 CHAIRPERSON HIXSON: And a second by  
 9 Mr. Harvey. All in favor voice by saying aye.  
 10 THE BOARD: Aye.  
 11 CHAIRPERSON HIXSON: All opposed?  
 12 Congratulations and thank you all for coming before  
 13 us.  
 14 MR. MURRAY: Thank you very much.  
 15 MS. VEST: Mr. Murray, the Board Office  
 16 will get in contact with you and give you all the  
 17 information you need to take care of that.  
 18 CHAIRPERSON HIXSON: Eric Taylor?  
 19 MR. TAYLOR: Yes, ma'am.  
 20 MR. HARVEY: Ms. Vest, I have to recuse  
 21 myself from this case.  
 22 MS. VEST: Okay. You'll need to step out  
 23 into the hall, thank you. Just so the Board knows  
 24 and our audience knows, we did set that policy that  
 25 if you recuse yourself, you will go out into the hall

1 or to another room. We'll let you know when we are  
 2 finished, Mr. Harvey.  
 3 (WHEREUPON, Mr. Harvey removed himself  
 4 from the room.)  
 5 THE BOARD: (Board viewing documents.)  
 6 MS. VEST: Okay. This is Mr. Eric  
 7 Taylor. He did request, if I am not mistaken, to  
 8 come before the Board to speak to you. We said  
 9 that --  
 10 CHAIRPERSON HIXSON: This is for --  
 11 MS. VEST: This is not Mr. --  
 12 CHAIRPERSON HIXSON: Yeah, this is  
 13 Mr. Taylor, but he's employee registration, correct?  
 14 MS. VEST: Yes, I understand.  
 15 CHAIRPERSON HIXSON: I'm with you, go  
 16 ahead.  
 17 MS. VEST: I'm sorry. This is for a  
 18 registered employee application with ADS Security.  
 19 He did ask to come before the Board to explain the  
 20 charge that he has there. If I am not mistaken, it  
 21 is a DUI in 2008 that resulted in a fatality.  
 22 MR. TAYLOR: Yes, ma'am. Do you have a  
 23 copy?  
 24 MS. VEST: Yes, I do. No, they do not.  
 25 They don't have anything on your record.

1 CHAIRPERSON HIXSON: Let's look at that  
 2 and we'll be ready to talk to you.  
 3 THE BOARD: (Board viewing documents.)  
 4 CHAIRPERSON HIXSON: Go ahead and  
 5 introduce yourself and the gentleman that you have  
 6 with you, please.  
 7 MR. TAYLOR: My name is Eric Taylor, and  
 8 with me I have my boss Mike Pendergrass and the  
 9 operations manager Chris Owens.  
 10 MR. OWENS: I'm also the QA for our  
 11 Clarksville branch.  
 12 CHAIRPERSON HIXSON: According to your  
 13 records, you have the one event that occurred back in  
 14 2008?  
 15 MR. TAYLOR: Fall of 2008.  
 16 CHAIRPERSON HIXSON: What were the  
 17 circumstances of that?  
 18 MR. TAYLOR: I was at a company golf  
 19 outing, and after the golf outing --  
 20 CHAIRPERSON HIXSON: You were at a golf  
 21 outing?  
 22 MR. TAYLOR: I was at a golf outing. And  
 23 after the golf outing I had some drinks with the  
 24 other people there at the golf course, and on my way  
 25 home, just a little more than a mile from my home,

1 there was a car accident. And even though I wasn't  
 2 at fault in the accident itself, in the State of  
 3 Indiana if you have alcohol in your system, you are  
 4 automatically at fault. And I had been drinking, so  
 5 I was -- I was uninjured, but -- the accident  
 6 happened at a very slow speed, but the person in the  
 7 other vehicle had a heart condition and ended up a  
 8 few hours later passing away at the hospital. So I  
 9 was charged with operating while intoxicated  
 10 resulting in a death, which is a felony in Indiana.  
 11 CHAIRPERSON HIXSON: And you served six  
 12 years?  
 13 MR. TAYLOR: No, ma'am. I served just a  
 14 little more than three. I was sentenced -- because  
 15 of my standing in the community they were pretty  
 16 harsh on me, but I was sentenced to actually 16 years  
 17 with four of those suspended. So that gave me a  
 18 12-year sentence, which in Indiana you do half of  
 19 that. Due to what I did while I was serving my time,  
 20 some programs, classes that I taught, and some  
 21 certificates that I got, I was able to cut off of  
 22 that, so I only served a little over three years.  
 23 CHAIRPERSON HIXSON: How long have you  
 24 been working with these gentlemen?  
 25 MR. TAYLOR: Officially just now for four

1 days, but probably a little over three weeks of  
2 conversation and getting to know them.

3 CHAIRPERSON HIXSON: What were you doing  
4 prior to your employment with ADS?

5 MR. TAYLOR: I'm sorry. I just recently  
6 moved to Tennessee in September from Indiana where I  
7 have been my whole life. I have been a marketing and  
8 sales director for an art firm based out of New York  
9 for the last several years.

10 CHAIRPERSON HIXSON: What did you do for  
11 that firm?

12 MR. TAYLOR: I'm sorry?

13 CHAIRPERSON HIXSON: What were you doing  
14 for the firm in Indiana?

15 MR. TAYLOR: I was booking all of their  
16 art fairs, taking care of their website, all their  
17 marketing and pricing and some sales. But it's based  
18 only in that region, and I have known for quite some  
19 time that I was moving south.

20 CHAIRPERSON HIXSON: That's quite a  
21 career change from booking art fairs to installing  
22 security systems. How did you migrate from one  
23 career to the other?

24 MR. TAYLOR: Well, I have been in sales  
25 for a good portion of the last 20 years. Sales in

1 general. Quite honestly, meeting this man is what  
2 brought me to security. I have been doing a lot of  
3 interviewing since I moved down here with all kinds  
4 of different industries, but meeting them and what  
5 ADS was all about, is what made me solidify my  
6 decision to --

7 CHAIRPERSON HIXSON: So he'll be  
8 primarily selling alarm systems, not doing the actual  
9 installs --

10 MR. HILL: That's correct.

11 CHAIRPERSON HIXSON: -- or monitoring,  
12 he'll be selling the systems?

13 MR. HILL: Correct.

14 CHAIRPERSON HIXSON: More questions?

15 MR. ROBERTS: Madam Chairman, I make a  
16 motion that we grant Mr. Eric Taylor's registration  
17 as an employee in the alarm industry.

18 CHAIRPERSON HIXSON: We have a motion by  
19 Mr. Roberts. Do we have a second?

20 MR. COCKROFT: Second.

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

23 THE BOARD: Aye.

24 CHAIRPERSON HIXSON: All opposed?  
25 Congratulations, and thank all of you for coming

1 forward. Next on the agenda is Christopher Townson.

2 MS. VEST: She's getting him.

3 CHAIRPERSON HIXSON: Mr. Townson?

4 MS. VEST: There are a couple of things  
5 that's going on here with Mr. Townson. He's with our  
6 First Choice Security, so I wanted to give you,  
7 before he talks, just a little bit of background on  
8 the information that I have. If I am not mistaken,  
9 he's making application to be the qualifying agent  
10 for the company.

