

MINUTES of the Tennessee Alarm Systems Contractors Board Meeting held
December 18, 2019, in Nashville Tennessee.

Term Expired

Vivian Hixson, Chair

WAFK

Douglas Fraker

Lou Richard

Lou Richard

William Scott Cockroft

William Scott Cockroft, Secretary

Absent

John Keith Harvey, Vice Chair

ALARM SYSTEMS CONTRACTORS BOARD NOTICE OF COMMISSION MEETING
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ALARM SYSTEMS CONTRACTORS BOARD
NOTICE OF COMMISSION MEETING

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Wednesday, December 18, 2019
1:08 p.m. - 2:58 p.m.

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State of Tennessee
Department of Commerce and Insurance
Davy Crockett Tower - Conference Room 1-A
500 James Robertson Parkway
Nashville, Tennessee 37243

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Proceedings taken before:
Cicely Moore, CCR, RPR
Huseby Global Litigation

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<p>1 APPEARANCES:</p> <p>2 Vivian Hixson, Chair</p> <p>3 Keith Harvey, Vice-Chair</p> <p>4 Scott Cockroft, Secretary</p> <p>5 Doug Fraker, Commissioner</p> <p>6 Lou Richard, Commissioner</p> <p>7 Shauna Williams, RBAA III</p> <p>8 Cody Vest, Executive Director</p> <p>9 Ashley Thomas, Staff Attorney</p> <p>10 Jesse Gentry, Assistant General Counsel</p> <p>11 Doug McGowen, COO, City of Memphis</p> <p>12 Tiffany Collins, Administrator, City of Memphis</p> <p>13 Bruce McMullen, Chief Legal Officer, City of Memphis</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Mr. Fraker, a second by Mr. Harvey, to adopt the agenda</p> <p>2 as presented. All in favor voice by saying "aye."</p> <p>3 THE BOARD: Aye.</p> <p>4 MS. HIXSON: All opposed.</p> <p>5 Now, we have the minutes from the October 17th,</p> <p>6 2019 meeting. I think those were approved by</p> <p>7 signature. And a motion to approve those.</p> <p>8 MR. HARVEY: Make a motion to approve the minutes</p> <p>9 as presented.</p> <p>10 MR. COCKROFT: Second.</p> <p>11 MS. HIXSON: Okay. We have a motion by</p> <p>12 Mr. Harvey, a second by Mr. Cockroft, to approve the</p> <p>13 minutes from the October 17th, 2019 meeting. All in</p> <p>14 favor voice by saying "aye."</p> <p>15 THE BOARD: Aye.</p> <p>16 MS. HIXSON: All opposed. Okay.</p> <p>17 Are we going to do the legal report or the</p> <p>18 appearance?</p> <p>19 MR. GENTRY: We can do the appearance.</p> <p>20 MS. VEST: If it's all right with the board, I'd</p> <p>21 like to go ahead and do an appearance, a little bit of</p> <p>22 our appearance. These individuals have come from</p> <p>23 Memphis to speak with you. So that's going to be your</p> <p>24 Exhibit A. I believe it's Bruce McMullen and Tiffany</p> <p>25 Collins. Has everyone signed in that's going to speak?</p>
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<p>1 (Thereupon, the following proceedings were had):</p> <p>2 MS. HIXSON: Good morning. Or good afternoon,</p> <p>3 everyone. We're going to call to order this meeting of</p> <p>4 the Tennessee Alarm Systems Contractors Board for</p> <p>5 Wednesday, December the 18th, 2019.</p> <p>6 Miss Vest, will you please call the role.</p> <p>7 MS. VEST: Scott Cockroft.</p> <p>8 MR. COCKROFT: Here.</p> <p>9 MS. VEST: Doug Fraker.</p> <p>10 MR. FRAKER: Here.</p> <p>11 MS. VEST: Keith Harvey.</p> <p>12 MR. HARVEY: Here.</p> <p>13 MS. VEST: Vivian Hixson.</p> <p>14 MS. HIXSON: Here.</p> <p>15 MS. VEST: Lou Richard.</p> <p>16 MR. RICHARD: Here.</p> <p>17 MS. VEST: You have a quorum, Madam Chair.</p> <p>18 MS. HIXSON: Thank you.</p> <p>19 Have the members had an opportunity to review the</p> <p>20 agenda for today's meeting; and, if so, motion to</p> <p>21 adopt.</p> <p>22 MR. FRAKER: Motion to approve the agenda as</p> <p>23 presented.</p> <p>24 MR. HARVEY: Second.</p> <p>25 MS. HIXSON: Okay. We have a motion by</p>	<p>1 MR. MCGOWEN: Doug McGowen.</p> <p>2 MS. VEST: Oh, I didn't -- I'm sorry, I</p> <p>3 mispronounced his name.</p> <p>4 MR. MCGOWEN: It's McGowen. That's why.</p> <p>5 MS. VEST: Oh, it's somebody else. I was going</p> <p>6 to say, no, I didn't.</p> <p>7 MS. THOMAS: If you'll just introduce yourself to</p> <p>8 the board for the record.</p> <p>9 MR. MCGOWEN: We will. Thank you.</p> <p>10 My name is Doug McGowen. I live at 347 Stonewall</p> <p>11 Street, Memphis, Tennessee 38112. I am the chief</p> <p>12 operating officer for Mayor Jim Strickland in the city</p> <p>13 of Memphis.</p> <p>14 Good afternoon, Madam Chairwoman and board</p> <p>15 members. I want to say thank you for your time and for</p> <p>16 allowing us to appear today before you. It's a real</p> <p>17 pleasure to be here and talk with you. I understand</p> <p>18 that the City of Memphis has a ordinance on false</p> <p>19 alarms, and I understand that's been the subject of</p> <p>20 some discussion here, and so I wanted to come and</p> <p>21 provide some context for how things are playing out on</p> <p>22 the ground in the city of Memphis and then also answer</p> <p>23 any questions that the board may have for us.</p> <p>24 I am joined today by Miss Tiffany Collins who is</p> <p>25 our Metro alarms administrator and also by Mr. Bruce</p>

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<p align="right">Page 6</p> <p>1 McMullen who is the chief legal officer for the City of 2 Memphis.</p> <p>3 So in the city of Memphis, we have approximately 4 300,000 commercial and residential properties. 83,000 5 of those properties have availed themselves of a 6 commercial alarm, either fire or a police alarm. Of 7 those folks who have availed themselves of an alarm, 8 the very vast majority of them understand their alarm 9 system and use it for the intended purpose, and they're 10 actually very helpful in making sure that we get job 11 one right, and that's protecting life and limb of our 12 citizens, and our police officers and firefighters very 13 much appreciate the opportunity to be there that much 14 faster when something is happening.</p> <p>15 There are a select number of individuals, 16 however, that have not understood either how to use 17 their alarms or are using them improperly. In the city 18 of Memphis when we started in 2016, we were just shy of 19 70,000 false alarms a year. It was in the mid 65,000 20 false alarms per year. And so for every single -- and 21 those are false, not verified alarms.</p> <p>22 MS. HIXSON: What was that number again, please? 23 MR. McCOWEN: 65,000 false alarms when we started 24 in 2016. And so when we get one of those alarms that 25 are false, that means a dispatch of either a</p>	<p align="right">Page 8</p> <p>1 city of Memphis, 83,000 have a permitted alarm, and as 2 I said, fully 50 percent of those never have a false 3 alarm. About 50 percent do have one false alarm. 4 Actually, it's something less than that. But there's 5 only about 12,000 of them that have what we would call 6 a finable offense. In other words, they've had more 7 than one false alarm, and they will receive a notice 8 from us that they had a false alarm and potentially a 9 \$50 fine.</p> <p>10 More than that, there are only 1 percent of that 11 number, about 1200, who we would call abusers of the 12 system. Those individuals have more than 10 false 13 alarms a year. Some of them have had as high as 100 14 false alarms a year. Some of them have 30 to 40 false 15 alarms. Clearly, there is a problem.</p> <p>16 Success for us looks like not dissuading anybody 17 from getting an alarm system, but from ever having to 18 issue a fine for a person because they've had repeated 19 false alarms. More than that, the people who are 20 abusing the system, all of our collective systems by 21 not either learning how to use their alarm or not 22 fixing a problem with their alarm, they are detracting 23 from our ability to respond.</p> <p>24 In the city of Memphis, we have an authorized 25 compliment of 2400 police officers. Like every other</p>
<p align="right">Page 7</p> <p>1 firefighter, a truck with four firefighters, plus the 2 dispatcher's time. If it's a police officer, there's 3 the dispatcher and the call taker, plus at least one, 4 maybe two police officers that are responding. They're 5 on scene for approximately 40 minutes at a minimum to 6 clear that false alarm. That's significant amount of 7 manpower. In dollars and cents, it's about \$12 million 8 of cost to the City of Memphis that we're not 9 recovering any benefit from because it's a false alarm.</p> <p>10 So we took the opportunity to look at our 11 ordinance and determine with our goal of reducing our 12 number of false alarms. We in no way want to reduce 13 the use of the alarms for their intended purpose. In 14 fact, they are helpful to us. But false alarms, quite 15 frankly, deter our ability to respond to valid alarms 16 when we have one. And so we have done that with our 17 ordinance and we put into place an approach that would 18 decrease the number of quote/unquote free false alarms 19 where previously we didn't really take any action to 20 even notify that you had a number of false alarms until 21 you had at least six false alarms in one year. Now, we 22 reformed that. We brought that number down. We 23 implemented a \$50 fine and a cost recovery model.</p> <p>24 I'd like to go back to the numbers for just one 25 second. Of the 300,000 residence and businesses in the</p>	<p align="right">Page 9</p> <p>1 city in America, we are struggling to recruit and 2 retain police officers. We have 2100 in our compliment 3 right now. So I can ill afford to have anybody off 4 chasing a false alarm when, in fact, there are probably 5 really responses that they need to make.</p> <p>6 The same in our fire department. It is routine 7 in our fire department, because of the volume of calls 8 that we get, for us to run out of equipment and 9 ambulances because we have -- are responding to things 10 that are not real emergencies.</p> <p>11 Now, we get that through 911 as well. We 12 actually have an aggressive program to -- of community 13 navigators to help individuals who are chronic 911 14 abusers. They're using the ambulances for a ride to 15 the doctor or across town. And we have taken a 16 dramatic turn there as well. We've had about a 15 17 percent reduction in chronic abusers of the 911 system. 18 You may have heard of them as frequent flyers. That is 19 the same approach we're trying to take here with the 20 folks who are kind of the frequent flyers for false 21 alarms.</p> <p>22 So what are the results so far. We started with 23 65,000 a year. Since 2016, we have dramatically 24 reduced the number of false alarms to below 40,000. 25 This year we are on pace to be well below 40,000 false</p>

