

MINUTES

**UTAH
ALARM SECURITY LICENSING BOARD
MEETING**

November 3, 2011

**Room 474 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:07

ADJOURNED:

Bureau Manager:

Clyde Ormond

Board Secretary:

Yvonne King

Board Members Present:

Scott Sessions, Chairperson
Harold Weight,
William La Rochelle
Larry Gillett
Justin Gray

DOPL Staff Present

Mark Steinagel, Division Director

Guests:

Nathan Wilcox, Vivint
Taz Biesinger
Dennis Hill, Vivint
Lynann Mithell
Adam Christensen, Vivint
Glade Thompson, Certified Alarm
T.J. Ogilvie, Vantage
Mathew Wilson, ADT
Pierre Dartiguenave, Pinnacle
Daniel Christensen, Vivint
Jennifer Baxter, Vivint
Spencer G. Haire, Vivint
Ryker Johanson
Reuel Christensen
Karl Christensen

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of the Sept 1, 2011 Board Meeting
Minutes

Legislation

Mr. Gray seconded by Mr. La Rochelle made a motion to approved the September 1, 2011 Board Meeting Minutes as written. The motion carried unanimously.

Mr. Wilcox stated that he was appearing before the Board on behalf of Vivint and the Utah Alarm Association. Mr. Wilcox submitted two proposed changes to the Rule in conjunction with the definition of employee in R156 55 D 102 (3).

(1) Mr. Wilcox indicated that there is an exemption for burglar alarm company agent sales representatives who are based on commission sales which the Internal Revenue Service refers to as a statutory non-exempt employee. According to Mr. Wilcox there is not a requirement for withholding taxes and the Utah State Tax commission has adopted this as their practice as well. Mr. Wilcox would like to see a revision in the rule to coincide with that exemption.

(2) Mr. Wilcox would like to see the rule modified for those individuals in call centers who do not have knowledge of specific applications of a premise meaning any knowledge of a security system be exempt from licensure and be carved out of the rule.

Mr. Wilcox emphasized the fact that those employees that have knowledge of personal information such as credit card numbers, social security and bank account information are regulated nationally but not with our industry and would not pose a threat to a security system because that information could be blocked.

Mr. Wilcox stated that this could be completed by rule making authority to reflect the intent of the legislature.

Mr. Weight emphasized the fact that it would be too hard to departmentalize employees from those who do and do not have the access.

Mr. Sessions then stated that in a big company like Vivint, limiting access to a group of employees

may be easy but with a smaller company the issue of confidentiality would be hard to police especially in Mr. Session's situation where there are only a handful of employees.

Mr. Sessions then offered an example; A customer could call in to an alarm company's call center stating that they don't have a door contact on the fourth door and that statement could compromise confidentiality to an unlicensed call center employee.

Mr. Sessions also affirmed that with technology an account number would be enough information for him to disarm an alarm system for hours. Mr. Gray agreed that there is information associated with the customers billing that an installer could easily determine as the security code.

Mr. Gillett stated that computer hacking is done all the time with limited information and concluded limiting access to groups of employees would not work.

Mr. Steinagel reviewed the history with the legislature in the previous year. He stated the legislators had concerns on two types of employees: those who come into the home, and those who have access to security codes. Mr. Steinagel stated that those employees who did neither of those two were not a concern to the legislators.

Mr. Steinagel then posed a question to the Board on what the Division could do to establish regulation but not be too burdensome on commerce. He stated if there was a way to limit those employees to the sensitive information could they agree that it may work if there was in fact a way.

Mr. Steinagel stated that in the Mission Statement to "protect the public and enhance commerce", finding the right balance is important. Mr. Steinagel then stated that the Division has been successful in speeding up the process on fingerprints from a few weeks to about four days.

Mr. Sessions concluded that it would be too

confusing to police those employees who have access from those who don't and if an investigator walked in, the investigator would have a hard time distinguishing which employees are required to be licensed.

APPOINTMENTS:

9:00 Connie Call

Ms. Call reviewed the compliance status of all the probationers:

Cari Weidler

Ms. Call stated that Ms Weidler will be surrendering her license and will not be working in the field.

Dennis Hill

Ms. Call stated that Mr. Hill was in compliance with his Memorandum.