11 They have been without a qualifying agent  
12 for quite a while. May of 2016 they lost their  
13 qualifying agent. They requested in June that they  
14 replace their qualifying agent. They were right on  
15 schedule. Then they went September, they asked for  
16 an extension, and I granted the extension. They have  
17 asked for a second extension in the right period of  
18 time in September. And then there was another  
19 extension requested, but we did not have the Board  
20 meeting in December. So this company is without a  
21 qualifying agent, but that's one of the reasons  
22 Mr. Townson is here. He did request to come before  
23 the Board, introduce himself and tell you about his  
24 company.

25 MR. TOWNSON: Thank you, ma'am.

1 CHAIRPERSON HIXSON: Does he have the  
2 qualifications or -- I mean, what's the reason for  
3 his appearance here today that we need to be looking  
4 for?

5 MS. VEST: He wants to -- first of all,  
6 he's asking for another extension for the company and  
7 he wants to talk to you.

8 CHAIRPERSON HIXSON: Okay. So you are  
9 the owner of First Choice Security?

10 MR. TOWNSON: I am the CEO, yes, ma'am.

11 CHAIRPERSON HIXSON: So you are not  
12 personally making application to become the QA or you  
13 are?

14 MR. TOWNSON: I am, but I have to take my  
15 test. I come from Alabama. That's part of what I  
16 wanted to explain to the Board was exactly why we had  
17 asked for a couple different extensions and where we  
18 were in the process. And I do intend to quickly take  
19 the test for the QA.

20 I was not a QA in Alabama, but I do  
21 have -- I have right at four and a half years of  
22 experience. And I know Tennessee law says five  
23 years, but I do hold a masters degree, I hold an MBA  
24 with a concentration in information systems, and I  
25 have 22 years in the telecommunications industry. A



1 lot of that was installing, including being  
2 responsible for security at my previous employer.

3 So if I can, I'll give you just a quick  
4 little bit of information and let you ask me  
5 questions so I make sure we are doing everything the  
6 way we are supposed to be. I do want to thank this  
7 Board for the opportunity to speak to you today.

8 I am Chris Townson, I am the CEO of  
9 actually three companies here in Tennessee now, DTC  
10 Communications based in Alexandria. We are -- it's  
11 about an hour east of here. That is the parent  
12 cooperative that -- we have been in the business  
13 since 1952, and we have about 15,000 customers  
14 currently in the communications industry.

15 I am also CEO of Advantage Cellular,  
16 which is a wholly owned subsidiary of DCT  
17 Communications, and then also I am the CEO of First  
18 Choice Communications, license number 1834, which  
19 that company was started in 2014. The three  
20 collective companies last year had approximately  
21 \$20 million in revenues with \$5 million in -- around  
22 300,000 of that was security related. We do expect  
23 that to grow significantly --

24 MS. VEST: Excuse me, Mr. Townson, you  
25 are going a little bit too fast.

1 the classes that I took, I did a concentration in  
2 information systems and information technology. I  
3 did that because I was in the telecommunications  
4 industry, which I have been in since 1994.

5 I have held positions in this industry,  
6 started out as an installer repairman going in homes  
7 and putting phones on the walls when that is all our  
8 company did. Did that for eight years, along with  
9 cable splicing. So I worked on the outside as a  
10 lineman. Worked for a couple years as information  
11 systems on the technology side of the business, then  
12 I spent eight and a half years in industry relations  
13 and government affairs.

14 I was responsible for all of the state  
15 and national legislative and regulatory initiatives  
16 of Farmers Telecommunications where I was employed.  
17 In the last six and a half years that I was at  
18 Farmers, we began a security company. And while I  
19 was not the primary installer, I was serving in the  
20 senior management position that was responsible for  
21 the security division of our company.

22 We did hire a gentleman who did obtain  
23 his QA license in Alabama. I got my Level 1  
24 certification, along with multiple other employees,  
25 and together we built that to where we had three

1 CHAIRPERSON HIXSON: This is a court  
2 reporter. She's extremely good, but she's --

3 MR. TOWNSON: Not as fast as I'm talking.

4 CHAIRPERSON HIXSON: Before you go on,  
5 what is Advantage Cellular?

6 MR. TOWNSON: It is a second wholly owned  
7 subsidiary.

8 CHAIRPERSON HIXSON: What is that  
9 company?

10 MR. TOWNSON: Advantage Cellular Systems  
11 Incorporated. It actually -- we did provide cellular  
12 service in the State of Tennessee, we now provide  
13 fixed wireless services. And it is also the select  
14 division or contended local exchange carrier, which  
15 operates outside the traditional coop territory. So  
16 we use that company to compete against others in the  
17 traditional telecommunications world.

18 MS. VEST: Would you mind telling them  
19 about your degree? That's what I think you are  
20 trying to use for qualifying agent.

21 MR. TOWNSON: Yes, I have a bachelor of  
22 science degree in organization management and then I  
23 also have a masters of business administration from  
24 the University of Alabama in Birmingham. While that  
25 MBA doesn't show a concentration, when you look at

1 installers. I had two administrative people  
2 reporting to me, along with our 14 CSRs that did  
3 everything, also sold security services, and we did  
4 all the licensing and everything along with that.

5 Also, it's not technically related, but I  
6 should finish a doctoral degree this year in  
7 strategic leadership, and it all continues to relate  
8 around the communications industry. In addition to  
9 that, I came to Tennessee in May of last year and  
10 quickly my company parted ways with the designated  
11 qualifying agent. There was a history there, I was  
12 asked to address that by the Board when I took the  
13 position that I'm in.

14 We did address that because we couldn't  
15 come to an agreement with the DQA, and since that  
16 time we actually spent about five months looking for  
17 a DQA that we could hire, and we have yet to find  
18 someone in our region that would meet those  
19 qualifications that also would fit within our  
20 company. So we have requested the couple of  
21 extensions.

22 And I am close enough, I believe, under  
23 the current state law with the masters degree that --  
24 it's not electrical engineering and all of that, but  
25 I do have DC electronics classes all the way back

1 from in my earlier degrees, but also have the  
2 combination of 22 years of experience on the  
3 technical side of this business, in addition to the  
4 legal and regulatory and the degree, I believe would  
5 allow me to make application for that.

6 Tim Cantrell is a supervisor at my  
7 company. Tim will have his five years in security I  
8 believe it's in October of this year, and he also  
9 will be making application for his QA. But I just  
10 mainly wanted this Board in this scenario to know  
11 that we are not dragging our feet and trying not to  
12 get a DQA, we are trying to do things by the book.  
13 And you can see with a company that brought in  
14 \$22 million last year, has 15,000 plus customers, 84  
15 employees, there is no way I am going to do anything  
16 that would knowingly allow us to operate against the  
17 laws of the State of Tennessee.

18 So that's the primary reason that I am  
19 here. I'll stop there and see if you have any  
20 questions about that, then I have one more final  
21 comment, if that's okay. And I do apologize for  
22 talking so fast. Sorry.

23 MS. VEST: So actually we are here for  
24 two things, to extend the extension so they can --  
25 grant another extension and to approve his

1 application based on that education.

2 MR. COCKROFT: And on the -- there's an  
3 issue with the experience time, that's the -- it's  
4 four and a half years instead of five. It's directly  
5 security related?

