

MINUTES OF REGULARY SCHEDULED PUBLIC MEETING

This regular meeting of the Alarm and Locksmith Industry Committee scheduled to begin at 9:00 a.m. on the 4th day of February, 2015 was convened in accordance with the Oklahoma Open Meeting Act [25 O.S., 301 et seq.]. Further, an advance public notice that was sent to the Secretary of State's Office of Administrative Rules by Facsimile December 3, 2014, prior to this time today, specifying the time and place of the meeting here convened, preceded this meeting. Notice of this meeting was given at least twenty-four (24) hours prior hereto and no one filed a written request of notice of meetings of this public body to date.

PUBLIC BODY: Alarm and Locksmith Industry Committee

DATE: Wednesday, February 4, 2015

ADDRESS: Oklahoma Department of Labor (ODOL)
3017 N. Stiles
Oklahoma City, OK 73105

CONTACT PERSON: Myron Jacobs

TELEPHONE: (405) 521-6599

Agenda Item 1:

Call to Order

Meeting was called to order at 9:04 a.m. by Bob Carroll, Chairman.

Agenda Item 2:

Roll Call

Committee members present: Dennis Bloye, Jim Buck, Ron Edwards, Lisa Fields, Maurice Grant, Steve Lutz, James Perry and Bob Carroll.

Staff Present: Stacy Bonner, Peggy Cooper, Myron Jacobs, Ruth Neville, Don Schooler, and Alexander Thorne.

A quorum was present.

Agenda Item 3:

Statement of Compliance with the Open Meeting Act

The Statement of Compliance with the Open Meeting Act was read by Myron Jacobs.

Agenda Item 4:

Approval of minutes for the January 7, 2015 Alarm and Locksmith Industry Committee Regular Meeting.

There were no changes to the minutes.

Ron Edwards made a motion to approve this application. James Perry seconded the motion. The motion passed with unanimous consent.

Roll Call:

Aye: Dennis Bloye, Jim Buck, Ron Edwards, Lisa Fields, Maurice Grant, Steve Lutz, James Perry, and Bob Carroll.

Agenda Item 5:

Alarm and Locksmith Program Update

Alexander Thorne reviewed the handout covering the compliance statistics for January 2015. Mr. Thorne mentioned that the Oklahoma Department of Labor (ODOL) issued three citations for January 2015. Mr. Thorne indicated that twenty websites were out of compliance. With twelve of those brought into compliance and actions pending on those remaining out of compliance. Mr. Thorne also reviewed several complaints and their status. There were requests from the committee to add the resolutions of those unresolved complaints from previous months to the update for the upcoming Alarm and Locksmith Industry Committee meeting's program update and also to add what type of citations were issued.

Agenda Item 6:

Legislative Update

House Bill 1067:

Jim Buck brought to the committees attention House Bill (HB) 1067 authored by Representative Joyner which adds the definition of "Home Automation" to the Alarm and Locksmith Industry Act and Administrative Rules statute. Mr. Buck opened the floor to discussion on this House Bill. Bob Carroll confirmed that the home automation addition to this bill is only the definition. Maurice Grant voiced his opinion in stating that the definition listed on this bill is not a good one. Mr. Carroll stated that he believes having the word commercial in the definition for home automation is contradiction. Mr. Buck stated that the ODOL did not request this definition to be added. Mr. Grant then asked who brought the definition. Mr. Buck stated that Representative Joyner was approached by a party, Mr. Lowell Roberts, in adding this definition. After discussions with Mr. Roberts, Mr. Buck stated the ODOL feels this HB may be premature and should require more discussion on emerging technology. Mr. Buck also stated that the ODOL met with Representative Joyner and asked if this HB could be used to include Fire Sprinkler in the title of the Act and define it in the Act as well. Danna Fowble, Lobbyist and Executive Director for the Oklahoma Burglar Alarm and Fire Alarm Association (OKBFAA), stated that the OKBFAA Board found HB 1067 to be premature and have asked Representative Joyner to remove home automation completely. Mrs. Fowble also state that the OKBFAA has created a white-paper that will further be addressed at their upcoming March meeting. Mr. Lowell Roberts of the Oklahoma Master Locksmith Association (OMLA) confirmed that he went to Representative Joyner and presented the issue of home automation to him. Mr. Roberts stated that the bill's intent is to take an unregulated entity, home automation, and making it regulated by requiring them to use licensed individuals to install it. Mrs. Fowble exclaimed that the OKBFAA is concerned with the word commercial in this definition. Mr. Roberts stated the OMLA's Board asked him to take this up to Representative Joyner. Mr. Grant asked when this was voted on by the OMLA. Mr. Grant made a motion to make a recommendation to Commissioner of Labor that the committee opposes Item 5 of Section 2 and Item 2 of Section 3 of HB 1067.

