

MINUTES
OF THE
NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

DATE: March 20, 2014

TIME: 9:00 a.m.

PLACE: Holiday Inn-Crabtree Valley
Raleigh, North Carolina

SUBMITTED BY: Anthony B. Bonapart
Deputy Director

MEMBERS PRESENT:

Mack Donaldson
Brad Smith
June Ray
Larry McClellan
Jack Ingle
Ralph Gregory
John Thompson

MEMBERS ABSENT:

None

STAFF PRESENT:

Director Terry Wright
Deputy Director Anthony Bonapart
Field Services Supervisor Phillip Stephenson

Board Secretary Nan Williams
Training Officer Judy Pittman
Attorney Jeff Gray

VISITORS:

George Bish
James Porreca
Don Childers
Vernon L. Rodden
Corey Dawson
Huey B. Allen
Tyler Nixon
Billy Guttenberger
William Earl Bunn

Ed Pait
Ray Epperly
Michael Vaillancourt
Lonn Wylie
Jason Lindquist
Thomas Futrell
Richard O'Neal
Walter L. Stanley Jr.
Daniel McLeod

David Sperber
Ruth Story
Darryl Bray
Junko Shiraishi
Chuck Olson
Dexter Burwell
Duncan Hubbard
Kevin Floyd
Amanda Scott
Christopher Nobling
Jesse Tyner
Darion Dehnel
Patricia Thompson
Brad Smith
Ric Gibbey
Kyle Magnusson
Timothy M. Drake
Erika Hernandez
Ralph Kelly

Daryl Kilian
Travis Johnson
Jason Potter
Willie E. Breswell
Chris Broome
Stephen N. Wheeler
Malcolm Burchett
Mary Elliott
Brittany Herman
Kristin Hazelton
Nicole Singer
William Baker
Terry Steinhauer
David Koger
Levern Gordon
Lonnie Manley
Ronald T. Dapp
Ralph W. Gregory
Ken Henke

The March 20, 2014 meeting of the North Carolina Alarm Systems Licensing Board was called to order by Chairman Smith at 9:20 a.m.

In accordance with the State Ethics Law, Attorney Gray 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 welcomed all guests. Mr. Smith asked for a moment of silence for Helen Parker, who passed away and was a long time employee and investigator with PPS.

MS. RAY MADE A MOTION TO APPROVE THE JANUARY 16, 2014 BOARD MINUTES AND THE MINUTES FROM THE FEBRUARY 4, 2014 SPECIAL MEETING. SECONDED BY MR. INGLE. MOTION CARRIED.

Mr. Smith gave the grievance report. Mr. Smith and Mr. Donaldson met as the Grievance Committee on March 19, 2014 from 9:00 a.m. to 11:30 a.m. It was noted that Mr. Gregory recused himself from voting on 2013-ASL-025.

MR. THOMPSON MADE A MOTION TO APPROVE ALL CASES AS PRESENTED EXCEPT CASE NUMBER 2013-ASL-025. SECONDED BY MS. RAY. IT WAS NOTED MR. GREGORY RECUSED HIMSELF FROM VOTING ON THIS CASE.

MS. RAY MADE A MOTION TO APPROVE CASE NUMBER 2013-ASL-025 AS PRESENTED. MR. GREGORY RECUSED HIMSELF FROM VOTING ON THIS CASE. SECONDED BY MR. INGLE. MOTION CARRIED.

Ms. Ray gave the Screening Committee report and the Addendum report.

MR. SMITH MADE A MOTION THAT THE RECOMMENDATION FOR MR. STEPHEN MICHAEL ADAMS BE RESCINDED BACK TO THE SCREENING COMMITTEE ON MAY 21, 2014. ALL OF THE OTHER RECOMMENDATIONS OF THE REMAINING APPLICATIONS WERE APPROVED. SECONDED BY MR. INGLE. MOTION CARRIED.

Mr. Wright gave the registration report.

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

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

13 DOJ 18373 - David Lee Koger - This contested case was heard before Administrative Law Judge Melissa O. Lassiter on November 26, 2013 in Raleigh, North Carolina. The issue was whether or not grounds exist to deny the application of Mr. Koger for an alarm systems registration for lack of good moral character and temperate habits. Mr. Koger was present. It was noted Mr. McClellan recused himself from voting on this case.