Richard Ruiz

Ms. Call stated that Mr. Ruiz is a new probationer but has failed to meet with Compliance. Ms. Call then stated that Mr. Ruiz is not in compliance with his Memorandum. Ms. Call will send Mr. Ruiz a non-compliance letter.

Jordan Gleave

Ms. Call stated that Mr. Gleave is non-compliant and agreed to surrender his license. Ms. Call then stated that she will be sending out a surrender form to Mr. Gleave.

9:20 Dennis Hill

Mr. Hill came before the Board for his scheduled appointment. Mr. La Rochelle performed the interview. Mr. Hill stated that he truly enjoys his job. Mr. Hill then stated that his probationary period will be complete in December 2011.

The Board considered Mr. Hill compliant with his Memorandum. The Board would like to see Mr. Hill at the next scheduled meeting May 3, 2012.

Richard Ruiz

Mr. Ruiz did not appear before the Board for his scheduled appointment. Ms. Call stated that she would send out a non-compliance letter to Mr. Ruiz.

9:40 Lynann Mitchell

Ms. Mitchell appeared before the Board for her scheduled appointment. Mr. Ormond reviewed the application which included a criminal history. Ms. Mitchell gave a brief description of her charges. The Board felt because there had not been any charges for five years, they would approve Ms. Mitchell for full licensure.

Mr. Gray seconded by Mr. Gillett made a motion to approve Ms. Mitchell for full licensure as a burglar alarm company agent. The motion carried unanimously.

9:50 Mathew Wilson

Mr. Wilson appeared before the Board for his scheduled appointment. Mr. Ormond reviewed his application which included a criminal charge. Because Mr. Wilson has not had any other charges since 2006 the Board approved Mr. Wilson for full licensure.

Mr. Gray seconded by Mr. Weight made a motion to approve Mr. Wilson for full licensure as a burglar alarm company agent. The motion carried unanimously.

10:00 Pierre Dartiguenave

Mr. Dartiguenave appeared before the Board for his scheduled appointment. Mr. Ormond reviewed his application which included one criminal incident in 2009. Mr. Dartiguenave explained the circumstances of the charge.

Mr. Gillett seconded by Mr. La Rochelle made a motion to approve Mr. Dartiguenave for full licensure as a burglar alarm company agent. The motion carried unanimously.

10:10 Adam Christensen

Mr. Christensen appeared before the Board for his scheduled appointment. Mr. Ormond reviewed the application. Due to the nature of the charge and Mr. Christensen having a clean record for over five years, the Board approved Mr. Christensen for full licensure.

Mr. Gray seconded by Mr. La Rochelle made a motion to approve Mr. Christensen as a burglar alarm company agent for full licensure. The motion carried unanimously.

10:30 David Christensen

Mr. Christensen appeared before the Board for his scheduled appointment. Mr. Ormond reviewed his application. Because of the nature of the charge, the Board approved Mr. Christensen for full licensure.

Mr. Gillett seconded by Mr. La Rochelle made a motion to approve Mr. Christensen for full licensure as a burglar alarm company agent. The Motion carried unanimously.

10:40 Paolo Santizo

Ms. Santizo did not appear before the Board for her scheduled appointment. Mr. Ormond however reviewed the application where it appeared that there was a pending charge in 2011.

Mr. Weight seconded by Mr. Gillett made motion to require Ms. Santizo to appear before the next scheduled Board meeting before making a determination on her license. The motion carried unanimously

10:50 Jennefer Baxter

Jennifer Baxter appeared before the Board for her scheduled appointment. Mr. Ormond reviewed the charge that she incurred. Because this was the only charge Ms. Baxter had and it was over five years ago, the Board approved her for full licensure.

Mr. Weight seconded by Mr. Gray made a motion to approve Ms. Baxter for full licensure as a burglar alarm company agent. The motion carried unanimously.

11:00 Platinum Security Solutions Inc
QA: Gary Osburn perform

Mr. Osburn's appointment was performed by a telephonic interview. Mr. Osburn was applying as the new qualifying agent for Platinum Security Solutions Inc.