Roll Call:

Aye: Dennis Bloye, Ron Edwards, Lisa Fields, Maurice Grant, Steve Lutz, James Perry, and Bob Carroll.

Abstain: Jim Buck

Senate Bill 0380:

Jim Buck stated that the ODOL had a request from AT&T to discuss exemptions of those that are required to follow the authority of the Alarm and Locksmith Industry Act (Act). Mr. Buck stated a meeting was held with representatives of AT&T to discuss the Act and further noted that the ODOL cannot support the original language provided by AT&T. Mr. Buck mentioned that concerns had been expressed regarding the language of SB 0380 authored by Senator Newberry. Mr. Carroll voiced his concerns on how the point of sale is important in the alarm industry and also stated that he has concerns as it relates to background checks and what this means. Mr. Grant was in agreement with Mr. Carroll and voiced concerns on individuals entering in binding contracts. Steve Lutz stated that he has concerns on what a "Retail Setting" is. Jason Constable, with AT&T, stated that two years ago, AT&T worked with ODOL to distinguish between a salesperson and a marketer. Mr. Constable stated the reasoning's behind distinguishing a salesperson and a marketer and further stated that there have been issues with receiving equipment back that has been sent to the consumer. Mr. Carroll questioned if the services that are provided can be done with licensed individuals. Mr. Carroll also voiced his opinion on not agreeing with changing the rule. Ron Edwards asked why equipment would be sent to customers that haven't signed a contract yet. Mr. Lutz made comments on a call he received from an authorized dealer of AT&T and if these dealers would not be required to be licensed either under the proposed language contained within SB 0380. Dennis Bloye stated that he believes the duties Mr. Constable discussed are currently defined as a technician under the Act. Mr. Carroll had a question on how AT&T employees would answer a question if asked if they sell alarm systems. Rick Flanagan, with AT&T commented that individuals would say no to whether or not they sell alarm systems. Mr. Flanagan also discussed phone/in-person sales and had commented on the information that is requested by individuals that are informing consumers of available services. Danna Fowble of OKBFAA stated that OKBFAA's board would like more time to look at SB 0380 and cannot support this bill with the language as is. Mrs. Fowble also stated that the OKBFAA would like to have a joint meeting with AT&T and ODOL's legal offices. Mr. Grant suggested that to those in attendance to look at this legislation. Mr. Lutz made a motion to make a recommendation to Senator Newberry that the committee opposes the language of Item 8 of SB 0380.

Roll Call:

Aye: Dennis Bloye, Ron Edwards, Maurice Grant, Steve Lutz, James Perry, and Bob Carroll.

Abstain: Jim Buck and Lisa Fields.

Administrative Rules:

Jim Buck stated that the ODOL is not moving forward with NICET III in reference to manager's licenses. Mr. Buck stated that the ODOL is moving forward with adding the 30-Day grace period for individuals whose license has expired and aligning ourselves with fire sprinkler inspections with NFPA 25 which is the national standard. Maurice Grant questioned on whether or not these Administrative Rules have been sent to the register and which register they were sent to. Mr. Buck mentioned that Daniel Mares will post when the public comment period will be.