6 MR. TOWNSON: Yes, I actually -- actually  
7 that date is when I obtained my Level 1  
8 certification. We had actually already been working  
9 on security as a company for about a year, and it  
10 really wasn't going anywhere. So I took over that  
11 and actually went on and hired a gentleman who could  
12 be our QA. And so I along with several other people  
13 in the company went and obtained Level 1  
14 certification at that time, and so that's the date I  
15 am counting. Even though I was involved in the  
16 paperwork prior to that, I am not counting anything  
17 prior to that date.

18 If I really -- I actually have submitted  
19 all of that documentation from my previous employer,  
20 and I think it's complete enough that you can see  
21 that. If I went back and tried to, you know -- I  
22 don't know that I would have the proof. It's really  
23 been five years, but I don't think I have the proof  
24 to show you five years, I only have the proof to show  
25 you four or just a little more than four at this

1 point.

2 MR. COCKROFT: Personally I'm comfortable  
3 with the experience, with the over 20 years of  
4 telephone and then four and a half years of alarm  
5 aside from the degree, but that's my personal  
6 feeling.

7 CHAIRPERSON HIXSON: Are you making that  
8 into a motion?

9 MR. COCKROFT: I thought we were still  
10 asking questions.

11 CHAIRPERSON HIXSON: Any more questions  
12 or comments?

13 MR. HARVEY: I would agree with the  
14 comment that's been made.

15 MR. COCKROFT: Then I would make a motion  
16 to accept the -- accept his experience as submitted  
17 for the five years.

18 MS. JONES: I thought you were asking for  
19 another 30-day extension.

20 MR. COCKROFT: I don't think we have  
21 gotten to that.

22 MS. VEST: We are doing both.

23 CHAIRPERSON HIXSON: Right now he's  
24 approving his experience for his QA. We have a  
25 motion by Mr. Cockcroft and a second by Mr. Harvey

1 to --

2 MR. HARVEY: Wait a second. So you are  
3 doing a separate motion for both?

4 MS. VEST: Yes, please.

5 CHAIRPERSON HIXSON: But your motion is  
6 to second his to approve?

7 MR. HARVEY: Yes.

8 CHAIRPERSON HIXSON: Motion by  
9 Mr. Cockcroft and second by Mr. Harvey to approve the  
10 experience that Mr. Townson has presented for his  
11 qualifying agent. All in favor voice by saying aye.

12 THE BOARD: Aye.

13 CHAIRPERSON HIXSON: All opposed? The  
14 motion carries. Congratulations on that. Next we  
15 need a motion to grant them an extension until he  
16 can -- when are you going to take your --

17 MR. TOWNSON: I am going to try to take  
18 it by the end of March. I actually may do it the  
19 second week. I am trying to run three companies, and  
20 that's one of the reasons it's taken me so long, and  
21 I do have some travel associated. I'll try to take  
22 it the second or third week of March. That's my  
23 goal.

24 CHAIRPERSON HIXSON: Now we need to  
25 determine an extension for the company pending

1 Mr. Townson's testing for his QA.

2 MR. HARVEY: I make a motion that we  
3 grant a 90-day extension.

4 MS. JONES: Second.

5 CHAIRPERSON HIXSON: Motion by Mr. Harvey  
6 and a second by Ms. Jones to grant this company a  
7 90-day extension in their QA search. All in favor  
8 voice by saying aye.

9 THE BOARD: Aye.

10 CHAIRPERSON HIXSON: All opposed? The  
11 motion carries.

12 MR. TOWNSON: May I make one final  
13 comment? First of all, thank you for your approval.  
14 I want to say the folks we have dealt with that I  
15 have not met personally yet, Beth Bell, Nancy McCall  
16 Cody Vest, and Shauna Balaszi, all four have been  
17 excellent. Between my executive assistant Anita and  
18 myself, they have been amazing in responding and  
19 helping us. And I'm sure, you working with them  
20 consistently, would want to know that. It's a  
21 pleasure to serve the folks in middle Tennessee, and  
22 I am glad to be finally getting settled in and hope  
23 to work with you all in the future.

24 CHAIRPERSON HIXSON: Thank you for your  
25 kind words and good luck.

1 MR. ROBERTS: Madam Chairman, I'd like to  
2 point out that I did not make comments nor vote. We  
3 compete somewhat with this particular company. I am  
4 fully supportive of the Board's actions and what they  
5 have done, but just did not feel comfortable in  
6 voting or participating in this particular situation.

7 MS. VEST: So you abstained. Let the  
8 record reflect that Mr. Roberts abstained in the  
9 votes.

10 MR. ROBERTS: Yes, in both votes.  
11 However, I would like to state that I am fully  
12 supportive of what --

13 MS. VEST: You can't do both.

14 MR. ROBERTS: I think you did the right  
15 thing. If I had voted, I would have voted in favor.

16 CHAIRPERSON HIXSON: Do you have any more  
17 appearances?

18 MS. VEST: I don't believe there's  
19 anybody else here that's here for an appearance.

20 CHAIRPERSON HIXSON: Does the Board wish  
21 to take a break?

22 MS. VEST: You want to take maybe a  
23 five-minute break? We can get through this without  
24 having to do lunch.

25 CHAIRPERSON HIXSON: Okay.

1 (Short break.)

2 CHAIRPERSON HIXSON: Okay. Next on the  
3 agenda are the administrative matters. Ms. Vest?

4 MS. VEST: Yes, I'll take care of that.

5 Thank you. If you would, the next thing should be  
6 your disciplinary action report. You have your  
7 November, December -- November and December of 2016  
8 and you have your January of 2017. And unless I have  
9 made a mistake, I didn't see any activity for these  
10 months on the reports that I supplied you with. But  
11 this is something we look at every --

12 CHAIRPERSON HIXSON: I think complaints  
13 were opened one month, is all I saw. I think that's  
14 the only thing I saw that pertained to the Board --

15 MS. VEST: All right. You want to look  
16 at the next one on your -- that should be the monthly  
17 reports for October and November and December of  
18 2016, and we went ahead and put in January of 2017.  
19 These are going to be the same reports almost every  
20 month, it just has a few changes in there. It will  
21 tell you the positions, how many applications, when  
22 Ashley and I meet, what the financials, whatever,  
23 are.

24 You are the first one, and then we have  
25 two commission members -- actually, I'm sorry, two

1 board members. Let me get to that. Karen Jones and  
2 Mr. Roberts, you are up for reappointment. I have  
3 not received any notification from the governor's  
4 office of any reappointments or any new appointments  
5 yet. I have had activity in my other programs, so I  
6 do expect it any time. But I have been asked to  
7 reach out to the association for them to make some  
8 recommendations so I can submit it to the governor's  
9 office. I have already submitted them for  
10 Mr. Tucker's position several times, we are still  
11 vacant in his position.

12 CHAIRPERSON HIXSON: Mr. Tucker --

13 MS. VEST: No, I'm sorry, you got Scott.  
14 Strike that. I'm still --

15 CHAIRPERSON HIXSON: You don't look  
16 particularly vacant.

17 MR. COCKROFT: I thought I was here.

18 MS. VEST: I'm sorry, what I meant to say  
19 was -- yes, I have asked the association and I have  
20 submitted the names of minority qualifying agents for  
21 the Board. But that's your monthly report that we  
22 get every month on that.

