

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 304 Department or Agency Alabama Electronic Security Board of
Licensure

Rule No. 304-X-1-.09

Rule Title: Grounds for Referral to the District Attorney

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? _____

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Lynne Lawton

Date September 18, 2018

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-.09 Grounds for Referral
to the District Attorney

INTENDED ACTION: Add New Rule

SUBSTANCE OF PROPOSED ACTION:

In order to comply with ACT# 2014-160, add new rule that complies with our statute change during the 2018 legislative session in which certain activities, specifically deceiving or defrauding citizens 60 years of age and older, may be referred to the District Attorney for criminal prosecution.

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.

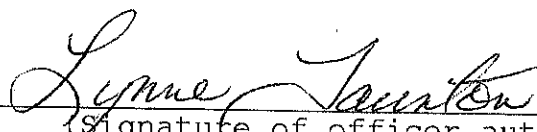
Public Hearing: Tuesday, November 13, 2018, 9:30 a.m., Alabama Industrial Development Training Center, One Technology Court, Montgomery, AL 36116.

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-.09**Grounds for Referral to the District Attorney**

(1) The following violations of Ala. Code §34-1A-7(e) may result in referral for criminal prosecution, in lieu of, or in addition to disciplinary action by the Board:

- (a) Advertising alarm services or locksmith services to the public without possessing an active license issued by the Board;
- (b) Installing, servicing, or selling an alarm system or providing locksmith services while on probation or parole without having provided evidence of your probation or parole status to the Board;
- (c) Performing unsolicited alarm/locksmith sales or alarm/locksmith installation services to a person over the age of 75 years, without having waited four (4) business days before completing the installation or before performing the unsolicited services connected to the sales agreement or contract;
- (d) Deceiving or defrauding a person over the age of 60 years old, in violation of the Alabama Elders Act;

OR

- (e) Any other offense noted in Ala. Code §34-1A-7(d)(1) - (9)

Author: Lynne Taunton

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

History: New Rule: Filed ; effective