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1 alarms.
 2 Again, I would like to reiterate what success is.
 3 For us, I would like to not have any chronic abusers of
 4 the alarm system first. Second, I would just like to
 5 have a reduction in the overall number of false alarms.
 6 With 80,000 alarm users, even if 50 percent had one
 7 false alarm during the year, and that's the free false
 8 alarm that they get, that's still 40,000 responses that
 9 I have to go on.
 10 And so that's what we're trying to do with this
 11 program is to educate owners. We put an educational
 12 program in place so we can educate folks how to do. We
 13 work with our local alarm board to make sure that these
 14 practices are pragmatic and we're working with our
 15 alarm operators.
 16 I do want to say just a couple of things before I
 17 wrap up and take questions. We had an attempt in our
 18 original ordinance that we thought with this number of
 19 registered alarm owners that we would have the alarm
 20 companies perhaps collect the annual registration and
 21 pay it to the City. We heard from the alarm companies
 22 that that was just impractical, and there was a change
 23 made to the policy that we tried that, okay, it
 24 wasn't -- it was rejected, and so we moved away from
 25 that. So the individual owners, that's the business

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1 owner and the homeowner, are now responsible for the
 2 annual registration of their alarm, and we are fine
 3 with that, and Miss Collins does a great job of
 4 managing that for us in our city.
 5 There was a misperception that the fines that we
 6 were issuing up to a \$50 fine if they went to court for
 7 having a number of false alarms and the cost recovery
 8 would be charged to the alarm company and then to the
 9 customer. I just want to be clear, we have never
 10 contemplated that. We have never proposed that. We
 11 are not thinking of proposing that. This is about the
 12 end user, the person in the home or the business who is
 13 using the product that the alarm companies are putting
 14 in place to help the public safety system. And so we
 15 have never contemplated that, nor will we ever
 16 contemplate doing something like that.
 17 Ours was an efficiency measure thinking somebody
 18 like ADT had 30,000 customers, they have the customer
 19 list, and they can just say here's your annual renewal
 20 for all those 30,000 customers. It sure would be
 21 easier than Miss Collins getting 30,000 envelopes and
 22 30,000 online invoices. Again, we understand that that
 23 is now prohibited from us doing that, and we're fine
 24 with that. We'd just like to move on with the
 25 operation.

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1 We are seeing pretty dramatic reductions. We're
 2 seeing pretty good compliance. I will tell you that it
 3 is increasing our availability of the ambulances and
 4 fire trucks. It's increasing our availability of
 5 police officers to respond. It's been a number of
 6 months now since we've run out of an ambulance because
 7 we're not off on a false alarm. So I just appreciate
 8 the guidance. I appreciate the input we've had from
 9 the alarm industry in working with us and alongside us,
 10 especially at the local level. Mr. Cockroft, I know,
 11 has been involved with us in -- in -- at some of the
 12 discussions that we've had. So we're very thankful for
 13 that.
 14 We are earnest in making sure that we can do job
 15 one. That's to respond to valid alarms when people
 16 need us to be there with our police officers and
 17 firefighters, and we appreciate what the alarm industry
 18 is doing to help us be there that much faster.
 19 So with that, I'll take any questions that y'all
 20 might have of me.
 21 MS. HIXSON: I thank you all for what you're
 22 doing, and I understand, you know, at first you were
 23 wanting to pass the registration fee to the alarm
 24 companies to collect, which I didn't agree with, and I
 25 don't think anybody else on the board did also, but

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1 considering you're now dealing with the -- the alarm
 2 owners, whether it be business or resident directly, I
 3 think is a very positive step. And you also, you fine
 4 the end user if they exceed the number of false alarms
 5 in a year, you fine them directly. You're no -- you're
 6 not involving the alarm company in the process,
 7 correct?
 8 MR. MCGOWEN: That is correct, Chairwoman.
 9 That's absolutely correct. It goes directly to the
 10 homeowner or the business owner. It doesn't have
 11 anything to do with the alarm -- with the alarm
 12 company.
 13 MS. HIXSON: Okay. Thank you.
 14 MR. MCGOWEN: Yes, ma'am.
 15 MS. HIXSON: Other questions?
 16 MR. COCKROFT: Now, you mentioned fire trucks and
 17 ambulances.
 18 MR. MCGOWEN: Yes.
 19 MR. COCKROFT: Have you really had a large
 20 problem with false alarms from a -- that would require
 21 fire or ambulance response?
 22 MR. MCGOWEN: We do have a number of -- they're
 23 not nearly the volume of police, but the volume that we
 24 get for -- is different for police and fire, too. We
 25 get about 2 million calls a year in our 911 center,

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1 both to our emergency and nonemergency number. An
2 interesting number, we have daily in our 911 center, we
3 receive 133 false alarm calls to our 911 center for
4 folks. Our neighbors up the street in Bartlett, a town
5 of 60,000 people, they receive less than 100 911 calls
6 total in a day. So 133 false alarm calls per day in
7 our 911 center. Bartlett doesn't even get that many
8 911 calls.

9 But you're right, Mr. Cockroft, we -- the fire
10 truck is a small portion. It's the burglar alarms that
11 are -- may not be using the -- burglar alarms that are
12 going off that we're responding to, but we do have a
13 good number of false, false alarm of fire alarms. We
14 have, as you know, people who are doing construction
15 work and fail to tag out their alarm and the dust is
16 setting it off.

17 You know, we had St. Jude, one of our -- one of
18 our real first class residents down there and a big
19 contributor to our economy, they were doing \$1.8
20 billion of construction work, and I had to talk to Rick
21 Shadyac, their CEO, and say, "Rick, you know, this is
22 like your fifteenth false alarm this month." You know,
23 they, "Please don't fine us for this. You know, we're
24 ALSAC, we're St. Jude." But I said, "Well, you got to
25 get -- tag it out or have your contractors do something

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1 different." So we do have spikes, especially in
2 construction, but it is not nearly the problem as
3 police alarms.

4 MR. COCKROFT: The -- the other thing that
5 we've -- I've seen as an alarm company, though, is a
6 lot of people are just opting to not have this call to
7 the police, which I think is a bad thing that's
8 happening. I mean, they're responding themselves in
9 place of the police sometimes and putting themselves in
10 danger. That's the reality of some of what's happening
11 with this. Your -- your calls are going down now, but
12 that doesn't mean -- now we've got private citizens
13 going and checking on their businesses and homes by
14 themselves because they are worried about a fee.

15 And I guess our bigger concern is, I assume why
16 you're here, because we had sent a letter. There's
17 state statute that limits the fine to \$50, and I know
18 you've changed and you call it a cost of recovery, but
19 I think the intent of the law still would include your
20 cost of recovery in that. That's -- that's -- we
21 differ on that. I don't know where that gets solved,
22 but if somebody -- I think that's -- I assume that's
23 why you're here. I don't know.

24 MR. MCGOWEN: Well, actually, we're here because
25 we -- I understood that there was some discussion, and

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1 we thought it prudent to come before you so that you
2 could ask us rather than asking a third party who may
3 have a different opinion or lacks information. We're
4 here open book. We make no apologies about the maximum
5 fine is \$50 by state statute. It doesn't matter what
6 you do for a municipality violation, it's \$50. That
7 doesn't come close to recovering the cost of sending a
8 police officer or doing our dispatcher. Our cost is
9 based on data. It is factual. It is on the actual
10 cost of response that's \$90. So that is the cost
11 recovery that we put into place.

12 And I guess, again, just to put it into the
13 context one of the things that I talked about before,
14 again, of the 300,000 property owners in the city of
15 Memphis, 80,000 avail them of a commercial alarm, and
16 only really 4 percent of those are the ones that are
17 having the false alarms. Meaning that 96 percent of
18 Memphians are being denied an opportunity to have
19 service by the 4 percent who have not figured out how
20 to use this very useful tool.

21 MR. COCKROFT: But you've scared some of those
22 others that don't have false alarms. They just don't
23 want to even risk it. They're saying don't call the
24 police, call me.

25 MR. MCGOWEN: I understand, sir. And I guess I

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1 would also say there's a huge upside for the alarm
2 industry. As I said, I'll say it again, there are
3 300,000 residence and businesses. Only 83,000 have a
4 permitted alarm. That means there are 217,000 other
5 opportunities out there for individuals who are not yet
6 alarmed that I think might be a good opportunity for us
7 and, again, if everybody has an alarm and we can keep
8 people from having false alarms. I think this is not
9 uncommon for other cities. People do not want to send
10 unnecessarily public safety assets to a place when they
11 know they have other needs, so.

12 MR. COCKROFT: You also had an ordinance for a
13 number of years that was never enforced. There wasn't
14 really anything wrong with the other ordinance, and you
15 had, you know, fees at certain levels and it may have
16 averaged out, but some of -- if you really want to stop
17 the false alarms, it's not about money. And you've had
18 nonresponse in there as well. If you've got somebody
19 that's setting off their alarm 10 times, 11 times a
20 month, they ought to be on nonresponse.

