MINUTES

OF THE

NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

DATE: March 17, 2006

TIME: 9:00 A.M.

PLACE: Best Western Coastline Inn
Wilmington, North Carolina

SUBMITTED BY: Wayne Woodard

MEMBERS PRESENT:

Brad Smith
Anita Pfaff
Doc Hoggard
Courtney Brown

MEMBERS ABSENT:

Johnny Phillips
Harrison Tulloss

STAFF PRESENT:

Director Wayne Woodard
Field Services Supervisor Larry Liggins
Board Secretary Nan Williams
Attorney Charles McDarris

VISITORS:

Al Brunjes III
Margie Fry
Wade Perry
Otis Spell
Angela Davis
Lori Watts
Carole McLester
Shane Appler
Stephen Wheeler
James R. Patterson
Iver Edwards
Rockie Goeller
Mark Pecker
Craig Wheeler
Terry D. Preiss
Dallas Clarke
Al Brunjes, Jr.
Kevin Boehm
Syl Wilkerson
Kevn M. Corl
Patrick Carroll
David Williams
Ray McLester
Jeff Harnsberger
Duncan Hubbard
Michael Anderson
Anthony Hardie
Teresa Pecker
Bill Twigg
Gene Areno
Mack Donaldson
Harry Winning

Jimmy Lanier
Ken Beauchemin

Brad Smith
Mike Warf

CALL TO ORDER

9:15 A.M. The March 17, 2006 meeting of the North Carolina Alarm Systems Licensing Board was called to order by Chairman Brad Smith.

In accordance with the Governor's Executive Order Number 1, 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 matters coming to this Board today, please identify the conflict or appearance of conflict and refrain from any deliberation and vote in that particular matter."

Chairman Smith welcomed guests and wanted to especially recognize Mr. Ray McLester, former Chairman of the NC Alarm Systems Licensing Board, Mr. Syl Wilkerson, former Vice-Chairman of the NC Alarm Systems Licensing Board, Mrs. Carole McLester, Executive Director of the NC Burglar and Fire Alarm Association, and Mr. Mack Donaldson, Chairman of the NC Private Protective Services Board.

MR. HOGGARD MADE A MOTION TO APPROVE THE MINUTES OF THE JANUARY 20, 2006 BOARD MEETING. SECONDED BY MS. PFAFF. MOTION CARRIED.

Ms. Pfaff reported the results of the Screening Committee. See attached Screening Committee Report.

MR. HOGGARD MADE A MOTION TO APPROVE THE SCREENING COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. BROWN. MOTION CARRIED.

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

Mr. Hoggard reported that he and Mr. Smith met as the Grievance Committee on March 16, 2006 from 2:00 p.m. to 4:00 p.m. The following individuals were present: Mr. J. Stuart McLauchlan, Mr. Jeff Grissett, Mr. Dennis J. McKnight, Mr. Alton D. Lanier, Mr. Scott D. Heyn, Mr. Cory A. Burch, Mr. Scott Mechling, and Mr. Ken White. See attached Grievance Committee Report.

MS. PFAFF MADE A MOTION TO APPROVE THE GRIEVANCE REPORT AS PRESENTED. SECONDED BY MR. BROWN. MOTION CARRIED.

FINAL AGENCY DECISIONS

Mr. McDarris removed himself as counsel to the Board and presented three cases for final agency decisions.
Gene W. Areno - 06 DOJ 0006. It was noted that Mr. Hoggard removed himself from participating or voting in this case. This case was heard by Senior Administrative Law Judge Fred G. Morrison,

Jr., on January 24, 2006. The issue before the Judge was the denial of an alarm registration permit for lack of good moral character or temperate habits. Mr. Areno was present and addressed the Board.

CLOSED SESSION: 9:40 A.M.
RECONVENED: 9:45 A.M.

MR. BROWN MADE A MOTION TO ACCEPT THE JUDGE'S DECISION TO APPROVE THE ALARM REGISTRATION PERMIT FOR MR. ARENO. SECONDED BY MS. PFAFF. MOTION CARRIED.

Robert G. Prince, Jr. - 05 DOJ 2035. This case was heard by Administrative Law Judge Beryl Wade on December 20, 2005. The issue before the Judge was the denial of an alarm registration permit for lack of good moral character or temperate habits. Mr. Prince was present and addressed the Board.

CLOSED SESSION: 10:00 A.M.
RECONVENED: 10:10 A. M.

