

Tennessee Alarm Systems Contractors Board -12-18-19

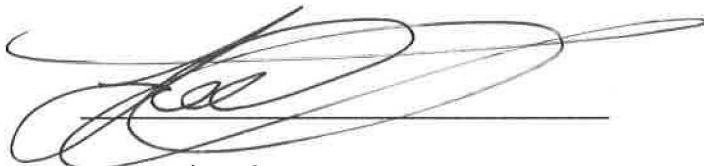
MINUTES of the Tennessee Alarm Systems Contractors Board Meeting held
October 17, 2019, in Nashville Tennessee.



Vivian Hixson, Chair



Douglas Fraker



Lou Richard



William Scott Cockroft, Secretary



John Keith Harvey, Vice Chair

ALARM SYSTEMS CONTRACTORS BOARD MEETING
Hearing on 10/17/2019

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ALARM SYSTEMS CONTRACTORS BOARD
NOTICE OF COMMISSION MEETING

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Thursday, October 17, 2019
9:00 a.m. - 11:50 a.m.

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State of Tennessee
Department of Commerce and Insurance
Davy Crockett Tower - Conference Room 1-B
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: 2 Vivian Hixson, Chair 3 Keith Harvey, Vice-Chair 4 Scott Cockroft, Secretary 5 Doug Fraker, Commissioner 6 Lou Richard, Commissioner 7 Mark Amick, Admin Manager 8 Shauna Williams, RBAA III 9 Cody Vest, Executive Director 10 Ashley Thomas, Staff Attorney 11 Jesse Gentry, Assistant General Counsel 12 L.J. Lynes, Tennessee Electronic Security Association 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 presented. 2 MR. COCKROFT: Second. 3 MS. HIXSON: Okay. We have a motion by 4 Mr. Fraker and second by Mr. Cockroft to adopt our 5 agenda as presented. All in favor, voice by saying 6 "aye." 7 THE BOARD: Aye. 8 MS. HIXSON: All opposed. The agenda is adopted. 9 Next, the members were presented with the minutes 10 from the June 20th, 2019 and August 22nd, 2019 board 11 meetings. Have you had an opportunity to review; and 12 if so, a motion to approve these? 13 MR. COCKROFT: I make a motion to approve both 14 meetings' minutes as presented. 15 MR. RICHARD: Second. 16 MS. HIXSON: Okay. We have a motion by 17 Mr. Cockroft and second by Mr. Richard to approve the 18 minutes from the two previous meetings. All in favor 19 voice by saying "aye." 20 THE BOARD: Aye. 21 MS. HIXSON: All opposed. The motion carries. 22 Mr. Gentry, the legal report. 23 MR. GENTRY: Good morning. We'll start with 24 number one, 2019056491. The summary is the Complainant 25 entered into a three-year contract with Respondent in</p>
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<p>1 Unsworn Statement taken before Cicely Moore, 2 Florida Professional Reporter and Notary Public in and 3 for the State of Florida at Large, in the above cause. 4 5 MS. HIXSON: Good morning, everyone. We'll 6 welcome everybody here, including our visitors. We're 7 going to call to order this October 17th, 2019 meeting 8 of the Alarm Systems Contractors Board. 9 Ms. Vest, will you please call the roll. 10 MS. VEST: Thank you. Scott Cockroft. 11 MR. COCKROFT: Here. 12 MS. VEST: Lou Richard. 13 MR. RICHARD: Here. 14 MS. VEST: Vivian Hixson. 15 MS. HIXSON: Here. 16 MS. VEST: Doug Fraker. 17 MR. FRAKER: Here. 18 MS. VEST: Keith Harvey. 19 MR. HARVEY: Here. 20 MS. VEST: You have a forum, Madam Chair. 21 MS. HIXSON: Okay. Thank you. 22 Next, have the members had an opportunity to 23 review the agenda for today's meeting; and if so, a 24 motion to adopt? 25 MR. FRAKER: Make a motion to adopt the agenda as</p>	<p>1 June 2014 to provide monitoring services. The 2 Complainant stated that she had never been contacted by 3 Respondent about upgrading equipment or renewing her 4 contract. So in November 2018, Complainant decided to 5 enter into a monitoring contract with another company 6 and to cancel her contract with Respondent. Respondent 7 told Complainant that if she canceled her services she 8 would owe a early termination fee because there was 9 still 18 months left on the contract. Respondent 10 stated it had entered into a revised contract with 11 Complainant in April 2018 that altered the services 12 provided by Respondent and extended the term of the 13 contract by another 36 months. 14 Respondent stated that the contract contained an 15 early termination fee provision and that Complainant 16 was aware of this early termination fee and she told 17 Respondent that the new monitoring agreement -- the new 18 monitoring company had agreed to pay the early 19 termination fee. Respondent is not willing to waive 20 the early termination fee and stated it will adhere to 21 the terms of the contract. 22 Copies of the contract and the subsequent 23 addendum were obtained. The early termination fee was 24 in the contract and it did not appear that Complainant 25 was being charged anything above what was agreed upon</p>

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<p style="text-align: right;">Page 6</p> <p>1 in the contract.</p> <p>2 So the recommendation is to close.</p> <p>3 MR. COCKROFT: I make a motion to concur with the</p> <p>4 recommendations of our counsel as this is a civil</p> <p>5 matter.</p> <p>6 MR. HARVEY: Second.</p> <p>7 MS. HIXSON: Okay. We have a motion by</p> <p>8 Mr. Cockcroft and second Mr. Harvey to concur with our</p> <p>9 counsel's recommendation. All in favor, voice by</p> <p>10 saying "aye."</p> <p>11 THE BOARD: Aye.</p> <p>12 MS. HIXSON: All opposed. Motion carries.</p> <p>13 MR. GENTRY: Number two, 2019066731. The summary</p> <p>14 is that the Complainant entered into a 36-month</p> <p>15 contract with the Respondent in January of 2016. The</p> <p>16 Complainant stated that his ex-fiance extended the</p> <p>17 contract and Complainant can no longer afford it. When</p> <p>18 Complainant called to cancel his contract, he was told</p> <p>19 there would be an early termination fee. Respondent</p> <p>20 responded to the Complainant and agreed to terminate</p> <p>21 the contract and waive the early termination fee.</p> <p>22 The recommendation is to close.</p> <p>23 MR. HARVEY: Make a motion to concur with</p> <p>24 counsel's decision.</p> <p>25 MR. COCKROFT: Second.</p>	<p style="text-align: right;">Page 8</p> <p>1 store information on vehicles that move through a</p> <p>2 certain area so that this information can be stored for</p> <p>3 later use. Respondent states that the cameras do not</p> <p>4 detect, prevent, or record any intrusion or property</p> <p>5 loss as the cameras do not take pictures of any crime</p> <p>6 in progress but rather take pictures of each vehicle</p> <p>7 that passes through an area decided by the customer.</p> <p>8 The Respondent states that it also does not sell</p> <p>9 the cameras to the customers; rather, it leases the</p> <p>10 cameras to the customer and sells them the software</p> <p>11 access to allow the customer to access the data</p> <p>12 captured by the cameras. Respondent does not perform</p> <p>13 any monitoring services, and all images and information</p> <p>14 captured by the cameras are only acceptable by the</p> <p>15 customer or customer's designees. Once the camera is</p> <p>16 operating, Respondent no longer has access to the</p> <p>17 camera, its software, or the data collected.</p> <p>18 Respondent further stated it does not do any</p> <p>19 installation of the cameras and that installation is</p> <p>20 done by the customers or licensed contractors</p> <p>21 performing the installation.</p> <p>22 Respondent does not have a license and stated it</p> <p>23 should not need one as it is not a alarm systems</p> <p>24 contractor and its cameras are not part of an alarm</p> <p>25 system. Respondent further argued that it's exempt as</p>
<p style="text-align: right;">Page 7</p> <p>1 MS. HIXSON: We have a motion by Mr. Harvey and</p> <p>2 second by Mr. Cockcroft to concur with our counsel's</p> <p>3 recommendation in this matter. All in favor, voice by</p> <p>4 saying "aye."</p> <p>5 THE BOARD: Aye.</p> <p>6 MS. HIXSON: All opposed. Motion carries.</p> <p>7 MR. GENTRY: Thank you. Number three,</p> <p>8 2019068871. The summary is this is an industry</p> <p>9 complaint that alleged the Respondent was advertising</p> <p>10 and performing services as an alarm systems contractor</p> <p>11 without a license. Specifically, Complainant stated</p> <p>12 that Respondent manufactures cameras and sells them</p> <p>13 directly to customers and that the cameras are used to</p> <p>14 take pictures of license plates on vehicles that drive</p> <p>15 past the cameras.</p> <p>16 The Respondent manufactures the cameras and the</p> <p>17 software used in the cameras so that once installed,</p> <p>18 the cameras have a motion detection system, it will</p> <p>19 take a picture of a vehicle's license plate and catalog</p> <p>20 the information on the plate and the vehicle.</p> <p>21 Respondent disputes that the cameras are considered a</p> <p>22 "alarm system" as the cameras are not monitored in live</p> <p>23 action and stated it takes times for the pictures taken</p> <p>24 by the cameras to be uploaded and viewable into the</p> <p>25 camera's cloud system. The cameras are designed to</p>	<p style="text-align: right;">Page 9</p> <p>1 a manufacturer since it leases the customers and does</p> <p>2 not "sell" them to the end user.</p> <p>3 The recommendation for this one is to set it for</p> <p>4 discussion based on the -- it's more of a technology</p> <p>5 issue that I thought the board should better decide as</p> <p>6 to whether or not that this actually meets the</p> <p>7 definition of an alarm system. When looking at the</p> <p>8 statute, you know, we're looking at whether or not it</p> <p>9 records, views, or monitors, protects against, avoids</p> <p>10 or reduces the probability of any personal or property</p> <p>11 loss or injury resulting from fire, smoke, heat,</p> <p>12 burglary, theft, shoplifting, pilferage, or other</p> <p>13 losses of that type; or if it monitors, detects, or</p> <p>14 prevents intrusion; or detects and summons aids for</p> <p>15 other emergencies. Based on the definition, you know,</p> <p>16 it's kind of loose here as to whether or not it fits</p> <p>17 that, so I wanted to present that to the board.</p> <p>18 MR. COCKROFT: The definition you read was what's</p> <p>19 in the --</p> <p>20 MR. GENTRY: What is in the statute.</p> <p>21 MR. COCKROFT: -- the statute. But it also --</p> <p>22 does it reference CCTV separately or does it lump it</p> <p>23 all in? I can't remember off the top of my head.</p> <p>24 MR. GENTRY: When we look for the requirement of</p> <p>25 whether or not -- whether or not you need a license as</p>

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<p>1 an alarm systems contractor, it talks about whether or 2 not you're monitoring -- or you're selling an alarm 3 system, and I believe CCTV is lumped into that, but 4 there is a separate definition for that. 5 MR. COCKROFT: A lot of people seem to get hung 6 up on that it's defined -- it's getting thrown in 7 called an alarm system. I get a camera is not, quote, 8 an alarm system. I think it has to do with the way the 9 statute is written. That's usually everyone's defense 10 is it's not an alarm system. But the way the statute 11 is written, it includes it in, not as a typical 12 definition of what's jurisdictional but -- 13 MR. GENTRY: Right. 14 MR. COCKROFT: Have you looked at their marketing 15 information -- 16 MR. GENTRY: I have. 17 MR. COCKROFT: -- whatever this company is? 18 MR. GENTRY: I have. 19 MR. COCKROFT: Do they maintain in their 20 marketing same thing that they say here, that it 21 doesn't detect or deter or do any of these things? 22 MR. GENTRY: And that's part of the issue when I 23 talked to counsel on this one. The marketing -- 24 there's a lot of marketing for this company actually. 25 They have a very aggressive media campaign it seems</p>	<p>1 help immediately, but that doesn't mean it doesn't 2 detect. I mean, it could still be detecting crime and 3 reporting crime because even an alarm company 4 installing a local alarm that's not monitored has to be 5 licensed. 6 MR. GENTRY: Right. 7 MR. COCKROFT: So, I mean, if something -- if 8 there's an alarm contact on a building and the door's 9 open and the siren goes off but it doesn't necessarily 10 immediately summon somebody, that doesn't not make it 11 an alarm. It's kind of like if a tree falls in the 12 forest it's still going to make a noise. 13 MR. GENTRY: Yes. And I think we're looking at 14 the alarms that go on doors or windows. 15 MR. COCKROFT: Right. 16 MR. GENTRY: I think that fits more under B where 17 it detects or prevents intrusion. We're talking about 18 here, you know, it's not necessarily preventing that 19 intrusion. You know, that person is still driving down 20 that road and takes a picture of every single license 21 plate. So I think what they're saying that it's not 22 monitoring crime or detecting crime is that because it 23 does every single plate. But I agree, any other camera 24 that's sitting there is going to record everything that 25 occurs. So I think when we're looking at alarms we're</p>
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<p>1 like, and a lot of it kind of capitalizes on this idea 2 that it is deterring crime or that it's capturing 3 crime, you know, for an HOA or another user to pick up 4 and to kind of solve their own crimes. 5 It doesn't specifically say, you know, we're not 6 an alarm system or we don't do anything. It does -- if 7 you go in a little bit deeper on their website it talks 8 a little bit about the specifics of this records the 9 pictures of every single license plate that drives by. 10 It catalogs it for you. You can decide who goes in and 11 looks at it. It's not shared with the police. So you 12 can decide, you know, what you want to do with that 13 information, if you want to give people access to it, 14 but it doesn't specifically -- some of it, which looks 15 like more about third parties, it talks more about how 16 it prevents crime. What they specific say -- what 17 they're specifically marketing on the website doesn't 18 specifically say this is aimed to do that, but it talks 19 about how it can do that, if that makes sense. 20 MR. COCKROFT: It may say it doesn't -- their 21 statement is it doesn't detect or deter; is that 22 correct? 23 MR. GENTRY: Yes. 24 MR. COCKROFT: Because -- and they're saying it 25 doesn't detect, meaning it doesn't detect and summons</p>	<p>1 looking more under that 1(b) of does it prevent 2 intrusion. If we're looking at CCTV it's typically 3 looking under (a) or (c) depending if it's live 4 monitored or live monitoring. 5 MR. FRAKER: Most -- most CCTV products are not 6 live monitored anymore. You know, 25, 30 years ago, 7 yes, you had some guy sitting in the guard shack 8 watching, but the law didn't change. You still have to 9 be licensed to do CCTV work. 10 MR. GENTRY: Uh-huh. And I think the only 11 distinction between traditional CCTV and this would be 12 that with CCTV you are recording everything that occurs 13 in that area, and with this we're getting just -- the 14 customer is just getting the license plates. So it's 15 not necessarily -- 16 MR. FRAKER: Right. Come on. 17 MR. GENTRY: I know it's a minor distinction, but 18 I do think that it's something the Board should 19 consider. When I look at it, I can kind of see it 20 going either way, in candor, because I see it in a 21 situation where if you're just picking up those license 22 plates, you're only seeing who's going through that 23 area, and then you're making that next step to say, 24 okay, well, we know that vehicle was used in this crime 25 or used in this capacity.</p>

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1 MR. HARVEY: Is there -- is there any provisions
2 that exclude a manufacturer even though the
3 manufacturer is installing the equipment?
4 MR. COCKROFT: Well, they're not installing.
5 MR. GENTRY: Right. The manufacturer's exemption
6 is as long as they're not selling it. So
7 traditionally, if a manufacturer is making cameras and
8 they're selling to the big box stores, you know, the
9 big box stores are selling to the customer. Here
10 they're trying to make that distinction by saying
11 because the statute says as a manufacturer are you
12 selling them, and then they say, well, we don't sell,
13 we lease, which isn't a major distinction. I think
14 that that's something when you look at -- you know, we
15 don't define what's a sale in our statutes.
16 MR. HARVEY: Kind of like saying I didn't pay
17 cash, I paid with my credit card.
18 MR. GENTRY: Right. Right. We're looking at it
19 too --
20 MR. COCKROFT: Is it not covered anywhere -- is
21 it all -- in the statute does it all say sales, it
22 doesn't say sale or lease?
23 MR. GENTRY: It just -- it says -- for the
24 manufacturer's exemption it says sale. For the other
25 prohibited practices it talks about no alarm systems