21 MR. MCGOWEN: They are. We rolled that out with
22 our commercial business. They are in verified
23 response. So they just have to call and say, yes, this
24 is a verified emergency, and we have that there. And I
25 will say that I can't speak to -- and, again, I realize

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1 I represent the City of Memphis and all 200 years of
2 our history, but I can only speak to what we have done
3 since 2016. Like -- like many other issues we've had
4 in the city, we've tackled them head on.
5 We had -- just as an example, we had a -- about
6 an 18 percent live release rate in our Memphis Animal
7 Services some number of years ago. We had to make a
8 change, and we're now among the top five shelters in
9 the country with 91 save rate. We're technically a no
10 kill shelter.
11 Our 911 system, we were meeting the national
12 standard 44 percent of the time when we took over. Now
13 we're getting it 97 percent of the time. We're in the
14 top 911, top 5 in the country for our response time, 6
15 second answer time.
16 We're applying that same model of process
17 improvement driven by data to every single thing that
18 we do, and Metro Alarms is no different than that. And
19 so, again, I can't apologize for -- for taking action
20 when I think it's appropriate based on what the data
21 tells me, and what the data tells me is prior to 2016
22 we had an average of 60,000 false alarms every year and
23 we were doing nothing to change it.
24 MR. COCKROFT: But you had an ordinance that
25 wasn't being enforced. You went from one extreme to

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1 another.
2 MR. MCGOWEN: I agree. That was also, again, 196
3 years of history. I have four years under my belt
4 and --
5 MR. COCKROFT: Why not enforce the -- what you
6 had before making -- going so extreme?
7 MR. MCGOWEN: We did, and under that previous
8 policy was six false alarms and we had the ability to
9 send you a letter. And so we think that on balance
10 with what we've seen, this is the appropriate level.
11 We had a recommendation about following a policy that
12 would have reduced false alarms like Atlanta did and
13 seeing 20 percent reduction in five years. Well, we
14 put our policy in place, saw a 20 percent reduction in
15 one year. So we believe that it's working and --
16 MS. HIXSON: What were the key -- what were the
17 key differences between the old policy and the new one
18 that's caused so much --
19 MR. MCGOWEN: So the old policy was that you had
20 five -- you had six free alarm -- free false alarms per
21 year before we sent you a letter notifying that you --
22 we would please request that you would do something to
23 reduce your false alarms. Now, you have one free false
24 alarm a year. Two, excuse me.
25 MR. FRAKER: Two.

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1 MS. HIXSON: So two per year?
2 MR. MCGOWEN: Yes. And then you reset after a
3 12-month period of time. So your second -- it's not in
4 a calendar year. So once 12 months has elapsed since
5 your last false alarm, you're reset back to zero.
6 MS. HIXSON: What criteria determines whether
7 it's a real or false alarm?
8 MR. MCGOWEN: We count on our police officers who
9 are on the scene or our firefighters who are on the
10 scene to do an investigation just like they do. They
11 have the same standard of care that they do to
12 determine whether a crime has occurred to determine
13 whether an alarm is false or not.
14 MR. COCKROFT: And I can tell you that Tiffany
15 has been very gracious to work with people if something
16 that was deemed to be a false alarm that turns out to
17 not be. I know she's worked very hard to correct those
18 issues.
19 MR. MCGOWEN: Yes, sir. I appreciate you saying
20 that because I did fail to say that, and we very much
21 appreciate. That is one key difference, too. We had
22 spotty ability to -- for people to come and challenge
23 that alarm. We now have a very formal process that
24 people can come back and say, hey, look, this was not a
25 false alarm. And the baseball saying of the tie goes

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1 to the runner, if there's any question we defer to the
2 property owner. It's not going to make or break us,
3 and if they have enough fortitude to come and talk to
4 us and say this was really not a false alarm, then we
5 understand that they're already coming into compliance
6 by virtue of the fact that they have approached us and
7 said we'd like to challenge this. The folks who are --
8 I guess, scoff laws, the one who have, you know,
9 30-some a year, 40-some a year, you know, they may not
10 care to come and challenge one of those 30 alarms.
11 MS. HIXSON: Do you have any outreach or
12 education programs to try to deal with these excess
13 offenders?
14 MR. MCGOWEN: Yes, we do.
15 MS. HIXSON: What are you using?
16 MR. MCGOWEN: I'll let Miss Tiffany Collins talk
17 to you about what the outreach has been.
18 MS. COLLINS: I'll sign in in a second. Tiffany
19 Collins, Administrator, Metro Alarm Office. We have a
20 couple of different things. We recently just did a
21 public outreach campaign. We sent postcards out to
22 every alarmed household, and they go to the website,
23 there's FAQs and there's tips on how to reduce false
24 alarms. Additionally, we have a full-time sergeant
25 that is assigned to our office. He pulls top offenders

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1 and he goes out to homes and businesses and he talks to
2 people and tries to get a better understanding as to
3 why their alarm is going off and kind of helps them get
4 back on the other side. So those are the two main
5 things that we do. And we're also in the process of
6 educating our police force so when they go out they can
7 probably offer a little more information to the users
8 that they see frequently.
9 MS. HIXSON: Thank you. More questions?
10 MR. COCKROFT: I don't think so. I mean, I
11 really think it boils down to we've got people coming
12 to us making complaints and -- and wanting us to do
13 something about it since it's our law that sets the
14 statute that we're over that says the fine's limited to
15 50. It's just, I guess, a differing opinion on the
16 cost of recovery. Do you charge cost of recovery on
17 all police calls or other calls or any other call for
18 that matter?
19 MS. COLLINS: For?
20 MR. COCKROFT: Anything other than alarms, do you
21 charge a cost of recovery?
22 MS. COLLINS: If you use an ambulance service,
23 there is a cost to that.
24 MR. COCKROFT: But any other police call?
25 MS. COLLINS: No.

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1 MS. HIXSON: And what is your current fee? Did
2 you change it? Did you say it was at \$90? Did I
3 understand that correctly?
4 MS. COLLINS: The cost recovery fee for police
5 services is \$90, yes, ma'am.
6 MS. HIXSON: Is that the same for fire, if
7 there's --
8 MR. MCGOWEN: No.
9 MS. HIXSON: -- a false fire alarm?
10 MS. COLLINS: No, ma'am. The cost recovery fee
11 for fire is 250.
12 MS. HIXSON: Okay.
13 MR. MCGOWEN: And the difference there is that it
14 literally takes four people to take an engine and put
15 it on the street.
16 MR. McMULLEN: You mentioned complaints. Could
17 you specify what type of complaints are you getting
18 from citizens?
19 MR. COCKROFT: Well, one was an industry
20 complaint, but I'm not sure what other we had.
21 MS. THOMAS: So -- so the way this was first
22 brought to my attention -- I'll speak to myself. I'm
23 not sure what the board was privy to. We received an
24 e-mail in the board office that included some news --
25 some news articles as well as just a complaint

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1 regarding the additional fees that they felt were --
2 that exceeded the law, and so that's what brought that
3 to the board. That's what -- that's what prompted us
4 to bring this -- this issue to the board.
5 MR. McMULLEN: Okay. Is the cost recovery aspect
6 that you-all received a response.
7 MS. THOMAS: Right. And like I said, the way it
8 was brought to us is that all of this was under the
9 false alarm fine, and that's what prompted me to send
10 the first letter to the City of Memphis. And upon
11 receiving your response, I gave that response to the
12 board. They opined on that, I'm sure that transcript
13 is online as well, which prompted Mr. Lynes to come in,
14 and then -- and then we're here.
15 MR. MCGOWEN: I would like to say I certainly
16 appreciate that. I appreciate the dialogue. And the
17 one thing I know that we're aligned on, everyone in
18 this room, that we want to be able to respond to our
19 citizens in need. That is our common desire and that
20 is what we choose to do. The path by which we bring
21 people in compliance to use the tool that's been
22 provided that they're paying for every month
23 effectively, that we may differ on. I will tell you
24 that on balance, we have the full backing of the city
25 council. They have had robust dialogue. So they get

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1 complaints as well, and so I've been standing before
2 all 13 of our city council persons. Thankful we have
3 13 and not the 30-plus that they have here in
4 Nashville, but -- so they have worked us over pretty
5 hard on making sure that they can -- that they can
6 stand behind this as well.
7 And so one thing I know for sure, people do not
8 like change, but we are seeing increased compliance and
9 generally satisfaction with the majority of the
10 population. I know there will be some folks that will
11 not be happy with us, but we're in the -- I've told our
12 team we have to be effective and not liked, and so
13 sometimes to be effective there's going to be a small
14 segment of folks. Again, I want to come back to
15 success. I don't mind general alarm users have one a
16 year or occasionally and they come back and challenge
17 us. It's literally the folks that I have to put on
18 verified response and ones that are repeat offenders.
19 We get that down, we'll have achieved success.
20 So, again, I very much appreciate the patience
21 and your time today and for listening to us, and we'll
22 be back at the drop of a hat if there's ever a
23 question. If you'd like to have a more robust dialogue
24 or you think of more questions, we're always open to
25 hear those, and we'll be back up here in a heartbeat if

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1 you'd like us to.

2 MS. HIXSON: Okay. One thing I was noticing in

3 the transcript from the other meeting, you charge a 250

4 recovery fee for a fire engine or a fire apparatus to

5 respond on a fire alarm.

6 MR. MCGOWEN: Correct.

7 MS. HIXSON: Is that all they charge, or is there

8 another \$50 on top of that because there was some

9 discussion? Because there was some discussion --

10 MR. MCGOWEN: Right.

11 MS. HIXSON: -- that there was an additional \$50

12 on top of the 250.

13 MR. MCGOWEN: It's a \$50 fine plus the cost of

14 recovery for the service. So the fine is the fine, and

15 then the \$50 -- or then the \$250 cost of recovery.

16 And I just want to say, so that you-all are

17 aware, so what happens to that money. Now, the fine is

18 imposed, you know, by the -- by the court and the

19 powers there, but the cost recovery goes right back

20 to -- it depends, you know, whether it was a fire or

21 police, but it goes back in proportion to the budgets

22 of police and fire and no where else. It is restricted

23 to those uses. So I can't use it to pave roads or pay

24 people or give raises. It goes right back into the

25 operating budget to pay overtime for police and fire.

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1 MS. HIXSON: Okay. Is -- there's no action

2 required on the board.

3 MS. VEST: No.

4 MS. HIXSON: This was all you just coming forward

5 to provide us a deeper explanation of your policy and

6 practices?

7 MR. MCGOWEN: Yes. And I wanted you to be aware

8 of who we were. So I'm the accountable party to the

9 mayor for this, so you can look right at me, and I

10 wanted you to know who if you had a question you know

11 who to reach out to. And, again, as I say, I'm happy

12 to provide more information or embrace a deeper

13 dialogue with you-all, and I do very much appreciate

14 what you all do each and every day, and thank you for

15 the opportunity to appear before you today.

16 MS. HIXSON: Anymore questions before they go?

17 MR. COCKROFT: No. Thank you.

18 MS. HIXSON: Thank you all for coming.

19 MR. MCGOWEN: Thank you so much. Appreciate it.

20 MS. THOMAS: Thank you so much.

21 The food's here if you want to take a break.

22 MS. HIXSON: We're going to take a 30-minute

23 recess.

24 (Brief recess.)

25 MS. HIXSON: Okay. We'll call back to order this

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1 meeting for the Alarm Systems Contractors Board.

