

APA-2

Alabama Electronic Security Board of Licensure
(Agency Division: N/A)

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Electronic Security Board
of Licensure

RULE NO. & TITLE: 304-X-1-.07 Code of Ethics

INTENDED ACTION: Amend Rule

SUBSTANCE OF PROPOSED ACTION:

In order to comply with ACT# 2014-160, amend rule to strengthen the code of ethics. The code of ethics will be strengthened by clarifying and adding to the rule. Rules involving unsolicited sales to the elderly are added, which complies with new legislation that was passed during the 2018 session, in order to give further protection to citizens 75 and over.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments may be submitted to: Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116.

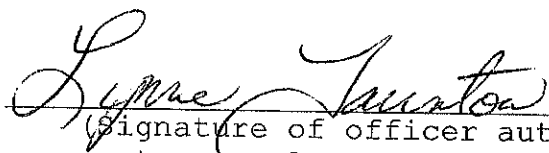
Public Hearing: Tuesday, November 13, 2018, 9:30 a.m., Alabama Industrial Development Training Center, One Technology Court, Montgomery, AL 36116.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

November 13, 2018

CONTACT PERSON AT AGENCY:

Lynne Taunton, Executive Director, Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116. Telephone# 334-264-9388.



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

304-X-1-.07 ~~Cease and Desist Orders~~ Code Of Ethics.

(1) The following code is intended to aid companies licensed by the Alabama Electronic Security Board of Licensure and their employees, individually and collectively, (hereinafter referred to as companies), in maintaining a high level of ethical conduct. This code evolved out of the experience of the Board and is binding on all licensed ~~firms~~ companies and their ~~staffs~~ employees.

(a) ~~Companies will present their qualifications to prospective clients solely in terms of their ability, experience and reputations; will strive continuously to improve their knowledge, skills and techniques to make available to their clients the benefits of their professional attainments; and will not cause harm to another company by their actions or words. All licensees and employees of licensees must have on their person a photo identification card issued by the licensing board at all times when providing licensed services.~~

(b) Companies will always render services at the highest level of quality. Companies must include the following information at the bottom front of each contract for services:

All complaints or concerns regarding the installation or service of a lock, alarm, or CCTV system may be directed to the : AESBL at 7956 Vaughn Road Montgomery, Alabama 36116 (334) 264-9388.

~~(c) Companies will respect the reputation and practice of other firms in the security or locksmith industry, but without hesitation, will report to the Board of Licensure any illegal or unethical conduct by another licensee or company in the industry.~~

(c) All licensees must provide an electronic or paper copy to each customer in which alarm, locksmith, or CCTV services have been provided. The electronic copy provided to a customer must be emailed to the customer at the customer provided email address within 48 hours of the completed sell, service, or installation. A Notice of Cancellation document must also be given to the client and the procedure for cancelling a contract must be clearly explained to the client.

(d) Licensees will give to each client or potential client their AESBL license number and each individual will show his/her AESBL identification card to all existing and potential

clients, law enforcement personnel, AESBL Board Members, AESBL inspectors and investigators, and the AESBL staff upon request.

(e) Companies will inform each client of their rights, including their right to cancel a new contract within a specified time period, and encourage them to maintain records of all activities and contracts related to the installation of locks or an electronic security system. ~~Companies will ensure that each client is provided a legible copy of any contract, agreement or work order, immediately, upon being signed by the client. Where provided for on a contract or other document, the name and/or signature of the company salesperson, Qualifying Agent or installer technician must be provided and must be legible. A Notice of Cancellation document must be given to the client and the procedure for cancelling a contract must be clearly explained to the client.~~

(f) Companies will adequately train each client in the proper use of their locks or electronic security system, will provide customers lockout codes upon receipt of written requests within ten (10) business days, and will not sell customers pre-programmed panels without written disclosure to the customer.

(g) Companies will advise customers who already have electronic security service that, if they already have a contract for services, they may be obligated for payments under the terms of their present contracts as well as any new contract signed.

(h) Companies will respond within ten (10) business days to customer complaints regarding sales, installation, servicing or monitoring of their locks or electronic security systems or the conduct of any person employed or sub-contracted by the company.

(i) Company representatives will make a reasonable attempt to identify the owner of a residence, a commercial establishment, or vehicle before performing work.

(j) Companies will not engage in deceptive, fraudulent, or illegal activity targeting individuals over the age of sixty (60) or individuals who do not appear to be mentally competent. Doing so may result in their license being suspended on an emergency basis without a hearing if said activity is confirmed by a police officer, AESBL investigator, or other law enforcement agency or personnel by a signed and notarized affidavit.

(k) Companies must wait four (4) business days before performing unsolicited services for an individual age 75 or older and must provide these same customers with a 30 day right to cancel in their contract.

(2) Any company, including all employees of a company, and any person who violates one or more canon of ethics in this code shall be subject to disciplinary action. If, after a hearing, the Board determines that a company or person is, in fact, guilty of a violation, the Board may impose a monetary penalty, a sanction, suspend or revoke a license.

(3) Upon proof (proof being a civil order or criminal conviction) that any licensee or licensed company has engaged in behavior that has violated any Federal, State, or Local law, the Board shall take immediate disciplinary action. All licensees are required to adhere to all laws related to the "Do Not Call List", spoofing, and any laws or rules imposed by the Federal Trade Commission or the Federal Communications Commission.

(4) Any advertising, including social media and internet advertising, must include the AESBL license number on said advertising.

Author: Fred Crawford

Statutory Authority: Code of Ala. 1975, §34-1A.

History: New Rule: Filed April 26, 2000; effective May 31, 2000. **Amended:** Filed May 25, 2004; effective June 29, 2004. **Amended:** Filed November 13, 2007; effective December 18, 2007. **Amended:** Filed February 18, 2010; effective March 25, 2010. **Amended:** Filed November 14, 2011; effective December 19, 2011. **Amended:** Filed May 27, 2014; effective July 1, 2014. **Amended:** Filed November 19, 2014; effective December 24, 2014. **Amended:** Filed ; effective