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1 contractor -- it talks about no person shall sell and
2 install, no person -- and there's another one that
3 talks about sale. We only use sale. The only time we
4 talk about lease in our statutes is when we talk about
5 an exemption for if you're owning lease documents,
6 talking about if you're just holding, you know, the
7 leases, I guess, for equipment that, you know,
8 someone's monitoring through.
9 MR. COCKROFT: How do we define -- is there a
10 definition of sales in the statute?
11 MR. GENTRY: Not in our statutes. The closest
12 thing that I found was under Black's Law Dictionary,
13 which is what we typically use when there's not
14 something on point, and that just talks about whether
15 or not there's a transfer of rights. Arguably, leasing
16 is also a transfer of rights. You hold certain rights
17 as the lesser and as the lessee.
18 MR. COCKROFT: And I guess even aside from the
19 camera, okay, they can lease the camera, but they're
20 still selling the service of storing the information
21 and gathering the information. They're at least
22 selling that.
23 MR. GENTRY: And I think -- well, and that's
24 where I think that they're saying the exemption would
25 be because if the software itself, if that's the only

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1 thing that they're selling, if they're saying that's
2 the cloud access that then, you know, picks up on these
3 things, is able to, I guess, decipher and say, okay,
4 here's a red car with this license plate and say how
5 many times it drove through, that's where they're
6 saying they're selling, and that software itself may
7 not meet the definition or our definition of an alarm
8 system. I think the software itself what it's designed
9 to do is probably not something that would fit that
10 definition. When used with that camera as well, that's
11 when we're looking at whether or not it's the alarm
12 system.
13 MR. RICHARD: I guess to me the thing is they're
14 going straight to the end user, and call it a lease,
15 call it a sale, whatever term you want to call it, you
16 know, we -- even in alarm systems you write three-year
17 contracts and you're leasing your equipment, but at the
18 end of those three years you own that equipment, that
19 kind of deal that's there all the time. To me this is
20 the same -- basically the same thing. We don't know if
21 they're signing any kind of a contract, but --
22 MR. COCKROFT: In my opinion, honestly if they
23 were -- if they were just leasing the camera, you know,
24 if they were manufacturing, they were manufacturing an
25 NVR and a camera, and they were leasing just the

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1 equipment, they were going to ship it to the customer,
2 the customer is going to either put it in or have a
3 licensed contractor put it in, I don't think they would
4 require licensure. It's -- it's the other portion of
5 it, the cloud storage and the service that they're
6 offering. It seems like there's more to this than
7 maybe that's being brought forth here in this response
8 as far as, I mean, if it's truly all it's doing is
9 cataloging license plate numbers, but it does say that,
10 you know, the pictures are available for people to see.
11 It's like it's -- it seems as though there's other
12 stuff going on here that's not explained.
13 MR. RICHARD: Well, I'm sure there's design
14 involved in this, too.
15 MR. GENTRY: Right.
16 MR. RICHARD: There's got to be.
17 MR. GENTRY: Right. And I guess one thing to add
18 talking about --
19 MR. COCKROFT: That's a good point.
20 MR. GENTRY: -- the lease or the sale, it doesn't
21 say on, you know, the website as well. I don't know if
22 that matters greatly. I know that wasn't included.
23 The website doesn't necessarily say, you know, you're
24 leasing these equipment. It makes it sound like you're
25 entering into a contract to buy it. That was

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1 specifically from their response from their attorney
2 saying that's a lease. We haven't received the actual
3 contracts from them.
4 MR. COCKROFT: My opinion, personally I feel like
5 it's irrelevant whether it's a lease or a sale. That
6 might be argued differently.
7 MR. GENTRY: Right.
8 MR. COCKROFT: But my opinion, I'm not really
9 taking that into account. It's more the -- the
10 services being offered along with it.
11 MR. HARVEY: Seems to me that this is another one
12 of those areas that is going to kind of set precedence
13 how we do this going forward. Would it be possible for
14 us to hold this over to the next meeting and give us an
15 opportunity to look at the website or maybe kind of get
16 us some more information on --
17 MR. COCKROFT: I don't think we -- we couldn't
18 look at the website without stuff being redacted.
19 MR. GENTRY: Like I said, that would no longer be
20 anonymous at that point because that was something that
21 we had talked to the executive director -- not the
22 executive director. The assistant commissioner was
23 involved with talking about whether or not it made
24 sense to do an informal hearing or bring them in to
25 explain more. Since we have the complaint, when I

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1 spoke with our executive director we felt like this had
2 to go to the complaint process first, be presented
3 anonymously, either the Board has to make a decision on
4 it one way or the other, and then we could bring them
5 in for an informal hearing.
6 MR. HARVEY: Okay.
7 MR. GENTRY: But I agree it would have been much
8 easier had we didn't -- if we didn't have the
9 complaint, if they had come forward and said here's
10 what we're trying to install, you know, let's -- let's
11 talk about this, but I don't think we can -- we can do
12 that at this point.
13 MR. HARVEY: Okay.
14 MR. FRAKER: Well, so to me at this point I --
15 personally I don't have enough information to say, yes,
16 it is or, no, it isn't. I'm not sure exactly -- being
17 the newest member on the board, I'm not sure exactly
18 where we proceed from here.
19 MR. GENTRY: Right. And that's, you know, my
20 issue. I think the lease verse sale argument is, in my
21 opinion, more of a legal issue. I wasn't as concerned
22 with that. But I do think the technology side is
23 something the Board should decide. I think this is
24 something that is potentially setting precedent.
25 And I know that the Complainant looked at their

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1 business as well because they had said this is almost
2 identical to what we do and we have a license. It is
3 different. It's not a major step in a different
4 direction, but it is different in the way that it's not
5 traditionally recording everything that comes by or
6 even the other motion detection that takes a bigger
7 picture and it's just we have a motion detection camera
8 that starts recording or starts taking pictures of
9 everything that occurs. This specifically is something
10 that is cataloging data and then using that data
11 whatever way the end user sees fit.
12 MR. COCKROFT: And I would question some of that
13 description of cataloging data just from the standpoint
14 that a typical NVR these days, that's the way -- it
15 doesn't just record constantly. It records little
16 snippets, you know, little motion detections all along.
17 So it's not a lot different than a typical NVR. And I
18 would greatly question if they're leasing this
19 equipment and it's in the cloud, they state that
20 after -- what is stated? It does not do any
21 installation, and somewhere it says -- it says they
22 don't have access. Once the camera is operating,
23 Respondent no longer has access to the camera, its
24 software, or the data collected. If it's on their
25 cloud system, how would they not have access to it?

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1 MR. GENTRY: From the way they described it, it
2 sounds like they create a separate cloud for each end
3 user and they have sole ownership of that. I'm not
4 sure exactly, you know, if they could, you know, have a
5 back doorway to get into that, but that was their
6 statement, that it's sole property of the end user.
7 MR. COCKROFT: Their personnel would have to have
8 a way to work on the system if -- you know, if
9 something went wrong they would have to have a way to
10 access that. Even if they have measures in place to
11 secure, you know, limited people, that's part of the
12 purpose of the statute is that those people that are --
13 MR. GENTRY: And they would have to be
14 registered.
15 MR. COCKROFT: Right.
16 MR. GENTRY: So that's -- you know, I think it
17 would be if they had someone who is able to access
18 that, we'd clearly be able to say, no, these people
19 need to be registered.
20 MR. COCKROFT: And, Doug, I think what we could
21 probably do at this point is we could ask for more
22 information. We could ask, you know, for staff to go
23 back and try to get more information from them.
24 Otherwise we have to make a decision, you know, we
25 either dismiss it, or we do a find or something, but we

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<p>1 could ask for more information.</p> <p>2 MR. GENTRY: And I think we can -- I just got</p> <p>3 some information from our executive director and our</p> <p>4 corporate attorney. Either -- we have two other</p> <p>5 options we could pursue. Either, one, we could call</p> <p>6 them in at the next meeting in front of the whole</p> <p>7 board. If the Board did decide that it was a violation</p> <p>8 and they we wanted to have a hearing, the Board</p> <p>9 obviously wouldn't hear it at that point. It would go</p> <p>10 to an administrative law judge sitting on behalf of the</p> <p>11 Board without any decision made by the Board.</p> <p>12 Additionally, I guess we could do one board member</p> <p>13 doing an informal hearing, which then that person would</p> <p>14 be excluded from a hearing if it went to --</p> <p>15 MS. THOMAS: And it would be more of an informal</p> <p>16 conference of one of the board members would speak to a</p> <p>17 representative of the Respondent company and maybe ask</p> <p>18 whatever questions that you-all are having now. But</p> <p>19 when Jesse represents that to the full board, of course</p> <p>20 that board member would have to recuse himself or</p> <p>21 herself from that vote. And with the informal option,</p> <p>22 that does give the Board the option to, like Jesse</p> <p>23 said, to defer it until the December meeting if you</p> <p>24 didn't want to make a decision today. Like he said, in</p> <p>25 the alternative, if the entire board wants to speak</p>	<p>1 licensed contractor, with a minimum penalty of a</p> <p>2 thousand dollars.</p> <p>3 MR. GENTRY: And authorizing a formal hearing?</p> <p>4 MR. FRAKER: Yes. Thank you.</p> <p>5 MS. HIXSON: In violation of TCA --</p> <p>6 MR. FRAKER: Whatever the number is.</p> <p>7 MR. GENTRY: 62-32-304.</p> <p>8 MR. COCKROFT: And I second the motion.</p> <p>9 MS. HIXSON: Okay. We have a motion by</p> <p>10 Mr. Fraker and a second by Mr. Cockroft that based on</p> <p>11 the information presented today by our staff attorney,</p> <p>12 this is a violation of Tennessee Code Annotated</p> <p>13 62-32-304 and assess a civil penalty of a thousand</p> <p>14 dollars and also authorize a formal hearing. All in</p> <p>15 favor, voice by saying "aye."</p> <p>16 THE BOARD: Aye.</p> <p>17 MS. HIXSON: All opposed. Motion carries.</p> <p>18 MR. GENTRY: And if this does have an informal</p> <p>19 hearing -- or I don't think we'll have it set for an</p> <p>20 actual formal hearing by the December date, but I'll</p> <p>21 make sure that's on the agenda as well or whatever we</p> <p>22 need for the informal. Thank you.</p> <p>23 So then we have number four, which is 2019063731.</p> <p>24 The Complainant works in a local building codes</p> <p>25 office -- or building codes and fire safety office. He</p>
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<p>1 with the company, I was suggesting to him that at that</p> <p>2 point it destroys anonymity and the Board would have to</p> <p>3 allow an ALJ alone to preside over that case should it</p> <p>4 go to a hearing.</p> <p>5 MR. COCKROFT: My personal feeling is that it is</p> <p>6 a violation as presented. I'm not making a motion.</p> <p>7 I'm still just discussing. But --</p> <p>8 MR. HARVEY: At face value, that's my opinion as</p> <p>9 well, but there could be some slight changes in how</p> <p>10 this is presented that would make it different.</p> <p>11 MR. FRAKER: I'm going to make a motion that --</p> <p>12 what Scott was saying, that this is a violation at this</p> <p>13 point. With the information that we were given, to me</p> <p>14 it looks like they're acting as an alarm system</p> <p>15 contractor of CCTV products.</p> <p>16 MR. COCKROFT: And what's our minimum civil</p> <p>17 penalty? It's a thousand dollars?</p> <p>18 MR. GENTRY: Thousand dollars. So you'd need to</p> <p>19 include that.</p> <p>20 MR. FRAKER: So I need to include that. Right.</p> <p>21 I'll eventually get all of these rules and orders and</p> <p>22 stuff.</p> <p>23 MR. COCKROFT: I feel you. I understand.</p> <p>24 MR. FRAKER: I'll make the motion that, let's</p> <p>25 see, that we -- it is -- they are operating as a</p>	<p>1 made this complaint after Respondent was found -- or he</p> <p>2 found out that Respondent had an active ASC license.</p> <p>3 The Complainant alleged that Respondent had contracted</p> <p>4 with a business owner to install a sprinkler system,</p> <p>5 fire alarms, and other items to bring the business into</p> <p>6 compliance with local fire codes. The codes office</p> <p>7 initially denied plans submitted by Respondent as they</p> <p>8 were not properly reviewed and approved by an</p> <p>9 architect. Respondent then allegedly resubmitted the</p> <p>10 plans with an altered architect seal that was used</p> <p>11 without the architect's permission. Respondent denied</p> <p>12 inappropriately using the architect seal and stated</p> <p>13 that the person hired by the business had reviewed the</p> <p>14 plans and put the seal on drawings.</p> <p>15 Legal counsel for this board made a referral to</p> <p>16 the State's Architecture and Engineering Board for a</p> <p>17 further investigation.</p> <p>18 So the recommendation is to close this complaint.</p> <p>19 MR. COCKROFT: So this complaint's against the</p> <p>20 alarm system contractor, that they're saying they hired</p> <p>21 someone else that altered the document?</p> <p>22 MR. GENTRY: The Respondent has an active alarm</p> <p>23 system contractor license, and it's alleged that he had</p> <p>24 altered a document by putting a forged architect seal</p> <p>25 on it to submit to codes, which he has denied doing.</p>

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<p>1 MR. COCKROFT: But he is saying that a person 2 hired by the business is who reviewed it and put the 3 seal on there. So is that who was referred -- do we 4 know this third party? Do they -- 5 MR. GENTRY: We know who they are, and that third 6 party is the one who said that they sent it to the 7 architect. It's -- I'm not really sure exactly from 8 when we talked to him about how -- I'm not sure exactly 9 how he contracted with this third party to then 10 contract with an architect, but that's -- that's kind 11 of how it was laid out. 12 MR. COCKROFT: Do you have any documentation to 13 support that or do you feel comfortable that it wasn't 14 the alarm system contractor that altered the document? 15 MR. GENTRY: Well, that's why we made the 16 referral to the State's Architecture and Engineering 17 Board. We felt it was more of a violation there for 18 them to look at as to whether or not there was that 19 forged seal. 20 MR. COCKROFT: Even if it was the alarm system 21 contractor, it would relate more to the Architecture 22 and Engineering Board? 23 MR. GENTRY: That's correct. 24 MR. COCKROFT: Okay. 25 MS. HIXSON: On this person that was hired by the</p>	<p>1 MR. GENTRY: Correct. 2 MR. COCKROFT: -- of the person. 3 Well, I make a motion to concur with our 4 recommendation of counsel to close, as it is -- as it 5 has been referred to the Architecture and Engineering 6 Board. 7 MR. HARVEY: Second. 8 MS. HIXSON: Okay. We have a motion by 9 Mr. Cockcroft and a second by Harvey to concur with our 10 counsel's recommendation to refer this to the State 11 Architecture and Engineering Board. All in favor, 12 voice by saying "aye." 13 THE BOARD: Aye. 14 MS. HIXSON: All opposed. Motion carries. 15 MR. GENTRY: Thank you. 16 Number five, 2019066981. The summary is the 17 Complainant alleged that a sales representative with 18 Respondent ran a credit check on her without her 19 permission during a door-to-door solicitation. 20 Complainant states that she called the company after 21 the individual left and stated that the sales 22 representative checked her credit without her consent. 23 Complainant then stated she wanted to be compensated 24 for her fear that her credit may be in jeopardy. 25 Respondent stated that Complainant had authorized</p>
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<p>1 business, what type of business is that person involved 2 in? 3 MR. GENTRY: He -- it appears that he is more of 4 a contractor potentially, like a general contractor, 5 not an alarm contractor, because he was kind of going 6 through -- he was going through the plans as well, but 7 I didn't have his actual credentials. 8 MS. HIXSON: I think for now that your 9 recommendation is probably the best, and then if the 10 Architectural and Engineering Board delve into 11 something that might come back to us, with the 12 understanding they could refer what they found back to 13 us. 14 MR. GENTRY: And that's typically, you know, when 15 we do find these types of violations, I know the 16 boards -- it's my understanding that could affect his 17 licensure because we do -- I believe we ask in the 18 application if they've been disciplined by another 19 board. But I think that that would be -- the violation 20 would be that he was -- well, for them would be that he 21 was acting potentially as an architect without proper 22 licensure and then look at it as have you been 23 disciplined by another board. 24 MR. COCKROFT: Yeah, I would think for our board 25 it would just come into character --</p>	<p>1 a credit check so the Respondent could offer her the 2 best possible price for a new security system. 3 Respondent further stated that after Complainant called 4 with her concerns, Respondent sent letters to 5 TransUnion and Equifax to have the credit inquiries 6 removed from her record. 7 The recommendation for this one is to close. 8 MR. HARVEY: Make a motion to concur with 9 counsel. 10 MR. COCKROFT: Second. 11 MS. HIXSON: Okay. We have a motion by 12 Mr. Harvey and a second by Mr. Cockcroft to confer with 13 your counsel's recommendation. All in favor, voice by 14 saying "aye." 15 THE BOARD: Aye. 16 MS. HIXSON: All opposed. 17 MR. GENTRY: Okay. Thank you. 18 Number six, 2019068901. The summary is the 19 Complainant had a contract with Respondent and the term 20 expired June 2019. Respondent's services then went on 21 a month-to-month billing plan with Complainant at 22 that -- well, with the Complainant and at that time it 23 required Complainant to give a 30 days notice to cancel 24 the contract from continuing on a month-to-month basis. 25 Complainant called Respondent in July 2019 and</p>

