

MINUTES
OF THE
NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

DATE: November 17, 2011
TIME: 9:00 a.m.
PLACE: Holiday Inn
Raleigh, North Carolina
SUBMITTED BY: Anthony B. Bonapart
Deputy Director

MEMBERS PRESENT:

Johnny Phillips
Brad Smith
Mack Donaldson
June Ray
James Taylor
Larry McClellan
Jack Ingle

MEMBERS ABSENT:

None

STAFF PRESENT:

Deputy Director Anthony Bonapart
Attorney Charles McDarris
Field Services Supervisor Phillip Stephenson

Board Secretary Nan Williams
Attorney Jeff Gray
Training Officer Judy Pittman

VISITORS:

William C. McCall
Hernaz Garcia
Charles Smith
John Russo
Dawn High
David Bollinger
Chisa Dayberry
Michael F. Strickland

Larry McClellan
Glen Buckner
Charles Shipman
Keith Pendleton
Lisa Hylan
Tom West
Brian Rouse
Steve Briggs

Jon Caznes
Melvin Parrish
Fred Jeffers
Kevin Cooper
Joe McGee

Chee Ho Thi
Brad Smith
David Harris
Ken Henke

The November 17, 2011 meeting of the North Carolina Alarm Systems Licensing Board was called to order at 9:00 a.m. by Chairman Phillips.

In accordance with the State Ethics Law, Attorney Charles McDarris 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 to this Board today, please identify the conflict or appearance of conflict and refrain from any deliberation and vote in that particular matter."

Mr. Phillips welcomed all guests.

MR. TAYLOR MADE A MOTION TO APPROVE THE MINUTES FROM THE SEPTEMBER 22, 2011 BOARD MEETING. SECONDED BY MS. RAY. MOTION CARRIED.

Mr. Smith gave the Screening Committee report.

MS. RAY MADE A MOTION TO APPROVE THE SCREENING COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. TAYLOR. MOTION CARRIED.

Mr. Bonapart gave the registration report.

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

Mr. Smith reported that he and Mr. Donaldson met as the Grievance Committee on November 16, 2011 from 1:00 p.m. to 4:15 p.m.

Mr. Donaldson reminded the industry that the Board has a new address and telephone number and that they should change their contracts with the new information.

Vivint, Inc., presented the Board with a locking mechanism device which acts as a key pad to the alarm panel. It is tied in with the alarm panel and can be controlled by the alarm panel. The question is whether or not this falls under chapter 74-D or under the Locksmith Board's law and rules. It can also be locked and unlocked manually.

The Board stated that if it is tied into an alarm panel that it falls under 74-D. The Board's attorney will work with the company in composing a ruling and prepare an interpretation of the Board's law

and rules.

The Board discussed a matter from Mr. Kyle W. Randleman concerning whether or not a license would be required to install IP based surveillance cameras for a hog farm. It was the Board's conclusion that a license would be required to install these cameras since it can and will monitor human activity as well. The staff and attorney will contact Mr. Randleman of this decision.

Mr. McDarris removed himself as counsel to the Board to give two final agency decisions.

GLEN THOMAS BUCKNER - 11 DOJ 8429. This case was heard by Administrative Law Judge Donald W. Overby on August 23, 2011. The issue before the judge was the denial of an alarm registration for lack of good moral character or temperate habits. Mr. Buckner was present.

MS. RAY MADE A MOTION TO REVERSE IT'S INITIAL DECISION TO DENY MR. BUCKNER'S APPLICATION AND APPROVE HIM FOR AN ALARM REGISTRATION. SECONDED BY MR. DONALDSON. MOTION CARRIED.

MR. SMITH MADE A MOTION TO AMEND THE ABOVE MOTION. THE APPROVAL IS FOR AN ALARM REGISTRATION AND NOT FOR A LICENSE. SECONDED BY MS. RAY. MOTION CARRIED.

TIM WAYNE BAY - 11 DOJ 4955. This case was heard by Administrative Law Judge Melissa Owens Lassiter on May 24, 2010. The issue before the judge was whether or not the judge should dismiss the contested case for Mr. Bay's failure to prosecute the case. Mr. Bay was not present.

MR. DONALDSON MADE A MOTION TO UPHOLD THE ORIGINAL BOARD'S DECISION TO DENY THE ALARM REGISTRATION FOR MR. BAY. SECONDED BY MS. RAY. MOTION CARRIED.

BREAK: 9:35 a.m.
RECONVENED: 10:00 a.m.

UNFINISHED BUSINESS

None

OLD BUSINESS

None

NEW BUSINESS

Mr. Gray explained to the Board that they must take action against a licensee if the individual has not paid his/her child support. GS 110-142.1 was passed and requires the Board to suspend or revoke a license for lack of child support payments. The license could be suspended if a person did not pay their arrearages within twenty (20) days. This law only covers licenses and not

registrants.

Mr. Gray stated he would prepare a letter for the Board's staff to use in case this matter should arise in the future for someone who does not pay their child support.