Agenda Item 7:

Public Comments

Lowell Roberts of the Oklahoma Master Locksmith Association stated that he is pleased with how to the Alarm and Locksmith Industry Committee viewed SB 0380. Mr. Roberts also voiced his opinion on sending materials to the site he would be working at.

Mr. Roberts also commented on HB 1067 and how he believes the bill is not premature. Mr. Roberts stated that Representative Joyner is proposing that you should use licensed individuals to install home automation. Mr. Roberts further reiterated that this bill is for the safety of the consumer.

Cindy Giedraitis of the National Fire Sprinkler Association brought SB 379 to the Committee's attention and voiced her concerns on how the amendment to plumbing laws could affect the fire sprinkler industry.

Danna Fowble of the Oklahoma Burglar and Fire Alarm Association informed the committee that the OKBFAA has a meeting scheduled with Senator Newberry to discuss the bills he's authored.

Agenda Item 8:

Review of Company Applications

Peggy Cooper, with the Oklahoma Department of Labor, Licensing Division, was available to answer questions regarding the Company Applications.

a. Monitronics International LLC

Categories: Alarm Monitoring, Burglar and Residential Fire Alarm

Manager: Darin Anderson

Maurice Grant made a motion to approve this application. Ron Edwards seconded the motion. The motion passed with majority consent.

Roll Call:

Aye: Dennis Bloye, Jim Buck, Ron Edwards, Lisa Fields, Maurice Grant, Steve Lutz, and James Perry.

Abstain: Bob Carroll.

Agenda Item 9:

Roll Call of Those Expected to Appear Before the Committee During Executive Session

Bob Carroll called roll of those expected to appear before the Committee during Executive Session.

Agenda Item 10:

Proposed Executive Session

Ron Edwards made a motion to move to executive session. James Perry seconded the motion. The motion passed with unanimous consent.

Roll Call:

Aye: Dennis Bloye, Jim Buck, Ron Edwards, Lisa Fields, Maurice Grant, Steve Lutz, James Perry, and Bob Carroll.

Agenda Item 11:

Adjourn from Executive Session

James Perry made a motion to adjourn from executive session. Lisa Fields seconded the motion. The motion passed with unanimous consent.

Roll Call:

Aye: Dennis Bloye, Jim Buck, Ron Edwards, Lisa Fields, Maurice Grant, Steve Lutz, James Perry, and Bob Carroll.

Action Taken as a Result of Executive Session

- a. Name: Reed, Joamond
Categories: Residential Fire and Burglar Alarm Technician

Maurice Grant made a motion to approve the application of Joamond Reed. Jim Buck seconded that motion. The motion was denied.

Roll Call:

Aye: Dennis Bloye, Jim Buck, Maurice Grant, and Steve Lutz.
Nay: Ron Edwards, Lisa Fields, James Perry, and Bob Carroll.

- b. Name: Eckert, Fagan
Categories: Fire Sprinkler Trainee

James Perry made a motion to approve the application of Fagan Eckert. Lisa Fields seconded that motion. The motion was approved with majority consent.

Roll Call:

Aye: Dennis Bloye, Jim Buck, Maurice Grant, Steve Lutz, and James Perry.
Nay: Ron Edwards, Lisa Fields, and Bob Carroll.

Agenda Item 12:

Next Regular Meeting Date Scheduled for April 1, 2015

Agenda Item 13:

Adjournment

James Perry made a motion to adjourn the meeting. Dennis Bloye seconded the motion. The motion passed with unanimous consent.

Roll Call:

Aye: Dennis Bloye, Jim Buck, Ron Edwards, Lisa Fields, Maurice Grant, Steve Lutz, James Perry, and Bob Carroll.