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<p>1 requested to cancel the contract. Respondent required 2 the request to be made in writing and then e-mailed 3 Complainant a form to complete it to officially cancel 4 the contract. Complainant later decided to not 5 complete the form and called Respondent again in August 6 2019 to cancel the contract. Respondent again told 7 Complainant to complete the required paperwork to 8 cancel the contract. The form was again sent to 9 Complainant. Complainant did eventually complete the 10 form and the contract was canceled. 11 Complainant also stated it was billed for 12 services until the contract was officially canceled and 13 the Respondent was supposed to refund those funds to 14 Complainant in July. Respondent stated that the refund 15 was not able to be processed until the Complainant 16 completed the required form. Although there was no 17 evidence to show Respondent would have been required to 18 make the refund to Complainant and Complainant did not 19 timely take the necessary steps under the contract, 20 Respondent worked with Complainant in good faith. 21 There's no evidence Respondent did anything unethical 22 or billed Complainant for anything outside of the 23 contract. 24 So the recommendation to close. 25 MR. FRAKER: Make a motion to concur with counsel</p>	<p>1 MR. HARVEY: Second. 2 MS. HIXSON: Okay. We have a motion by 3 Mr. Cockroft and a second by Mr. Harvey, to concur with 4 counsel's recommendation to close this matter. All in 5 favor, voice by saying "aye." 6 THE BOARD: Aye. 7 MS. HIXSON: All opposed. The motion carries. 8 MR. GENTRY: Okay. Thank you. 9 Number eight, 2019067651. The summary is the 10 Complainant stated that he entered into a contract with 11 Respondent for monitoring services and that he no 12 longer wanted Respondent's services. He stated he felt 13 that Respondent had misrepresented itself as another 14 company and that he was charged an early termination 15 fee when he attempted to cancel the services. 16 Complainant further stated that he never intended to 17 enter into a contract with the Respondent. 18 Respondent provided documentation supporting the 19 contract. Respondent provided a contract signed by 20 Complainant that clearly identified Respondent's name 21 and the term of the contract. Respondent also gave 22 documentation regarding the installation of alarms at 23 Complainant's home. Respondent further provided 24 information from conversations it had with Complainant 25 before and after the system was installed. Based on</p>
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<p>1 to close this. 2 MR. RICHARD: Second. 3 MS. HIXSON: We have a motion by Mr. Fraker and a 4 second by Mr. Richard to concur with our counsel's 5 recommendation. All in favor, voice by saying "aye." 6 THE BOARD: Aye. 7 MS. HIXSON: All opposed. The motion carries. 8 MR. GENTRY: Thank you. 9 Seven, 2019067471. The summary is the 10 Complainant entered into a contract with the Respondent 11 in 2010 in exchange for free alarm monitoring 12 equipment. Complainant agreed to extend her contract 13 with Respondent for another 27 months. Then in May 14 2019 she agreed to extend her contract for another 36 15 months in exchange for a lower monthly rate. 16 Complainant was displeased with the Respondent's 17 service and when she discussed canceling her contract, 18 she was going to be charged an early termination fee. 19 Respondent agreed to waive Complainant's outstanding 20 fee and cancel the contract as requested by 21 Complainant. 22 The recommendation is to close. 23 MR. COCKROFT: I make a motion to concur with the 24 recommendations of counsel as it appears as this has 25 been resolved and it's a civil matter.</p>	<p>1 the documentation provided, it does not appear that 2 Respondent engaged in any misleading business tactics. 3 Respondent did also agree to waive the early 4 termination fee for Complainant in a gesture of good 5 faith. 6 The recommendation is to close. 7 MR. COCKROFT: What was the further information 8 provided from conversations that upheld that, you know, 9 that they represented themselves as a different 10 company? 11 MR. GENTRY: I'm trying to think. Under the 12 second paragraph? The Respondent did provide a 13 discussion. It was kind of a typed up summary of a 14 phone conversation they had after that they had talked 15 or spoken to Complainant before the alarm was 16 installed, just verifying that they were coming out and 17 sending a representative out to install it, and then a 18 survey, I guess, they did afterwards where they had 19 talked to them. So it was very clear that everything 20 that was provided by them showed their name on it. I'm 21 not really sure why the Complainant thought it was a 22 different company because there was no documentation to 23 ever show the other company. 24 MR. COCKROFT: We just hear more and more of 25 these same complaints. There must be something in the</p>

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<p>1 sales process that -- that gives people that 2 impression. Maybe they get beyond that and they're 3 okay with it, but they must feel misled somewhere along 4 the way. 5 MR. GENTRY: And that's a good question because I 6 feel like, you know, we're not sure exactly what 7 happens in some of those door-to-door solicitations 8 since it's not recorded. A lot of that is more of a he 9 said, she said at that point. It is odd that we get 10 these complaints where they say we thought it was 11 Company A, but now we're getting bills from Company B. 12 You know, we can usually figure those ones out when we 13 see, okay, Company B has bought Company A, or there's 14 some document in between. 15 This one there was no documentation provided that 16 showed anything, I guess other than the Respondent's 17 name on it. I mean, the contract clearly had 18 Complainant sign it. It wasn't even electronically 19 signed. He had actually signed it. And their name was 20 clearly on the top of it. 21 MR. COCKROFT: I'd make a motion to concur with 22 the recommendation of counsel to close, as it does 23 appear that it's resolved. I mean, it appears as 24 though they didn't represent themselves on the 25 paperwork or anything as a different company or they</p>	<p>1 aware of this issue with the passcode until -- and the 2 fob until the 25th. 3 Respondent's technical support attempted to 4 schedule an inspection of the system on February 26th. 5 However, Complainant stated that she wanted to cancel 6 the service as at that point she was worried about her 7 system not being actively monitored, and that it was 8 not monitored between the 25th and the 26th. 9 Respondent claimed that the system was being monitored 10 during this entire incident and that when they tried to 11 set up the service appointment, Complainant stated that 12 she only wanted to cancel the contract and services -- 13 cancel the contract and services and did not want to 14 have the system serviced. 15 Complainant made -- Complainant made this 16 complaint over a year after she was -- or after a year 17 she and Respondent were unable to resolve their 18 disputed balance and Respondent sent this matter to 19 collections. By looking at a copy of the contract, it 20 does not appear the Respondent charged Complainant for 21 anything outside the scope of the agreement that could 22 constitute misconduct. Respondent appears to have made 23 a good faith effort to have the system inspected and 24 repaired; however, Complainant did not want to have 25 these services done, so the parties came to an impasse.</p>
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<p>1 did demonstrate they were a different company. 2 MR. RICHARD: Second. 3 MS. HIXSON: We have a motion by Mr. Cockroft and 4 second by Mr. Richard to concur with our counsel's 5 recommendation to close. All in favor, voice by saying 6 "aye." 7 THE BOARD: Aye. 8 MS. HIXSON: All opposed. Motion carries. 9 MR. GENTRY: Thank you. 10 Number nine, 2019069731. The summary is the 11 Complainant entered into a contract with Respondent on 12 January 27, 2018, to have an alarm -- or to have alarm 13 monitoring services in her home for a five-year term. 14 On February 25th, 2018, the alarm went off and 15 Respondent called the Complainant. Complainant told 16 Respondent that the system was malfunctioning and 17 Respondent stated that they would contact the technical 18 support office by setting up an appointment for 19 maintenance of the system. 20 Complainant stated that the alarm went off every 21 time that the door was opened and that her passcode 22 stopped working two days prior, so she relied on the 23 fob to stop the alarm. She then stated that the fob 24 stopped working on the 25th, which would be the 25th of 25 February. Complainant did not make the Respondent</p>	<p>1 The recommendation is to close. 2 MR. HARVEY: I'd make a motion to concur with 3 counsel and also notify the Complainant that it is more 4 of a civil matter than a Board matter. 5 MR. COCKROFT: Second. 6 MS. HIXSON: Okay. We have a motion by 7 Mr. Harvey and second by Mr. Cockroft to concur with 8 counsel's recommendation with the letter sent to the 9 Complainant of this being more of a civil matter than 10 board matter. All in favor, voice by saying "aye." 11 THE BOARD: Aye. 12 MS. HIXSON: All opposed. Motion carries. 13 MR. GENTRY: Thank you. 14 This will be the last one then, number ten, 15 2018070561. This is a re-presented case. Under the 16 initial summary, the Complainant allegation that 17 Respondent was not licensed and advertised to its 18 clients in Tennessee -- or advertises it has clients in 19 Tennessee. Respondent states they have no person 20 selling, servicing, or installing alarm systems in 21 Tennessee and are not engaged in alarm system 22 contracting. Respondent does not employ anyone or have 23 offices in Tennessee. Respondent state that they are 24 an alarm servicing network and provides local 25 contractors to a customer retailer, and if the retailer</p>

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<p>1 chooses the contractor they then receive an invoice 2 directly from that contractor. Research shows that 3 Respondent is a manufacturer of security products and 4 provides these products to several retailers for loss 5 prevention purposes. 6 After investigation it was determined that 7 Respondent had provided burglary and some of the fire 8 alarm monitoring for retail stores in locations 9 nationwide. This information was confirmed by the 10 director of loss prevention for Respondent. Further, 11 Respondent has been providing monitoring services for 12 certain retail stores for over 7 years. 13 So the initial recommendation was for a \$5,000 14 civil penalty. Under the new information on this case, 15 we received a subsequent complaint, number 2019043561, 16 and that was earlier this year. And after, a more 17 thorough investigation was completed into the actual 18 services performed by Respondent. Respondent is 19 predominately an alarm systems network provider and 20 does not provide any actual alarm monitoring or 21 installation in Tennessee. Respondent provided 22 information as to the licensed individuals who perform 23 monitoring and installations for Respondent. The 24 investigation in this complaint at hand was mostly 25 focused on collecting information from Respondent's</p>	<p>1 very thorough investigation to figure out exactly what 2 was done. Under the first one that we had, which is 3 this case re-presented, most of the investigation was 4 looking at a few of these stores. We found the 5 stickers on the boxes and it seemed like the 6 investigation had stopped at that point. 7 Under this one we got more details about who was 8 actually providing the monitoring, who was providing 9 the installation, and what stores specifically -- or 10 what's being provided to each store. This was also 11 one -- well, under the new complaint we had found that 12 they had been sending from their out-of-state office 13 blueprints to the customers here, and that's where we 14 had said they were advising and selling the systems. 15 So I do think from my discussions with their 16 counsel their intention is that they want to be more of 17 an alarm system -- network systems provider. They 18 don't really want to get into the business of 19 monitoring. They don't want to be in the business of 20 doing installations. But because they are, one, 21 holding themselves out as a systems contractor and, 22 two, because they are technically advising as to the 23 systems based on these blueprints, that they do need a 24 license or they need to stop doing that practice. So 25 they just requested that we drop the penalty at that</p>
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<p>1 customers. Based on these documents -- or based on 2 their documents, advertisements, and their website, 3 there are concerns that Respondent was holding itself 4 out as a licensed alarm systems contractor and 5 potentially advising customers as to the systems; 6 however, there was no evidence that Respondent was 7 actually performing any unlicensed installations or 8 monitoring. 9 Legal counsel for the Board has had lengthy 10 discussions with Respondent's counsel about what would 11 need to be done to bring Respondent into compliance 12 with the Board. Respondent has agreed to become a 13 licensed ASC within the next six months and requested 14 the \$5,000 civil penalty to be lowered to \$1,000 as was 15 decided by the Board in the more recent complaint. 16 So the new recommendation for this one was to 17 authorize a formal hearing and civil penalty for \$5,000 18 to be reduced to \$1,000 if they agree to become 19 licensed within six months of signing the consent 20 order. 21 MR. COCKROFT: So the original finding was for a 22 \$5,000 civil penalty, and then there was another 23 complaint? 24 MR. GENTRY: There was. The second complaint 25 that came in was presented to the Board, and we did a</p>	<p>1 point down to -- 2 MR. COCKROFT: So what do they do if they don't 3 provide monitoring and don't provide installation? 4 MR. GENTRY: So what they -- what they actually 5 do, and this was discussed in the more recent 6 complaint, they contact from their -- their contacts 7 with these nationwide chains, they get a blueprint from 8 them of the store, they go through, mark it up and say 9 here's where we think you should put the alarms. They 10 send it back to them, say how much it would cost. Once 11 they agree to that, they find someone in the state who 12 will go and install those systems, and that person's a 13 licensed contractor. 14 MR. COCKROFT: If they're not selling it, how 15 would they know what it would cost? They also admit to 16 designing the system, and that in of itself -- 17 MR. GENTRY: And that's where the violation is. 18 MR. COCKROFT: -- is a violation. 19 MR. GENTRY: But that was a discussion with them. 20 They would either no longer do that and have some other 21 contractor go out and advise them where the system 22 needs to be provided, install it, sell it, and then 23 they would just hold those documents then and just do 24 all the billing, they could do it that way, or that 25 they would need to get the license.</p>

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<p>1 MR. COCKROFT: But are they presenting it as 2 though they don't -- they're not subcontracting the 3 monitoring, that they don't even do the monitoring, 4 they don't subcontract and they don't do it, this other 5 monitoring company does it directly? 6 MR. GENTRY: So I think that that's where there 7 was an issue with what we had discussed with them as 8 well. Under the first complaint, this one that's being 9 re-presented, we were under the impression that they 10 were doing the monitoring, and then when we went under 11 the second investigation, started figuring out what was 12 actually going on, it was determined that there's a 13 licensed person in each state who does that monitoring. 14 MR. COCKROFT: But even if there's a licensed 15 provider and they're just subcontracting with them, 16 they're still considered the primary contractor. The 17 Respondent would be in violation if they're 18 subcontracting it to licensed contractors. 19 Technically, the licensed contractors would also be in 20 violation for, you know, working in conjunction to 21 circumvent the law with an unlicensed contractor. 22 MR. GENTRY: I think -- and I think with the 23 licensed monitoring company, I think the only thing 24 that would, I guess, keep them from having the 25 violation is the provision says that a licensed</p>	<p>1 MR. GENTRY: I think they are designing it, and I 2 think that's where we found that that was that 3 violation. 4 MR. COCKROFT: So do they charge for that? What 5 are they getting -- what are they making out of it? 6 MR. GENTRY: That's what they're getting paid 7 for. 8 MR. COCKROFT: Just the system design? 9 MR. GENTRY: And then I think they probably also 10 are getting money on the top of that monitoring fee. 11 MR. COCKROFT: And if their stickers are on the 12 job, that would suggest to me that it's more than they 13 just found somebody to install it. If someone from out 14 of state called my company and said, "Oh, I've got a 15 customer for you who would like an alarm installed," 16 I'm not putting their stickers up. I mean, that seems 17 very strange to me. 18 MR. GENTRY: I think that's an interesting issue 19 in and of itself because we've gotten that response 20 from respondents before, that they are finding licensed 21 individuals to do the installation for them. I do know 22 from going through another -- from another complaint 23 going through some of the documentation we got, there 24 are these websites right now that are finding 25 individuals who are licensed to go do different</p>
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<p>1 contractor can't subcontract. So I don't know if the 2 monitoring company would be considered subcontracting 3 that portion to the other company or entering into a 4 joint venture with them. That would be an issue if 5 they were doing that. I think, though, if they're 6 being billed by that -- well, if they're being billed 7 by Respondent for those services and it clearly says 8 your monitoring is provided by this company, I think at 9 that point it may be okay at that point. But I agree, 10 if they were holding themselves out and saying we're 11 providing that, and the customer believes, well, 12 Respondent's the one who's providing the monitoring 13 services even though when we call, you know, if there's 14 a problem it goes somewhere else, I think that that 15 would have to be the distinction. 16 MR. COCKROFT: I just feel like the response is 17 trying to dance around the issue and not -- I honestly 18 just don't feel like it's an honest response because 19 why would a national company, why would they just help 20 out these nice people for no monetary involvement to 21 get -- find them somebody to monitor the system for 22 free; find them somebody to install the system for 23 free; I assume design is for free, which the designing 24 itself is a violation. I don't -- I don't buy the 25 response.</p>	<p>1 installation jobs, and it's everything from I saw they 2 were talking about installing cable, which I'm not sure 3 why a cable company would subcontract that, but they 4 talk about finding different people. And the 5 individuals' names that they did provide, we did verify 6 that they do have licenses. So I think they're smaller 7 companies certainly. 8 MR. COCKROFT: And I don't doubt that the 9 monitoring companies licensed, the installing companies 10 licensed. I don't really find them at fault. They 11 probably shouldn't be involved with someone out of 12 state that isn't licensed. But I just think that 13 the -- the company that's the respondent in this, I 14 don't think they're being entirely truthful with this 15 response. 16 MR. FRAKER: So what I know about the whole -- 17 the subcontracting of the local companies is big 18 business. You've got ABC company, and they sign a 19 contract with ma and pa's clothing store that's opening 20 up across the country, well, ABC contractor or alarm 21 company doesn't have people in 50 states, so they go 22 local. Yeah, there is Facebook groups I'm part of. I 23 see those all the day long. They're looking for 24 licensed subcontracts. 25 My company has done it in the past. That's how</p>

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<p>1 we started our business. We were subcontracting for 2 these national companies. Of course, we cut that way 3 back to nothing now, but -- 4 MR. COCKROFT: I've done it, too. I've 5 subcontracted for national companies, but not if 6 they're not licensed. 7 MR. FRAKER: But not if they're not licensed, 8 right. 9 MR. COCKROFT: Usually I'm not getting callbacks 10 if I ask for a copy of their license. It's like, oh, 11 never mind, I didn't need anything. 12 MR. FRAKER: I didn't need you, right. And I 13 agree. 14 MS. HIXSON: How long has that business been 15 doing that in Tennessee? 16 MR. GENTRY: In Tennessee, I think when we looked 17 under the initial one -- probably add a year. I think 18 we're thinking potentially eight years now. 19 MS. VEST: Let me ask, are we having this 20 discussion because they want to get licensed? They're 21 saying we're going to get licensed. I think what we're 22 discussing here or need to be looking at is the 23 penalty. 24 MR. RICHARD: Reducing the penalty. 25 MR. COCKROFT: Right. And we do want to see them</p>	<p>1 MR. COCKROFT: Thanks. 2 MR. RICHARD: Thank you. 3 MS. HIXSON: Okay. Next, are you ready for the 4 appearances? 5 MS. VEST: Would you mind, Madam Chair, if we 6 took like a 10-minute break -- 7 MS. HIXSON: No. 8 MS. VEST: -- before we go into the appearance? 9 The gentleman is here, but I would like to have a break 10 first. 11 MS. HIXSON: Okay. 12 (Brief recess.) 13 MS. HIXSON: We can call the meeting for the 14 Alarm Systems Contractor Board, October 17th. We're 15 back in order. 16 MS. VEST: Yes. So I think what we would -- I 17 think what we had was our appearance. If you look, the 18 gentleman with us, I believe Mr. Lynes. Have you 19 signed in? 20 MR. LYNES: Yes, ma'am. 21 MS. VEST: All right. You can come on up here to 22 the podium if you like. When you talk, make sure the 23 red light is on. Give them just a moment to look over 24 what you had sent. 25 Wanted to talk to us about the Memphis ordinance,</p>
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<p>1 brought into compliance. I guess the fact that they 2 want to reduce -- not only they didn't pay the first 3 civil penalty, they got another complaint. And so now 4 because they got a second complaint, they want us to 5 lower it when, in reality, we ought to make another 6 civil penalty. 7 I'll make a motion to just to -- I don't know how 8 to word this, but I would not make any changes. I 9 would stay with the \$5,000 civil penalty. I would -- 10 we want them to come into compliance, and we would 11 welcome that, but I don't see any need to reduce the 12 penalty. 13 MR. FRAKER: I'm going to make a motion to -- a 14 second, I mean. He already made the motion and I just 15 want to second it. 16 MS. HIXSON: We have a motion by Mr. Cockroft and 17 a second by Mr. Fraker to stick with our original civil 18 penalty of \$5,000 in violation of Tennessee Code 19 62-32-304 and continue to authorize the formal hearing 20 and encourage this company to become licensed. All in 21 favor, voice by saying "aye." 22 THE BOARD: Aye. 23 MS. HIXSON: All opposed. Motion carries. 24 MR. GENTRY: All right. Thank you. And that 25 concludes the legal report.</p>	<p>1 if I'm not mistaken, and a question about education. 2 You had already seen this and had asked us to write a 3 letter, which our attorney did, and then we did get a 4 response from Memphis. She wrote the letter of rep on 5 the 16th and we got a response in May. And I believe 6 that's what you wanted to speak about, wasn't it? 7 MR. LYNES: (Nods head.) 8 MS. VEST: Okay. 9 MR. COCKROFT: And I remember at the time it was 10 disappointing that we were taking a long time to draft 11 the letter. We didn't even get -- when I asked about 12 it, we hadn't even sent the letter. And then basically 13 I guess we just took their response of we're not 14 responding to it or taking it at face value from there. 15 MS. VEST: We did. 16 MS. THOMAS: He's saying didn't respond to their 17 response. 18 MS. VEST: Oh, no. 19 MS. THOMAS: We had not sent a response to that. 20 In my research, honestly -- and I'm not sure, 21 Mr. Lynes, what your -- what your question or comment 22 is in regards to. Looking at the Memphis ordinances, 23 they have specifically defined what a false alarm is 24 versus what the other things that they are -- are 25 citing citizens of Memphis for, and those things are</p>

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1 not -- are not covered in our statute or what the Board
2 regulates, but I'll -- I'll defer to Mr. Lynes. I'm
3 not really sure what his question is.
4 MS. HIXSON: Okay. Please introduce yourself and
5 your affiliation and so forth.
6 MR. LYNES: Yes, ma'am. My name is L.J. Lynes.
7 I'm a representative of the Tennessee Electronic
8 Security Association, but I'm also here as just a
9 concerned individual for the security, fire and life
10 safety industry, you know, in the state of Tennessee.
11 I appreciate you ladies and gentleman giving me a
12 few minutes to speak today, and I won't make this too
13 long, but as you all know, Memphis passed an ordinance
14 last year that our association, the state -- the
15 Tennessee state association, felt it harmed its members
16 and harmed security dealers, and we followed all of the
17 proper channels. I met with them individually first
18 and that didn't work. We hired attorneys. We met with
19 them with attorneys. And we ended up fighting it on
20 the Hill over here, and ultimately the fight on the
21 Hill we were able to win that particular battle, but at
22 the same time, a lot of stuff come up. I'm not trying
23 to add to this board's --
24 MS. HIXSON: So you said the ordinance they
25 passed harmed or punished a lot of people. Explain to

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1 us what the original ordinance was.
2 MR. LYNES: Yes, ma'am. The original ordinance
3 that they had passed said that they were going to make
4 the businesses, the alarm businesses responsible for
5 third-party permit fees and jointly responsible for the
6 false alarm fees for its customers, and we -- we felt
7 that that harmed our businesses. We hired attorneys.
8 The attorneys looked at it and said this is not right,
9 they can't make you pay third-party fees.
10 Again, we had this battle on the Hill, and when I
11 was saying not to add to this board's dilemma, but the
12 senators and the representatives on the Hill, I met
13 with every single senator and I met with more than half
14 the representatives, and this board was brought up
15 several times in that conversation. Where are -- where
16 is their -- this particular board are the ones that are
17 supposed to be protecting the alarm business on the
18 alarm law and what was their stance on that, and we
19 told them, look, we filed a letter.
20 Some of the senators and representatives are
21 actually attorneys or have a legal staff, and they'd
22 actually looked at the ordinance and said, you know,
23 what they're doing is illegal. They felt it was
24 illegal. So, ultimately, we did win at the state
25 level, but some of the questions had come up about

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1 who's doing what here and why is Memphis allowed to do
2 that.
3 Now, I did read the letter, you know, in response
4 to that, and I also believe that everybody in this
5 room, including the AV gentleman in the far back, knows
6 the intent of the law. The \$50 penalty was that the
7 total penalties were not to be over \$50. So I
8 understand what Memphis's response was, that they feel
9 it's a remedial not punitive and that it's not a fee.
10 I did read their letter in depth. I'm very
11 familiar with 62-32. I've been in the security
12 business a long time at the state and local -- the
13 national level. We can argue the semantics with them
14 all day long. And whether this board decides to just
15 accept their letter or, you know, whatever is fine, but
16 we did expect a response from this board and the fact
17 that what -- what was legal counsel's opinion is that
18 the vote -- or do you need to take a vote. You know,
19 we wanted a response from the Board because we still
20 got a lot of members that are talking that they want to
21 go to the Attorney General. We've got representatives
22 on the Hill that have said they might -- they might
23 want to take a letter to the Attorney General to get
24 him to decide whether that's a violation of the law.
25 The spirit of the law, the penalty, is not

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1 exceeding \$50, and, again, that part of it to me is
2 whatever the law decides, it's whatever this board
3 decides, whatever they decide, and we'll follow along
4 with that. Our main thing about the ordinance is that
5 it was -- we felt it was damaging the companies and
6 illegal. Our -- we hired three attorneys and they all
7 said they can't do what they were wanting to do, and so
8 we put that in there.
9 MS. HIXSON: So did that get changed where the
10 companies -- or is that still pending?
11 MR. LYNES: No, ma'am. They -- after we passed
12 the state law last August, Memphis changed the
13 ordinance to the original recommendations that we had
14 made to them when this started.
15 Another big issue that had come up is the
16 notifications that they put out to the public didn't
17 match the ordinance that they had passed, and so that
18 was another issue that we thought that we had to get
19 the attorneys involved with.
20 But ultimately they did change it. It is changed
21 right now on the who's responsible for the fees. All
22 that part changed. However, their recovery fees
23 they're calling it is still in there. Again, if the
24 Board decide to accept the letter at face value, that's
25 fine, that's the Board's decision, but there will

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<p>1 probably be more said about that, you know, even after 2 leaving here.</p> <p>3 I mainly wanted to come and ask you if this board 4 had any questions about why we passed the law and the 5 extent of that battle because they did fight it to the 6 end, even having somebody say something on the floor 7 when it was up for vote after it passed the Senate. 8 But, again, ultimately we were victorious in the votes 9 for that to get the law changed the way we feel that it 10 should be after attorneys and lawyers and everybody got 11 involved with that.</p> <p>12 And I'm not expecting the Board to make a 13 decision today by any means. I would just say that we 14 would definitely like some type of either legal 15 counsel's recommendation or the Board's reaction to 16 their letter.</p> <p>17 And then if you -- the next -- I can either wait 18 or go onto the next topic if you like.</p> <p>19 MS. HIXSON: Which is it, is it 25 or 50? 20 MS. THOMAS: It's \$50.</p> <p>21 Just a couple of things. What Mr. Lynes is 22 referring to is Public Chapter 315 that did in fact 23 pass. That was signed into effect April of this year. 24 April 23rd to be exact. That is correct that the alarm 25 contractors are no longer responsible for that. That</p>	<p>1 alarm company.</p> <p>2 The other issue the industry took, you know, that 3 L.J. is talking about was where they were trying to 4 hold the alarm company responsible for the permit 5 ongoing. I don't think there's any other industry that 6 I'm aware of that -- you know, like if you buy a car, 7 yes, the dealer gets the registration to begin with, 8 but he doesn't have to pay for your tags every year. 9 He doesn't have to -- and I don't -- you know, if you 10 get a pool or something, a pool permit. I don't know 11 that there's any other industry where a municipality is 12 requiring the contractor that installed it, because it 13 could even be an alarm company installing an alarm 14 system and then they're not even a customer anymore. 15 They may be -- I mean, they weren't saying they were 16 holding the alarm company accountable for that, but 17 that's not what the -- the ordinance said they could. 18 The ordinance said that they could hold the alarm 19 company accountable that they had to pay that permit 20 fee every year even if that customer canceled or never 21 did anything.</p> <p>22 MS. HIXSON: So what's the -- what's the permit 23 fee?</p> <p>24 MR. COCKROFT: The state law allows for a local 25 municipality to have a permit for the alarm just to</p>
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<p>1 did not speak to the letter that I sent to the City of 2 Memphis.</p> <p>3 The letter that I sent to the City of Memphis was 4 in relation to an e-mail that Cody had received in 5 relation to the individuals being charged exorbitant 6 fees, or what they feel are exorbitant fees, and that's 7 what my letter spoke to. I was unaware that there was 8 question regarding how that relate -- how the Board 9 relates to those particular contractors because, as you 10 know, the Board is charged with regulating the industry 11 in an effort to protect the citizens of Tennessee. Not 12 so much protecting the companies but regulating the 13 companies to protect the -- protect the public.</p> <p>14 And so I think Mr. Lynes of course can expound on 15 what -- what he and his -- he and his colleagues are 16 seeking from the Board as far as guidance or response, 17 but I did just want to make clear for the record that 18 our letter was regarding a certain e-mail that we 19 received that included news articles. So that's what 20 the letter was referring to.</p> <p>21 MR. COCKROFT: And I do think that one -- your 22 letter did -- was for the benefit of the consumer as 23 well because, I mean, that's who's getting the fine. 24 The alarm company wasn't getting the fine. There was 25 the possibility that they might direct that at the</p>	<p>1 have the alarm. They can charge a permit fee to 2 register it and they can --</p> <p>3 MS. HIXSON: And then this Memphis had one where 4 it was you had to renew it annually, correct?</p> <p>5 MR. COCKROFT: Right. And they've had that for a 6 long time.</p> <p>7 MS. HIXSON: That's where they were dragging the 8 alarm contractors in that they were responsible for 9 collecting these permit fees, correct?</p> <p>10 MR. COCKROFT: Right. And for a number of years, 11 the alarm contractor was responsible for getting it 12 initially, and I don't think most contractors had an 13 issue with that. The issue is they passed an ordinance 14 saying they had to get it every year, that they had to 15 pay it and then get it from the customer, as well as 16 there was the potential wording in there that even the 17 false alarm fines would be directed at the alarm 18 company.</p> <p>19 But the permit issue was solved. The -- the -- 20 there was no real change or anything to the -- our 21 statute has a \$50 maximum penalty or fine, and Memphis 22 is charging a 50 penalty, and then they're charging 23 a -- what, a cost of service fee or something.</p> <p>24 MR. LYNES: They're calling it a recovery fee. 25 MR. COCKROFT: But I don't believe they charge</p>

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<p style="text-align: right;">Page 58</p> <p>1 that for any other police response, do they? 2 MR. LYNES: They do not. It's only if you have a 3 dispatch, false dispatch. 4 MR. COCKROFT: But I mean as far as any other 5 type of police response. 6 MR. LYNES: No, sir. 7 MR. COCKROFT: If you call because you heard 8 somebody outside, they're not charging you a call for 9 service. If there's somebody that has a domestic 10 dispute, granted they need to be there, but they're not 11 charged for a response. An auto accident, I don't 12 think they're charged for a response. So it's 13 clearly -- it's clearly meant to be a punishment or a 14 penalty, and they're trying to circumvent the statute 15 that we are over. 16 I just don't know that we have that much to do 17 about it. We are really regulating the alarm 18 companies. The law is there. I would think that, you 19 know, someone could challenge the City on that law, but 20 I don't know what we as a board can do. We tried to 21 tell them it wasn't -- that they were in violation, and 22 they just responded saying they weren't. 23 MR. LYNES: I would like to clarify. The reason 24 we didn't bring the permit issue to this board is we 25 thought that it was directed at the business and out of</p>	<p style="text-align: right;">Page 60</p> <p>1 said, well, you're going to have to give that to the 2 state law. If you think that it's in violation of the 3 state law, that would have to go to the state law. And 4 unfortunately it falls under this board again whether 5 you want to -- whether you can do anything about it or 6 not because it's not defined in your ordinance -- or 7 defined in law, excuse me. 8 MS. HIXSON: From reading this letter, they have 9 a \$50 false alarm penalty and after the second false -- 10 verified false alarm. I mean, is that within a certain 11 period of time that -- 12 MR. LYNES: Yes, ma'am. It's within a year they 13 start fining people on the second one. 14 MS. HIXSON: So within a year, you can have one 15 false alarm, but the second one triggers a \$50 penalty 16 plus a \$50 recovery fee? 17 MR. LYNES: It's a \$90 recovery fee. They charge 18 the end user \$140 for intrusion. For fire, I believe 19 it's 2 -- it's over \$200. I think it's 190 or 20 something like that. It's -- so on your second -- 21 MS. THOMAS: 250. 22 MR. LYNES: 250? So on your second on your 23 second alarm for fire, you're going to get the \$50 plus 24 the recovery fee. You're going to get hit with almost 25 a \$300 bill.</p>
<p style="text-align: right;">Page 59</p> <p>1 the scope of the law because it didn't -- in their 2 attorney's opinion it didn't harm the public, it was 3 just harming the business, and they kind of thought 4 that was okay. Well, the businesses didn't think so. 5 So, again, because the \$50 cap was in the state law for 6 the -- to protect the consumer and the public, that's 7 where we felt the recovery fee fell over that. 8 I did look and one of -- the other topic I had 9 partially was about updating the alarm law. I know 10 from hearing the past minutes and what everybody said, 11 that there's a lot of things that they often fall into 12 a gray area now because we don't have the definitions 13 for them. I looked at -- I know Webster's Dictionary 14 for, you know, for penalty, for fee, they're all 15 synonyms, they all fall together. But Memphis is 16 saying legally, you know, well, you don't define a 17 penalty in there. 18 We've had a lot of conversations about some of 19 this, but we weren't going to -- as a business, we 20 weren't going to try to sue the City because they're 21 fining the customer. We feel it harms the public, yes, 22 but that would be for the public, as Mr. Scott said, to 23 take that up, which there was talk about a class action 24 suit and a bunch of people wanting to sign up for that, 25 and we as an association wouldn't support that. We</p>	<p style="text-align: right;">Page 61</p> <p>1 MR. COCKROFT: In the ordinance that they're -- 2 the city ordinance was not even about fire, but they're 3 charging fire fees. 4 MR. LYNES: That's right. And, again, we legally 5 looked at that, and we could take that up, but we had 6 such a time. It took us six months on the Hill to get 7 that law changed about the ordinance. And so, again, 8 we felt that was out of the scope. We did make a 9 recommendation to the fire commissioner and the police 10 commissioner in the city of Memphis that they separate 11 that because of licensing, not just because of the 12 Tennessee licensing but because the insurance and NFPA 13 and codes and standards, and they told us, well, you 14 can just cut them off. Well, I can't cut a fire 15 account off. I can't just cut somebody off because 16 they didn't pay the City the bill. You know, we can't 17 do that. We can't be responsible for that. 18 MR. COCKROFT: To have a commercial fire alarm in 19 the city of Memphis you have to pay code enforcement 20 fee, you have to pay the fire department a fee, and you 21 have to pay Metro Alarm a fee. What other fees are 22 there? 23 MS. HIXSON: What is Metro Alarm? 24 MR. COCKROFT: Metro Alarm is Memphis' alarm 25 department.</p>

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<p>1 MR. LYNES: It's actually just the Alarm Office 2 now because they divorced from the County. So now it's 3 just the City.</p>	<p>1 Again, like I said, I'm not sure how that's applied in 2 Memphis, but that's the way I read the language of the 3 ordinance.</p>
<p>4 MR. COCKROFT: They split.</p>	<p>4 MR. COCKROFT: They were definitely very crafty, 5 and I -- it just seems like that they were -- that it's 6 a false alarm fine. They -- I guess that's something 7 for the courts to decide somehow, but it doesn't -- if 8 we don't -- I mean, I guess you're saying we could make 9 a ruling and define a false alarm fine and false 10 alarm --</p>
<p>5 MR. LYNES: When they passed the ordinance, the 6 County never passed the ordinance with the City. They 7 wouldn't pass it. So partially because of that, 8 recently when they did a rewrite, they cut the County 9 out as well. So now it's just the City. It's not City 10 and County anymore. It's no longer the Metro Alarm 11 Office.</p>	<p>11 MS. THOMAS: If the Board finds it's prominent 12 enough that they need to step in, there's a danger or 13 harm to the public in some way because of the way this 14 is being applied, I think that's where your authority 15 is if you feel you need to define those terms. Short 16 of that, I'm not real sure how the Board wants to 17 address that.</p>
<p>12 MR. COCKROFT: The other thing, you also have to 13 have the UL or FM certified. So there's a cost for 14 that certificate or fee.</p>	<p>18 MS. HIXSON: So, Ashley, when -- say a person 19 amasses a \$500 recovery penalty, all this, what happens 20 if they just don't pay it?</p>
<p>15 MR. LYNES: And I'm not here to argue about all 16 of that. I just mainly was pointing out the issue with 17 the fact that many of our customers and the public felt 18 that they were violating the \$50 statement in the law.</p>	<p>21 MR. COCKROFT: They can go to nonresponse, right?</p>
<p>19 MS. THOMAS: If I can ask -- if I can ask the 20 Board, and I'm not sure how much -- how much knowledge 21 you all -- all have in regards to this, but I'll defer 22 to you as the subject matter experts. As you know, you 23 do have the authority to promulgate rules. Do you find 24 that this is a problem prominent enough to warrant 25 discussing maybe drafting rules to define false alarm</p>	<p>22 MR. LYNES: Yes, sir. The --</p>
	<p>23 MS. HIXSON: Of fire alarm, they can go to --</p>
	<p>24 MR. LYNES: The way it's set up, they can just 25 cut them off and stop responding altogether, or they</p>
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<p>1 or define some of these terms, or is this a Memphis 2 specific problem or a Shelby County specific problem 3 that may need to explore other options of addressing.</p>	<p>1 can just keep doubling and tripling the fee and send 2 them to civil court. The one other thing I thought was 3 very crafty about the law, and our attorneys pointed 4 this out, for you to fight the \$140 or \$250 fine on 5 your second offense, so you have a faulty piece of 6 equipment, whatever it is, you actually have to go to 7 civil court to rebut that, and those fees are more than 8 that. So it's just cheaper to pay it and then go on, 9 unless you start amassing some -- some pretty decent 10 calls, then it comes up there.</p>
<p>4 MR. COCKROFT: I think the concern is that if 5 it's left undealt with in Memphis that it could -- you 6 know, it could spread to other, you know, 7 municipalities. If -- if that's the intention is that 8 the legislature feels like that's okay, I think they 9 should change the law to change the \$50 max, but I feel 10 like --</p>	<p>11 Miss Vivian, would you mind if I address 12 something Miss Ashley said?</p>
<p>11 MS. THOMAS: And the way -- and the way -- the 12 way that I read the City of Memphis ordinance, it's not 13 necessarily the false alarm fee that's 50 -- that's 14 \$50. The \$90 is the false dispatch for police or false 15 dispatch of fire that would result in a \$250 fine. 16 That's the way I read the language of it. I'm not sure 17 exactly how they are applying it because I do live here 18 in Nashville, but looking at the ordinance and what I 19 read seems to indicate that the actual -- the actual 20 language says commensurate to the cost of officers 21 answering false alarms, and that's \$90. So the false 22 alarm going off may trigger the \$50 fee that's allowed 23 in state statute, but then if the police go and it's a 24 false dispatch, that may result in that consumer or 25 that citizen being charged an additional \$90 for that.</p>	<p>13 MS. HIXSON: Oh, no. Go ahead.</p>
	<p>14 MR. LYNES: One of the reasons we fought so hard 15 against the ordinance in Memphis is because we had 16 already been told by many people if Memphis was allowed 17 to do this ordinance that it not only was going to hit 18 all of the major cities in Tennessee, but then they 19 were going to start doing it in Arkansas. So we -- we 20 understood that it -- we wanted to stop it as much as 21 we could there. And the same thing with this, I've 22 already heard other people, well, if we can call it 23 whatever we want, then we don't have to care about the 24 \$50 anymore. So that's why we wanted to take such a 25 stance on Memphis and the ordinance and why we put up</p>

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1 the fight in -- here at the capitol.
2 MR. FRAKER: So what I find real interesting,
3 they're going to call it \$50 fine and then the recovery
4 fee. So how would I ever get just the \$50 fine?
5 Because you're always going to get the recovery fee
6 because a dispatch is I've called the police and
7 they're going to respond. So when would they ever get
8 just a fine?
9 MS. HIXSON: I think that -- having come from law
10 enforcement, I can be honest with you all. There used
11 to be alarm systems that were inherent problems for us.
12 They went off on repeat basis over and over, and of
13 course we were mandated to respond, okay. So we did
14 tie up a lot of manpower for ridiculous because there
15 was no way to get the company the owner, the business
16 owner to get the alarm fixed, okay. We had -- you
17 know, we -- I think Chattanooga did eventually start
18 with a false alarm fee.
19 However, you know, to me maybe there needs to be
20 more alarm, you know, or more faults before you start
21 activating all of these fees. You know, it could be
22 something with the battery goes out, because that was
23 one of the biggest things we had was like the battery
24 backup system on the -- on the alarm system would go
25 out and it would trigger something. And I know that

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1 technology has changed.
2 MR. LYNES: Yes, ma'am.
3 MS. HIXSON: But, you know, safe alarms, for
4 example, in department stores used to have a battery
5 backup, and when it reached a certain level it signaled
6 trouble, and then we -- it called the police and we
7 responded. We didn't find anybody. You know, to me
8 there needs to be some -- and I don't know that we have
9 any jurisdiction to what Memphis does as far as their,
10 quote, recovery fees because it does cost a lot of
11 money every time you roll a fire truck out of the hall
12 to go respond to a false alarm. You know, I don't know
13 that this board has juris -- am I right or wrong, over
14 these recovery fees?
15 MR. COCKROFT: And I don't think that the fire
16 alarm -- I don't think the fire alarm issue is as much
17 of an issue. They were already charging at times,
18 weren't they, for fire response?
19 MR. LYNES: Yeah, I don't think the fire alarm is
20 the main issue. One other thing is you said, ma'am,
21 about the technology. I'm going to show my age here
22 just a little bit, but in the early '90s almost every
23 alarm customer was good for four false dispatches a
24 year, and it was just a rampant problem, and today that
25 number is down to .23. Seventy-seven percent of the

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1 time we're not even responding. We're cutting that off
2 and not sending a dispatch. So now for every four
3 monitored people we've got less than one. So the false
4 alarm, as much as we would like no false alarms because
5 we don't want to eat up the resources of police and
6 fire, those numbers have gotten much better with
7 verification methods and all of that.
8 Now, I will say this, also another reason we
9 didn't push as hard as we would for the \$50 issue is
10 they are, on the record anyway, giving that money to
11 police and fire. And that had come up on the Hill
12 fighting them that we were against police and fire, and
13 I really took offense to some of the stuff that was
14 said on the Senate floor, and that's why I rebutted
15 that is because I've been an emergency responder
16 myself. I've been fireman EMT for over 20 years, and
17 to say that I would be against police and fire is just
18 inaccurate.
19 So, again, I'm not expecting necessarily a
20 decision from this board because it's not defined in
21 the definitions, but it does fall under 62-32, and so
22 we were -- you know, it might be something you have to
23 give to legal counsel or what, but I just, I know in
24 response we need something to tell the -- the public as
25 far as business about, hey, what are they doing, or

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1 when I get asked from another senator representative if
2 we've even discussed this with this board.
3 MR. COCKROFT: One of the frustrating things
4 about Memphis is that there was already an ordinance in
5 place that addressed false alarms and had fines in it
6 and had classes and different things, and also they
7 could go to nonresponse, but they would never -- they
8 weren't enforcing it.
9 MR. LYNES: Right.
10 MR. COCKROFT: They went from zero enforcement to
11 passing a totally new ordinance with all of these new
12 cost to recovery stuff. If they'd enforced the old
13 ordinance, they would have had better -- a better
14 outcome. They could have reduced false alarms. But
15 they've gone to just collecting money.
16 MR. LYNES: We've offered to help them. As a
17 state association, we've offered to help them. I mean,
18 I met with them many times. I even met with the
19 mayor's people. I met with the people that drafted the
20 ordinance. I met with a lot of people, and their
21 answer to that was they officially have written us off
22 with that board. We're no longer even part of the
23 review board because of our actions here at the state
24 level.
25 MR. COCKROFT: And there's supposed to be a

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1 member from the industry on the board, right?

2 MR. LYNES: Yes, sir. But, again, they've taken

3 that out, the mayor. You know, they're going to -- we

4 don't get to appoint or choose a person anymore.

5 That's all going to be done by the administration.

6 MR. COCKROFT: They didn't come to the industry

7 at all before the ordinance was passed.

8 MR. LYNES: So, and then I do have some other

9 quick things, whatever you want to go over.

10 MR. COCKROFT: And on the fire, I was just

11 thinking about, I think fires to me the costs there

12 seem more fair because they charge a cost if an

13 ambulance goes out or --

14 MR. LYNES: Absolutely.

15 MR. COCKROFT: -- other things. So it's not like

16 somebody with an alarm system was singled out.

17 Whereas, the burglary alarm side of it or holdup,

18 that's where they're charging their cost of recovery,

19 but they're not charging on other type calls. If

20 someone -- if someone thought they could have been

21 broken in, you know, they heard something outside and

22 called the police, and the police, you know, it's a

23 wasted call for them, too. That's also a time they had

24 to go out there. They're not charging them for that.

25 MR. LYNES: No, sir, not that I know of.

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1 MR. COCKROFT: But if you pushed your panic alarm

2 to do that, they charge you a false alarm.

3 MR. LYNES: Yes, sir.

4 MS. HIXSON: Well, I think it gets subjective

5 when you say, you know, I can have a prowler at my

6 house and if it takes the police seven minutes to get

7 there, that doesn't mean the prowler wasn't there

8 because the prowler is not there when they get there.

9 They could be two blocks away prowling.

10 MR. COCKROFT: Right.

11 MS. HIXSON: So, I mean, I can't -- I can't

12 really go along with that analogy, but go ahead.

13 MR. LYNES: Seven minutes, you must live in

14 Chattanooga. The reason I'm joking about that, the

15 police response time in some cities in the state of

16 Tennessee is 45 minutes to an hour.

17 MS. HIXSON: But my point is you can have a

18 prowler when you call, but that doesn't mean that

19 prowler is going to be hanging around when the police

20 get there that -- that I should be fined because I had

21 a prowler, but because your response -- you know, I

22 don't -- I don't go through this fees for service stuff

23 because --

24 MR. LYNES: Yes, ma'am.

25 MS. HIXSON: -- police are there to serve, not to

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1 get -- charge people like that, so.

2 MR. LYNES: Well, I'll let you all chew on the

3 \$50 thing as long as you like.

4 So the other thing I wanted to mention to you is

5 some of you-all might know that the national

6 association, you know, we -- the State of the

7 Tennessee, the Tennessee Electronic Security

8 Association was part of the national ESA association,

9 and we had been for many many -- over 20 years. We

10 partnered with them with the training because it was

11 nationally certified. We've done a lot of things.

12 They decided themselves to cancel the agreement with

13 all chapters, including Tennessee, and so now we are

14 faced with options as a state.

15 And so what we have decided to do, because we're

16 in a position that we can do this in Tennessee, is

17 we're not going to join another national group and all

18 that. We're going to try to be on our own for a little

19 while, which includes the training. And so when we

20 talked about stuff that need to be updated in the

21 education and in the law part and all of that, you

22 know, we put in the minimum training level of would be

23 the national level one, and that would be the minimum.

24 And looking at the list, you know, and I

25 mentioned -- I come and spoke to this board about it

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1 when it happened years ago, but there was a two-day

2 16-hour course with a non-proctored exam that got

3 approved as a training equivalent, and the minimum

4 should have been three days with a proctored exam. And

5 I remember me and Mr. Ken Roberts had a lengthy

6 discussion here -- I was sitting there, he was sitting

7 there -- back and forth about that.

8 And so it is what it is, but we're going to be

9 developing our own training program, and we're in the

10 process of it right now. We'll be getting it approved.

11 Well, we were going to fill out all of the paperwork as

12 soon as I get the lesson plans completed and try to get

13 approval before the end of the year, but if you're not

14 going to have a December meeting, I might need to know

15 when I need to put in paperwork. But, you know,

16 we're -- we can't leave the people in Tennessee just

17 left out as far as the companies, the employees. We

18 have a requirement here in Tennessee, and because

19 national decided to change their stance on partnering

20 with the states, we have to do something different in

21 Tennessee to help that.

22 Now, the level one obviously will still work.

23 You've got all the people that are taking level one,

24 and we assume there will be national companies and

25 people that use the level one still in all the other

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<p>1 states as well. But instead of allowing the Tennessee 2 state association to be mandated by another group, 3 we're going to try to go at it on our own. We've been 4 fortunate enough to have our own executive director. 5 We have our own lobbyist. We've been able to -- we 6 have a decent board. I know this is being recorded. 7 I've got to be careful. We have a decent board, and 8 we're able to do some things that other states and 9 chapters can't.</p> <p>10 There's a lot of states with smaller chapters 11 that are already giving up. They're just going to fold 12 up their tents and disband. We're not going to do that 13 in Tennessee. We've always felt that the regulation, 14 including 62-32, and the training, was wholly in part 15 to protect the public. We believe in the background 16 checks, and we believe in the training to the fact that 17 myself and many others put tons of time and money and 18 experience and all that into making that good for the 19 people in Tennessee.</p> <p>20 And so I want to make sure this board knows not 21 only we're going to go at it on our own, we're going to 22 be developing a Tennessee training program, and we're 23 actually going to add Tennessee state law to it. If 24 it's going to be a Tennessee program, then we want it 25 to be unique to Tennessee. So I want to put sections</p>	<p>1 industry, and we've kind of lost that over the years. 2 I'm not saying it's this board's fault by any means 3 because there's different things we could have done. 4 We could have toughened the licensing laws up. I met 5 with the fire commissioner years ago about putting some 6 sort of requirements for fire, and the members just 7 didn't want to do that.</p> <p>8 So we're still getting a ton of complaints, and I 9 don't know whether it's just updating in the law that 10 would help for the DIY and the exemptions for telecom 11 and electricians and a bunch of the stuff that keeps 12 coming up. But, again, I've been looking through the 13 minutes of the board, and you all are fighting the same 14 thing. You're hearing it all the time, "Well, we don't 15 fall under that category," or things like that.</p> <p>16 So I don't know if updating the law is going to 17 fix that, but the technology has changed so much, a lot 18 of people can say, "Well, I don't fall under the 19 electrical code anymore. I don't need to know anything 20 about that. I'm all wireless," this and that and the 21 other. That's not the intent of the law. The intent 22 of level one is not to teach you how to put a system 23 in. The intent of level one is about job safety. The 24 intent of the law is about having a background check 25 before you go out to the public.</p>
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<p>1 of the law in there so that people know. Many states 2 do that now, and I wanted to know from this particular 3 board if there was any recommendations or anything that 4 you felt pertinent in the state law or, you know, the 5 rules or regulations that you wanted in there besides 6 what we chose as an entity that's used to doing this 7 for states. I'll be glad if you wanted -- there's 8 anything in particular you wanted to add it to it, I'll 9 be glad to put it in there, but that course is in 10 development as we speak.</p> <p>11 MR. COCKROFT: Probably one of the most important 12 things we see so much of is where employees aren't 13 registered, the requirements for regulations and --</p> <p>14 MR. LYNES: That's already in the outline.</p> <p>15 MR. COCKROFT: -- and who needs to be registered.</p> <p>16 MR. LYNES: Yes, sir.</p> <p>17 MR. RICHARD: And the fact that they need to 18 notify if there's, you know --</p> <p>19 MR. LYNES: Self-policing.</p> <p>20 MR. RICHARD: Yes.</p> <p>21 MR. LYNES: Yes, sir. That was the other 22 complaint that our members have been telling us as a 23 board is that it's almost the wild west in Tennessee 24 now. At one time with our association and everything, 25 we were one of the most looked at chapters in the</p>	<p>1 I'm preaching to the choir, I know, but some of 2 that stuff we really need to update and fix. As a 3 state association, we'd be glad to help you, but we 4 definitely think we need to lean toward that area of 5 cleaning some of that up.</p> <p>6 MS. VEST: Okay. Let me speak for just a moment 7 and say I don't believe it's your position as the Board 8 to help this association write a test that they're 9 going to administer or change. Yes, we would love to 10 have any input about some changes to be made to the 11 statute or to the rule. Actually, to the rules. We 12 may be coming up later on next year at a rulemaking 13 hearing, and that would be the time to do that. So, 14 yes, that's when we're going to ask for the public 15 comments for you to tell us what the association would 16 like to have.</p> <p>17 But I wanted to ask, what was the benefit for the 18 national association to do this?</p> <p>19 MR. LYNES: There's a lot of different opinions 20 on that. There was a couple chapters that was leaving 21 them anyway, and there was some things that happened 22 over the last two to three years that they wanted to 23 reduce the board. They felt that for them to grow they 24 didn't want a rep from every state, and that failed 25 because the states didn't want to vote themselves off</p>

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1 of a board.
2 MR. COCKROFT: The board for the national
3 association had a representative from every state, so
4 can you imagine that dealing with that board just
5 dealing with this one?
6 MR. LYNES: We -- that one time they were at 38,
7 I think, and so when they had meetings it was quite
8 costly and large. But the reason they didn't want to
9 do that, they -- the national association was made up
10 of chapters, and that was always, in my opinion, one of
11 their strongest suits is they had all of these chapters
12 that helped fund that, that helped create the material,
13 that helped get their stuff nationally recognized, and
14 now that they've separated from those, a lot of states
15 are going their own way, and instead of putting
16 Tennessee in a bad position with another national
17 group, we're just going to try to manage it ourselves
18 going forward.
19 I understand about the comment, too, obviously
20 it's not this board's place to give us content. We're
21 going to take care of that. But if there was something
22 in particular you wanted, we could definitely make that
23 part of the course because several states do that.
24 They put their licensing in the state course.
25 MR. COCKROFT: I don't think that was necessarily

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1 inappropriate to ask that question because we'll be
2 reviewing what he turns into the class.
3 MS. VEST: Turns in, yes.
4 MR. COCKROFT: And if he turns in something with
5 everything about how to put in a swimming pool, we're
6 going to say this isn't a very good course.
7 MR. LYNES: It's all wireless, don't worry.
8 MR. COCKROFT: Okay.
9 MS. VEST: What I would like to ask, though, if
10 the association as a whole or your board members or
11 whatever have any suggestions for any law change or any
12 rule change, if you -- if you would put it all together
13 and give it to me I would really appreciate that, and
14 I'll sit down and take a look at that because we are
15 looking constantly at the laws and the rules, and
16 there's no course for me to be able to go to.
17 MR. LYNES: Yes, ma'am.
18 Madam Chairman, that's all I had. I wanted to
19 make sure you didn't have any questions for me.
20 MS. HIXSON: Anymore questions?
21 MR. COCKROFT: I don't think so. You were
22 just --
23 MS. HIXSON: Comments?
24 MR. COCKROFT: Was there anything about the
25 training or you're just telling us about that or --

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1 MR. LYNES: Well, I am under the impression that
2 the way the law reads and our intent of the law for
3 that was the level one was the minimum three days
4 proctored exam. How a two-day course without a
5 proctored exam got approved, I don't know, but we are
6 of the opinion we are still going to keep it three days
7 with a proctored exam. And so, again, if that's not
8 the intent of this board then --
9 MS. HIXSON: You're saying the Board voted for a
10 three-day course proctored exam?
11 MS. VEST: Where does it say that?
12 MR. LYNES: Where it says level one --
13 MS. VEST: Where does it say in the statute by
14 level -- we don't even address level one.
15 MR. COCKROFT: It does address in there one of
16 the minimum requirements would be that class.
17 MS. VEST: Would be that class of level one, but
18 it doesn't define what level one is.
19 MR. COCKROFT: But level one does have a
20 definition of what it is. It's always been a three-day
21 class with a proctored exam. So if you hold that out
22 as a minimum standard --
23 MS. VEST: Well, who set that? Did we -- did the
24 Board do that or is that what --
25 MR. COCKROFT: I believe that's statute.

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1 MR. LYNES: Yes, sir. And then in the employee
2 where it's the original employee training, at the top
3 of it it says has to meet the NTS level one or
4 equivalent, and the Board gets to decide what's
5 equivalent.
6 MS. THOMAS: Right. And I guess Cody and I, what
7 our question is, was there ever a point where the Board
8 decided what that equivalent or level one was was three
9 days and a proctored exam?
10 MR. COCKROFT: I don't -- I think some of that
11 happened before I was here. I don't know. And I don't
12 know that it was ever defined as it was three days and
13 a proctored exam.
14 MS. THOMAS: And I just wanted to be clear for
15 the record because, Mr. Lynes, part of your comment
16 made it sound like that was what the Board decided
17 level one was defined as. I just wanted to be clear on
18 that.
19 MR. LYNES: No, ma'am. Whenever we did that,
20 when we put that in the law, we turned in the lesson
21 plans and all that for a three-day outline that it
22 would be for the standard. That's why it was worded
23 that way. And our lobbyist helped put that into the
24 law. And so, again, it's -- this board gets to decide
25 what's equivalent, but I wanted to make sure when we're

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<p>1 designing something for Tennessee, we're not just 2 underdoing it. We want to do what's best for the 3 public. 4 MR. COCKROFT: Somebody could present a class 5 that was an hour long and we could approve it, but that 6 wouldn't be a very good, prudent decision. 7 MS. VEST: That's probably why you and 8 Mr. Roberts had that conversation. 9 And I think Keith has probably been around the 10 longest as far as board members. Do you remember that? 11 MR. HARVEY: I don't have any -- I would say that 12 was even before me. 13 MS. VEST: Yeah, I was going to say that might 14 have been before me because I don't remember it either. 15 MR. COCKROFT: I know that since I've been here 16 there was one class that was presented that almost not 17 through without a -- like a proctored exam or 18 something. I mean, sometimes, you know, they get 19 submitted and they're checking off every box and we're 20 looking at them really more for continuing education, 21 and then all of a sudden it's like, oh, wait a second, 22 this was initial application, this is a different 23 animal. And I think we've looked a little closer when 24 some people had either, you know, some of the video 25 proctor and some of the different proctored exams.</p>	<p>1 colleges or other places you go that are not proctored 2 like our -- like you're saying it being proctored. 3 That's really been a topic of conversation with this 4 program before. But, yes, please work with me. I'd be 5 glad to see any paperwork. I'd be glad to present 6 anything to the Board. It needs to be done through me 7 so I can actually present it to the Board so the board 8 members won't give their personal opinion. 9 MR. LYNES: Sure. Yes, ma'am. 10 MS. HIXSON: Thank you. 11 MR. LYNES: Yes, ma'am. 12 MS. THOMAS: Thank you. 13 MS. VEST: Thank you. Appreciate that. 14 MS. HIXSON: I think our next are the 15 administrative matters. 16 MS. VEST: Yes, ma'am. I just got a few things. 17 If you want to turn to the monthly report, I just had 18 the -- I just went and looked at September, just talks 19 about our alarm meeting, meeting with the attorneys 20 that I had, the physical meeting and the number of 21 complaints. That's the standard that we do every board 22 meeting. 23 I'm going to do something for the next one is the 24 budget. I'm going to have Shauna throw something up on 25 the wall here, but please bear in mind that this is not</p>
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<p>1 Some of them are doing it online and then they go to a 2 class -- I mean go to take a test. I think we might 3 have had some that almost got through like that. I 4 don't know if there may be one more recently. Was that 5 one a long time ago? Was that something -- 6 MR. LYNES: Yes, sir. That's one of the things 7 we would like updated is instead of saying level one or 8 whatever, we would like just to put in a definition of 9 the training equivalent of course needs to incorporate 10 these things. 11 MR. COCKROFT: So as something for rules, it 12 would be good to define -- 13 MS. VEST: Yeah, that's why I was saying -- 14 MR. LYNES: To define that, yes, ma'am. 15 MS. VEST: -- that would be a big help to us if 16 the association would take a lead in doing that. 17 MS. THOMAS: We're talking about defining 18 equivalent training? 19 MR. COCKROFT: Yes. 20 MR. RICHARD: And minimum hours, right? Minimum 21 hours. 22 MR. COCKROFT: Right. 23 MR. RICHARD: Proctored exam, yeah. 24 MS. VEST: We need to take a look at the 25 proctored exams, too. I mean, there's a lot of</p>	<p>1 the final. We are still working. I told you earlier 2 we were trying to do a graph of the states. We had to 3 determine if we're too high, we're too low. We are in 4 the middle range for the fees. We can -- we can see 5 that. I'm still having some difficulty finding out how 6 many they have versus how many we have. I do know our 7 registered employees are higher, the second highest in 8 the country. I mean second highest that we have been 9 able to obtain information on. So if you just give us 10 a second. 11 We'll go ahead and look at the budget while she's 12 getting that together. You -- of course you ended last 13 year in the black. That was great. You do have 14 hopefully the one for July and the one for August. 15 That leaves you right now with a balance of \$22,900. 16 Every year I tell you as we start July the 1st, we have 17 to start out with a zero balance, and then we have to 18 end in a positive next year in June. So your time goes 19 from July of this year to June of next year. 20 And I might have looked at it wrong down here, 21 but if you look down, you have that historic trends. 22 You have '18, '17, and '16. What I don't have is '16 23 expenditures. You still have a half a million dollar 24 reserve. We talked about the reserves. I'm not able 25 to get into the reserves. I have joked numerous times</p>

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<p>1 about the printer, but that's where it would come from 2 that we would need and make some necessary changes. 3 Have you got that, Shauna? Can everybody see? 4 Do I need to turn the lights down? 5 Just to give you a little idea there, across the 6 board says the Alarm Board initial cost and renewal 7 cost. As you can -- I need to -- I'm going to have to 8 look at it because I'm not going to be able to see it 9 either. I'll do it from up here. 10 From what we could see, Alabama does not register 11 employees or qualifying agents. They just do the 12 companies, 636. Now, if you know any information that 13 I don't have, now is the time to tell me so I have to 14 go back to the states and look. 15 MS. HIXSON: Okay. If they charge \$50 for 16 registered employees, do they not have any or I mean -- 17 MS. VEST: That's one of those that we have not 18 been able to get any totals on. Remember -- well, we 19 have requested by telephone, by e-mail, and by public 20 record some information from different states that we 21 have not gotten. I am going to go to the International 22 Association Regulatory body, the ISR board, these are 23 the directors of different states, and see if they can 24 get help me get into the right department, determine 25 what's going on.</p>	<p>1 Registered employees, 3,164; qualifying agents, 412; 2 companies, 412. Then it went into it's \$75 for 3 registered employee -- hard for me to read that as 4 well -- qualifying agents, 35; and the company is 600. 5 Like I said, this is not the final to go by. I'm not 6 going to even look at the renewal. 7 Let's go to Georgia. They got 947 registered 8 employees that we could tell. We still don't know how 9 many qualifying agents or companies that they have. 10 And no fees. 11 We tried to do surrounding states. That's 12 usually what they want to look at. Because I don't 13 want to go to the Hill and have a discussion about the 14 Alarm Board and their fees and the number of employees, 15 and then have a discussion of we found out there was X 16 number of employees. Miss Vest, you didn't know 17 there -- that kind. We want to make sure our 18 information is correct, best of our knowledge. But 19 this is what we've gotten so far. I wasn't really 20 going to present this today, but I just wanted you to 21 see. 22 Look at Tennessee. We've got 6,828 registered 23 employees, 780 qualifying agents, 646 companies. These 24 are active, of course. Every one of these registered 25 employees must have a ID card and must have their</p>
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<p>1 MR. COCKROFT: I think I remember -- 2 MS. HIXSON: So what you're saying is they 3 have -- they have 636 companies -- 4 MS. VEST: That's what they told us. They did 5 not tell us -- we haven't been able to determine how 6 many registered employees or qualifying agency they 7 have. 8 MR. COCKROFT: I believe they do registered 9 employees, though. I know -- 10 MS. VEST: Okay. Do we have that chart further 11 down. 12 MR. COCKROFT: Because if a company is 100 miles 13 from the border or something, they don't have to be 14 registered. 15 MS. VEST: You have Alabama there? 16 MS. WILLIAMS: Alabama is at the front. 17 MR. COCKROFT: Because I can tell you from 18 personal experience they can't decide whether Memphis 19 is 100 miles from Alabama or not. One year it is and 20 one year it isn't. 21 MR. FRAKER: Google. 22 MS. VEST: We need to make a note of that. How 23 many -- never mind. We'll go back. Go back up. As 24 you -- okay. Now, let's take the next one. Arkansas, 25 we were able to get some information from them.</p>	<p>1 photos on it. They must have a background check. We 2 take that in consideration when we look at the other 3 states as well. The registered employees, \$100. 4 Little bit more than the other states there. 5 Qualifying agents, 200. Little bit more than what the 6 information that I have. And then the companies go far 7 right in the middle bracket there. 8 Some of the information in gray is telling you 9 what we were not able to get from the other states so 10 far. 11 MR. COCKROFT: I don't know about some of those, 12 but I know Mississippi and Virginia have -- Virginia 13 you've got -- they didn't respond, but they do have 14 licensing. But Mississippi is -- it's through the 15 Mississippi State Fire Marshal's Office even for the 16 burglary alarm. 17 MS. VEST: It's different. They don't have an 18 alarm board like we do, right. 19 MR. COCKROFT: They don't have a board, but -- 20 MS. VEST: Some of them are counties like you 21 used to be. You used to go to the county and get 22 yours. Well, that information is what we don't have 23 because we'd have to go out to every county in that 24 state and see what they have. 25 MR. COCKROFT: Mississippi has state licensing.</p>

