

MINUTES
UTAH ALARM SYSTEM SECURITY
LICENSING BOARD
September 07, 2023
Hybrid Meeting with anchor location in Room 474

CONVENED: 9:01 a.m.

ADJOURNED: 10:02 a.m.

Bureau Manager:
Board Secretary:

Tracy Taylor
Katie Corak

Board Members Present:

Fred Johnson, Chairperson
Paul Duff Astin
Scott RC Kemp
K. Adam Christian
Myron Bateman

DOPL Staff Present:

Randall Rees, Legal Analyst

Guests:

Nathan Mackie
Aila Anderson

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Approval of Minutes:

Mr. Kemp made a motion to approve the July 06, 2023 minutes. Mr. Astin seconded the motion. The motion passed unanimously.

Compliance Update:

Ms. Corak reviewed the compliance report prepared by Compliance Specialist Bernice Palama. Item noted with no action taken.

APPOINTMENTS:

Victoria May Stewart
History Review:

Ms. Stewart contacted the Division this morning and requested to reschedule her appointment. Ms. Stewart's will be rescheduled for the November meeting.

Raymond Frank Alvarez III:
History Review:

Mr. Alvarez did not attend his appointment with the Board. Mr. Johnson made a motion to deny Mr. Alvarez's application for licensure. Mr. Christian seconded the motion. The motion passed unanimously.

Nathan Mackie
History Review:

Mr. Mackie attended his appointment with the Board. Ms. Taylor reviewed Mr. Mackie's history with the Board and Mr. Mackie answered questions from the Board. Mr. Johnson made a motion to deny Mr. Mackie's application for licensure. Mr. Bateman seconded the motion. The motion passed unanimously.

Aila Leni Anderson:
Renewal Review

Ms. Anderson attended her appointment with the Board. Ms. Taylor reviewed Ms. Anderson's history with the Board and Ms. Anderson answered questions from the Board. Mr. Johnson made a motion to conditionally renew Ms. Anderson's Burglar Alarm Company Agent license for 90 days while the pending charge goes through the courts and allow DOPL staff to continue the conditional renewal in 30 day increments as necessary until the pending charge is adjudicated. Mr. Christian seconded the motion. The motion passed unanimously.

DISCUSSION&ACTION ITEMS:

Robert Dushane Fortune CH Update:

Ms. Taylor provided an update on Robert Dushane Fortune, a licensee the Board met with in September 2022. At that meeting, Mr. Fortune asserted in the meeting that upon completion of probation, his charges would be reduced to misdemeanors. The Board requested DOPL monitor Mr. Fortune's criminal probation and notify them of the outcome. Mr. Fortune successfully completed criminal probation in July 2023, and his criminal conviction was reduced to a misdemeanor. Item noted with no action taken.

Administrative Denials:

Ms. Taylor requested the Board grant the Division the authority to administratively deny any applications with criminal history within 12 months preceding the date of application. Mr. Johnson and Mr. Bateman expressed support for the request, however Mr. Christian expressed concern that this would be too broad, and essentially remove the Board ability to review specific circumstances related to each applicant. Ms. Taylor pointed out that the Division already makes some criminal history decisions administratively based on the criminal history guidelines the Board previously approved. Therefore, if it is not something that would come before the Board and be approved, those applications are denied administratively. Ms. Taylor then amended the request to allow the Division be granted the authority to deny applications with

convictions that were adjudicated within 12 months of an application being submitted. This means the Board would still review applications for individuals with pending charges. Mr. Johnson made a motion to allow the Division to administratively deny applications with criminal convictions that were adjudicated less than 12 months before an application was submitted and are of a nature that would prevent an applicant from safely and competently practicing as an alarm company agent. This does not include applications with criminal convictions less than 12 months before an application was submitted that are deemed isolated incidents, and do not bear a substantial relationship to their ability to safely and competently practice as an alarm company agent, and does not put the public at risk. Additionally, the Board will continue to review applications with pending charges. Mr. Christian seconded the motion. The motion passed unanimously.

Before adjourning, Mr. Johnson sought more information on the compliance report, specifically why more drastic action has not been taken against Vivint Inc. for their violations of the Fair Credit Reporting Act and other unfair practices. Ms. Taylor explained the Division has taken a secondary position to the probationary period and reporting requirements imposed on Vivint Inc. by the Federal Trade Commission (FTC). The FTC is also requiring Vivint Inc to contract with a third-party company to perform quarterly compliance reviews of their business practices, The Division receives the reports from the third-party company and there are no concerns with those reports at this time. Additionally, Vivint Inc. is also completing voluntary internal audits. The voluntary internal audits have led to many new policies and practices that have been beneficial for the company. Ms. Taylor also reminded the Board that they have the option to ask a representative from Vivint Inc. to attend a board meeting and speak to the current state of their company and their progress towards full compliance. Mr. Johnson also asked about the other probationer and if the Board needed to take

any action. Ms. Taylor reminded the Board that they placed that person on probation at the May 2023 board meeting and no additional action need to be taken.

ADJOURN:

Adjourned at 10:02 a.m.

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.

Date: 11/02/2023

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X Fred Johnson
Fred Johnson (Nov 2, 2023 11:26 MDT)
Alarm System Security and Licensing
Board Chairperson

X Judy Jaffe
Bureau Manager, Division of
Professional Licensing