23 Now if you turn to the next item, which  
24 would be your budget review. I went ahead and put  
25 on, if you will look at it, your budget with your

1 objects and codes for -- you have the one there for  
2 year '13, '14, '15, and for fiscal year '16. So  
3 we'll take a look at '15, '16. It does show you that  
4 your expenses was \$430,463. The revenue was  
5 \$757,209. You do have a reserve balance, but of  
6 course we don't get into the reserve balance. What  
7 your fiscal year end balance is is \$326,746.

8 If you'll look, the new report that we  
9 are getting now says alarm surplus, deficits, they  
10 are doing it every month giving -- it helps me just a  
11 little bit to determine what's happening during the  
12 month with your license revenue, your case revenue,  
13 regulatory fee and, of course, your expenses.  
14 Sometimes you may be in a negative there, but do not  
15 pay attention to that or be concerned about just one  
16 month because we are going to go all the way to the  
17 end accumulative the total there.

18 That is something brand new for you to  
19 look at. I may have several pieces there. If you  
20 have any questions about that, I can help you with  
21 it. But I don't think this Board is in any dire  
22 need, we are doing just fine, we see no need to raise  
23 fees.

24 Well, we'll move right onto legislative  
25 matters and update. These are the bills that are up

1 on the Hill. You have Senate Bill 589, you open up  
2 title to it 62-32(3) is amended by adding the  
3 following language as a new section. Everybody  
4 following that on their iPads? Says an owner of  
5 residential property which serves as the owner's  
6 primary residence may cancel a contract between the  
7 owner and the alarm systems contractor for the  
8 provision of alarm system services when the term of  
9 the contract is for a period longer than two years by  
10 giving a 30-day written notice to the alarm systems  
11 contractor after the initial two years in the term if  
12 the owner is required to sell the real property due  
13 to medical reasons.

14 This act may take place January 1st of  
15 2018. I have not heard whether this has passed or  
16 not.

17 MS. THOMAS: I have not either.

18 MR. ROBERTS: If I may comment on that.  
19 I have been privy to some information -- some  
20 correspondence back and forth within the Tennessee  
21 Electronic Security Association concerning this  
22 particular thing, and also I think the -- I believe  
23 this is one where -- no, I take it back. The  
24 locksmiths were involved in a different issue.

25 This particular case, the -- I think the

1 Electronic Security Association is probably going to  
2 be encouraging that to be changed from two years to  
3 three years, but aside from that, it would appear  
4 from just informal correspondence back and forth that  
5 they are not going to take particular exception to  
6 this particular thing. I just share that with you  
7 for general information.

8 MS. VEST: All right, good. Thank you.  
9 I have not heard anything concerning this bill at  
10 all. That was -- now we can turn to House Bill 0326.  
11 This is an administrative bill. This bill allows the  
12 commissioner or the commissioner's designee of any  
13 department to which a regulatory board is attached to  
14 review any rulemaking prior to filing the rules or  
15 other action taken by the Board within ten days of  
16 the action to determine if the action constitutes a  
17 potential unreasonable restraint of trade. The  
18 commissioner may approve, veto or remand any action.  
19 Notice of any veto must be provided to the chairs of  
20 the government operations committee of the senate and  
21 house of representatives. This bill takes effect on  
22 becoming law.

23 I have not heard whether this one has  
24 moved or not. This bill provides protection for  
25 board members from potential antitrust liability and

1 protects the citizens of Tennessee from potentially  
2 anticompetitive actions. This is a bill from the  
3 administration and it covers all the programs.

4 MR. ROBERTS: Wasn't there some federal  
5 discussion about the potential liability for board  
6 members where the State did not have significant  
7 oversight over the Board's actions, kind of like  
8 this? You mentioned that the -- that provides some  
9 protection for the board members and that kind of  
10 triggered that. I believe there's been some federal,  
11 maybe it was federal, discussion along those lines,  
12 and there was some question as to whether or not  
13 Tennessee had adequate oversight for Boards' actions  
14 with regards to noncompetitive behavior, and so  
15 that's probably what this is intended to deal with.  
16 That would make sense.

17 MS. VEST: Yes. Well, if you don't have  
18 any questions on that, the next thing that was on the  
19 agenda was a request for the extension, but that was  
20 First Choice and we already did that with  
21 Mr. Townson. So we'll just pass on that one.

22 We have another one, I'm sorry. We did  
23 the one for Townson, but we do have another one  
24 that's asking for an extension.

25 CHAIRPERSON HIXSON: Which -- is it under

1 12 also?

2 MS. VEST: CBORD. They are asking for  
3 another extension. They did have a gentleman that  
4 they appointed as their qualifying agent. The  
5 gentleman did take the exams, he passed the exams.  
6 The next day he quit the company. Now they are  
7 without a qualifying agent, so they are asking for an  
8 extension to replace him.

9 CHAIRPERSON HIXSON: Okay. Make a motion  
10 to extend the CBORD's request to find a qualifying  
11 agent.

12 MR. HARVEY: Did you say you need a  
13 motion or you are making a motion?

14 CHAIRPERSON HIXSON: We need a motion.

15 MR. HARVEY: I make a motion to extend  
16 the time period.

17 MS. JONES: I second.

18 CHAIRPERSON HIXSON: Okay. We have a  
19 motion by Mr. Harvey and a second by Ms. Jones to  
20 grant this company an additional extension in their  
21 search for a QA. All in favor voice by saying aye.

22 THE BOARD: Aye.

23 CHAIRPERSON HIXSON: All opposed? Motion  
24 carries.

25 MS. VEST: All right, thank you. Now we

1 go to Exhibit B, Number 2. The last name is  
2 Crenshaw, C-R-E-N-S-W-A-W -- let me repeat that.  
3 C-R-E-N-S-H-A-W. You should be able -- you have  
4 basically the same thing from ADT. You do have a  
5 form that is dated October 11, 2016, that does talk  
6 about her arrest. Then you have another form behind  
7 that for her 2004 theft, possession of drug  
8 paraphernalia in 2005, casual exchange in 2005,  
9 evading arrest in 2005, simple possession 2006,  
10 simple possession 2009, possession of drug  
11 paraphernalia in '10, also driving without a license  
12 in '10. '13 she had trouble driving with license as  
13 well. 2013 simple possession, then losing her  
14 license. I think she did mention she was charged  
15 with another violation in Knoxville. You do have the  
16 court documents there.

17 MS. JONES: How do you answer that  
18 question, "Did the Court find any charges against  
19 you?" You got a box checked marked yes and no  
20 repeatedly.

21 MS. VEST: On the application?

22 MS. JONES: I see at least four different  
23 questions that asks that, and she's got two boxes  
24 checked -- three.

25 MS. VEST: Well, on Page 2 it says, "Have

1 can go right down quickly to the criminal history  
2 section, and you should have Exhibit Number 1 -- I  
3 should say under Exhibit B, Number 1, the last name  
4 is Mengel, M-E-N-G-E-L. Hers was really sort of cut  
5 and dry, hers was possession. She was found guilty  
6 of a misdemeanor. She's working with an out-of-state  
7 company. She did pay a fine and everything was  
8 resolved in 2012. You gave me the authority to  
9 approve these if they are ten years or older, that's  
10 why it's back to you.

11 MR. ROBERTS: Madam Chairman, I make --  
12 this particular application seems to be for simple  
13 possession, it's several years old, I make a motion  
14 that we grant this regis -- application for  
15 registration.