2 Miss Vest, I think the legal report is up next.

3 MS. VEST: Yes, ma'am. I'll turn that over to

4 the attorney.

5 MR. GENTRY: All right. Good afternoon. We have

6 the first one on the legal report. It's case number

7 2019068961. The summary is that the complainant made a

8 bid to install cameras at a university in Tennessee.

9 Complainant stated he believed that the respondent had

10 also submitted a bid to install cameras at this

11 university, and when he looked up respondent's

12 information he could not find a license for him. Our

13 investigator spoke with the individuals at the

14 university. The purchasing agent for the university

15 knew respondent from a previous company approximately

16 six years prior. The purchasing agent stated that he

17 contacted respondent to ask if they were interested in

18 submitting any bids for the project. The purchasing

19 agent stated he never heard from respondent and that

20 there were never -- or there were no bids or offers

21 submitted by respondent for this project. Our

22 investigator was unable to get in contact with the

23 respondent, and complainant did not have any proof of

24 any bids or offers submitted by respondent for this

25 project. So the recommendation is to close.

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1 MR. HARVEY: Why would -- why would we even hear

2 that? I mean, I'm not trying to say we did anything

3 wrong, but, I mean, clearly that's -- that's pretty

4 blatant.

5 MR. GENTRY: If I can close it administratively,

6 I would love to.

7 MR. HARVEY: Right.

8 MR. GENTRY: And, you know, and when we get these

9 complaints, all of the information that we had from the

10 complainant was that he said here's the respondent's

11 name, respondent was submitting these bids. We didn't

12 have any other information. The respondent did not

13 reply to that. So at that point, we sent the

14 investigator out. First, I dispatched him on his

15 instructions to say go to the university, see what

16 proof there is there. He said that there wasn't any at

17 that point.

18 MR. HARVEY: When he even said he never even

19 responded to us, that should have been the end of it.

20 MR. GENTRY: Right.

21 MR. HARVEY: I understand.

22 MR. GENTRY: So, again, unfortunately because

23 it's, you know, a complaint that's been opened, the

24 board has to hear it to close it.

25 MS. THOMAS: And just to -- just to add to

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<p align="center">Page 30</p> <p>1 what -- what Jesse is saying, the board would have to 2 delegate that authority to the board office in order to 3 close those types of -- types of complaint. 4 MR. HARVEY: I know in the past some -- some of 5 the more simple ones we have delegated that out, and I 6 know it has to be a specific thing, but, anyway, I'm 7 just talking here. 8 MR. GENTRY: No, no. You're fine. I appreciate 9 it. And I do put that information in the legal report 10 as well because sometimes when the complainants find 11 out that cases are closed, you know, they'll contact 12 our office or the complaints coordinator and ask why it 13 was closed, and their first step is they send them what 14 was written in the legal report to make sure everyone 15 is on the same page and what the facts are and the 16 reasons why, so that way they know the board was 17 apprised of why. 18 MS. HIXSON: Okay. Motion -- 19 MR. HARVEY: Motion to concur with counsel. 20 MR. FRAKER: Second. 21 MS. HIXSON: We have a motion by Mr. Harvey and 22 second by Mr. Fraker to concur with our counsel's 23 recommendation. All in favor voice by saying "aye." 24 THE BOARD: Aye. 25 MS. HIXSON: All opposed.</p>	<p align="center">Page 32</p> <p>1 evidence that respondent did not comply with the 2 contract, and complainant cooperated with our 3 investigation. Or I should say respondent cooperated 4 with our investigation. Recommendation is to close. 5 MS. HIXSON: Now, once again, do you notify the 6 complainant of your findings so that they're just not 7 left out in the dark, correct? 8 MR. GENTRY: In which way? 9 MS. HIXSON: Well, I mean, they filed a complaint 10 and you've done an investigation. Do you notify the 11 complainant on what the findings are? 12 MR. GENTRY: They are notified after the 13 complaint -- after the decision of the board. 14 MS. HIXSON: But, I mean, at some point they're 15 notified and told this is what we found, this is what 16 action we took or -- 17 MR. GENTRY: If they -- if they follow up on 18 this. Unfortunately, no, we don't -- we send -- we 19 send a letter to the complainant to let them -- 20 MS. THOMAS: We don't -- we don't send them a 21 copy of the legal report. We don't send them a copy of 22 our findings. What we do is we let them know the 23 board's decision. The board in this case -- 24 MS. HIXSON: That's -- that's what I'm asking. 25 MS. THOMAS: Right.</p>
<p align="center">Page 31</p> <p>1 MR. GENTRY: Thank you. Number 2, 2019074271. 2 The summary is the complainant entered into a 5-year 3 contract with respondent on January 25th, 2017. The 4 complainant filed this complaint as she wished to 5 cancel her contract and was told she would owe an early 6 termination fee. Complainant stated that she never 7 signed a contract with respondent and that her contract 8 was sold without her notice. Complainant further 9 stated that the respondent was charging her a higher 10 monthly rate than what she contracted to pay. 11 Respondent has registered -- or has a registered d/b/a 12 and stated that it provided notice to the complainant 13 that the respondent would be operating under the d/b/a 14 name. Respondent provided a copy of the contract 15 between complainant and the original company. The 16 contract stated complainant could be charged a higher 17 monthly rate than the original rate after the first 12 18 months of the contract and pursuant to certain 19 procedures which complainant could object to and have 20 the contract terminated without fee or only be charged 21 the original rate. The respondent further provided 22 information as to how it complied with the contract, 23 the increased monthly rate, and the early termination 24 fee. Further, respondent offered to discount the early 25 termination fee as a gesture of goodwill. There is no</p>	<p align="center">Page 33</p> <p>1 MS. HIXSON: You let me know something. 2 MS. THOMAS: We let them know the board's 3 decision, yes, ma'am. 4 MR. GENTRY: Yes. 5 MS. HIXSON: Okay. It's not incumbent on them to 6 call you up and say whatever happened. You notify them 7 as soon as it goes to the board. 8 MS. THOMAS: Yes. 9 MR. GENTRY: Correct. Correct. 10 MS. HIXSON: Keith. 11 MR. HARVEY: I was going to make a motion we 12 concur with counsel's decision, but I was also going to 13 say in that motion we should let the complainant know 14 that that is more of a civil matter more than something 15 that falls under our purview, so. 16 MR. GENTRY: And I can send them -- I think 17 e-mail was the way that we communicated with this 18 complainant. I'd have to double check. But we can 19 send them certainly to say specifically this is a civil 20 matter. They will still get that same letter that says 21 the board voted to close it, you know, and if they have 22 any questions who they can contact, but I can make that 23 addition as well. 24 MS. HIXSON: Okay. We have a motion by 25 Mr. Harvey to concur with counsel's recommendation to</p>

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1 close but with letter of explanation to the
 2 complainant. Do we have a second?
 3 MR. RICHARD: Second.
 4 MS. HIXSON: And second by Mr. Richard. All in
 5 favor voice by saying "aye."
 6 THE BOARD: Aye.
 7 MS. HIXSON: All opposed. The motion carries.
 8 MR. GENTRY: Thank you. Number 3, 2019075701.
 9 Summary said the complaint -- complainant received an
 10 advertisement in the mail from respondent for camera
 11 systems. The advertisement also stated the respondent
 12 was licensed, bonded, and insured, and offers 10
 13 percent off first service call or first installation.
 14 Respondent claims that it's a camera system and access
 15 door control system reseller and that it subcontracts
 16 all installation work to a qualified alarm company.
 17 According to respondent's website, it appears to
 18 provide electrical and technological services which
 19 includes the sale of cameras. Even if respondent is
 20 legitimately a reseller or subcontracting actual
 21 installation work, it still appears to be holding
 22 itself out as an alarm systems contractor. So the
 23 recommendation was to authorize a formal hearing with a
 24 consent order with a thousand dollar penalty for
 25 unlicensed activity as it relates TCA code

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1 62-32-304(a), and 304(a) is the one for holding or
 2 acting as an alarm systems contractor.
 3 MR. HARVEY: The respondent is not licensed at
 4 all.
 5 MR. GENTRY: That's correct.
 6 MR. HARVEY: I mean, they're not even in our
 7 industry in any way.
 8 MR. GENTRY: No. And we followed up as well to
 9 see if they had a contractors license, and we could not
 10 find that either.
 11 MR. HARVEY: Okay.
 12 MR. FRAKER: I'll make the recommendation that we
 13 concur with counsel with a thousand dollar civil
 14 penalty.
 15 MR. COCKROFT: Second.
 16 MS. HIXSON: Scott?
 17 MR. COCKROFT: Yes.
 18 MS. HIXSON: We have a motion by Mr. Fraker, a
 19 second by Mr. Cockroft, to concur with our counsel's
 20 recommendation. All in favor voice by saying "aye."
 21 THE BOARD: Aye.
 22 MS. HIXSON: All opposed. The motion carries.
 23 MR. GENTRY: Okay. Thank you. Number 4,
 24 2019078581. The summary is the complaint was made that
 25 respondent was operating without appropriate licensure.

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1 Respondent has a valid contractors license with an
 2 electrical classification. Respondent is recognized by
 3 the board as being exempt from this board's statutes
 4 based upon its CE license. And CE is actually that
 5 abbreviation for the electrical license. There was
 6 also on issue recognized about respondent doing
 7 business as a contractor other than the name that's
 8 licensed; however, that would be a issue for the
 9 contractors board. So the recommendation is to close.
 10 MR. COCKROFT: I'm not opposed to your
 11 recommendation, but aren't they also supposed to
 12 register? We might want to send them a notice. Are
 13 they not supposed to -- this is a question for staff.
 14 Is a contractor not supposed to register on -- with
 15 your department?
 16 MS. VEST: They should be on the -- yes, they
 17 should be on the exempt list.
 18 MR. GENTRY: And I believe -- I'll have to double
 19 check, but I think that's what I wrote is they're
 20 recognized by the board as exempt.
 21 MS. VEST: Right. They have a different name.
 22 MR. COCKROFT: Oh, okay. So you're saying this
 23 other name they are registered --
 24 MS. VEST: Right.
 25 MR. COCKROFT: -- as exempt. Okay.