MR. DONALDSON MADE A MOTION TO APPROVE THE ALARM REGISTRATION OF MR. KOGER WITH THE CORRECTIONS NOTED BY MR. GRAY. SECONDED BY MR. INGLE. MOTION CARRIED. IT WAS NOTED THAT MS. RAY OPPOSED THE APPROVAL.

13 DOJ 16246 - Michael Tyler Nixon - This contested case was heard before Administrative Law Judge J. Randall May on September 24, 2013 in Raleigh, North Carolina. It was noted that a clerical or mathematical error had occurred in that the time for filing proposed decisions had been extended to November 13, 2013. The Proposal for Decision has been amended. Mr. Nixon was present along with his attorney.

MR. MCCLELLAN MADE A MOTION TO NOT REVERSE THE DECISION AND TO DENY THE BURGLAR ALARM LICENSE FOR MR. NIXON FOR DISREGARD OF THE LAW AND STILL CARRIES THE WEAPON CONCEALED ON SCHOOL GROUNDS. ALTHOUGH HE HAS A CONCEALED WEAPON PERMIT. SECONDED BY MR. THOMPSON. MOTION CARRIED.

13 DOJ 18445 - Vernon L. Rodden - This contested case was heard before Administrative Law Judge Melissa O. Lassiter on November 26, 2013 in Raleigh, North Carolina. The issue was whether or not grounds exist to deny the application of Mr. Rodden for an alarm systems registration for lack of good moral character and temperate habits. Mr. Rodden was present.

MR. DONALDSON MADE A MOTION TO APPROVE THE ALARM REGISTRATION FOR MR. RODDEN. SECONDED BY MR. GREGORY. MOTION CARRIED.

13 DOJ 09863 - Jesse Alan Tyner - This contested case was heard before Administrative Law Judge Augustus B. Elkins, II on April

23, 2013 in Raleigh, North Carolina. The issue was whether or not grounds exist to deny the application of Mr. Tyner for an alarm systems registration for lack of good moral character and temperate habits. Mr. Tyner was present.

MR. INGLE MADE A MOTION TO DENY THE ALARM REGISTRATION FOR MR. TYNER. SECONDED BY MR. THOMPSON. MOTION CARRIED.

BREAK: 10:45 a.m.

RECONVENED: 11:05 a.m.

13 DOJ 15507 - Charles Robert Austin, Jr. - This contested case was heard before the Administrative Law Judge J. Randal May on September 24, 2013 in Raleigh, North Carolina. The issue was whether or not grounds exist to deny the application of Mr. Austin for an alarm systems registration for lack of good moral character and temperate habits. Mr. Austin was not present. It was noted that Mr. Smith recused himself from voting in this matter. Ms. Ray took Mr. Smith's place and continued with hearing the case.

MR. MCCLELLAN MADE A MOTION TO CONTINUE THIS CASE. SECONDED BY MR. GREGORY. MOTION CARRIED.

12 DOJ 09947 - Tina Louise Debe - This contested case was heard before the Administrative Law Judge Augustus B. Elkins, II on September 23, 2013 in Raleigh, North Carolina. Ms. Debe failed to appear at the contested case hearing and failed to prosecute the contested case. Ms. Debe was not present at the Board meeting.

MR. GREGORY MADE A MOTION TO ACCEPT THE DISMISSAL OF THIS CONTESTED CASE WITH PREJUDICE FOR PETITIONER FAILING TO PROSECUTE THIS CASE. SECONDED BY MR. DONALDSON. MOTION CARRIED.

13 DOJ 14844 - Martise Lamar Jones - This contested case was heard before the Administrative Law Judge J. Randall May on September 24, 2013 in Raleigh, North Carolina. The issue was whether or not grounds exist to deny the application of Mr. Jones for an alarm systems registration for lack of good moral character and temperate habits. Mr. Jones was not present. It was noted Mr. Smith recused himself from voting in this matter.

MR. MCCLELLAN MADE A MOTION TO CONTINUE THIS CASE. SECONDED BY MR. THOMPSON. MOTION CARRIED.

13 DOJ 13006 - Casmire E. Perez - This contested case was heard before the Administrative Law Judge J. Randolph Ward on June 25, 2013. Mr. Perez failed to appear at the contested case hearing and failed to prosecute the contested case. Mr. Perez was not present at the Board meeting.