MR. BROWN MADE A MOTION TO UPHOLD ITS INITIAL DECISION TO DENY THE ALARM REGISTRATION PERMIT FOR MR. PRINCE. SECONDED BY MR. HOGGARD. MOTION CARRIED.

Nicholas S. Bowlin - 05 DOJ 2036. This case was heard by Administrative Law Judge Beryl Wade on December 20, 2005. The issue before the Judge was the denial of an alarm registration permit for lack of good moral character or temperate habits. Mr. Bowlin was not present.

MR. HOGGARD MADE A MOTION TO UPHOLD ITS INITIAL DECISION TO DENY THE ALARM REGISTRATION PERMIT FOR MR. BOWLIN. SECONDED BY MS. PFAFF. MOTION CARRIED.

SPECIAL REPORTS AND PRESENTATIONS

Mr. Smith presented the Continuing Education Subcommittee report.

1. Introduction of Troubleshooting for Alarm Circuits - Security Management Consulting - The committee recommends approval of 3 CEU's for this course.
2. Advanced Troubleshooting of Alarm Circuits - Security Management Consulting - The committee recommends approval of 3 CEU's for this course.
3. Introduction of Troubleshooting for Alarm Circuits - NC Burglar & Fire Alarm Association. The committee recommends approval of 3 CEU's for this course.
4. Advanced Troubleshooting of Alarm Circuits - NC Burglar & Fire Alarm Association. The committee recommends 3 CEU's for this course.
5. Network CCTV Solutions - Security Solutions, Inc. - The committee recommends 2 CEU's for this course.

MR. HOGGARD MADE A MOTION TO APPROVE THESE COURSES AS PRESENTED. SECONDED BY MR. BROWN. MOTION CARRIED.

UNFINISHED BUSINESS
None.

OLD BUSINESS
None.

BREAK: 10:20 a.m.

RECONVENED: 10:40 a.m.

NEW BUSINESS

Mr. Woodard stated that on a few occasions recently the question has been asked whether an individual can be the electrical license holder for more than one company. Mr. Woodard further advised that the rule does not state that an individual cannot be the electrical license holder for more than one company. Mr. Smith stated it is imperative to have the electrical license rule and it is his opinion that when the rule was implemented it was implemented with the concept of an individual holding the electrical license for only one company.

MR. BROWN MADE A MOTION FOR THE ATTORNEY TO DRAFT ADDITIONAL LANGUAGE TO THIS RULE TO BE REVIEWED AT THE NEXT MEETING. SECONDED BY MR. HOGGARD. MOTION CARRIED.

Mr. Woodard presented the Board with a letter from Mr. Larry McClellan requesting an exemption from having an employee hold an electrical license when the company only provides alarm monitoring services. Mr. Smith stated that the Board did away with the Limited Monitoring and Response license years ago because the Board did not have statutory authority to have the license. Mr. Smith does not think that Mr. McClellan's letter justifies an exemption. Mr. Smith does not think a financial burden is reason enough to eliminate the electrical license requirement.

MR. HOGGARD MADE A MOTION TO DENY THE REQUEST OF MR. LARRY MCCLELLAN FOR AN EXEMPTION. SECONDED BY MR. BROWN. MOTION CARRIED.

Mr. McDarris stated that several issues had come up in regards to CCTV's and internet monitoring. Mr. McDarris stated internet monitoring is not specifically addressed in 74D . But that the Board does have jurisdiction over this area through the general statutory provision. Mr. McDarris suggested that he investigate these types of systems and draft a rule to include these.

MR. BROWN MADE A MOTION FOR THE ATTORNEY TO DRAFT LANGUAGE TO CHANGE THE STATUTE TO INCLUDE SPECIAL LANGUAGE SPECIFICALLY NAMING CERTAIN TECHNOLOGY SYSTEMS AND INCLUDE A DEFINITION OF

EACH. SECONDED BY MR. HOGGARD. MOTION CARRIED.

Mr. Woodard presented the Board with a copy of a letter from Attorney H. Houston Groome, Jr., who represents Computer Scope, Inc. Mr. Groome also has requested an exemption from employing someone with an electrical license. After a lengthy discussion, the Board made the following motion:

MR. HOGGARD MADE A MOTION TO DENY MR. GROOME'S REQUEST FOR AN EXEMPTION FROM THE ELECTRICAL LICENSE REQUIREMENT. ALSO, FOR MR. WOODARD AND MR. MCDARRIS TO CONTACT THE NC BOARD OF ELECTRICAL EXAMINERS AND ADVISE THEM OF THE BOARD'S CONCERNS OF OUR REQUIREMENT FOR AN ELECTRICAL LICENSE. SECONDED BY MR. BROWN. MOTION CARRIED.

Mr. Woodard asked the Board whether or not they wanted to consider an additional fee for individuals that are qualifying agents for two companies. Presently, there is no additional charge. Mr. McDarris stated this would have to be considered as a rule change.

MR. BROWN MADE A MOTION FOR MR. WOODARD AND MR. MCDARRIS TO REVIEW THIS ISSUE AND PROVIDE THE BOARD AT THE NEXT MEETING WITH A RECOMMENDATION TO CONSIDER. SECONDED BY MS. PFAFF. MOTION CARRIED.

Mr. Hoggard asked that any industry member or anyone else who has any comments regarding these issues to contact the staff.

DIRECTOR'S REPORT

Mr. Woodard presented his written report and advised that as of February 1, 2006, the combined budget balance was $350,676.06. The Alarm Recovery Fund balance was $17,610.83. The Board currently has 4818 registrants and 784 licensees as of March 14, 2006. Mr. Woodard stated that all staff positions have been filled.

ATTORNEY'S REPORT

Mr. Woodard reported the following consent agreements and civil penalties:

1. James Young - Consent Agreement in the amount of $1428.00 has been executed and paid.
2. Jamison Strand - Consent Agreement in the amount of $3876.00 has been executed and paid.
3. Dale Albright - Consent Agreement in the amount of $1509.60 has been executed and paid.
4. Brian Baldridge - Consent Agreement in the amount of $1795.20 is being paid by three installment payments and they are current.

Mr. McDarris reported the following matters will be heard before the Office of Administrative Hearings:

1. Kimberly Ennis - heard on February 28, 2006.
2. Jeremy Jackson - heard on February 28, 2006.
3. James Campbell - scheduled for April 4, 2006.
4. Patrick Fortunato - scheduled for April 4, 2006

Mr. McDarris reported on the following rules:

1. 12 NCAC 11 .0505 - Recording and Reporting Continuing Education Credits - The rule has been filed with the Rules Review Commission and was adopted.
2. 12 NCAC 11 .0201 - Application for a License - The rule proposes that all applicants must meet with a Board representative prior to licensing. Mr. McDarris stated that the rule is being presented to the Board for adoption.

MR. BROWN MADE A MOTION TO ADOPT THIS RULE AS PRESENTED AND TO PROCEED WITH FILING WITH RULES REVIEW COMMISSION. SECONDED BY MR. HOGGARD. MOTION CARRIED.

3. Proposed rule to place an expiration date on the alarm exam and the Alarm Technician Course, Level I has been filed with the Office of Administrative Hearings, Rule Division.
4. 12 NCAC 11 .0201 - Rule amendment to allow the use of AOC criminal records searches for licensing applicants has been filed with the Office of Administrative Hearings, Rules Division.
5. 12 NCAC 11 .0301 - Rule amendment to allow the use of AOC criminal records searches for registration applicants has been filed with the Office of Administrative Hearings, Rules Division.

The issue was raised as to whether a company could use the word police in their company name. Mr. McDarris stated that the rules does not address that but that if the Board determines that the use of the word is misleading to the public, the Board could adopt a rule. Mr. McDarris asked the Board if they wanted him to draft a rule in regard to not allowing licensee's to use the word "police" in their company name.

MR. BROWN MADE A MOTION TO HAVE MR. MCDARRIS DRAFT A RULE PROHIBITING THE USE OF THE WORD "POLICE" IN COMPANY NAMES AND BRING IT BACK TO THE BOARD FOR REVIEW. SECONDED BY MR. HOGGARD. MOTION CARRIED.

Mr. McDarris asked the Board whether or not they wanted to consider having a conditional or probationary license. The Board had reservations about approving this type of license. The Board agreed not to make any changes and not to have a conditional or probationary license. The Board asked Mr. McDarris to contact someone in the Office of Administrative Hearings to let them know that we do not have this type of license and that a final agency decision should not include issuing a conditional or probationary license as part of their decision.

MR. HOGGARD MADE A MOTION TO ACCEPT THE ATTORNEY'S REPORT AS PRESENTED. SECONDED BY MR. BROWN. MOTION CARRIED.

GOOD OF THE ORDER

MR. HOGGARD MADE A MOTION TO ADJOURN. SECONDED BY MR. BROWN. MOTION CARRIED.

Meeting Adjourned: 11:50 a.m.

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Wayne Woodard
Director

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Nan Williams
Reporter