

MINUTES OF SPECIAL CALLED PUBLIC MEETING

This special meeting of the Alarm & Locksmith Industry Committee, scheduled to begin @ 9:00 a.m. on the 28th day of November, 2012 was convened in accordance with the Oklahoma Open Meeting Act [pursuant to 25 O.S. §3011(11)] Further, an advance public notice that was sent to the Secretary of State's Office of Administrative Rules by Facsimile Nov. 26, 2012, prior to this time today, specifying the time & place of the meeting here convened, preceded this meeting. Notice of this meeting was given at least twenty-four (24) hours prior here to & no one filed a written request of notice of meetings of this public body to date.

PUBLIC BODY: Alarm & Locksmith Industry Committee

DATE: Wednesday, November 28, 2012

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

CONTACT PERSON: Rick Flanigan

TELEPHONE: (405) 521-2612

Meeting commenced @ 9:00 a.m.

Agenda Item 1:

Call to Order

Committee members present: Zeke Lay, James Perry, Ronald Edwards, Charles Hudecek, Ed Humes & Rick Flanigan

Committee members absent: Bob Carroll & Lisa Fields

Staff Present: Don Schooler, Dennis Hader, Laurie Menge & Carrie Wasser

Agenda Item 2:

Review, discussion, and potential approval to recommend legislative and rule changes to the Alarm and Locksmith Act

Rick Flanigan indicated this meeting called to discuss rule change request submitted by AT&T. Mr. Flanigan reminded the Committee to remember the regulations are in place to protect the citizens of Oklahoma and that the regulations require the Labor Commissioner to promulgate the rules and the Committee is to assist with this.

Zeke Lay, Acting Chairman, indicated the AT&T submission concerns him not only for the industry but also for the taxpayers.

Rick Flanigan indicated it appeared AT&T was recommending formation of a separate category for automation so they would not have to be licensed in more than one category. Mr. Flanigan further indicated there is nothing in the Alarm and Locksmith Regulations concerning automation. Motion made by Rick Flanigan to strike all of automation language; motion seconded by Ronald Edwards.

Roll Call:

Aye: Ronald Edwards, Charles Hudecek, Ed Humes, James Perry, and Rick Flanigan

Abstain: Zeke Lay

Discussion was next held concerning AT&T proposal for language additions and deletions concerning burglar alarm salesperson. Rick Flanigan indicated definition of salesperson has been vague and been a problem for a long time. Rick Flanigan indicated enforcement concerns with the concept of selling. Discussion was held there are specialties in this industry and if individual does not have knowledge they could violate life safety and other codes. Rick Flanigan indicated this would be covered under design, plans, and layout of systems. Rick Flanigan inquired where the dividing line is between needing a license and not needing one. Discussion was also held concerning call centers throughout the United States and whether they are just setting appointments or selling and that these individuals do not have the knowledge and question whether they are working for a company that is licensed. There was public discussion concerning difference between marketing and selling. There was discussion that selling would be at the point where an agreement is entered into but also intent there to sell if agreement not completed. Concerns were also raised about personal customer information and pass codes being obtained. John Gray, attorney for AT&T indicated he is author of proposed changes, there is a difference between sells and marketing, and the goal was to recognize this. Zeke Lay indicated marketing is a transition for the Alarm and Locksmith industry and can the industry transition into this. Discussion was held concerning ADT telemarketing for a long time and whether this person is licensed in the State of Oklahoma but problem with going out of state to issue citations. Zeke Lay indicated there are other changes mentioned in the proposal which ADT is not doing. Rick Flanigan indicated need to draw the line between sales and marketing. Concerns were raised about this industry handling "brokering" responsibly to the safety of citizens. Attorney for AT&T indicated they are already one of the most regulated entities. Zeke Lay concurred with this and motioned to strike the wording proposed by AT&T but look for wording that identifies marketing versus sells similar to what has been in the industry for years; motion seconded by Rick Flanigan.

Roll Call:

Aye: Ronald Edwards, Charles Hudecek, Ed Humes, James Perry, Rick Flanigan, and Zeke Lay

Discussion was next held concerning AT&T's proposal for change in language concerning managers in branch offices. Rick Flanigan read the current definition and indicated he felt the intent with the wording change was to not have a manager at every location. Mr. Flanigan further indicated there are gray areas. Mention was made concerning definition of the word

“branch” and defining the word “office”. Concern was also raised about there being a “point of contact” for response if problems arise.

Ronald Edwards made a motion to strike AT&T language and maintain current language in regulations concerning managers in branch offices; James Perry seconded the motion.

Roll Call:

Aye: Ronald Edwards, Charles Hudecek, Ed Humes, James Perry, Zeke Lay

Nay: Rick Flanigan

Discussion was held concerning intent of multi-activity/branch offices. Mention was made prior intent was that if branch office was a single activity office no manger was needed. If office was multi-activity with more people a manager would be needed at that office. Rick Flanigan indicated the way currently worded if single activity could have numerous individuals there with no manager. Discussion was also held that wording needed to be for State of Oklahoma and not for national or international purposes.

Rick Flanigan made a motion to clearly define what a multi-activity/branch office is; Ronald Edwards seconded the motion.

