

MINUTES
OF THE
NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

DATE: January 22, 2015
TIME: 9:00 a.m.
PLACE: Holiday Inn Raleigh North
Raleigh, North Carolina
SUBMITTED BY: Anthony B. Bonapart
Deputy Director

MEMBERS PRESENT:

Jack Ingle
Larry McClellan
Larry Proctor
Mack Donaldson

STAFF PRESENT:

Deputy Director Anthony Bonapart
Field Services Supervisor Phillip Stephenson
Attorney Jeff Gray

VISITORS:

Kathryn J. Weaver
Ledley Brown
Ruth Story
Jason Lindquist
Dan Comfort
Darryl Beverly
Jonathan Jones
Jennifer Snellgrove
Darrell Keith Trent
Don Childers
Noel Byfield

MEMBERS ABSENT:

Ralph Gregory
Courtney Brown
John Thompson

Board Secretary Nan Williams
Investigator Melvin Turner

Michael A. Beck, Jr.
Robert Kenney
Grover C. Barfield
Etnive Montoya
Ric Gibbey
Duncan Hubbard
Denise Martin
Anita Surratt
Rodney Adams
Robert Trevathan
Ken Henke

Christopher Mark Falsion
Joe Lewis

David Brown

The January 22, 2015 meeting of the North Carolina Alarm Systems Licensing Board was called to order by Vice-Chairman Jack Ingle at 9:00 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. Ingle welcomed all guests.

MR. MCCLELLAN MADE A MOTION TO APPROVE THE NOVEMBER 20, 2014 BOARD MEETING MINUTES. SECONDED BY MR. PROCTOR. MOTION CARRIED.

MR. DONALDSON MADE A MOTION TO APPROVE THE NOVEMBER 18, 2014 TASK FORCE MEETING MINUTES. SECONDED BY MR. PROCTOR. MOTION CARRIED.

Mr. McClellan gave the Grievance Committee report. Mr. Donaldson and Mr. McClellan met as the Grievance Committee on January 21, 2015 from 9:00 a.m. to 9:20 a.m.

MR. DONALDSON MADE A MOTION TO APPROVE THE GRIEVANCE REPORT AS PRESENTED. SECONDED BY MR. PROCTOR. MOTION CARRIED.

Mr. Ingle gave the Screening Committee report.

MR. PROCTOR MADE A MOTION TO APPROVE THE SCREENING REPORT AS PRESENTED. SECONDED BY MR. MCCLELLAN. MOTION CARRIED.

Mr. Bonapart gave the registration report. (No motion was made)

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

14 DOJ 04127 - Michael Ryan Davis - This contested case was heard before Administrative Law Judge Craig Croom on August 26, 2014. The issue was whether or not grounds exist to deny an alarm registration for Mr. Davis for lack of good moral character and temperate habits. Mr. Davis was not present.

MR. DONALDSON MADE A MOTION TO DENY THE ALARM REGISTRATION FOR MR. MICHAEL RYAN DAVIS. SECONDED BY MR. LARRY MCCLELLAN. MOTION CARRIED.

SPECIAL REPORTS AND PRESENTATIONS

None

UNFINISHED BUSINESS

None

OLD BUSINESS

None

NEW BUSINESS

Mr. McClellan stated that the Board has been advised of owners of alarm systems having problems with control lockout panels from previous alarm systems owners. The owners do not have the lockout codes. Mr. Gray stated that a new rule would need to be done if the Board considered any regulation regarding lockouts in the future. The Board will discuss this matter again at the March 26, 2015 meeting.

DIRECTOR'S REPORT

Mr. Bonapart presented the written report and advised as of December 31, 2014, the Alarm Board's balance was \$536,476.37. The Education Fund balance was \$57,681.91. As of January 16, 2015, the Board has 952 licensees and 7083 registrants.

MR. MCCLELLAN MADE A MOTION TO APPROVE THE DIRECTOR'S REPORT AS PRESENTED. SECONDED BY MR. DONALDSON. MOTION CARRIED.

Mr. Bonapart stated that January 26, 2015 will be the go live date for the new computer system. The web site has not been developed yet.

ATTORNEY'S REPORT

Consent Agreements:

1. Steven G. Smith/One Source Security and Sound, Inc. - Consent Agreement in the amount of \$612.00 has not been paid.
2. Bryan Mayhew/Time Warner Cable - Consent Agreement in the amount of \$30,294.00 has not been paid.

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

Mr. Gray stated that the Budget Act made all the appropriate changes throughout the General

Statutes, including Chapter 114 which governs the Attorney General and the Department of Justice, Chapter 74C which governs the PPSB, and Chapter 74D which governs Alarm Systems Licensing Board. The Board will not have to go through an abbreviated rule amendment process to make the conforming changes to its administrative rules as will PPSB.

The Joint Select Regulatory Reform committee now has oversight over the study by the Program Evaluation Division (PED) of the structure, organization and operation of all occupational licensing boards in the State and the feasibility of a single umbrella agency as required by Section 10(a) of S.L. 2013-413. Mr. Gray stated he has been attending the meetings and has been reporting to the Board. Mr. Gray will work closely with legislative changes and give the Board updates.

The Task Force recommendations was to delete the requirement of N.C.G.S. 74D-8.1 that an applicant applying for an apprenticeship registration must possess a valid driver's license. The Board voted at its November, 2014 meeting to accept the recommendation. A proposed draft bill to effectuate the change was given to the Board.

MR. MCCLELLAN MADE A MOTION TO ACCEPT THE ACTIONS BY THE ATTORNEY AND REQUESTED HIM TO MOVE FORWARD WITH THE CHANGES. SECONDED BY MR. PROCTOR. MOTION CARRIED.

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

GOOD OF THE ORDER

Mr. Kenneth Henke addressed the Board with his concerns regarding out of state companies. The same companies keep violating the law and he feels that the Board has let down the industry. Mr. Gray stated that the Board is also frustrated but all Boards do not have much jurisdiction on unlicensed companies and can only give a cease and desist. Mr. Henke is also talking about licensed companies. He understands about out of state companies. He referred to the case involving Time Warner Cable. He does not feel the Board is looking at the best interest for the industry. Mr. Ingle stated the Board hears every case on its own merits. The Board can only look at what the investigation can prove. The Board then makes the decision based on the proof. Mr. Henke wants the Board to have and keep integrity.

Mr. Proctor thanked the industry for their concerns and expressing them to the Board.

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

Meeting Adjourned: 10:20 a.m.

Anthony Bonapart
Deputy Director

Nan Williams
Reporter