16 MS. JONES: I second.

17 CHAIRPERSON HIXSON: Okay. We have a  
18 motion by Mr. Roberts and a second by Ms. Jones to  
19 grant this employer registration application  
20 Exhibit B, Number 1. All in favor voice by saying  
21 aye.

22 THE BOARD: Aye.

23 CHAIRPERSON HIXSON: All opposed? Motion  
24 carries.

25 MS. VEST: All right, thank you. We'll

1 you ever been arrested in Tennessee or any other  
2 state," and he said, "Yes."

3 MS. JONES: No, I mean after that. Go to  
4 number --

5 CHAIRPERSON HIXSON: I think because the  
6 person had multiple charges, which there was guilty  
7 and not guilty, they opted to check both on them, is  
8 what it was?

9 MS. VEST: Did the court dismiss the  
10 charges with some, yes, some were no.

11 MS. JONES: Where he's answered yes and  
12 no for one question.

13 CHAIRPERSON HIXSON: That's what we are  
14 talking about. If you look right up there, "Did they  
15 find you guilty?" So they just checked both boxes  
16 because they had both status.

17 MS. VEST: To make -- to clarify that a  
18 little bit, he does have multiple charges, some had  
19 been dismissed, some are not dismissed. He probably  
20 didn't know how to answer the question exactly, so he  
21 tried -- he told you yes and no to --

22 CHAIRPERSON HIXSON: If you look right  
23 above it, one says dismissed and one says guilty, so  
24 I can understand the reason for checking both boxes  
25 yes and no. Would this be under the category where

1 if the Board was to make a motion to approve this  
2 simple registration, we can put the request for the  
3 drug screening on there for two years?

4 MS. VEST: I believe the Board could do  
5 that, but I would feel more comfortable if the  
6 individual were here to do that.

7 MR. ROBERTS: I think we ought to invite  
8 this individual to appear before the Board just  
9 because of the number of offenses and the timeframes  
10 involved.

11 MS. VEST: This individual is in  
12 Knoxville, so I mean it's not like they are going to  
13 be coming long distance.

14 MR. ROBERTS: Madam Chairman, I make a  
15 motion that we have Mr. Crenshaw appear before the  
16 Board, preferably with his QA, to discuss this  
17 application before we consider it further.

18 MS. JONES: I second.

19 CHAIRPERSON HIXSON: Okay. We have a  
20 motion by Mr. Roberts, a second by Ms. Jones to  
21 invite Mr. Crenshaw and his QA to appear before the  
22 Board before granting this employee registration.  
23 All in favor voice by saying aye.

24 THE BOARD: Aye.

25 CHAIRPERSON HIXSON: All opposed? The

1 motion carries.

2 MS. VEST: All right. Thank you. That  
3 finishes that section. Now we can go right onto the  
4 education review. As you are aware, Beth usually  
5 handled this section, but we can get through this. I  
6 did, Shauna did, send out some of this to you, all of  
7 you, except for Karen and Vivian, I'm sorry. Keith  
8 Ken, and Scott. You didn't get any this time, Karen.

9 MS. JONES: You knew what a load I had on  
10 me and you felt sorry, thank you.

11 CHAIRPERSON HIXSON: So did they all get  
12 the same thing or did they get sections of it?

13 MS. VEST: They all got sections of it.  
14 Scott, you want to start with yours?

15 MR. COCKROFT: I don't know how you  
16 pronounce ASSA. That's the one -- I got all of  
17 those. It's hard for me to tell from those, there's  
18 not -- it's about locksmiths, it also covers access  
19 control for our industry for mag locks and electric  
20 locks.

21 MR. ROBERTS: I got the same ones.

22 MS. BALASZI: You got half and half.

23 MS. VEST: You got half of it. There was  
24 so many of those, you got half and he's got half of  
25 them. So with Scott's ASSA, that was Securitron

1 State of the Art Smart Product Application four hours  
2 for continuing education. Then you had Access  
3 Control Hardware Selection.

4 MR. COCKROFT: Ken, what did you think  
5 about the standpoint that there wasn't really a lot  
6 of description about what they were -- there's not a  
7 lot of content.

8 CHAIRPERSON HIXSON: Are you speaking in  
9 general on all the courses?

10 MR. COCKROFT: Yes, the ones I saw.

11 MR. ROBERTS: Yeah, it wasn't clear to me  
12 exactly what they were applying for. That was -- in  
13 the past we got a sheet saying they were applying for  
14 continuing education or initial application, and that  
15 wasn't included this time.

16 MS. VEST: You didn't get that sheet that  
17 says continuing education?

18 MR. ROBERTS: I don't believe so. I may  
19 have overlooked it.

20 MS. VEST: All of them was for continuing  
21 education.

22 MR. COCKROFT: Okay.

23 MR. ROBERTS: That's what I had assumed,  
24 and they seemed reasonable for continuing education.  
25 The one -- I know the ones I had, there's some basic

1 electricity, there is information on the access  
2 control, installing the control locks, this sort of  
3 thing. Not actually the locks, but the strikes,  
4 cutting them in, that sort of thing. Basically with  
5 two to four hours. It appeared that the courses were  
6 for a limited number of students where they would be  
7 quite hands on in terms of installing, in terms of  
8 the instruction. So I felt like the ones that I had  
9 received were probably reasonable for continuing  
10 education. Security alarm people install that sort  
11 of thing as part of an access control, so having  
12 course material of this type would seem appropriate  
13 for continuing education.

14 CHAIRPERSON HIXSON: What is an HES,  
15 Electric Strike and Product Applications? What is  
16 HES?

17 MR. COCKROFT: That's a brand.

18 CHAIRPERSON HIXSON: Okay.

19 MS. JONES: ASSA has been around a pretty  
20 good while, as far as locksmithing, as far as keys go  
21 and locks, and then they branched that into access  
22 control about five, seven years ago, something like  
23 that.

24 CHAIRPERSON HIXSON: Okay. On this list,  
25 which this ASSA, I believe, is the majority, did you

1 all find any of the courses listed on these two and a  
2 half pages that you had a disagreement with from what  
3 was listed?

4 MR. ROBERTS: I did not. We can go  
5 through the list if we need to. Most of these were  
6 for four hours, there was one for three to  
7 four hours.

8 CHAIRPERSON HIXSON: One's 30 hours at  
9 the very end.

10 MR. ROBERTS: I didn't see that one, as I  
11 recall.

12 CHAIRPERSON HIXSON: That's individual  
13 education. Digital monitoring products, entire  
14 certification class 30 hours.

15 MS. VEST: That's not this class, that's  
16 one that Keith has. That's the Honeywell Digital,  
17 that's -- that's not --

18 CHAIRPERSON HIXSON: I know, but what I  
19 was asking is, out of all the courses listed, did  
20 anybody have a problem with any of the courses they  
21 reviewed, if not, we can give Jenny a copy of it and  
22 blanket it and not have to go through it  
23 individually, if nobody had an issue with any of  
24 them.

25 MS. VEST: I misunderstood.

1 review.