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1 MS. VEST: That's why we're going to refer also
 2 to the contractors board.
 3 MR. GENTRY: Correct.
 4 MS. HIXSON: Okay. Anymore questions?
 5 MR. COCKROFT: Are we sure that they are
 6 operating as this other licensed company? I mean, if
 7 they're operating in a different name, does it have the
 8 same address or something, or are they -- that's their
 9 response that they're --
 10 MR. GENTRY: I believe they provided a copy of
 11 that letter and it was a very similar name. It was
 12 just a slight deviation. But they are operating, you
 13 know, on both sides. But they've gotten --
 14 MR. COCKROFT: Maybe it's ABC Electric and the
 15 other is ABC Alarm Company or Camera Company.
 16 MR. GENTRY: Something -- something similar. And
 17 I think it was even less of a derivation than that with
 18 adding something. I think it was more of -- you know,
 19 I can't remember, and I don't want to say in case it --
 20 MR. COCKROFT: Right.
 21 MR. GENTRY: -- breaks anonymity.
 22 MR. COCKROFT: I'll make a motion to concur with
 23 recommendations of our counsel to close.
 24 MR. HARVEY: Second.
 25 MS. HIXSON: We have a motion by Mr. Cockroft, a

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1 second by Mr. Harvey, to concur with counsel's
 2 recommendation. All in favor voice by saying "aye."
 3 THE BOARD: Aye.
 4 MS. HIXSON: All opposed. The motion carries.
 5 MR. GENTRY: Okay. Thank you. Number 5,
 6 2019078871. Summary is the complainant purchased a
 7 home in April 2019 and as part of that took over an
 8 alarm system from the previous homeowner. Complainant
 9 was dissatisfied with the services from the respondent
 10 and was having difficulties in canceling its services.
 11 So he then filed this complaint. Respondent canceled
 12 complainant's services and waived all early termination
 13 fees as requested by complainant. Recommendation is
 14 close.
 15 MR. FRAKER: Make a motion to concur with counsel
 16 and close.
 17 MR. HARVEY: Second.
 18 MS. HIXSON: And we motion by Mr. Fraker, second
 19 by Mr. Harvey, to concur with counsel's recommendation.
 20 All in favor voice by saying "aye."
 21 THE BOARD: Aye.
 22 MS. HIXSON: All opposed. The motion carries.
 23 MR. FRAKER: Thank you. Number 6, 2019079581.
 24 The complainant -- or complaint alleged that respondent
 25 does not have a qualified agent and has not had one in

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1 mid-July 2019. Complainant also alleged that
 2 respondent's sales associates are not properly
 3 licensed. Respondent was granted an extension to
 4 obtain a qualified agent to November 23rd, 2019.
 5 Respondent provided a list of employees with
 6 documentation of their licensure and a description of
 7 their specific duties. There was no evidence of
 8 respondent having employees performing work without
 9 appropriate registration, certification, or licensure.
 10 Respondent added his new qualified agent effective
 11 November 19th, 2019. So the recommendation is to
 12 close.
 13 MR. HARVEY: Make a motion to concur with
 14 counsel's decision.
 15 MR. FRAKER: Second.
 16 MS. HIXSON: Okay. We have a motion by
 17 Mr. Harvey, a second by Mr. Fraker, to concur with
 18 counsel's recommendation. All in favor voice by saying
 19 "aye."
 20 THE BOARD: Aye.
 21 MS. HIXSON: All opposed. The motion carries.
 22 MR. GENTRY: Thank you. Number 7, 2019079731.
 23 This is a companion case to the one that was mentioned
 24 above. Like that one, this complaint alleged that
 25 respondent's sales associates are not properly

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1 registered. Respondent provided a list of employees
 2 with documentation of their licensure and a description
 3 of their specific duties. There's no evidence of
 4 respondent having employees performing work without
 5 appropriate registration, certification, or licensure.
 6 Recommendation is to close.
 7 MS. HIXSON: What's going on that two different
 8 people would file the same complaint against this
 9 company? It's almost like where there's smoke there's
 10 fire.
 11 MR. GENTRY: It's the same complainant. The
 12 respondent actually has two different names. So they
 13 filed it against both names.
 14 MR. HARVEY: Same complaint, in other words.
 15 MR. GENTRY: Yes.
 16 MR. HARVEY: Make a motion to concur with
 17 counsel.
 18 MR. RICHARD: Second.
 19 MS. HIXSON: Okay. We have a motion by
 20 Mr. Harvey, a second by Mr. Richard, to concur with
 21 counsel's recommendation. All in favor voice by saying
 22 "aye."
 23 THE BOARD: Aye.
 24 MS. HIXSON: All opposed. The motion carries.
 25 MR. GENTRY: Thank you. Number 8, 2019070491.

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1 Complainant entered into a contract with respondent in
 2 February 2018 for a 60-month contract to provide alarms
 3 and monitoring. Complainant stated that the technician
 4 who installed the systems was never able to give her
 5 any information on his license or registration.
 6 Complainant stated it made this complaint after her
 7 bills increased from the original contract terms
 8 without notice and after she asked for a copy of her
 9 contract. She was provided a copy of her contract that
 10 was electronically signed by her; however, she did not
 11 recall ever giving permission to electronically sign a
 12 contract and stated this was the first time she
 13 received a formal contract from respondent. Upon
 14 receiving this complaint, respondent stated it would
 15 immediately cancel the complainant's contract.
 16 Respondent's website does not show that it does work in
 17 Tennessee, and no license could be found for respondent
 18 on the website or in CORE. Respondent never provided
 19 any information regarding any Tennessee licensure to
 20 our investigator. Instead, said it would agree to
 21 cancel had services for complainant. Respondent also
 22 stated in an e-mail to our investigator that it would
 23 no longer perform installation or provide services,
 24 which was assumed to mean in Tennessee, as his website
 25 still shows it has licensed in multiple other states.

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<p align="right">Page 42</p> <p>1 Recommendation is to authorize a formal hearing and 2 send a consent order with a thousand dollar civil 3 penalty for unlicensed activity as it relates to 4 Tennessee Code Annotated Section 62-32-304(a). 5 MR. COCKROFT: Is this company in a bordering 6 state or something that -- 7 MR. GENTRY: They have offices in multiple 8 states, and it was strange because multiple bordering 9 states, for example, and they have licenses in those 10 states, but they did not show on their website any 11 Tennessee licensure, and we're not sure -- we had, you 12 know -- they didn't answer all of our investigator's 13 questions specifically as to how many contracts they 14 have in the state of Tennessee. 15 MR. COCKROFT: But their office is in another 16 state. 17 MR. GENTRY: Correct. 18 MR. COCKROFT: I understand. 19 MR. GENTRY: As far as we know with the proof 20 that we have, this is the only contract that they had 21 in the state, but, again, we didn't get an answer to 22 that. 23 MR. FRAKER: And what -- and we don't have a clue 24 who actually did the install per se. Was it actually 25 the company or was it Bubba and his truck and he sold</p>	<p align="right">Page 44</p> <p>1 board and that it allows unregistered agents to provide 2 monitoring and take calls for customers in Tennessee. 3 Respondent stated that the complaint was recently 4 terminated for cause by respondent and that he made 5 this complaint on the same day he was fired. 6 Respondent provided a list of its registered employees 7 in Tennessee and stated that although its call and 8 monitor centers may have individuals who are licensed 9 in some or all states where they would need -- sorry. 10 Although its call and monitoring centers may have 11 individuals who are licensed in some or all states 12 where they would need to be registered, the 13 respondent's computer system specifically only allows 14 employees with Tennessee registration to provide 15 services for Tennessee customers. Respondent also 16 provided a statement and information from an individual 17 who provides its internal trainings and handles 18 renewals. It appears complainant's allegation was that 19 respondent's employees were not adequately completing 20 internal trainings, which would not have been required 21 for its employees' renewals. Based on complainant's 22 position within the company, it appears unlikely that 23 he would have had first-hand knowledge of any 24 fraudulent information being submitted by respondent to 25 the board or of any unlicensed activity. Further,</p>
<p align="right">Page 43</p> <p>1 the contract to this other company. 2 MR. GENTRY: I believe, from looking at the 3 contract, it was -- it was with respondent, that the 4 contract had respondent's name on it. So even if they 5 would have, you know, subcontracted out, it doesn't 6 appear that it was a licensed entity who then sold it. 7 It appears that it was respondent. We're not sure, you 8 know, if it was a subcontractor or an employee. 9 MR. FRAKER: Okay. 10 MR. COCKROFT: I'll make a motion to concur with 11 recommendations of our counsel to authorize a formal 12 hearing and send a consent order with a thousand dollar 13 civil penalty. 14 MR. FRAKER: I'll second. 15 MS. HIXSON: Okay. We have a motion by 16 Mr. Cockroft, a second by Mr. Fraker, to authorize a 17 formal hearing and send a consent order. All in favor 18 voice by saying "aye." 19 THE BOARD: Aye. 20 MS. HIXSON: All opposed. The motion carries. 21 MR. GENTRY: Okay. Thank you. 22 Number 9, 2019077551. Complainant alleged that 23 he worked for respondent and provided internal training 24 for them. Complainant alleged that respondent submits 25 fraudulent training records on its renewals to the</p>	<p align="right">Page 45</p> <p>1 statements were obtained from the individuals 2 complainant stated would be witness or who could 3 corroborate his allegations. These witnesses did not 4 corroborate any of complainant's allegations, and some 5 of them further cited misconduct by complainant while 6 he was employee of respondent. There's no evidence of 7 unlicensed or unregistered activity, nor was there any 8 evidence of respondent submitting any fraudulent 9 information to the board outside of complainant's 10 statement and allegations which appear unsupported. So 11 the recommendation is to close. 12 MR. COCKROFT: Does this company have at least 13 four people registered in the state of Tennessee? 14 MR. GENTRY: Yes. It had close to a hundred. 15 MR. COCKROFT: Okay. 16 MR. GENTRY: If not more than that. 17 MR. FRAKER: I'll make the recommendation to 18 close with -- concur with counsel and close. 19 MR. COCKROFT: Second. 20 MS. HIXSON: Okay. We have a motion by 21 Mr. Fraker, a second by Mr. Cockroft, to concur with 22 counsel's recommendation to close. All in favor voice 23 by saying "aye." 24 THE BOARD: Aye. 25 MS. HIXSON: All opposed. The motion carries.</p>