The Board was concerned that Mr. Osburn resided in Texas. Mr. Ormond stated that the Board would need to be consistent on their decision making process because they have approved QA's who have resided out of state on other occasions. Mr. Osburn was asked how he could be affective when residing in Texas. Mr. Osburn replied that the company only provides monitoring services at this time.

Mr. Gray seconded by Mr. Gillett made a motion to approve Mr. Osburn as the new qualifying agent for Platinum Security Solutions Inc. The motion carried unanimously.

11:00 Jason Watson

Mr. Watson did not appear before the Board for his scheduled appointment. Mr. Ormond reviewed the application including the charges he incurred. This will be tabled for next meeting scheduled January 5, 2012.

11:15 Spencer Haire

Mr. Haire appeared before the Board for his scheduled appointment. Mr. Ormond reviewed the application. Mr. Spencer explained the situation with a retail theft he incurred in 2007.

Mr. Gillett seconded by Mr. Weight made a motion to approve Mr. Spencer for full licensure. The motion carried unanimously.

11:30 Reuel Christensen

Mr. Christensen appeared before the Board for his scheduled appointment. Mr. Ormond reviewed the application which included some criminal charges. Mr. Christensen explained his charges.

Mr. Weight seconded by Mr. La Rochelle made a motion to approve Mr. Christensen for full licensure. The motion carried unanimously.

11:40 Ryker Johnson

Mr. Johnson appeared before the Board for his scheduled appointment. Mr. Ormond reviewed his application with the Board. Mr. Johnson's last charge was in 2010. Due to the type of charge Mr. Johnson had, the Board approved Mr. Johnson for full licensure.

Mr. Gray seconded by Mr. La Rochelle Made a motion to approve Mr. Johnson for full licensure as burglar alarm company agent. The motion carried unanimously.

11:50 Glade Thompson

Mr. Thompson appeared before the Board for his scheduled appointment. Mr. Thompson was applying as the replacement qualifying agent for Certified Alarm Services. Mr. Thompson reviewed his experience and the role he would acquire with Certified Alarm Services.

Mr. Gillett seconded by Mr. Weight made a motion to approved Mr. Thompson as the new Qualifying Agent for Certified Alarm Services. The motion carried unanimously.

Fingerprint Card Processing

Mr. Ormond stated that finger prints that are obtained outside the Division are taking as long as 120 days to process.

Mr. Ormond encouraged the companies if they can to obtain the electronic fingerprints from DOPL because they can take as little as four days.

Investigator Report

Mr. Ormond reviewed the investigative report with the Board which included a comparison of cases for the years 2010 and 2011. Mr. Ormond stated that David Furlong is the new Chief Investigator

The 2011 Investigative Report included 47 received cases, 46 assigned cases, 1 administrative sanction, 9 administrative sanction memorandums, 2 administrative sanction stipulations, 4 citations issued, 7 lack of evidence, 3 no jurisdiction, 35 closed cases, and 12 investigator assigned cases.

Criminal Background

Mr. Ormond suggested changing the rule to require a burglar alarm company agent be 18 years or older because a criminal background cannot be obtained on individuals under 18 years of age.

Mr. Wilcox suggested the Division resolve that issue by having a student apprentice that would require supervision at all times.

Qualifying Agents on Multiple Companies

Mr. Ormond stated that the Board would need to figure out what a conflict of interest is and make the standard a little tighter to be consistent in their decision making process with respect to a QA on more than one license..

Mr. Gray stated that if the companies are not in a true conflict of interest, the Board should review them on a case by case basis.

Mr. Gray provided an example, such as companies specializing in different fields like monitoring, sales, and installation with the same ownership..

Mr. Ormond suggested the Board review the Rule to see if a change needed to be made.

1099 & W2 Employees

Mr. Thompson stated that he was a 1099 burglar alarm company sales agent and the Bureau would not accept his experience because he did not provide W2 tax statements.

Mr. Session stated if he had his 1099 tax statement along with an affidavit from his employer the bureau would accept that. It was noted that Mr. Session's statement was incorrect. An employee who is paid with a 1099 tax statement would mean that employee was a sub-contractor. It was noted that burglar alarm company agents must be W2 employees.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

January 5, 2011

(ss) Scott Sessions

Date Approved

Chairperson, Alarm Security Licensing Board

January 5, 2011

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing