#### **MINUTES**

#### OF THE

### NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

DATE: January 16, 2014

TIME: 9:00 a.m.

PLACE: Holiday Inn-Crabtree Valley

Raleigh, North Carolina

SUBMITTED BY: Anthony B. Bonapart

**Deputy Director** 

MEMBERS PRESENT: MEMBERS ABSENT:

Mack Donaldson None

Brad Smith June Ray Larry McClellan

Jack Ingle Ralph Gregory

John Thompson

#### STAFF PRESENT:

Director Terry Wright

Deputy Director Anthony Bonapart

Field Services Supervisor Phillip Stephenson

Director Terry Wright

Training Officer Judy Pittman

Attorney Jeff McKinney

#### **VISITORS:**

Charles Shipman Richard Terrio

Joshua Parrott Ed Pait

Hernon Garcia

Vaughn G. Slep

Clyde A. Mowery

Lisa Hylan

Ryan Wassilchak

Ryan Wassilchak

Ryan Wassilchak

Kevin Cooper

Ray Bilinski

Jeremy Knowles

Christopher Nobling Mike Rivera

Daniel Massey
Amy L. Thiel
Earnest C. Johnson
Earl Chamblee
Gregory Pratt
David Sperber
Jeffrey Angell
Don Childers
Edward Browning
C. Fred Keller, Jr.
Julius L. Ulanday
Andy Nasipah
Joseph McGee

Leanna Pontow Rebecca James Thomas Violak Leroy McCall Steven Tichenor Rick Gibbey Jeff Bates Gary Kieft Tim Mangum Robert C. Ruta Floyd Cook Dorian Dehnel

The January 16, 2014 meeting of the North Carolina Alarm Systems Licensing Board was called to order by Chairman Smith at 9:00 a.m.

The Board's attorney, Jeff Gray, could not attend this meeting. Jeff McKinney of Bailey & Dixon provided legal **representation** to the Board throughout the meeting. Mr. McKinney advised the Board of the following State Ethics Law.

In accordance with the State Ethics Law, Attorney Mr. McKinney read the following information. "It is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. If any member has any known conflict of interest or appearance of conflict with respect to any matter coming before this Board today, please identify the conflict or appearance and refrain from the deliberation and vote in that matter."

Mr. Smith introduced new member, Mr. Ralph Gregory to the Board. Mr. Smith welcomed all other guests.

MR. JOHN THOMPSON MADE A MOTION TO APPROVE THE NOVEMBER 14, 2013 BOARD MINUTES. SECONDED BY MR. INGLE. MOTION CARRIED.

Ms. Ray gave the Screening Committee report.

MR. THOMPSON MADE A MOTION TO APPROVE #17 ON THE SCREENING REPORT. SECONDED BY MR. INGLE. MOTION CARRIED. IT WAS NOTED MR. MCCLELLAN RECUSED HIMSELF FROM VOTING ON THIS MATTER.

MR. DONALDSON MADE A MOTION TO APPROVE #15 ON THE SCREENING REPORT. SECONDED BY MR. INGLE. MOTION CARRIED. IT WAS NOTED MR. SMITH RECUSED HIMSELF FROM VOTING ON THIS MATTER.

# MR. DONALDSON MADE A MOTION TO APPROVE THE REMAINING APPLICATIONS ON THE SCREENING REPORT WITH THE EXCEPTION OF #15 AND #17 PREVIOUSLY APPROVED. SECONDED BY MR. INGLE. MOTION CARRIED.

Mr. Wright gave the registration report. Mr. Wright advised that there has been a lot of corrections that needed to be made on registration applications and incorrect or incomplete applications contribute to the registration backlog. Mr. Wright requested that the industry inform their staff to review the applications prior to sending them into the PPS offices to ensure the applications are accurate and complete.

### MS. RAY MADE A MOTION TO APPROVE THE REGISTRATION REPORT AS PRESENTED. SECONDED BY MR. GREGORY. MOTION CARRIED.

Mr. Donaldson stated that the industry should encourage their employees and licensees to attend the registration training classes that are offered during the year. The next class will be March 20, 2014. Mr. Donaldson stated that the training was very valuable.

Mr. Phillip Stephenson gave a report from the screening committee meeting on January 15, 2014 in regard to an item regarding the application process. Currently, an applicant is requested to send their credit report with the other items requested on the application. These credit reports can be a couple of pages or up to 100 pages. In the past, the investigators would run the credit reports themselves. The staff is asking that the investigators begin to run the credit reports again which will save time and postage.

MR. MCCLELLAN MADE A MOTION TO AMEND 12 NCAC 11 .0201(a)(6) SO THAT THE STAFF INVESTIGATORS CAN RUN THE CREDIT REPORTS ON APPLICANTS. SECONDED BY MS. RAY. MOTION CARRIED.

### MR. INGLE MADE A MOTION FOR THIS ACTION TO BE EFFECTIVE IMMEDIATELY. SECONDED BY MR. GREGORY. MOTION CARRIED.

Mr. Stephenson received an email from Mr. Gregory Johnson asking for clarification on "monitored access" and what constitutes "monitored access". Mr. Johnson submitted two examples of access control systems tor Mr. Stephenson for review. Mr. Stephenson presented the two examples to the Board: example # 1 was a Digi Gate, PTI and Sentinel System and example # 2 was a Door King Telephone Entry System. In regards to example # 1, the Board determined that the Digi Gate, PTI and Sentinel System does fall under G.S. 74D and an alarm license would be required to install the product. The Board determined that the Door King Telephone Entry System did not fall under G.S. 74D, therefore an alarm license was not required to install the product.

Mr. Stephenson presented another email from Mr. Al Brunjes in regard to home school individuals who would like to apply for an alarm apprenticeship. The Board agreed that home school students should be treated as any other individual going to a public or private school and would qualify for the alarm apprenticeship consistent with the statute.

Mr. Smith gave the Grievance Committee report. Mr. Smith and Mr. Donaldson met as the Grievance Committee on January 15, 2014 from 9:00 a.m. to 12:00 noon. It was noted that Mr. McClellan recused himself from voting on Case Number 2013-ASL-043.

MR. INGLE MADE A MOTION TO APPROVE THE GRIEVANCE REPORT WITH THE EXCEPTION OF 2013-ASL-043. SECONDED BY MR. THOMPSON. MOTION CARRIED.

MR. INGLE MADE A MOTION TO APPROVE CASE NUMBER 2013-ASL-043 AND THAT MR. MCCLELLAN RECUSED HIMSELF FROM VOTING ON THIS CASE. SECONDED BY MR. THOMPSON. MOTION CARRIED.

Mr. McKinney recused himself as counsel to the Board and presented the following final agency decisions.

13 DOJ12333 - Jeffrey D. Angell - This contested case was heard before Administrative Law Judge Beecher R. Gray on August 2, 2013 in Raleigh, North Carolina. The issue was whether or not grounds exist to deny the application of Mr. Angell for an alarm systems registration for a conviction of misdemeanor Assault on a Female. Mr. Angell was present.

### MR. DONALDSON MADE A MOTION TO APPROVE HIS REGISTRATION. SECONDED BY MS. RAY. MOTION CARRIED.

12 DOJ07298 - Tina Marie Fallon - This contested case was heard before Administrative Law Judge Beecher R. Gray on January 8, 2014. Ms. Fellon failed to appear at the contested case hearing and failed to prosecute the contested case. Ms. Fallon was not present at the Board meeting.

MR. INGLE MADE A MOTION TO ACCEPT THE DISMISSAL OF THIS CONTESTED CASE WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE ON THE PART OF PETITIONER. SECONDED BY MR. THOMPSON. MOTION CARRIED.

### SPECIAL PRESENTATIONS None

Mr. McClellan stated since Mr. James Taylor was no longer on the Board and Mr. Taylor served on the education committee with him, Mr. McClellan would like the Board to appoint another member to replace Mr. Taylor.

## MR. MCCLELLAN MADE A MOTION TO APPOINT MR. MACK DONALDSON TO THE EDUCATION COMMITTEE. SECONDED BY MR. INGLE. MOTION CARRIED.

BREAK: 10:05 a.m. RECONVENED: 10:20 a.m.

UNFINISHED BUSINESS

None

#### **OLD BUSINESS**

Mr. Wright stated that he has informed DOJ regarding the request to host the IASIR Conference. He will report back at the March meeting. Mr. Smith stated that he and Ms. Ray attended the IASIR conference in Canada and it was well worth the time. They have asked North Carolina to host the conference for 2015. IASIR absorbs all of the costs. The staff will be asked to locate a suitable hotel that meets the needs of the attendees. Mr. Donaldson suggested volunteers to help. Mr. Dorian Dehnel stated he would volunteer.