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<p align="right">Page 46</p> <p>1 MR. GENTRY: All right. Thank you. 2 And then we have one more that was added as an 3 addendum, if everyone has a copy of that. If not, I 4 can provide additional copies. 5 Would you like me to read just the new 6 information or go through the prior information as 7 well? 8 MS. HIXSON: Put it all on the record. 9 MR. GENTRY: Thank you. Okay. So this is case 10 2017060071. This is an industry complaint. 11 Complainant alleges that respondent was advertising on 12 Facebook to install security cameras without a license. 13 Respondent -- respondent responded to the complaint and 14 states that he does asphalt sealing and installs 15 self-monitoring Samsung security cameras from Sam's 16 Club that require no monthly fees or monitoring. 17 Respondent states that the complainant is a competitor 18 who's trying to create confusion about his business. 19 Respondent states that he has a business license and he 20 does asphalt sealing and pressure washing. Respondent 21 also states that he puts up self-monitoring Samsung 22 cameras from Sam's Club. Respondent states that there 23 are no monthly fees or monitoring included. So that 24 recommendation when that was initially presented was to 25 issue a letter of warning regarding TCA Section</p>	<p align="right">Page 48</p> <p>1 laying asphalt, some landscaping. All the respondent's 2 posts on Facebook show his asphalt pressure washing 3 business. No posts have been made regarding the 4 installation of cameras. It is believed that the civil 5 penalty does not match the severity of this matter or 6 the possible public harm. So that recommendation was 7 to issue a letter of warning. The decision was 8 rejected to continue with the original decision. 9 So then this was my new information I received 10 yesterday. This is why it was as an addendum. I 11 apologize it wasn't on there previously, but, again, 12 this was all new information. This matter was set for 13 a hearing which was continued to January 24th, 2020. 14 The complainant now states that he wishes for this case 15 to be closed and for this matter to be dropped with 16 some type of warning for respondent. Complainant 17 stated he does not want to cooperate with this matter 18 despite being a licensed alarm contractor himself as 19 this case caused stress on him and he does not believe 20 this matter is worth pursuing as he found out 21 respondent had only installed a few cameras. As 22 complainant no longer wishes to cooperate in this 23 matter, respondent took down his Facebook pictures and 24 stated -- that stated, quote, installing cameras, end 25 quote, as of December 19th, and respondent provided</p>
<p align="right">Page 47</p> <p>1 62-32-304, prohibiting the sale, installation, and 2 services of television or still cameras without 3 certification. The decision by the board was rejected 4 and the -- and the board authorized instead a formal 5 hearing and elected to send a consent order with a one 6 thousand dollar penalty. 7 It was then re-presented. Respondent stated that 8 he had helped his neighbor to install a wireless door 9 monitor and thought it was fairly simple so he added it 10 his business card. He had recently agreed to take off 11 the offering security cameras on his business card and 12 Facebook page. Respondent mainly does asphalt sealing 13 and landscaping jobs, but he is sort of a, quote, jack 14 of all trades guy, quote, end quote. So that 15 recommendation was to send a letter of warning and 16 close. The decision by the board was rejected and the 17 recommendation was to continue again with the one 18 thousand dollar penalty. 19 So it was re-presented again. It said respondent 20 had set up wireless cameras from Sam's and the 21 self-monitoring app for his neighbor and charged him 22 about a hundred dollars. Although respondent added 23 these services to his business card, there's no 24 evidence he continues to perform these tasks. 25 Respondent's main business is pressure washing and</p>	<p align="right">Page 49</p> <p>1 proof that he has a new business card that does not 2 show anything about offering to install cameras. The 3 recommendation is that this case would be appropriate 4 to close with a letter of warning, as proof has been 5 offered -- the proof that will be offered at trial will 6 now be minimal because complainant was the only one who 7 heard respondent's radio ad, and the rest of the proof 8 come by the admissions of respondent. 9 So the new recommendation would be to do a letter 10 of warning. Just for clarity, if the board does not 11 elect to pursue that, we still have it set for a 12 hearing that could be continued or it could go forward. 13 MR. FRAKER: So the complainant has withdrew his 14 complaint. 15 MR. GENTRY: Yes. He called me last night. He 16 is a police officer and he had stated that he no 17 longer -- you know, he kind of gave me some of his back 18 story, but he had stated that he no longer wants to 19 move forward with this. He has talked to respondent. 20 Apparently, respondent has called him a number of 21 times, that he had gets very upset about the letters 22 that I have sent him, and he -- at this point 23 complainant wishes to no longer pursue this. 24 MR. COCKROFT: And from what you can tell, he has 25 taken down his ads, and you feel like he's not</p>

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<p align="right">Page 50</p> <p>1 installing cameras or attempting to?</p> <p>2 MR. GENTRY: That's correct. I was on the phone</p> <p>3 with him last night, the respondent, as I complained to</p> <p>4 him how to remove the picture from his Facebook. I</p> <p>5 then verified that it was taken down. And I actually</p> <p>6 met with him today and he provided a new business card</p> <p>7 that no longer had the language that he was offering to</p> <p>8 install cameras.</p> <p>9 Based on the proof that I believe that we could</p> <p>10 show, he had basically admitted that he had done maybe</p> <p>11 two cameras. Again, they were those one that were</p> <p>12 purchased from Sam's Club. He had done them for the</p> <p>13 neighbors.</p> <p>14 MR. FRAKER: Based upon our earlier meeting</p> <p>15 today, I'm going to concur with counsel on this one and</p> <p>16 agree just to send a letter of warning.</p> <p>17 MR. COCKROFT: Second.</p> <p>18 MS. HIXSON: Okay. We have a motion by</p> <p>19 Mr. Fraker, second by Mr. Cockroft, to concur with our</p> <p>20 counsel's recommendation in this re-present. All in</p> <p>21 favor voice by saying "aye."</p> <p>22 THE BOARD: Aye.</p> <p>23 MS. HIXSON: All opposed. The motion carries.</p> <p>24 MR. GENTRY: And that concludes the legal report.</p> <p>25 MS. HIXSON: Thank you.</p>	<p align="right">Page 52</p> <p>1 MS. VEST: We think so. Everything that we've</p> <p>2 been seeing, we've been able to take care of in the</p> <p>3 office.</p> <p>4 MR. COCKROFT: Great.</p> <p>5 MS. VEST: All right. I believe the first thing</p> <p>6 we did, we gave this report to Scott. I mean the --</p> <p>7 the training here. FED Learning Center, fire alarm</p> <p>8 systems, 13 hours for initial and continuing education.</p> <p>9 MR. COCKROFT: The class looks good. They had</p> <p>10 submitted it, I believe, for initial application and</p> <p>11 continuing education. I'm sure it would be fine for</p> <p>12 continuing education. It says it's two days. I don't</p> <p>13 know do we have any specific definition of what's</p> <p>14 required for initial application? It does say it's a</p> <p>15 proctor test by a third party. Each student completes</p> <p>16 a test at the end of the course proctored by a third</p> <p>17 party other than the instructor.</p> <p>18 My -- my only concern would be initial</p> <p>19 application. This one is about fire, so it looks like</p> <p>20 it would be good for initial application for -- for</p> <p>21 fire if we think this is enough training. Typically,</p> <p>22 isn't it like a three-day course or something, the --</p> <p>23 some of the classes we've had in the past.</p> <p>24 MR. RICHARD: I think we've looked at Level I or</p> <p>25 equivalent, right?</p>
<p align="right">Page 51</p> <p>1 Miss Vest, which do you want to do next?</p> <p>2 MS. VEST: We'll just go into my -- we'll go into</p> <p>3 my administrative matters. There's a monthly report</p> <p>4 that we sent out for October and November. This is the</p> <p>5 same report basically that I send out to you every</p> <p>6 month. There's nothing very new on it. Just tells</p> <p>7 about when Ashley and the attorneys and I met. And</p> <p>8 then I do a monthly financial meeting. And you had</p> <p>9 eight complaints, and I think we heard seven, and then</p> <p>10 I think something like seven today.</p> <p>11 The next thing on there is the budget review.</p> <p>12 Okay. I have the information from October of '19, and</p> <p>13 right now the year ending balance is \$33,694. We won't</p> <p>14 go into the reserve if you don't mind. If you don't</p> <p>15 have any questions on that, we'll just move right</p> <p>16 along.</p> <p>17 All right. Legislative update, we do not have</p> <p>18 any. A -- a request for extension, we do not have any</p> <p>19 from anyone. And we don't have a criminal history</p> <p>20 review. So we can go straight onto the education</p> <p>21 report if you like.</p> <p>22 MR. COCKROFT: Have our applications been down or</p> <p>23 we just haven't had any?</p> <p>24 MS. VEST: Just haven't had any to review.</p> <p>25 MR. COCKROFT: That's good.</p>	<p align="right">Page 53</p> <p>1 MR. COCKROFT: And those typically, aren't</p> <p>2 they --</p> <p>3 MR. RICHARD: Three days.</p> <p>4 MR. COCKROFT: -- Friday, Saturday to Sunday.</p> <p>5 MR. RICHARD: Three-day class, yeah.</p> <p>6 MR. COCKROFT: This one says it's a two-day</p> <p>7 class, but then it says it's two 12 hours of training.</p> <p>8 MS. VEST: Right. They have on their form</p> <p>9 they've asked for 13 hours.</p> <p>10 MR. COCKROFT: Oh, they did? I thought I saw 12.</p> <p>11 Oh, you're right, 13. Okay.</p> <p>12 MR. FRAKER: But they're asking -- they're asking</p> <p>13 for approval, but that doesn't necessarily mean that</p> <p>14 it's given enough hours with our current statutes,</p> <p>15 right?</p> <p>16 MR. COCKROFT: Right. I don't believe the</p> <p>17 statute has any -- it doesn't have any quantity of --</p> <p>18 of hours. It just says equivalent to some of the other</p> <p>19 courses that don't even exist anymore. I think Level I</p> <p>20 as it was at the time doesn't even exist.</p> <p>21 MR. FRAKER: Right.</p> <p>22 MR. COCKROFT: They did check off for the</p> <p>23 classification of fire which would be appropriate.</p> <p>24 Continuing education is no problem. My only concern is</p> <p>25 initial application. I'm open for discussion on that.</p>

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<p align="right">Page 54</p> <p>1 You-all have got the copy of everything on there as 2 well. And that's the only class they have; is that 3 right? 4 MS. VEST: Yes. That's the only one they've 5 submitted.</p> <p>6 MR. COCKROFT: That's what I meant, the only one 7 they've submitted. But I would be fine approving it 8 for -- for continuing education, and I don't know if 9 that was their desire. A lot of times people check 10 everything on these. 11 MS. VEST: Uh-huh. So do you want me to go back 12 and talk to them and see if it -- what do they need to 13 do, give some more hours for initial, or was the course 14 not ready for initial application? So we're just 15 talking about it doesn't have enough hours. 16 MR. COCKROFT: And it may be comparable to some 17 of the other classes when you include the test because 18 I don't know if they've included the test in this time, 19 because I believe typically those three-day classes is 20 including the test. 21 MR. FRAKER: Yeah, test happens while you're on 22 site. 23 MR. COCKROFT: Right. It sounds like it might 24 not in this case. Maybe they'll send them to one of 25 the testing companies or something. But I would</p>	<p align="right">Page 56</p> <p>1 what I'm looking for on here, but -- 2 MS. VEST: Okay. Then you would say -- 3 MS. THOMAS: It's actually B. 4 MS. VEST: It's B. Actually going to be on B. 5 Education under B. 6 MS. THOMAS: Page 139. 7 MS. VEST: Page 139. 8 MR. HARVEY: Okay. Yeah, there we go. Yeah, 9 they were wanting 18 hours of continuing ed. This was 10 a big old long course, too. I think it said it was 11 three days. But I thought it was good. It was good 12 for what they were asking for on continuing ed. 13 MS. VEST: I take that that you're going to 14 approve it for continuing education. 15 MR. HARVEY: Yes. 16 MS. VEST: For the 18 hours. All right. 17 Lou, you have one, Security Industry Association, 18 they want one hour, initial app and continuing ed. 19 MR. RICHARD: Well, it's fine for continuing ed, 20 but it certainly is not for initial. So I think, 21 again, Scott mentioned, I think they're just probably 22 checked that by mistake. So good for -- 23 MS. VEST: Right. We don't usually give it for 24 an hour. 25 MR. RICHARD: Right. Right. Obviously. So --</p>
<p align="right">Page 55</p> <p>1 recommend we approve it for continuing education and 2 maybe get some more clarification that you can bring 3 back to us for another meeting for the initial 4 application. 5 MS. VEST: All right. We'll go ahead and set it 6 for continuing education only, and then I'll get with 7 them to see actually how long it is to see if it 8 includes a testing. 9 All right. Keith, we gave you one. K-a-n-w-h-a 10 [sic] Techwin, T-e-c-h-w-i-n, America. They want 8 11 hours -- 18 hours of continuing education. 12 MR. HARVEY: Where is it on the iPad? I'm not 13 seeing it. 14 MS. HIXSON: Education, I think. 15 MS. WILLIAMS: Education 1, it's like A. 16 MR. HARVEY: It's under A, but at the end of that 17 other one? 18 MS. WILLIAMS: It had to be split up because it 19 was too big to be put on the iPad. 20 MR. HARVEY: I gotcha. I was going to say, I 21 didn't recognize it in that other part. Anyway, I did 22 review that course, and they were just asking for 23 continuing ed on that one. And I'm trying to find the 24 beginning of it. Anyway, it was good for the hours 25 they were asking for for continuing ed. I can't find</p>	<p align="right">Page 57</p> <p>1 but good for continuing ed one hour. 2 MS. VEST: All right. Got that. Very good. 3 And see, let's see, Doug, you got two. 4 MR. FRAKER: Yeah, you gave me the big ones. 5 MS. VEST: TN -- TNESA, the association, sent 10 6 fire certification 16 hours. They want continuing ed, 7 initial app, and employee training. 8 MS. HIXSON: Which page are we -- which page are 9 we on on the iPad? 10 MS. VEST: 174. 11 MR. FRAKER: It should be the first page -- 12 MS. HIXSON: Back under 181? 13 MR. FRAKER: No, under B. There it goes. So 14 this company, so I know a little background on them, 15 just for the record. 16 MS. VEST: Is this the Tennessee Electronic 17 Security Association? 18 MR. FRAKER: Yes. 19 MS. VEST: It's the association. Okay. 20 MR. FRAKER: Well, it's -- the association 21 submitted the application. Where the Tennessee 22 Electronic Association and the National Electronic 23 Association parted ways, we had to -- the -- the 24 Tennessee Association had to find new trainers. 25 MS. VEST: Right. Uh-huh.</p>

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1 MR. FRAKER: So this is the new company instead
2 of ESA or NTS training. And I reviewed all of them
3 previously, and they are good to go for both, for all
4 of their -- boy, I can't get back to the beginning.
5 MS. VEST: So it actually is the same. There's
6 just one's asking for -- first one is fire
7 certification and the second one is the security
8 certification, 16 hours versus 24 hours. But they all
9 want continuing ed, initial application, and employee
10 training.
11 MR. FRAKER: Right. And they -- yeah, let me
12 borrow your -- let me borrow yours a minute. Sorry,
13 it's not wanting to -- here we go. 16 hour -- let's
14 see, this is the Tennessee fire certification 16 hours.
15 Yes, they marked "all of the above," and I'm good with
16 that on these courses. For -- well, for initial and if
17 you want to do -- if you want to get your continuing ed
18 and spend 16 hours there, you sure can, so.
19 MS. VEST: So we're going to approve both of
20 these for the continuing ed, initial application, and
21 employee training?
22 MR. FRAKER: Yes, ma'am.
23 MS. VEST: All right. Looks like all the courses
24 were approved there except for FED Learning Center, the
25 initial app we're still going to talk to them about

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1 that; and the security industry association we said no
2 on initial application because there was only an hour.
3 The rest of them were approved so I'll need a vote on
4 that.
5 MR. COCKROFT: And on the TNESA it's what, it's
6 the two courses. One of them is like 24 hours, but the
7 other, the fire one is 16?
8 MR. FRAKER: Yeah. They're two different
9 timeframes.
10 MR. COCKROFT: I think the first one definitely
11 falls within, you know, comparable to what they had
12 before, but the 14-hour one, if we're going to accept
13 that, we may need to go back and look at the other one,
14 the FED. And these are both proctored, I guess, as
15 well if it's along the same lines of the way ESA did
16 theirs.
17 MR. FRAKER: I don't know anything about the FED
18 and where that one came about, but --
19 MS. VEST: Yeah, they're out of North Carolina,
20 that company.
21 MR. FRAKER: So what I know, Scott, dealing with
22 the other company -- I'm drawing a blank and my tablet
23 don't go there now.
24 MS. VEST: Okay. Are we saying if we're going to
25 approve the TNESA for 24, we ought to go back up and

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1 look at the FED for 13?
2 MR. COCKROFT: No, something about -- because
3 there's two -- two TNESA. There's one that's 24 hours,
4 which I think that's fine, and even the 14 maybe. We
5 may just need to reconsider these things. But the
6 second course, it's -- they're two separate courses.
7 You will take one for --
8 MS. VEST: Fire.
9 MR. COCKROFT: -- one for fire and one for
10 security.
11 MR. FRAKER: Yes. Yeah, two separate courses.
12 MR. COCKROFT: It's part of a -- are they
13 submitted as two separate courses?
14 MR. FRAKER: Yes.
15 MS. HIXSON: Yes. Says course 1 and course 2.
16 They've got separate hours listed as well.
17 MR. COCKROFT: So are they expecting someone to
18 take both of them?
19 MR. FRAKER: No, only if you're going to get --
20 so your first one is your level -- basic -- what used
21 to be Level I.
22 MR. COCKROFT: Right.
23 MR. FRAKER: That's the -- the burg, which is --
24 let's see, the fire is on page 174. Let's see if I can
25 figure out where the burg is. The burg is on page 189.

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1 So that would be what would have been our -- what we
2 would have known as NTS Level I.
3 MR. COCKROFT: Okay. One of them they're
4 submitting for 16 and one for 24.
5 MR. FRAKER: Correct. And we had L.J. Lynes
6 review these, considering he's the one that had the --
7 he wrote the NTS ones before all that mess happened.
8 So the TNESA leaned on him to make sure that the
9 courses were comparable.
10 MR. COCKROFT: And I don't have a problem with
11 approving those. I just want to make sure we're being
12 fair that if we approve these at a lower number of
13 hours, which may be adequate, I just want to be fair.
14 I don't want it be to look like we approved this one
15 from the association, but we didn't approve this one
16 from a third party, if we're just looking at number of
17 hours.
18 MR. FRAKER: My -- my thought is if -- if it's
19 not specified that we have to have a number of hours,
20 just NTS Level I equivalent, is that the way it reads
21 for training and to get your fire alarm license?
22 MR. COCKROFT: Then they also have to pass --
23 they also have to pass the test.
24 MR. FRAKER: Well, they got to pass the test
25 obviously, yeah. So I recommend that we approve this,