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<p>1 MS. VEST: Okay. Well, we'll try to do that some 2 more. 3 MR. FRAKER: Kentucky doesn't. Like Louisville, 4 Louisville has one, but -- 5 MR. COCKROFT: Right. 6 MS. VEST: Right. I think we put, that's what it 7 is, by certain jurisdictions. It just depends where 8 you're at, I suppose, on that. 9 Can you come down a little bit so I can see? 10 There we go. 11 That just gives you an idea there. Arkansas has 12 got 3,164 compared to our 68. So I'm sure there's 13 other states out there that do regulate employees. 14 MR. FRAKER: So you were talking, you know, one 15 of the things is about the fees. You know, one of the 16 things that we do, I was actually thinking about that 17 as I was driving over, as a monitoring center in Utah, 18 we -- by law, they're supposed to register their 19 employees even though we have no jurisdiction out 20 there. Nothing we can do if they don't. 21 Now, we can ask for the monitoring center to 22 become registered. A way to reduce fees -- a 23 monitoring center has no -- typically has no pertinent 24 information, at least our monitoring center. They 25 don't have -- you know, they've got the customer's</p>	<p>1 them is. 2 MR. COCKROFT: But we do look at their 3 background, and we do deny people's applications based 4 on their background. We may make exceptions and allow 5 somebody in the industry, but -- 6 MR. FRAKER: If I'm a business owner in Utah, 7 Tennessee can't do anything to me. I'm not saying they 8 do. I'm just saying that -- 9 MS. HIXSON: You have to be licensed through the 10 Secretary of State. They can revoke your license. 11 MR. FRAKER: That's the business. 12 MS. HIXSON: It's true. But if you can't operate 13 in Tennessee, then -- 14 MS. VEST: Well, let me just say for instance -- 15 I know what direction -- we kind of know what direction 16 you're going to. A registered employee gets a card 17 that says he's a registered employee. It doesn't say I 18 work at a monitoring company or I'm at a fire, I'm at 19 burg. So there's no way for me to divide that 6,000 20 and say you're monitoring employees. 21 MR. FRAKER: Yeah. I'd be willing to bet a lot 22 of that is monitoring center people. 23 MS. VEST: I dare say that's your bread and 24 butter there. 25 MR. COCKROFT: There's also probably companies</p>
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<p>1 name, address, and phone number. That's all they 2 really have. 3 MS. VEST: That's why I asked you what -- 4 MR. FRAKER: Could we -- could we -- 5 MS. VEST: We have been told is why -- 6 MR. FRAKER: -- could we reduce that -- 7 MS. VEST: Yes, sir. I know which direction 8 you're going in there. 9 MR. FRAKER: -- instead of going and registering 10 everyone? 11 MS. VEST: We were told the monitoring company 12 does have access in how you turn your system on and 13 off. That person's sitting there. 14 MR. COCKROFT: They have the password, the zone 15 list. 16 MR. FRAKER: Password, zone list, but -- 17 MR. COCKROFT: And they've also got -- I mean, 18 that person there has the ability to not respond, 19 ignore an alarm. 20 MR. FRAKER: I agree, yes, but I'm thinking of 21 how they're going to harm the end user. So we've had 22 it since I've been on the Board, you know, they've had 23 this background, and basically they get approved 24 because we really have no say so who's in Utah. And 25 I'm just using Utah just because that's where one of</p>	<p>1 that have -- that are monitoring -- 2 MS. VEST: Just that classification. 3 MR. COCKROFT: Well, there are companies that are 4 monitoring companies and have one registered employee. 5 That should be a red flag for an investigator to find 6 out why, because one person cannot run a monitoring 7 center. 8 MS. HIXSON: No. 9 MR. COCKROFT: It's not possible. 10 MR. FRAKER: Two people can't run a monitoring 11 center. 12 MR. COCKROFT: It takes four and a half to 13 monitor, one person around the clock. For a week, it 14 takes four people. 15 MS. VEST: I was not aware of that either, how 16 many people it takes, but, yeah, that's what we're 17 looking at. We're looking at ways to do this. 18 MS. HIXSON: Okay. Like you say, you have people 19 that are under the registered employee classification 20 that works in a monitoring center. Could that not be 21 on the application and then change it in the system to 22 where you've got installers that are registered 23 employees and you've got monitors that we've 24 distinguished between them and reduce the cost on the 25 monitoring employees?</p>

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1 MS. VEST: The only thing -- only classifications
2 we have is on the company and on the qualifying agent.
3 MS. THOMAS: She's asking can you add that for
4 registered employees?
5 MS. HIXSON: Why can't you break it down into
6 registered employee?
7 MS. THOMAS: Administratively, can you basically
8 add that classification to it?
9 MS. VEST: I don't know if I can do that.
10 MR. COCKROFT: When we're going through the
11 background check and issuing the card and everything
12 else, the fee should be based on that -- what that cost
13 is. We shouldn't charge less for one classification
14 than another for the employee's card. I mean, that fee
15 is supposed to cover the cost of the background check
16 and making the card and the overhead, administration.
17 MS. VEST: That's the way it was previously, yes.
18 Now, the background checks, we don't do those
19 background checks ourselves anymore. They have to go
20 somewhere else to have those done. They go someplace
21 to have the test. They don't do that through us. So
22 we --
23 MR. FRAKER: Who pays for the background check?
24 I know as a business owner I pay you a hundred bucks
25 for a registered employee.

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1 MS. VEST: For registered employee, but that's
2 not for the background check. They have to go
3 another -- somewhere else to get the background check.
4 MS. HIXSON: The applicant pays it.
5 MR. FRAKER: Well, who's going to get you
6 fingerprinted?
7 MS. VEST: But that doesn't -- all I get's the
8 report.
9 MS. HIXSON: The applicant pays it.
10 MS. VEST: They have to get --
11 MR. FRAKER: No.
12 MS. VEST: The applicant -- or the company does
13 because the applicant works for the company. You will
14 send me the application for the registered employee,
15 but you still have to send your employee someplace else
16 to get a background check. To be fingerprinted, I
17 should say.
18 MR. FRAKER: Fingerprinted.
19 MS. VEST: And then the report comes to us, and
20 that's where I have to have the employees to be able to
21 sit down and take them. And there's a whole lot of
22 registered employees there for -- there's three people
23 that do nothing but those background checks.
24 MR. FRAKER: So -- so the fingerprinting, are
25 they the ones doing the background checks or they're

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1 just sending you the fingerprints.
2 MS. VEST: You go. You -- the employee is
3 printed. It's electronically sent to the TBI and the
4 FBI, and then we go into the TBI system and pull out
5 that information. We manually have to do that.
6 MR. COCKROFT: So your personnel --
7 MS. VEST: Does it, right.
8 MR. COCKROFT: So it's -- a part of the fee
9 covers the cost of the labor.
10 MS. VEST: For us to do -- part of that hundred
11 dollars is for us to look at those background checks.
12 You only see the criminal records that are --
13 MR. COCKROFT: That are problems.
14 MS. VEST: -- that we cannot make decisions on.
15 We see a lot of criminal records, but you're not going
16 to see them because we can look at the statute and it
17 tells us what we can do and make a decision on that. A
18 DUI is, we say, a normal driving offense. We very
19 seldom look at one DUI unless it was something else
20 that happened. But if we see a pattern there, I'm
21 going to deny that application or I'm going to take it
22 down to the Fresh Start Act. That's something else my
23 employees have to do now. We look at the Fresh Start
24 Act on every application that we're going to deny.
25 What I was talking about, is there a way to

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1 reduce the fee on producing the card? The work still
2 has to be done to do that.
3 MR. COCKROFT: On the replacement card? Like --
4 MS. VEST: Like I was talking about the transfer.
5 If I look at a -- there's -- a transfer just means a
6 form comes in and says I've left company A, now I'm at
7 company B. We just go into company A, say I'm no
8 longer there, hit delete and you're gone. We have to
9 go over to company B, and that's where we actually take
10 a few minutes to have to put the information in. It's
11 not like it used to be.
12 And we have got -- the system that we have now,
13 if we have a company that purchases another company,
14 and let's say they have 100 employees, we have to
15 transfer all those employees over to that company, but
16 now, as you know, every employee works for a company,
17 when we push that button the computer system now
18 automatically puts in every registered employee now,
19 changes that address. We did that manually for years.
20 MR. COCKROFT: So that instance --
21 MS. HIXSON: So when you change companies, you
22 still have to reissue cards.
23 MS. VEST: We issue a card, but we don't have to
24 do like we do on the initial application. It takes
25 longer for us to get the initial application. We have

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1 to actually do more work to issue the card. The
2 transfer, we can do it very quickly.
3 MR. COCKROFT: The new computer system is --
4 MS. VEST: Has helped us.
5 MR. COCKROFT: Data entry.
6 MS. HIXSON: Shauna, scroll it back up towards.
7 MS. WILLIAMS: Back up?
8 MS. HIXSON: Yeah.
9 MS. VEST: The attorney was asking if I had those
10 figures on the transfers and we don't yet. I'm working
11 on that. Like I say, this is just a preliminary we
12 were doing.
13 MS. HIXSON: Can you do a cost analysis on the
14 time and --
15 MS. VEST: That's what we're doing, yes.
16 MS. HIXSON: Yeah, that's what -- I mean of -- I
17 know you're doing this survey on the surrounding
18 states, but I think there should be some way for you to
19 do a cost analysis on what -- from the time that
20 application -- you -- you have your first -- or hands
21 on the application until the time that card is printed,
22 you should have a cost analysis on the amount of time,
23 the card creation, everything to show -- and put the
24 benefits on the employees' time and everything else to
25 show the justification. Then see how far off you

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1 are --
2 MS. VEST: Yes, we are doing that --
3 MS. HIXSON: -- to --
4 MS. VEST: -- Madam Chair. That's we are trying
5 to do. And I'm also trying to determine what is the
6 actual cost of producing a card. We're not the only
7 ones that do that. We don't just have to push a
8 button. The card is printed offsite and sent over
9 here. So I have to figure out how long that had taken.
10 It comes into the building, hits another floor.
11 There's other personnel that touches that card. With
12 the report, how long does that take even before we get
13 the card? So I have to take all that in consideration,
14 and that is what we're trying to do.
15 But I was trying to -- with this, I'm trying to
16 get you some information I can actually take to the
17 Hill. When they say, well, Miss Vest, you're over --
18 you're charging too much according to the other states,
19 I want to be able to say, well, I did this study, and
20 Alabama does this, Kentucky does this, that one does
21 that.
22 So this is where we've started. It's just going
23 to take a while. And hopefully I can get some more
24 information together so I can intelligently send it up,
25 take it up with us if and when we have to go in

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1 December.
2 MS. HIXSON: But you also need to find out from
3 these other states what their process is. You know,
4 they might not even require a background check, or they
5 may have a stick on name tag that says -- or a pin on
6 name tag that's not state generated. You know, these
7 are factors that need to be explored as well as to are
8 we comparing apples to apples, or is their systems
9 apples to oranges is the reason their cost is less than
10 what Tennessee is.
11 MS. VEST: Yes. We ran into that a good bit
12 also. Some of them -- well, what I understand from my
13 staff, it was hard to sense because they don't do the
14 classifications like we do, or this classification's
15 stuck in with this, and we ran into some -- little bit
16 more difficult than you think we would have just to say
17 how many employees do you have, what do you do to -- do
18 you do a background check? That should be -- well, you
19 know, to me that should be up on the internet and we
20 can go look at an application for a company like ours,
21 here are all of your requirements. We hadn't been able
22 to obtain all that information yet, but I'm working on
23 it.
24 MR. COCKROFT: Would it help any to obtain just
25 their budget information, to have their revenue and

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1 expenses to at least compare that? Would that be
2 something that --
3 MS. VEST: She said I can make a request for
4 that. I don't know if they would give that to me or
5 not.
6 MR. COCKROFT: Because that might summarize it
7 more so. I mean, it --
8 MS. HIXSON: Well, another thing, too, is if
9 you're not getting -- you know, you would only be
10 getting one part of the process, but alarm companies --
11 and I'm going to use Kentucky for example because
12 you've not gotten anything back from them. Call an
13 alarm company in Kentucky and have the owner explain to
14 you what process they do or don't have so you would at
15 least have an idea as to, well, we don't have
16 registered employees, but I as a company pay a thousand
17 dollars a year. So then that would give you step B to
18 go to, to find out. You know, reach out to individual
19 companies. And it's not going to give you the whole
20 state, but it's going to give you an idea on where to
21 go. If they are paying for registered employees
22 initially or renewal, then you know where to go to the
23 state for that money or that dollar amount.
24 MS. VEST: All right. That's an idea as well.
25 I'm going to be kind of limited there on timewise, but,