MR. GREGORY MADE A MOTION TO ACCEPT THE DISMISSAL OF THIS CONTESTED CASE WITHOUT PREJUDICE FOR PETITIONER FAILING TO PROSECUTE THIS CASE. SECONDED BY MR. THOMPSON. MOTION CARRIED.

13 DOJ 13600 - Rhonda N. Thorpe - This contested case was heard before the Administrative Law Judge on July 23, 2013.

Ms. Thorpe failed to appear. The case was continued until August 27, 2013 but Ms. Thorpe failed to appear again. Ms. Thorpe was not present at the Board meeting.

MR. GREGORY MADE A MOTION TO ACCEPT THE DISMISSAL OF THIS CONTESTED CASE WITHOUT PREJUDICE FOR PETITIONER FAILING TO PROSECUTE THIS CASE. SECONDED BY MR. THOMPSON. MOTION CARRIED.

SPECIAL REPORTS AND PRESENTATIONS

Mr. McClellan gave the following report from the Continuing Education Committee:

1. Door Openings and Access Control Hardware - The committee recommends approval of 2 CEU's for this course.
2. Megapixel Crash Course - The committee recommends approval of 2 CEU's for this course.
3. Megapixel Design & Pricing - The committee recommends approval of 2 CEU's for this course.
4. Megapixel Design & Implementation - The committee recommends approval of 3 CEU's for this course.
5. One System, Customized Solutions - The committee recommends approval of 2 CEU's for this course.
6. System Design Parts 1 & 2 - The committee recommends approval of 3 CEU's for this course.
7. Get Connected to IP CCTV - The committee recommends approval of 2 CEU's for this course.
8. 960H-Record What You Have Been Missing - The committee recommends denial of this course because it is more directed toward sales of Speco DVRs.
9. Scalable Access Control Solutions - The committee recommends approval of 2 CEU's for this course.
10. A World of Surveillance Technology - The committee recommends approval of 2 CEU's for this course.

MR. INGLE MADE A MOTION TO APPROVE THE COURSES AS PRESENTED. SECONDED BY MR. GREGORY. MOTION CARRIED.

UNFINISHED BUSINESS

None

OLD BUSINESS

Mr. Wright advised that the staff would not be able to sponsor the 2015 IASIR conference.

MS. RAY MADE A MOTION THAT THE STAFF WOULD NOT BE ABLE TO SPONSOR THE IASIR CONFERENCE IN 2015. SECONDED BY MR. INGLE. MR WRIGHT WILL CONTACT IASIR. MOTION CARRIED.

NEW BUSINESS

Mr. McClellan stated that he had done a survey and it determined that 75% licensees wanted to keep their electrical licenses and 22% did not want to keep their electrical licenses. He gathered information from the number of licensees on the Director's Report. He suggested that the applicant be the holder of the electrical license and not just a full time employee that holds one.

MR. MCCLELLAN MADE A MOTION TO REVERSE THE DECISION ON REPEALING THE ELECTRICAL LICENSE RULE. SECONDED BY MR. THOMPSON. MOTION CARRIED.

IT WAS NOTED THAT MR. GREGORY OPPOSED THE DECISION AND OTHER MEMBERS VOTED YES FOR THE DECISION. MR. SMITH DID NOT VOTE.

Mr. Smith thinks the motion needs to be broken down in into two parts. One is to require that the applicant be the QA should be the one that holds the electrical holder and also take the Alarm Technician Level One Course.

The Board then opened the discussion to the industry. Several licensees would like to discuss this matter fully and study this decision more strongly so that the members and the public can work together to improve the industry professionally. The Board will continue discussing this matter in the future.

Mr. Wright discussed the denial letters that will be set up in the new computer system. The screening committee voted that the industry would have 60 days to send in the discrepancies.

MS. RAY MADE A MOTION TO APPROVE THE DIRECTOR'S REQUEST THAT THE INDUSTRY WILL HAVE 60 DAYS TO SEND IN DISCREPANCIES. SECONDED BY MR. THOMPSON. MOTION CARRIED.

Mr. Wright would like everyone to submit applications and fees on line. If someone sends in the wrong fee, the fees will be sent back with an invoice.

MS. RAY MADE A MOTION THAT THE INDUSTRY WILL HAVE 60 DAYS LIMIT TO PAY THE INVOICE WHICH WILL BE SENT TO THE COMPANY. SECONDED BY MR. INGLE. MOTION CARRIED.