Mr. Bonapart presented an email from Mr. Ron Clifton in regard to seeking the position of the State Fire Marshall in regard to the use of transformer power as a power source to residential alarm panels as opposed to hard wired power. It is of the opinion of the fire marshall that if a central alarm system is to be installed in lieu of a 120-volt system, it must meet the provisions for wiring that is permanent to the fire alarm control panel without an additional disconnecting means such as a cord and plug installation.

Mr. Gray presented the Board with an article in regard to business management experience, and not necessarily installation experience. Mr. McClellan feels that an individual applying for a license be required to take some kind of business management course before the individual is approved for a license.

Mr. Smith suggested that the continuing education committee be able to approve courses that are business management courses. This way the statute will not need to be changed. Mr. McClellan feels that some young people need business management experience so they can learn how to manage and operate a business.

MR. MCCLELLAN MADE A MOTION THAT THE CONTINUING EDUCATION COMMITTEE NOW CONSIDER BUSINESS MANAGEMENT COURSES AND DIRECT THE ATTORNEY TO CHANGE THE RULE TO INCLUDE THESE TYPES OF COURSES. SECONDED BY MR. DONALDSON. MOTION CARRIED.

DIRECTOR'S REPORT

Mr. Bonapart presented the written report and advised as of September 30, 2011, the balance for the Alarm Board is \$197,752.19. The two Boards (Private Protective Services and Alarm Systems Licensing) are now split. The Education Fund balance was \$45,232.65. As of November 14, 2011, the Board has 904 licensees and 6346 registrants.

MR. SMITH MADE A MOTION TO APPROVE THE DIRECTOR'S REPORT AS PRESENTED. SECONDED BY MS. RAY. MOTION CARRIED.

Mr. McDarris presented the Board with a letter explaining the process of the Division of Criminal Information (DCI) which the staff currently uses to conduct a criminal records review. If the DCI check reveals a criminal record, the staff is unable to advise the applicant that the DCI check in fact did reveal a criminal record. All new applicants for license, registration or certification must submit a fingerprint card which is then forwarded to the SBI/FBI and a comprehensive criminal record is conducted based on the applicant's fingerprints.

Based on the discussions with the staff, it has been determined that the DCI checks have no administrative value and considering that all new applicants must submit a copy of their criminal record and fingerprints and all renewal applicants must submit a copy of their criminal record, there is no basis for the staff to continue to conduct DCI checks on applicants.

There is no loss of information by discontinuing the use of DCI as the staff will continue to review the Administrative Office of the Courts (AOC) checks and fingerprint results provided by the applicants.

MR. TAYLOR MADE A MOTION FOR THE STAFF TO DISCONTINUE THE USE OF THE DIVISION OF CRIMINAL INFORMATION (DCI) TO CONDUCT A CRIMINAL RECORDS REVIEW. SECONDED BY MS. RAY. MOTION CARRIED.

Mr. Bonapart introduced Mr. Melvin Turner who has been recently hired as a PPS investigator.

ATTORNEY'S REPORT

Mr. McDarris reported on the following consent agreements:

1. Fortress Systems International Inc./Chi Ho Thi - Consent agreement in the amount of \$10,934.40 to be paid in three installment payments has been executed and paid.
2. Michael Douglas Dickinson - Consent agreement in the amount of \$326.40 has been executed and paid.
3. Kevin O. Smith - Consent agreement in the amount in the amount of \$1530.00 has been executed and paid.
4. Frank Chaput/Power Home Technologies - Consent agreement in the amount of \$18,278.00 has been executed and paid.

The list of Administrative Hearings were given to the Board as an attachment to the Attorney's Report.

Rules 12 NCAC 11 .0201, .0204, .0301, and .0306 were adopted at the last meeting.

Mr. McDarris reminded the industry that the 919 area code will be assigned an overlay area code in the first quarter of 2012. The industry should be making plans to program/re-program alarm panels that may be assigned with the new area code.

Mr. McDarris stated that he will be changing his career and leaving as the Board's attorney. He thanked the Board for everything and stated he has enjoyed working with the staff and the industry. Mr. McDarris recommended that Mr. Jeff Gray be the Board's attorney.

MR. LARRY MCCLELLAN MADE A MOTION TO ACCEPT THE NEW RETAINER AGREEMENT DESIGNATING MR. JEFF GRAY AS THE BOARD'S ATTORNEY. SECONDED BY MR. SMITH. MOTION CARRIED.

MR. DONALDSON MADE A MOTION TO ACCEPT THE ATTORNEY’S REPORT. SECONDED BY MS. RAY. MOTION CARRIED.

Mr. Smith requested the disciplinary action of prior violations that are now shown on the investigator’s reports, only show exactly what the action was, whether it was a dismissal, pay a violation, etc. He doesn’t want the number of complaints filed on an individual but would like to see what action was taken. In the future the investigators report should only list disciplinary action.

Mr. Bonapart reported that the DOJ’s state auditor will be conducting another audit in the near future.

MR. LARRY MCCLELLAN MADE A MOTION TO ADJOURN. SECONDED BY MS. RAY. MOTION CARRIED.

Meeting Adjourned: 11:00 a.m.

Anthony B. Bonapart
Deputy Director

Nan Williams
Reporter