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<p align="right">Page 62</p> <p>1 and let's go back to yours and just change it to match. 2 Is that -- 3 MR. COCKROFT: Just approve both of those. 4 MS. HIXSON: Okay. We have a motion by 5 Mr. Fraker to approve the TNEsa courses submitted 24 6 hours and 16 hours respectively for initial application 7 and continuing education. Wait a second. 8 MS. VEST: And employee training. 9 MR. COCKROFT: And employee training, yes. 10 MS. HIXSON: And employee training? Okay. 11 MR. COCKROFT: Second. 12 MS. HIXSON: And second by Mr. Cockroft. All in 13 favor voice by saying "aye." 14 THE BOARD: Aye. 15 MS. HIXSON: All opposed. The TNEsa submitted 16 courses are approved. 17 MR. FRAKER: So with that being said, I'll make a 18 motion to go back to the -- whatever the name of that 19 company -- 20 MS. VEST: FED Learning Center. 21 MR. FRAKER: Yes. 22 MS. VEST: And approve that 13 hours. We had the 23 continuing education only, they were requesting 24 initial, but now you're telling me we have approve the 25 13 hours for initial application.</p>	<p align="right">Page 64</p> <p>1 we need that one approved, along with security industry 2 association which we said was good for continuing 3 education but not for initial application. We just 4 approved those other three. We still need to approve 5 those two. 6 MS. HIXSON: Okay. The SIA was -- was Lou's. 7 Who had the other one? Keith, was that you? 8 MR. HARVEY: Uh-huh. 9 MS. HIXSON: What was the name of it? 10 MR. HARVEY: Hang on. 11 MS. HIXSON: The name of the course, not 12 necessarily -- 13 MR. FRAKER: Hanwha, better known as Samsung. 14 MS. HIXSON: Well, you can't really -- you can't 15 find these things. There are so many pages on these. 16 The H-a-n-w-h-a Techwin America who has set 17 professional certification, where is it on my iPad? 18 MR. HARVEY: Page 139 on Part B. 19 MS. HIXSON: Okay. Let me -- 20 MR. HARVEY: Hanwha. 21 MR. FRAKER: There it is. 22 MR. HARVEY: I'll make a motion that we approve 23 this course Hanwha Techwin America for 18 hours 24 continuing education. 25 MR. COCKROFT: Second.</p>
<p align="right">Page 63</p> <p>1 MR. FRAKER: That would be my motion, yes, to 2 approve the 13 hours of initial and continuing. 3 MR. COCKROFT: Which they have -- the way they're 4 claiming some of the hours and the two different 5 classes are different, so they're getting more? 6 They're getting about the same amount of classroom 7 contact and content in both of those. So I'll second 8 that motion. 9 MS. HIXSON: Okay. We have a motion by 10 Mr. Fraker, a second by Mr. Cockroft, to approve the 11 FED Learning Center class, fire alarm systems is all I 12 see, for 13 hours of continuing education and as 13 initial app, application. All in favor voice by saying 14 "aye." 15 THE BOARD: Aye. 16 MS. HIXSON: All opposed. 17 We still have some more courses that we haven't 18 approved. I think yours. Which one were yours? 19 MR. RICHARD: Mine was the SIA. Yeah, that one 20 was done. We approved that one. 21 MR. FRAKER: That was just the one-hour course. 22 MR. RICHARD: Yeah, that's the one hour. 23 MS. HIXSON: We didn't vote on that one. 24 MS. VEST: Okay. The second one was H-a -- I 25 cannot pronounce it -- H-a-n-w-h-a Techwin America, and</p>	<p align="right">Page 65</p> <p>1 MS. HIXSON: Okay. We have a motion by 2 Mr. Harvey and a second by Mr. Cockroft to approve the 3 Hanwha 18-hour course for continuing education. All in 4 favor voice by saying "aye." 5 THE BOARD: Aye. 6 MS. HIXSON: Okay. That motion carries. 7 We still need to vote on the SIA because it's not 8 been included in any of the other motions. 9 MS. VEST: Right. We still need to do the one 10 Lou had for Security -- 11 MS. HIXSON: SIA. But what's the name of the 12 course? 13 MS. VEST: Security project management. 14 MS. HIXSON: And I think it was for one hour of 15 continuing education, correct? 16 MS. VEST: Right. We were looking at approving 17 the one hour for continuing education, but we said no 18 to the initial application. 19 MR. RICHARD: I make a motion to approve the SPM 20 course for one hour continuing education. 21 MR. COCKROFT: Second. 22 MS. HIXSON: Okay. We have a motion by 23 Mr. Richard, a second by Mr. Cockroft, to approve the 24 security project management training for one hour of 25 CEU only. All in favor voice by saying "aye."</p>

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1 THE BOARD: Aye.
 2 MS. HIXSON: All opposed. The motion carries.
 3 I think that got each class addressed
 4 individually.
 5 MS. VEST: Sometimes it's easier if you just do
 6 one at a time, but we were trying to group those
 7 together.
 8 Toby, did you want to address the board?
 9 MR. COMPTON: I'm good. Unless they've got
 10 something for me, I'm good.
 11 MS. VEST: All right. Let's take a look. The
 12 next thing is going to be -- I don't have any
 13 unfinished business. We'll move right onto the new
 14 business. We had a company ask us a question, and I
 15 did not know the answer to it. So -- well, I did know
 16 that -- I had an answer for it, but I didn't know if it
 17 was going to be the correct answer. So I asked them to
 18 correspond with me. This -- they have it on their
 19 iPad.
 20 MS. WILLIAMS: Yes, they do.
 21 MS. VEST: It's the Guardian Protection letter.
 22 I won't bother reading all of this, but just a portion
 23 of it. On January the 15th of 2020, Guardian will be
 24 opening a backup central station in Butler,
 25 Pennsylvania. The backup center station will serve as

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1 a secondary location to our existing central station in
 2 Pennsylvania which operates under Guardian Tennessee
 3 alarm license. The backup central station is located
 4 approximately 24 miles from the central station, and
 5 its sole purpose is to serve as a location for which
 6 they can be monitoring customers' accounts in the event
 7 of an emergency. If we need to utilize the backup
 8 station, the alarm monitor employees who staff the
 9 other facility will work from the backup central
 10 station until the Warrendale central station is once
 11 again functional. Otherwise we will not conduct any
 12 day-to-day business with the backup central station.
 13 No employees will be assigned there.
 14 Now, I -- I remembered you could have a warehouse
 15 and store your equipment in your warehouse as long as
 16 you didn't let the public come in or they didn't sell
 17 from that location. What these -- I think they're
 18 asking is I have a company here, there's some kind of
 19 disaster and I need to move all of my employees over
 20 here because we can -- so we can continue to serve our
 21 clients.
 22 MR. COCKROFT: Right. That does sound like what
 23 it is.
 24 MS. VEST: They're asking me does it need to be
 25 licensed.

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1 MR. COCKROFT: My opinion would be that it would
 2 not need to be licensed if there's not day-to-day
 3 operations there. I think they should inform us if
 4 they put it into use and they were going to be there
 5 long-term. I think they should send in a change of
 6 address at that point. This is my personal opinion.
 7 If they were operating two central stations where they
 8 actually were doing load sharing or someone could be
 9 working at both, my opinion would be it should be
 10 licensed, but it doesn't sound like that's the case.
 11 But one odd thing, they reference UL, but UL requires
 12 it be further more than 24 miles. This actually
 13 wouldn't meet UL. But nonetheless, if they're
 14 operating it strictly as disaster recovery, they would
 15 essentially be moving and could send us a change of
 16 address, and I don't think their time requirement, they
 17 have some amount of time, they could actually moving
 18 immediately and I think they have -- I'm not sure what
 19 the timeframe of the notification is on change of
 20 address, but --
 21 MS. VEST: Well, they need to notify us within at
 22 least within 10 days.
 23 MR. COCKROFT: Right.
 24 MS. VEST: But in this case they would probably
 25 send us an e-mail as soon as possible that something's

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1 happened, we've got to move all our people to this
 2 location.
 3 MR. COCKROFT: That's my opinion. Does anyone
 4 feel differently?
 5 MS. VEST: Now, you do have the definition for
 6 the backup center: A location that's capable of being
 7 staffed in order to process signals in the event of the
 8 central station becoming inhabitable or inoperational.
 9 This center in another -- this center in another
 10 location that the operator of the central station has
 11 chosen to maintain for backup purposes. That's what
 12 the backup center is.
 13 MR. COCKROFT: Right.
 14 MS. VEST: It doesn't say license or unlicensed.
 15 It just gives you the definition of a backup center.
 16 So we're saying -- I think what I'm hearing you say is
 17 they can contact me and tell me that they -- there's --
 18 something has happened, they're giving a change of
 19 address from A over here to B, but they don't need to
 20 move all of their employees over there and pay the
 21 transfer fee.
 22 MR. COCKROFT: Well, if you -- if you actually
 23 moved, typically -- I mean, I've moved my office in the
 24 past and I just sent in a notice I was moving. I
 25 didn't have to change anything with employees. If I

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<p align="right">Page 70</p> <p>1 remember that correctly. I hope I did it right.</p> <p>2 MS. VEST: You did.</p> <p>3 MS. HIXSON: I mean, this is a temporary thing in</p> <p>4 case of an emergency. I agree with Scott. I don't</p> <p>5 think any action needs to be taken.</p> <p>6 MS. VEST: Okay. Then I can send them</p> <p>7 correspondence telling them that they do not need to</p> <p>8 license that backup center.</p> <p>9 MR. COCKROFT: But it does need to be strictly a</p> <p>10 backup. If they use it, they need to inform you of the</p> <p>11 change -- basically their change of address.</p> <p>12 MS. VEST: It will be in the letter.</p> <p>13 MR. RICHARD: Okay. So the way I see this is</p> <p>14 this building is sitting empty.</p> <p>15 MS. VEST: Yes.</p> <p>16 MR. RICHARD: There's no transfer of calls to</p> <p>17 employees in that building. All the employees that are</p> <p>18 currently registered are going to go to backup.</p> <p>19 MS. VEST: Literally move over.</p> <p>20 MR. RICHARD: There's no other employees that</p> <p>21 aren't registered in that location.</p> <p>22 MS. VEST: They said they weren't doing anything</p> <p>23 in that facility.</p> <p>24 MR. COCKROFT: Okay. If you had a request from</p> <p>25 someone from another central station that were saying</p>	<p align="right">Page 72</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 STATE OF TENNESSEE)</p> <p>4)</p> <p>5 COUNTY OF DAVIDSON)</p> <p>6</p> <p>7 I, Cicely Moore, Court Reporter, certify that I</p> <p>8 was authorized to and did stenographically report the</p> <p>9 proceedings at the time and place described herein; that</p> <p>10 the transcript is a true and complete record of said</p> <p>11 proceedings.</p> <p>12 Dated this 6th day of January, 2020.</p> <p>13</p> <p align="center"><i>C Moore</i></p> <p>14 Cicely Moore Certified Court Reporter State of Tennessee</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p align="right">Page 71</p> <p>1 that they were actually going to have people in both of</p> <p>2 them, because that's a viable, you know, choice these</p> <p>3 days. You could have two central stations where they</p> <p>4 kind of load share, and that'd one should be licensed.</p> <p>5 We have several of those. There's national companies</p> <p>6 that have multiple central stations and they are</p> <p>7 licensed, but the difference to me is that this is</p> <p>8 strictly something beyond any requirements. They don't</p> <p>9 have to have this backup central station. At some</p> <p>10 point it is required, but at the point that UL actually</p> <p>11 requires it, there's a further distance and it does</p> <p>12 have to be hot, it does have to be -- to make -- it</p> <p>13 does have to -- people that would be licensed there.</p> <p>14 What they're describing here, though, in my opinion</p> <p>15 doesn't.</p> <p>16 MS. VEST: All right, then. I'll send them a</p> <p>17 correspondence telling them that another license for</p> <p>18 that location would not be required.</p> <p>19 All right. That's all I had under new business,</p> <p>20 and I think I'm finished, Madam Chair.</p> <p>21 MS. HIXSON: Any unfinished business? Our</p> <p>22 meeting is adjourned.</p> <p>23 (This proceeding was concluded at 2:58 p.m.)</p> <p>24</p> <p>25</p>	

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