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<p>1 yes, I need to -- I want to say Alabama does regulate 2 their employees and qualifying agents. I need to know 3 that they do it the same way we do it or pretty much 4 the same way that we do it anyway or we have the same 5 requirements. 6 MS. HIXSON: The business owners should -- I 7 mean, legitimate alarm systems owner should be able to 8 tell you A, B, C. Go ahead. Or, hey, we've got the 9 state chapter. 10 MS. VEST: Does the association have that 11 information? 12 MR. LYNES: Alabama and Mississippi have much 13 harder regulations than we do. They regulate their -- 14 they do CEUs. Their employees do the whole thing. I 15 could actually probably have some of our staff give you 16 some of those numbers -- 17 MS. VEST: There you go. Thank you. 18 MR. LYNES: -- on the amounts. I wouldn't know. 19 MS. HIXSON: I forgot. I couldn't see you behind 20 Ashley. 21 MS. VEST: That's why we need to be working 22 together. 23 MR. LYNES: I wouldn't know the exact numbers 24 that they have registered in the state, but I could 25 definitely tell you how much it costs in their process</p>	<p>1 instead of -- 2 MS. VEST: Yeah, that's what we wanted. 3 MS. HIXSON: South Carolina and Florida. 4 MR. FRAKER: You don't want South Carolina. It's 5 wild, wild west. 6 MS. HIXSON: Just showing that region for 7 comparison. 8 MR. FRAKER: It's easy. 9 MS. VEST: Yes, we will. We'll try to get all of 10 the states that surround us because when we go up to 11 the Hill I want to be able to say, yes, we looked at 12 the map and we did this, is what we want to do. Like I 13 say, this is what we got started. At least we got this 14 part done or started to do it. It's not exactly 15 finished or anything. 16 Isn't there something underneath that? 17 MS. WILLIAMS: Yeah. I'm not sure what it is. 18 MR. FRAKER: And North Carolina goes through the 19 electrical contractor board. 20 MS. VEST: Yes. I mean, there's -- 21 MR. FRAKER: They go through the electrical not 22 the alarm. 23 MS. VEST: Not like I can just get on the phone 24 and call the -- 25 MR. FRAKER: Well, you need your electrical.</p>
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<p>1 because they're a lot more regulated than we are in 2 Tennessee. 3 MS. HIXSON: But they could also tell you where 4 they send that. If they are sending application funds 5 in, they may have a contact person or something that 6 would assist. 7 MR. LYNES: I do have that information. 8 MS. VEST: But you do have -- you have my e-mail 9 address. 10 MR. LYNES: I do. 11 MS. VEST: And telephone number. Okay. We'll be 12 working -- yes, working with the association. You 13 didn't realize that, did you? 14 MS. HIXSON: Why don't you add Florida and South 15 Carolina. I know that's two more states up there. 16 You've got Missouri on there. You know, that way 17 you've pretty much covered the southeastern coordinate 18 without going over into -- 19 MS. VEST: Does anybody here have a Florida 20 license? 21 MR. RICHARD: I attempted once. L.J. does. 22 MS. VEST: It's not real easy to get a Florida 23 license. 24 MR. LYNES: I have an instructor license and a -- 25 MS. HIXSON: Still, you're showing a region</p>	<p>1 MR. RICHARD: You've got to get your electrical. 2 Then you apply to the alarm systems board. 3 MR. FRAKER: Yeah, so you've got to go through 4 two. 5 MS. HIXSON: Well, see that needs to be included 6 in there. Then that's even more complex than what we 7 made them do, that you've got two hoops instead of one. 8 MS. VEST: Is that the end of that one? What's 9 it got down here in original data? 10 MS. WILLIAMS: I didn't understand what that was. 11 MS. VEST: This is just more information. Like 12 see it says Arkansas, the state police. This is who 13 we've tried to contact. The next one down there says 14 call state office. They don't have numbers for total 15 number of employee. Why wouldn't your state office 16 have this? Well, I don't know, but -- the other one is 17 low voltage and all they have is an exam, an exam 18 stating that any multiple -- so, yes, we made some 19 notations out to the side there. I knew that was 20 there, but it's not very much information there. 21 We've had to do -- I've had to do the same thing 22 for private investigators because they're the ones that 23 are in the red. For some reason it was a whole lot 24 easier, I guess because it's one classification. It's 25 just a PI. This is just a little bit more in depth,</p>

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1 and we're going to have to get a lot more in depth.
2 And it's really hard to sit there and break it out to
3 those four categories. Yes?
4 MR. HARVEY: Looks like you could call one of our
5 central stations here, too, that monitor all around.
6 They would know what all the fees were all the way
7 around.
8 MS. VEST: Okay.
9 MR. HARVEY: If they got employees -- I mean
10 accounts in those other states.
11 MS. VEST: The monitoring companies will?
12 MR. HARVEY: Uh-huh.
13 MS. VEST: Okay. There you go.
14 Can you make that note, Shauna?
15 Good. We're taking notes here. This is great.
16 I should have started with you to begin with other than
17 going out here and trying to do this, but that's okay.
18 I just want -- I'll try to get more information on this
19 and try to get a better graph on it as well. Like I
20 say, we really put our emphasis on the PI program
21 because it's the one that's in the red. Now that we
22 have to go to the Hill because it's in black, they're
23 going to probably ask me this information. I want to
24 be able to at least give them intelligent data anyway.
25 Yes, we'll move on down if you don't have anymore

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1 questions or have any questions about that and do -- I
2 don't have any legislative update. We don't have a
3 request for an extension. And we don't have any
4 criminal history reviews. Doesn't mean you hadn't had
5 any, but there's nothing for you to review.
6 Okay. We'll go right into the education report.
7 We only had just one submission, but it was two
8 courses, and we did send that out to Scott.
9 Scott, you want to tell us what you looked at?
10 MR. COCKROFT: Sure. This is another one that
11 says initial app, which it definitely wouldn't be good
12 for initial app. It would be good for continuing
13 education they checked it off, but in their letter they
14 weren't actually asking for that, I don't believe, when
15 they submitted it.
16 MS. VEST: Okay. Then they did ask for burg and
17 CCTV. That's all they've marked. And what you're
18 saying is that's okay, we're going to put it -- okay.
19 Which one did you have there, Scott?
20 Electricallicenser renewal.com, I believe, is who sent
21 these in.
22 MR. COCKROFT: Right. It's installing code
23 compliant security systems part one and part two.
24 MS. VEST: All right. So they did ask for
25 initial application and continuing education. You're

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1 saying continuing education.
2 MR. COCKROFT: Right.
3 MS. VEST: And they still marked it for burg and
4 CCTV.
5 MS. HIXSON: And monitoring.
6 MR. COCKROFT: Which continuing education, we
7 don't -- we don't differentiate.
8 MS. VEST: Yeah.
9 MR. COCKROFT: My only concern is if this online
10 class is four hours, they have the -- they have
11 screenshots of all of the -- the course material. Let
12 me find it here. I didn't do the online. They've got
13 an online login. I did not go online. Are you saying
14 like what's printed, all these slide shots are just
15 part of it?
16 MS. VEST: Yes, sir. Because they gave you the
17 wrong password.
18 MR. COCKROFT: Okay.
19 MS. VEST: We found out what the correct password
20 is. But we did -- we still were able to print out what
21 the course objectives are. And then you do you have
22 the screenshots of the main menu?
23 MR. COCKROFT: They've got five minutes per slide
24 on here. I believe it's like 50. I don't know if this
25 is slide or section. They say section, but I don't

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1 know if that's individual slides.
2 Are you looking at it? You've got it, too?
3 MR. RICHARD: Yeah. Uh-huh.
4 MR. COCKROFT: That's my only question is if it's
5 really four hours worth of content. Does anybody have
6 any opinion on that looking at it?
7 MR. RICHARD: Looking at some of these slides, I
8 mean, it's -- you can like this class 1, class 2, class
9 3 on this course. It's going to take 15 minute, 30
10 minutes, I would say, to -- to review.
11 MS. VEST: Sometimes we get this information it's
12 just too much to print. We have to look at it. So
13 what you're saying is you don't think it's a full four
14 hours?
15 MR. COCKROFT: Well, it's two four-hour classes,
16 what they have submitted, a part one and a part two. A
17 lot of it -- I mean, it is electrical related. It does
18 apply to the industry. A lot of it is stuff that
19 doesn't necessarily directly apply. They have
20 addressed a lot of the low voltage items. The person
21 that teaches the course or designed the course is an
22 electrical codes instructor, an electrical
23 inspections -- he had been an electrical inspections
24 like a code enforcement person.
25 I'm comfortable with the classes and that there's

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<p>1 enough that applies. And for continuing education, it 2 might be borderline, but I feel like there's enough 3 there for what they're asking for for continuing ed, 4 unless anyone else has any objection. 5 MR. RICHARD: So some of these slides are -- it 6 looks like there's some that were skipped or missed. 7 So I'm not sure if you're seeing -- like you see here? 8 43, 44, then it goes up to 47, 48. 9 MS. WILLIAMS: It could be the way it printed 10 out. 11 MR. RICHARD: So there's probably more slides 12 than what you're actually seeing. 13 MR. COCKROFT: They do go up to 50, and then if 14 you look at his list there's -- and then there's a list 15 of 50 at five minutes a piece. Do those individual 16 numbers correspond to this list? 17 MS. HIXSON: Yeah. 18 MR. COCKROFT: I think it's a bit of a stretch 19 for five minutes per slide. 20 MS. VEST: So what are we saying here about both 21 of these courses? Are they both -- are you looking at 22 both of them for the same slides? 23 MR. COCKROFT: Well, each class -- each class is 24 four hours, and, yeah, there's 50, and is it in each 25 one?</p>	<p>1 already gone out and got their dates as well. Like 2 February is in 1-B and April is going to be 1-A. We'll 3 move from -- 4 MS. HIXSON: That's just that room versus this 5 one. 6 MS. VEST: That's all it is. It's just a whole 7 lot bigger rooms is all it is. 8 And I believe that is all I have, Madam Chair. 9 MS. HIXSON: Okay. Anybody else got any old, new 10 unfinished business? What did we decide about 11 December? Are we canceling the meeting or are we not? 12 MS. VEST: I think that's up to the Board here. 13 I just made that suggestion because I didn't want to 14 bring you in both times. One is one week and one is 15 the next. But now I don't -- 16 MS. THOMAS: I believe -- let me pull up the 17 schedule again. Typically Sunset is usually at 1 p.m., 18 so I don't know if maybe -- I don't know if a room's 19 available to move the meeting from the 11th to the 18th 20 and then we do the meeting that morning and then go to 21 the Hill that afternoon. I don't know how the Board 22 feels about that, if that's too much. But I was just 23 thinking trying to avoid coming in twice. Yeah, let me 24 pull that up, though. 25 MR. HARVEY: If we needed to have a meeting,</p>
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<p>1 MS. HIXSON: Yeah, it is. 2 MR. COCKROFT: I'll make a motion to approve as 3 presented with four hours each with just for continuing 4 education but not initial application. 5 MS. VEST: Both of these courses? 6 MR. COCKROFT: Both courses, right. 7 MS. HIXSON: Okay. We have a motion by 8 Mr. Cockroft to approve these two courses, part one and 9 part two for installing code compliant security systems 10 for initial -- I mean for continuing education only. 11 Do we have a second? 12 MR. RICHARD: Second. 13 MS. HIXSON: And a second by Mr. Richard. All in 14 favor, voice by saying "aye." 15 THE BOARD: Aye. 16 MS. HIXSON: All opposed. The courses are 17 approved. 18 MS. VEST: All right. We can move on. I don't 19 have any unfinished business, but we do -- we do have 20 some new business. 21 MS. HIXSON: Okay. 22 MS. VEST: And that is your 2020 schedule. 23 The -- if you noticed on this particular schedule, 24 sometimes the rooms change, we're in the big room 25 versus the small room here. The other programs have</p>	<p>1 could we do it like the day before, day after, and 2 connect them? 3 MS. THOMAS: Uh-huh. 4 MS. VEST: As long as we're able to find a room, 5 yes, that we can televise, yes. 6 MS. THOMAS: So it looks likes actually Sunset 7 would be at 9. So we could do 9 and then that 8 afternoon, or I don't know how -- 9 MS. VEST: Sunset's at 9 in the morning. 10 MS. THOMAS: I don't know how Sunset will be. 11 MS. VEST: It could run all the way through to 12 2 o'clock in the afternoon. I don't know. That's 13 going to be -- I don't know about anybody else, but 14 I'll probably be already stressed out enough just doing 15 that to have a board meeting. 16 Keith can tell you and Vivian's been there, 17 sometimes -- 18 MS. THOMAS: You could be last on the agenda and 19 you're sitting there. 20 MS. HIXSON: Hours. 21 MS. VEST: And do absolutely nothing. 22 MS. HIXSON: And the thing is you're sitting out 23 in -- depending on which room you're into, you're 24 sitting out in a hallway, not a tiny hallway but just a 25 hallway, until you get called in.</p>

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<p>1 MS. VEST: Right they have moved over to the 2 Cordell Hull Building, which is right up the street. 3 MR. COCKROFT: I went one time and we were in 4 some sort of an auditorium. 5 MS. VEST: That's right. But that's changed as 6 well. They've got some nice -- a nice facility. 7 MS. HIXSON: Where's the Cordell Hull Building? 8 MS. VEST: You just walk up the 5th Avenue, it's 9 the first building on the right you come to, just 10 across from the auditorium on Gay Street. 11 MS. WILLIAMS: 1-A is not available. 12 MS. VEST: Hold on. Just a second. We're 13 checking room availability. 14 MS. THOMAS: Maybe check the 19th, Shauna, and 15 then they could do Sunset one day and board meeting the 16 next day. If we cancel in December and you get a lot, 17 our next meeting is not until February. 18 MS. HIXSON: That backs them up when you hold 19 them that long. 20 MS. WILLIAMS: So it looks like maybe -- hold on. 21 The 20th, it's pending approval, which it will probably 22 get approved. 23 MS. THOMAS: So 20th is available? 24 MS. WILLIAMS: For 1-B. I can try for a 25 different room maybe on the 18th.</p>	<p>1 Room 1-A. 2 MS. THOMAS: What time? 3 MS. VEST: What time? 4 MS. WILLIAMS: I did it for all day. 5 MS. VEST: Okay. How about that then? We can 6 attempt that. 7 MS. THOMAS: So move the board meeting. 8 MS. VEST: Move the board meeting to the 18th. 9 We all meet we go to the Hill because you're going to 10 be there anyway, lunch, whatever. We'll come back down 11 here and we'll have our board meeting. 12 MR. COCKROFT: Only problem is if we have 13 appearances or anything. 14 MS. THOMAS: We just have to notice them. 15 MS. VEST: I have to tell them you need to be 16 here 1 o'clock and you might be sitting here until 17 3 o'clock until you're heard. I don't know. 18 MR. FRAKER: Don't appear that day. You don't 19 want to come that day. 20 MR. HARVEY: What time should we be here that 21 morning to go to the Hill? 22 MS. VEST: I beg your pardon? 23 MR. HARVEY: What time should we be here in 24 Nashville? 25 MS. VEST: Well, it starts at 9. We'll have to</p>
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<p>1 MS. THOMAS: Sunset is on the 18th. 2 MS. VEST: It's on the 18th. So the 20th is not 3 going to work. 4 MS. HIXSON: That's a Saturday, isn't it? 5 MR. COCKROFT: That's a Friday. 6 MS. THOMAS: Friday. 7 MS. HIXSON: So the Sunset's on Wednesday? 8 MS. THOMAS: Wednesday, December 18th is the 9 tentative date, yes. 10 MR. COCKROFT: That's the week right before 11 Christmas. 12 MS. THOMAS: Right. 13 MR. FRAKER: The 18th not the 19th. I had it 14 marked the 19th. 15 MS. VEST: We could have said that at one time 16 before we actually knew what our schedule would be. We 17 can try on the 18th and set it up as long as we're 18 here. If nothing else, if we have a whole lot of 19 continuing education we can do that. You know, all 20 depends what timeframe that we have. We want to try 21 that, that's fine. I don't really want to go to 22 another conference room because it's not recorded. 23 We're supposed to be to where they are recorded. 24 And -- 25 MS. WILLIAMS: I think I can get it on the 18th,</p>	<p>1 be here at least a quarter till. We'll notify you the 2 room number, room and everything. 3 MS. HIXSON: Are we going to meet here and go up 4 there as a group or just meet up there? 5 MS. THOMAS: Typically that's what happens. The 6 legislative team tells us to meet here and we walk up 7 there together. It's still downtown parking. 8 MS. HIXSON: Do they have -- granted we won't 9 know the hours, but do they not have a schedule for the 10 18th? 11 MS. THOMAS: The closer it gets, they will 12 publish an agenda and we will kind of know where we 13 appear on the agenda. 14 MS. HIXSON: And they can let us know, Keith, 15 what time we have to be here, instead of meeting here 16 at 8:30 and our appearance isn't until 11. 17 MS. THOMAS: Well, even then I don't think they 18 put a time on the agenda. It says 9 o'clock is the 19 start of the Sunset hearing, and then they will just 20 list one, two, three, four, whatever many departments 21 or boards are appearing, and you're there and they just 22 go through the agenda. 23 MS. VEST: And usually it's alphabetical and we 24 start A. 25 MS. THOMAS: Unless they go have Department of</p>

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1 Commerce and then we're C.
2 MS. VEST: Stop that.
3 MS. WILLIAMS: I got the room.
4 MS. VEST: We got the room. We got that locked
5 in anyway. So you need to make your arrangements.
6 MS. WILLIAMS: It will just be in the room 1-A.
7 MS. THOMAS: The next week.
8 MS. HIXSON: That's for the 18th of December.
9 MS. VEST: Yes, ma'am.
10 MS. HIXSON: Okay. All right. If there's no
11 more business to discuss, this meeting is adjourned.
12 (This proceeding was concluded at 11:50 a.m.)

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1 CERTIFICATE OF REPORTER
2

3 STATE OF TENNESSEE)
4)
5 COUNTY OF DAVIDSON)

6 I, Cicely Moore, Court Reporter, certify that I
7 was authorized to and did stenographically report the
8 proceedings at the time and place described herein; that
9 the transcript is a true and complete record of said
10 proceedings.

11 Dated this 29th day of October, 2019.

12 
13

14 Cicely Moore
15 Certified Court Reporter
16 State of Tennessee
17
18
19
20
21
22
23
24
25

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