2 MS. JONES: There you go.

3 MR. ROBERTS: Continuing education.

4 CHAIRPERSON HIXSON: And the last one is  
5 individual education. It's the -- there's --

6 MR. ROBERTS: Initial application?

7 CHAIRPERSON HIXSON: I think that's  
8 what -- it's not?

9 MR. HARVEY: No, I don't think it was.

10 CHAIRPERSON HIXSON: It's just a  
11 30-hour --

12 MS. VEST: No, you don't have that one at  
13 all. That one I have already approved, but it's on  
14 the course list.

15 CHAIRPERSON HIXSON: So disregard --

16 MS. VEST: Disregard the very last one  
17 that says --

18 CHAIRPERSON HIXSON: Everything else is  
19 for continuing education?

20 MS. VEST: Yes.

21 CHAIRPERSON HIXSON: Got it. We have a  
22 motion by Ms. Jones to approve the courses as  
23 presented Thursday, February 16, 2017, Alarm Systems  
24 Contractors Board Education Review Report. Do we  
25 have a second?

1 CHAIRPERSON HIXSON: That's okay.

2 MR. HARVEY: All mine was good.

3 CHAIRPERSON HIXSON: All yours was good?

4 MR. ROBERTS: Yeah.

5 MS. JONES: That Digital Monitoring Class  
6 Products, entire certification class, Keith, was that  
7 access control, and when they activate the strike,  
8 did it take a picture of them inside like the ATM?

9 MR. HARVEY: I didn't go through the  
10 individual course, I just went through the overview  
11 of it.

12 MS. JONES: I was just curious. Most of  
13 them are like that now, when you swipe your card, it  
14 takes a picture of you.

15 CHAIRPERSON HIXSON: Scott, were you in  
16 agreement with the ones you reviewed for the hours  
17 requested?

18 MR. COCKROFT: Yes, I am.

19 CHAIRPERSON HIXSON: Okay. So we can  
20 have one motion, a blanket, that covers all of these  
21 education courses, correct?

22 MS. VEST: Yes.

23 MS. JONES: I make a motion that you have  
24 a blanket motion for all these classes.

25 CHAIRPERSON HIXSON: For the education

1 MR. ROBERTS: Second.

2 CHAIRPERSON HIXSON: And a second by  
3 Mr. Roberts. All in favor voice by saying aye.

4 THE BOARD: Aye.

5 CHAIRPERSON HIXSON: All opposed? Motion  
6 carries.

7 MR. ROBERTS: I have copies of the ones I  
8 reviewed here.

9 CHAIRPERSON HIXSON: You are doing good.  
10 How many trees did you kill? Okay. I'm having  
11 trouble with my iPad going back to the library for  
12 some reason.

13 MS. VEST: We don't have any more iPads.  
14 There's another board meeting that's a lot larger  
15 than this one. You have to share.

16 CHAIRPERSON HIXSON: Sometimes it's not  
17 wanting to go back to the library where the different  
18 files are. Okay. Next, unfinished business. Do we  
19 have anything else?

20 MS. VEST: Yes, we do have a little bit  
21 of unfinished business. Please.

22 MS. THOMAS: If you'll recall in our  
23 October 2016 meeting, the deputy general counsel was  
24 here as well as the assistant commissioner, and they  
25 asked the Board to possibly consider looking at the

1 schedule of fees that we have for our penalties, as  
 2 well as thinking about going to agreed citation for  
 3 some of the violation -- some of the more  
 4 administrative violations.  
 5 What I have prepared for you all to  
 6 review -- is this the order that they have it in?  
 7 MS. VEST: Yes.  
 8 MS. THOMAS: So the first two pages  
 9 reflect the new fees that Cody and I have discussed  
 10 for the listed violations. I'm sorry, the first  
 11 three pages reflect that. By comparison, you can  
 12 look at the following three pages after that, to  
 13 compare as far as those fees are concerned. I guess  
 14 some of the things I need to point out, in the old  
 15 penalty fees the first one I have removed because  
 16 that's unlicensed activity. That's been set by  
 17 statute to be \$1,000 minimum violation. Also I  
 18 removed that because the fees that I am proposing now  
 19 would be for agreed citation, and these would be  
 20 violations that would not come to the Board. The  
 21 Board Office would see that and issue the citation,  
 22 and if they do not agree to that, at that point it  
 23 would become a complaint that we would bring to the  
 24 Board.  
 25 CHAIRPERSON HIXSON: So that's for all of

1 MS. THOMAS: There should be what looks  
 2 like a cover letter that says, "This letter and  
 3 enclosed agreed citations shall serve to notify you  
 4 of the facts and conduct that warrant disciplinary  
 5 action by the Board." That's a cover letter that  
 6 will go to that violator, and then the agreed  
 7 citation is below that.  
 8 MR. ROBERTS: I'm sorry, I don't see  
 9 that. Oh, I'm not looking on the iPad.  
 10 MS. VEST: We handed it out.  
 11 MS. BALASZI: There should be handouts.  
 12 MS. VEST: There should be a handout with  
 13 it.  
 14 CHAIRPERSON HIXSON: We don't have that.  
 15 MR. ROBERTS: I don't have that.  
 16 MS. VEST: You don't have the letter and  
 17 the agreed citation?  
 18 MR. ROBERTS: No.  
 19 MS. THOMAS: Does everyone have a copy of  
 20 the fees?  
 21 MS. VEST: You got one.  
 22 CHAIRPERSON HIXSON: That's not what she  
 23 gave --  
 24 MS. THOMAS: That's not the same.  
 25 MR. ROBERTS: I have a copy that I can

1 them?  
 2 MS. THOMAS: For the ones listed on those  
 3 first three pages, yes, ma'am.  
 4 CHAIRPERSON HIXSON: Okay. And would  
 5 that be the letter of warning?  
 6 MS. THOMAS: As you can see on the fees,  
 7 it's different for different violations. So just by  
 8 way of example, if we received -- if we noticed that  
 9 failure to notify of the termination or transfer of a  
 10 DQA, rather than establishing a complaint and  
 11 bringing it to you all to make a determination, if  
 12 you do agreed citation, the Board Office can go ahead  
 13 and issue to that company a citation that says that  
 14 that's a violation of our law, you can settle this  
 15 for \$250, it's your first offense, if not, we'd  
 16 establish a complaint and bring it to the Board for  
 17 you all to decide.  
 18 So, like I said, that's what the first  
 19 six pages reflect. The first three pages are the new  
 20 proposed fees, the second three pages are the fees as  
 21 established in 2011, and then the final pages reflect  
 22 what that company or person would actually receive as  
 23 a violation on the citation agreement.  
 24 MR. ROBERTS: You lost me there on the  
 25 third page.