Mr. Wright stated staff will be reaching out to the industry to train on the new database. Also, licensees or designees will need to attend the training session. Volunteers can contact Mr. Smith or staff and send the names to them if interested in participating in the training session. DOJ-IT is also gathering bids for a team to attempt to hack into the system. Mr. Wright will present the quotes to the Board.

### DIRECTOR'S REPORT

Mr. Wright presented the written report and advised as of November 30, 2013, the Alarm Board's balance was \$476,219.43. The Education Fund balance was \$53,998.42. As of January 13, 2014, the Board has 933 licensees and 6993 registrants.

### MR. INGLE MADE A MOTION TO APPROVE THE DIRECTOR'S REPORT AS PRESENTED. SECONDED BY MR. GREGORY. MOTION CARRIED.

### ATTORNEY'S REPORT

Mr. McKinney reported on the following consent agreements:

- 1. George Bish/Secure Automation Consent Agreement of \$232,988.40 was executed and the licensee paid nine monthly installment amounts of \$19,415.70 with the last payment on September 30, 2013. Three more payments are owed. Mr. Bish has advised that the company has gone out of business.
- 2. Charles Bellia/The Security Shop Consent Agreement of \$2,101.20 was executed and

- the licensee agreed to make three monthly installments in the amount of \$700.40. Licensee has made only two payments with the last one being received on 10-14-13.
- 3. Daniel C. Hagerty/AVSX Technologies Consent Agreement of \$14,749.20 was executed and the licensee agreed to make three monthly installments in the amount of \$4,916.40. Licensee has made two payments and are current.
- 4. Steven Tucker/ADT Consent Agreement of \$6,058.80 has been signed and waiting for payment.
- 5. Sidney Smith/Business Improvement Technologies, Inc. Consent Agreement of \$6,854.00 has been executed and paid in full.
- 6. William Swain/MSS Fire & Security, LLC Consent Agreement of \$5,691.60 has been executed and paid in full.
- 7. Bryan Marsh/JNB Tek Consent Agreement of \$1,530.00 has been executed and paid in full.
- 8. Eric Beatty/Power Home Technologies, LLC Consent Agreement of \$13, 219.20 has been executed and paid in full.

The schedule of hearings in the Office of Administrative Hearings is attached to the Attorney's Report.

Rule 12 NCAC 11 .0105 to make it a violation to provide false information to the Board's approved third party out of state criminal history record check provider has been approved by the Rules Review Commission on October 17, 2013. The Notice of Text was filed and a public hearing was held on January 10, 2014. No one attended the hearing and to date, no written comments have been received. The comment period expires on February 14, 2014.

### MR. INGLE MADE A MOTION TO ACCEPT THE ATTORNEY'S REPORT AS PRESENTED. SECONDED BY MR. THOMPSON. MOTION CARRIED.

#### **NEW BUSINESS**

Mr. Smith discussed 12 NCAC .0210, the electrical contracting license requirements. The Board has not been enforcing the rule as far as having a licensee or registered employee that holds a NC Electrical License in each branch of a company. At present, a company must have a full time employee that is registered or licensed to hold a NC Electrical License at all times. The industry has changed throughout the years and Mr. Smith asked that this rule be repealed.

# MR. DONALDSON MADE A MOTION TO REPEAL 12 NCAC .0210. SECONDED BY MR. GREGORY. MOTION CARRIED. IT WAS NOTED MR. THOMPSON OPPOSED THIS VOTE.

Discussion was held by the audience in regard to this vote. It was agreed that immediate action be delayed until the staff can speak with the Board's attorney, Jeff Gray.

MR. DONALDSON MADE A MOTION TO HAVE A SPECIAL MEETING BEFORE THE MARCH BOARD MEETING TO FURTHER DISCUSS AND HOLD A VOTE IN REGARD TO 12 NCAC .0210. SECONDED BY MS. RAY. MOTION CARRIED.

GOOD OF THE ORDER

MR. INGLE MADE A MOTION TO ADJOURN. SECONDED BY MR. THOMPSON. MOTION CARRIED.

Meeting Adjourned:	11:00 a.m.		
		Anthony Bonapart Deputy Director	
		Nan Williams Reporter	