Mr. Wright stated that the screening committee recommended that an individual must be registered with the company in order to be a designee for the company.

MR. INGLE MADE A MOTION TO APPROVE THE RECOMMENDATION OF THE SCREENING COMMITTEE THAT AN INDIVIDUAL MUST BE REGISTERED WITH THE COMPANY IN ORDER TO BE A DESIGNEE FOR THE COMPANY. SECONDED BY MS. RAY. MOTION CARRIED.

The Board discussed the issue of the Surry County Inspection Department requiring all licensees to obtain a permit before any work can be done in that county.

MS. RAY MADE A MOTION TO REQUEST THE BOARD'S ATTORNEY TO CONTACT THE ATTORNEY GENERAL'S OFFICE TO OBTAIN AN OFFICIAL OPINION ON THIS ISSUE. SECONDED BY MR. INGLE. MOTION CARRIED.

The screening committee discussed the issue of pulling cabling and whether or not a license was required in order to do this if the cabling was not attached to anything dealing with security. The cable would be pulled from the network switch only.

MS. RAY MADE A MOTION THAT A LICENSE WAS NOT REQUIRED IF THE CABLING WAS NOT ATTACHED TO ANYTHING DEALING WITH SECURITY. THE CABLE WOULD BE PULLED FROM THE NETWORK SWITCH ONLY. SECONDED BY MR. INGLE. MOTION CARRIED.

MS RAY MADE A MOTION THAT YOU DO NOT NEED TO BE REGISTERED OR LICENSED IF A PERSON IS JUST PULLING WIRING FOR CABLE AND NOT ATTACHING ANY SECURITY DEVICE. SECONDED BY MR. INGLE. MOTION CARRIED.

MR. GREGORY MADE A MOTION THAT IF ANYONE IS RUNNING ANY WIRING IN A HOUSE OR BUILDING THAT FALLS UNDER 74D, THEN THE INDIVIDUAL MUST BE REGISTERED OR LICENSED. THIS INCLUDED CONDUCTORS AND ALL WIRING. SECONDED BY MR. MCCLELLAN. MOTION CARRIED.

There was discussion again by the industry.

MR. MCCLELLAN MADE A MOTION TO MOVE FORWARD WITH THIS POLICY FROM TODAY. SECONDED BY MR. DONALDSON. MOTION CARRIED.

It was stated that the May meeting will be held in Clemmons, NC and the July meeting will be held in Asheville, NC. The September and November meetings will be held at a different Holiday Inn which is located on Highwoods Boulevard here in Raleigh.

DIRECTOR'S REPORT

Mr. Wright presented the written report and advised as of February 28, 2014, the Alarm Board's balance was \$546,830.74. The Education Fund balance was \$54,764.54. As of March 17, 2014, the Board has 942 licensees and 6949 registrants.

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

ATTORNEY'S REPORT

1. 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 only made two payments with the last one being received on 10-14-13.
The Board advised the staff to notice Mr. Bellia to attend the May Grievance Committee meeting in regard to the consent agreement.
2. Steven Tucker/ADT, LLC - Consent Agreement of \$6,058.80 has been executed and paid in full.
3. Scott Hay/Protection One Alarm Monitoring - Consent Agreement of \$12,117.60 has been executed and paid in full.
4. Glen Rudolph/Esitech, Inc. - Consent Agreement of \$1530.00 has been executed and paid in full.
5. James Porreca/LHI, Inc. - Consent Agreement of \$1530.00 has been executed and paid in full.
6. Mark Sutor/Media Technologies - Consent Agreement of \$918.00 has been executed and paid in full.

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

Mr. Gray addressed 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. The comment period ended February 14, 2014. The rule is before the Board for approval.

MR. DONALDSON MADE A MOTION TO APPROVE RULE 12 NCAC 11 .0105. SECONDED BY MR. INGLE. MOTION CARRIED.

Mr. Gray stated that a public hearing was held on March 10, 2014 in High Point to receive public comment on a proposed distributed overlay as a relief plan for the 336 area code. Under the plan, a new area code would be assigned to cover or overlay the entire geographic area using the existing 336 area code boundary lines. This could possible lead to reprogramming alarm panels that may be assigned with the new area code.

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

GOOD OF THE ORDER

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

Meeting Adjourned: 1:40 p.m.

Anthony Bonapart
Deputy Director

Nan Williams
Reporter