Roll Call:

Aye: Ronald Edwards, Charles Hudecek, Ed Humes, Rick Flanigan, and James Perry

Abstain: Zeke Lay

Mention was next made by Rick Flanigan concerning AT&T’s proposed language addition to the regulations concerning residential fire alarms. No discussion was held. Rick Flanigan made a motion to strike the added language proposed by AT&T concerning residential fire alarms; Zeke Lay seconded the motion.

Roll Call:

Aye: Ronald Edwards, Charles Hudecek, Ed Humes, James Perry, Rick Flanigan, and Zeke Lay

Rick Flanigan next addressed the proposed changes by AT&T striking and adding language under “system”. No discussion was held. Rick Flanigan made a motion to strike the proposed language by AT&T; Ronald Edwards seconded the motion.

Roll Call:

Aye: Ronald Edwards, Charles Hudecek, Ed Humes, James Perry, Rick Flanigan, and Zeke Lay

Rick Flanigan next addressed the proposed changes by AT&T concerning company license display. First discussed was the proposed striking of language in the regulations, including striking language concerning display of the license number. Rick Flanigan indicated he felt the license number to be important and recommended adding language “while engaged in a regulated industry”. Next Mr. Flanigan addressed AT&T’s proposal concerning web sites. Mention was made if the company is advertising in this industry need to have a company license number displayed. This also makes looking up a company easier and is important for enforcement. Discussion was also held concerning importance of having license number size large enough to view on company vehicles. Mention was made the intent previously was to have the license number where the advertisement was.

Rick Flanigan made a motion to strike AT&T language and referring to proposed language concerning company number size and that language be clarified; James Perry seconded the motion.

Roll Call:

Aye: Ronald Edwards, Charles Hudecek, Ed Humes, James Perry, and Rick Flanigan

Abstain: Zeke Lay

Rick Flanigan made a motion to approve AT&T language in section E concerning when contract valid and add language “as well as at customer’s request”. Ronald Edwards seconded the motion.

Roll Call:

Aye: Ronald Edwards, Charles Hudecek, Ed Humes, James Perry, and Rick Flanigan

Abstain: Zeke Lay

Discussion was next held concerning size of text in contracts and the need to make sure customer can read. This would include electronic media. All were in consensus and no motion was made.

Rick Flanigan next addressed 5(D) of AT&T proposal striking the regulation concerning residential burglar must also be licensed in residential fire. Zeke Lay stated he felt this needed to be voted on. Rick Flanigan made a motion to maintain the requirement for residential fire; James Perry seconded the motion.

Roll Call:

Aye: Ronald Edwards, Charles Hudecek, Ed Humes, James Perry, Rick Flanigan, and Zeke Lay

Rick Flanigan next addressed regulation changes which the Department of Labor would like made. The first recommendation is adding the definition for “Commissioner”. The next recommended change is changing 205:1-3 lists from saying “adoptive references” to “most current code”. A further recommended change is to strike language in 205-3-2(a) “License issued after February 1, but before the end of the State fiscal year-\$125.00” because recommendation will be going from an annual renewal for company licenses from date first issued. Rick Flanigan also indicated it is recommended all trainees be the same fee. Another recommendation is adding a fee for running of the fingerprint background check instead of taking out of application fee. Right now the applications are not paying for themselves and are being subsidized by the renewal fees. Concerning renewal fees, it is recommended “E” be struck and make them the same. Rick Flanigan also recommended June 30 expiration date should be struck and wording added concerning renewals be done at the end of each birth month. In addition, it was discussed about the adding of the language that was approved previously concerning DOD employees. In addition, wording is recommended concerning adding of photos to licenses. It is also recommended language be added concerning providing two forms of state issued ID. Rick Flanigan also addressed striking the wording concerning two passport photos because of change to digital photos. It was also addressed striking the wording concerning giving 72 hours cancellation notice because applicants now given a letter allowing 60 days. Rick Flanigan also addressed striking redundant language concerning hiring an Oklahoma license manager. It is further recommended striking the wording concerning examinations prescribed by the Committee and inserting the word “Commissioner”. Concerning fire sprinkler licensing, it is proposed adding terminology concerning running background checks on all applicants. In addition, under trainee, a question was raised why allowed 15 days and it is not in alarm trainee. Rick Flanigan indicated he would work on language concerning this. The consensus was this should be 15 working days. Rick Flanigan also mentioned the change in number of sprinkler trainees on the job from 15 to 3 to correspond with wording in other sections.

Agenda Item 3:

Comment and discussion from the general public regarding matters specific to the A&LI. Limited to no more than 5 minutes per public member unless granted additional time by the Committee.

Lowell Roberts raised the question if there is extra work involved for a manager renewal as opposed to a technician. Rick Flanigan indicated there is additional work but he is looking into making the fees reflective of what they are supposed to do.

Agenda Item 4:

Next meeting date December 5, 2012

Agenda Item 5: Adjournment

Ronald Edwards made a motion to adjourn the meeting; Rick Flanigan seconded the motion.

Roll Call:

Aye: Ronald Edwards, Charles Hudecek, Ed Humes, James Perry, Rick Flanigan, and Zeke Lay

The motion carried

The November 28, 2012 special meeting of the Alarm and Locksmith Committee was adjourned at 11:58 pm.