1 pass up and down here, if you would like. It's just  
 2 basically a form letter.  
 3 MS. VEST: It's a form letter, yes, we'll  
 4 be sending out.  
 5 MS. THOMAS: To address what you are  
 6 holding, Mr. Cockroft, that's what we would publish  
 7 to the public to let them know that we have this  
 8 agreed citation in place.  
 9 MR. ROBERTS: What happened to  
 10 TCA 62-32-304(a)? I don't see that on the --  
 11 MS. THOMAS: Like I said, 304(a) is  
 12 unlicensed activity. I removed that from the agreed  
 13 citation. Each one of those allegations would be  
 14 presented to the Board, we wouldn't address that as  
 15 an agreed citation.  
 16 MR. ROBERTS: Okay. So in that case --  
 17 well, I didn't see that -- would that be in the  
 18 second three pages here? I didn't see it there  
 19 either.  
 20 MS. VEST: It's not on there, period.  
 21 That is such an egregious offense that you are not  
 22 going to get this notice, we are going to bring it to  
 23 the Board. Unlicensed activity is serious. But it's  
 24 not here.  
 25 MS. THOMAS: I am trying to see which one



1 he's looking at.  
 2 MR. ROBERTS: Wouldn't that still be on  
 3 the schedule so that we are treating people --  
 4 MS. VEST: Well, you mean just put it on  
 5 here and say 1,000 --  
 6 MR. ROBERTS: Yeah.  
 7 MS. VEST: -- Board discretion or  
 8 whatever?  
 9 MR. HARVEY: These are fees they don't  
 10 even have to bring to us.  
 11 MR. ROBERTS: That's not listed. See  
 12 304(a), that's the previous list, and it's not in the  
 13 new list.  
 14 MS. VEST: Right, we left it out.  
 15 MS. THOMAS: Right, the new list reflects  
 16 the violations that we are asking to be put on agreed  
 17 citation. So if they are not there, those individual  
 18 cases would come to the Board for consideration of  
 19 discipline.  
 20 MR. HARVEY: So if it's unlicensed  
 21 activity, it's coming to us regardless.  
 22 MR. ROBERTS: I don't have a problem with  
 23 that, but would we still have the guidelines that we  
 24 have been using before?  
 25 MS. THOMAS: Yes, sir, if the Board still

1 decides that. Like I said, statutorily that's \$1,000  
 2 minimum unlicensed activity, and that will remain,  
 3 even though that's not on this schedule of fees.  
 4 MR. ROBERTS: The previous schedule of  
 5 fees that was -- I think we had it as a \$500 on the  
 6 schedule, but it has to become \$1,000 minimum as a  
 7 statutory item, but we still have a second and third  
 8 offense?  
 9 MS. THOMAS: Right.  
 10 MR. ROBERTS: So we would still have that  
 11 list -- okay. In addition to --  
 12 MS. THOMAS: Right, those amounts are  
 13 still available to the Board to effectuate --  
 14 CHAIRPERSON HIXSON: So 62-32-304(a) the  
 15 initial is \$1,000?  
 16 MS. THOMAS: Yes, ma'am.  
 17 MS. VEST: Actually it's always been  
 18 \$1,000.  
 19 MR. ROBERTS: That's fine. I don't have  
 20 a problem with that.  
 21 MS. VEST: It was always in the statute.  
 22 That will not be on this form for me to send out from  
 23 the office, we won't even address it with them.  
 24 CHAIRPERSON HIXSON: I'm with you that  
 25 you all are asking for us to give you permission to

1 send out these forms for certain violations, that it  
 2 can be handled without it coming before the Board,  
 3 but only a specific number of violations. My  
 4 confusion is on this, where it says "First offense  
 5 letter of warning," what categories are these? Are  
 6 these the ones that would still be brought before the  
 7 Board or have we taken away the letter of warning and  
 8 there's a penalty?  
 9 MS. THOMAS: So if it says, "Letter of  
 10 warning -- I am trying to get a separate copy because  
 11 I gave mine to Mr. Roberts. So you see on the pages  
 12 you are looking at, the first offense says, "Letter  
 13 of warning," then you see statutes up under that?  
 14 Those listed statutes, for those violations, the  
 15 first time the Board Office receives that, we would  
 16 issue a letter of warning. If we come across that  
 17 same violation a second time, we would do \$100.  
 18 Then --  
 19 CHAIRPERSON HIXSON: Are these the ones  
 20 that you all would still be handling in office  
 21 without the Board seeing them?  
 22 MS. THOMAS: Yes, ma'am.  
 23 CHAIRPERSON HIXSON: Okay.  
 24 MS. THOMAS: And that's a different  
 25 presentation of the fee schedule. So it's the same

1 information, it's just a different presentation of  
 2 it.  
 3 MR. ROBERTS: Some of these -- now  
 4 looking at the schedule, the 14-item schedule, three  
 5 pages, 14 items, starting with company failure to  
 6 notify the Board of DQA, ceasing duties, those  
 7 numbers have changed.  
 8 MS. THOMAS: Yes.  
 9 MS. VEST: You mean the penalty fees?  
 10 MR. ROBERTS: The penalty fees have  
 11 changed.  
 12 MS. THOMAS: Right.  
 13 MR. ROBERTS: It was 250, 1,000, and  
 14 4,000, and now what you are suggesting is 250, 500,  
 15 and 1,000.  
 16 MS. THOMAS: Right. And that is the  
 17 result of, as I stated, in October when the deputy  
 18 general counsel and the assistant commissioner were  
 19 here, they asked the Board to consider lowering some  
 20 of these fees. Again, these are all proposals. If  
 21 the Board thinks that there's a different amount or  
 22 if they should stay the same, that's of course a  
 23 decision the Board can make. This is the result of a  
 24 request made in October of 2016.  
 25 MR. ROBERTS: Okay. I am trying --

1 because I went through the old list and in my mind  
2 evaluated those, and now I am trying to correlate the  
3 new list that I just received with the list that I  
4 brought with me. So it will take me a minute to do  
5 that.

6 MS. VEST: Well, do you want to go one by  
7 one and look at it?

8 CHAIRPERSON HIXSON: So this is the new  
9 recommendation, this is the old standard?

10 MS. VEST: Yeah, we just wanted you to  
11 have both of them so you can have something to  
12 compare it to. Those fees -- those penalties are  
13 rather -- take a real big jump there from -- you go  
14 from 500 to 2,000. That's a large increase. And  
15 they wanted us to sit down, take a look at them, and  
16 try to get them in comparison to what the first  
17 offense was.

18 MR. ROBERTS: So as you kind of sprung  
19 that on us here --

20 CHAIRPERSON HIXSON: So who made these  
21 recommendations?

22 MS. VEST: We sat down and looked at  
23 these.

24 CHAIRPERSON HIXSON: So you are saying  
25 you and Ashley did these?

1 MS. VEST: Uh-huh. They have been  
2 approved by --

3 MS. THOMAS: They have gone up the legal  
4 chain.

5 MR. COCKROFT: These also were all used  
6 against a licensed company. So I think it's a good  
7 idea to reduce the amounts. We are trying to drive  
8 compliance, we are not trying to penalize necessarily  
9 for noncompliance. We want to get people into  
10 compliance, and if it gets so far out of the realm of  
11 possibility for someone, they almost have to pursue a  
12 hearing or something else.

13 I'm still just discussing it, but I think  
14 it would be the right move when we are -- when all of  
15 these things are at licensed companies. I am all  
16 for, you know, higher fees for someone that's  
17 completely thumbing their nose at the law and not  
18 complying at all.

19 MS. JONES: Don't get me wrong, but  
20 didn't you read the same rule book I read back in  
21 1990?

22 MR. COCKROFT: Yes.

23 MS. JONES: Don't do this stuff or this  
24 is going to happen.

25 MR. COCKROFT: I don't think that \$1,000

1 is anything small necessarily for someone who is a  
2 licensed company. I do think some of these things  
3 honestly are a little nit-picky at times. I mean, it  
4 is the rule, and I am willing to enforce the rules as  
5 they are and the law as it is, but is it really that  
6 important that -- that someone didn't have their  
7 number on their truck and then we -- I mean --

8 MS. JONES: That's just 100 bucks.

9 MR. ROBERTS: Madam Chairman, I'd like to  
10 defer this until our next meeting. I'd like to have  
11 an opportunity to go back through these. Some of  
12 these I fully agree with, others I think that --  
13 especially some of these second and third offenses,  
14 if we have got a company that has been -- had the  
15 same violation for three times, then I don't have a  
16 problem with having a substantial penalty associated  
17 with that. Just arbitrarily going through and  
18 reducing fees because somebody thought they were too  
19 high, I guess I have a problem with. So I would like  
20 to defer this maybe until the next meeting so I'd  
21 have a little bit more time to examine what we have  
22 done in the past and what would be proposed at this  
23 point.

24 CHAIRPERSON HIXSON: Okay.

25 MR. ROBERTS: Because I'm sitting here --

1 because I had gone through all of the previous  
2 penalties and reduced some of them, some of them I  
3 thought were appropriate, given the circumstances,  
4 and now I have got a new list. And trying to sit  
5 here and compare all this --

6 CHAIRPERSON HIXSON: One thing I'm  
7 noticing is there's one listed in the old schedule  
8 that says invalid certification and invalid license,  
9 but invalid certification has not been included on  
10 the new list.

11 MS. THOMAS: I believe that you are  
12 referring to the old schedule Number 5 and Number 6?

13 CHAIRPERSON HIXSON: Yes.

14 MS. THOMAS: I believe when Cody and I  
15 discussed that, it's the -- I see that it's the same  
16 violation against the company and the QA, but it  
17 almost feels like we are punishing for the same  
18 offense twice. And that was our thinking on removing  
19 the one, I guess deciding to go either after the  
20 company for the violation or the QA.

21 MR. COCKROFT: Is there any timeframe on  
22 the first, second, and third offense?

23 MS. THOMAS: No, it will be as the Board  
24 received it. Again, this is not necessarily going to  
25 be codified by rule, so there's always the discretion

1 that if the Board Office sees something and they say,  
2 we don't think this is an agreed citation, the Board  
3 needs to know this, it will absolutely be presented  
4 to you all.

5 MR. COCKROFT: Because I do think there's  
6 a big difference on a third offense that's spread out  
7 over 20 years or third offense in six months.

8 MS. THOMAS: Right. As we were looking  
9 at it, I don't think we talked about a timeframe in  
10 between the offenses, it was as the Board received  
11 that information. Because a lot of these complaints  
12 we found, I guess in my time here, these complaints  
13 were open by the Board Office at renewal cycles or  
14 when someone submits an application and that's how we  
15 find out a company's without a QA.

16 MR. ROBERTS: And I fully agree with  
17 Scott, I think we need to consider timeframe. Again,  
18 if it's just a failure to report a registered  
19 employee and they did it ten years ago and now they  
20 do it again, then -- you know, then move into a  
21 second or third offense because of that is -- might  
22 be overly harsh. But I would, I'd like to defer this  
23 until our next meeting, give me an opportunity to  
24 review these and be able to comment a little more  
25 intelligently.

1 over, but I view that as a real issue. And I cited  
2 when we were chatting earlier the idea that you can't  
3 file a complaint against an entity unless you have a  
4 license number. And the general public may not have  
5 a clue as to where to find a license number or if the  
6 company even has a license number.

7 So I would like to ask the staff, if you  
8 would, to see what can be done to make that  
9 interface, the complaint interface with the general  
10 public, much more user friendly so that they can file  
11 an -- appropriately file a complaint. I feel like  
12 right now it's perhaps intimidating and in some cases  
13 just impossible. Even though the complaint -- like I  
14 said, one of them we dealt with here today, and it  
15 was a minor complaint, the Board did the right thing,  
16 but it was very frustrating to try and file the  
17 complaint to the extent that I don't believe the  
18 general public would be able to do that, and we need  
19 to be able to facilitate legitimate complaints. So  
20 if you could just look into it.

21 MS. VEST: All right. I will look into  
22 it, and if I have to, I'll --

23 CHAIRPERSON HIXSON: Because I think --

24 MS. VEST: -- bring someone up that  
25 actually knows more about the complaints and explain

1 CHAIRPERSON HIXSON: Okay. We have a  
2 motion by Mr. Roberts to defer these civil penalties  
3 until the next meeting. Do we have a second on that?

4 MR. COCKROFT: Second.

5 CHAIRPERSON HIXSON: Second by  
6 Mr. Cockcroft. All in favor voice by saying aye.

7 THE BOARD: Aye.

8 CHAIRPERSON HIXSON: All opposed? That  
9 will give us time. More unfinished business?

10 MS. VEST: I think that's all I had for  
11 unfinished business.

12 CHAIRPERSON HIXSON: Okay. Any new  
13 business?

14 MS. VEST: I don't have any new business,  
15 Madam Chair.

16 MR. ROBERTS: Yeah. I would like to ask  
17 the staff -- we talked informally earlier about the  
18 problems with submitting the complaints, and I feel  
19 like that we have got a monster here that needs to be  
20 examined and see what could be done. We don't need  
21 to make it excessively difficult for the general  
22 public to file a complaint.

23 And I realize this is not something that  
24 our staff has had a lot of control -- or I assume  
25 it's not something our staff has had much control

1 it better --

2 CHAIRPERSON HIXSON: Because you stated  
3 earlier now the only way that a consumer of the  
4 public can file a complaint is through an online  
5 process?

6 MS. VEST: Right.

7 CHAIRPERSON HIXSON: And it's mandatory,  
8 according to Mr. Roberts, that you must have --

9 MR. ROBERTS: You got to have a phone  
10 number, you got to have address, license number. I  
11 can understand where that would be desirable from a  
12 staff standpoint, but that information might not be  
13 available to someone -- general public --

14 MS. VEST: Well, where would I get it at?  
15 You are filing the complaint --

16 MR. ROBERTS: If I gave you a company  
17 name and address and phone number, then that should  
18 be adequate information to go out and run these  
19 people down, even though, like I say, they may not  
20 have a license number.

21 CHAIRPERSON HIXSON: I think the license  
22 number is --

23 MR. ROBERTS: That's a real obstacle.

24 MS. VEST: I have been filing several of  
25 these, now that I have to file them myself, I have to

1 look at that, Mr. Roberts, I didn't know you had to  
2 put a license number in.

3 MR. ROBERTS: Yeah.

4 CHAIRPERSON HIXSON: I think that's the  
5 stickler of the mandatory field --

6 MR. ROBERTS: I knew where to look that  
7 up online, but the general public might not be able  
8 to do that, and we need to be a little more user  
9 friendly. Again, I realize changing that can be a  
10 complicated process, but maybe if you can look into  
11 it and see what could be done or maybe the people  
12 that actually wrote the software could make it a  
13 little more user friendly.

14 CHAIRPERSON HIXSON: Or make it optional  
15 instead of mandatory.

16 MR. ROBERTS: Yeah. Take a look into it.

17 CHAIRPERSON HIXSON: Anything else? All  
18 minds are clear. This meeting is adjourned until  
19 April.

20 (WHEREUPON, the meeting was adjourned at  
21 1:05 p.m.)

22  
23  
24  
25

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