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Texas Burglar and Fire Alarm Association, Inc. (TBFAA) is a non-profit organization of security professionals who have joined together to enrich the industry by providing membership training and representing the membership as a whole in the Texas Legislature, the Texas Private Security Bureau and the Texas Fire Marshal’s Office among many other programs.

The TRANSMITTER is published by the Texas Burglar and Fire Alarm Association, a Texas non-profit organization for advertising matters.
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Most have probably heard the quote “No man is an Island, entire of itself”. It’s actually a powerful expression from a poem by John Donne. Why is it important? In the simplicity of the statement, we all need to realize that our involvement within the security and fire alarm industries plays a major part in our success.

Take time to be involved. Of course I’d like to see everyone involved in their local associations as well as the TBFAA, but I also ask that we all take time to be involved in vendor meetings and trade shows. Often it seems that the only way to attract participants to an event is to offer Continuing Education units, and while receiving CE units for participation is nice, it shouldn’t be the main goal.

By taking the time to be involved in associations and vendor shows, it helps grow our knowledge in our industries. Equipment will change with technology, and sometimes it will change because of regulations (such as the change to CP-01 panels). When we stop learning of new products and services, we not only slow down, but we put our companies in jeopardy of losing business.

Take the time to register yourself to receive updates from vendors, distributors, and associations. Follow their updates and posts on social media, and stay involved. By attending and participating in training events, meetings, and trade shows, you’re helping to future-proof yourself and your company.

The TBFAA is moving forward with a great convention for 2017. If you haven’t registered to attend, do so now. There are many great seminars and training opportunities as well as networking events that are designed to help you succeed. If you are a vendor, make sure you don’t miss the opportunity to be in front of some really great companies!

Registration for trade show booths and the golf tournament is open and going strong.

Please visit the TBFAA website for registration information at tbfaa.org, and I hope to see you at the #TBFAA2017 convention!
By Brad Shipp, TBFAA

The nominating committee, consisting of Past Presidents: Jeff Bright, Chris Russell, Chip Bird & Rex Adams has nominated:

- Kelly Ryan for President
- Paul Rusch for VP Electronic Security
- John Helwig for VP Fire
- Mary Edmondson for Secretary
- Malcolm Reed for Treasurer
- Sarah Salazar for Membership Director
- Whitney Crahen for Training Director

Any Member can be nominated at the membership meeting. The election will be at the membership meeting on October 26, 2017 from 11:30 to 12:20 in Montgomery, TX.

Associate members at the meeting will elect an Associate Director. Each Region will elect a Regional Director.
Caution When Dealing with LLCs

By Robert J. Reagan

Most service companies, including those in the burglar and fire alarm business, have contracts that provide for obtaining recovery of attorney’s fees in the event of a dispute with, or collection of payments due, from their customers. When providing services on an ad hoc or open account basis, however, many times there is no formal contractual relationship which provides for collection of legal fees. The general rule of litigation in Texas, and most other American states, is that parties to disputes, absent a contractual obligation or an applicable statute, bear their own attorney’s fees. In Texas, the statute that governs oral or written contracts that lack a legal fee allocation agreement or collection of accounts due is contained in chapter 38 of the Civil Practice & Remedies Code. This provides that “[a] person may recover reasonable attorney’s fees from an individual or corporation” if the claim is presented to the opposing party by the claimant’s licensed attorney, and payment is not tendered “before the expiration of the 30th day after the claim is presented.”

Since the early 1990s, many businesses have adopted the entity form of Limited Liability Company (LLC’s now provided for in Chapter 101 of the Texas Business Organizations Code) rather than that of a corporation. There are many advantages, tax and otherwise, and especially for small businesses of the LLC form. Recently, it has become apparent that collection of a claimant’s attorney’s fees under Chapter 38 from an LLC is not possible. Texas courts of appeal have uniformly ruled that the plain language of the statute means what it says; that is, individual or corporation, and excludes limited liability companies. All these cases have been decided within the last five years. It seems unfathomable that the LLC has been in existence for 20 to 25 years before somebody noticed this technicality. There are many ways, tax-wise, and in the bankruptcy context, that LLCs are treated as corporations, and the assumption appears to have been that treatment would be the same for all purposes. The Texas Supreme Court has not ruled specifically that these Courts of Appeals are correct, however, it has so far denied review of the decisions. The last two Texas legislatures (2015 & 2017) have considered bills to correct this anomaly. It is unclear why the bill failed in 2015, but in 2017 the House of Representatives passed unanimously a correction bill. The bill died in Senate committee, when the regular session expired on May 30. Apparently it did not make it out of committee because the Senate was too caught up in trying to decide who gets to use which public restroom.

The Governor called a special session to deal with a number of issues that were not settled during the regular session. It does not appear that this remedial statute to include LLCs, as well as other business entities, in those from whom attorney’s fees can be collected in contractual dispute lawsuits, absent a formal fee shifting agreement. This office has contacted State Representative Morgan Meyer, and Senator Philip Huffines, asking them to add this bill (H.B. 744 in the regular session) to the special session’s, but have yet to receive any response from either. It is the Texas Governor’s prerogative to set a special session’s agenda, but one would think he would listen to what legislators have to say. Furthermore one would hope that Texas government, which has a reputation, most of the time deserved, friendly to business would give this a priority. Most small service businesses who maintain open accounts for regular customers are not owed a lot of money before they find it necessary to seek legal help to collect bad debts. Given that attorney’s fees of competent lawyers can range upwards of $300 per hour, collection of small debts may cost more than they are worth. Furthermore, the prospect of having to pay a claimant’s attorney’s fees often results in quick settlement of the debt.

We are watching this closely. In the meantime all Texas citizens in business should contact their State Representative and Senator, as well as Governor Abbott in this regard. The special session begins today, July 18 and adjourns after 30 days on August 17. While there could be another special session, given the expense of paying our lawmakers to attend, it is doubtful. If we do not obtain this relief in the special session we will have to wait until the next regular legislative session which will not begin until January 2019.

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In November 2012, on his third tour in Afghanistan, U.S. Army CW2 Daniel Carlton was injured by two improvised explosive devises (IED), resulting in the amputation of his left leg above the knee, major injuries to his right leg, his hands, burns and mild traumatic brain injury. Aided by his fellow soldier Matt Davey, he received his initial treatment in Afghanistan and then he was moved to Landstuhl Regional Medical Center in Germany before being transferred to the San Antonio Military Medical Center where the rest of his recovery and surgeries would take place, totaling over a dozen.

Carlton was honorably discharged after 15 years of service. In honor of his service, Carlton was awarded numerous honors including Three Bronze Stars and Two Purple Hearts among others. Carlton’s wife, Juanita, also served in the military and the two have six children together.

While still eager to serve his country even in retirement, Carlton was faced with providing a home for his family. In stepped H-E-B and Operation Finally Home. In June, 2017, the two organizations presented the Carltons with a beautiful new mortgage free home in the Rockwall Ranch neighborhood in New Braunfels. HEB’s partners in this project consisted mostly of their suppliers, including San Antonio based integrator, Texas Electronic System Specialists (TESS). These companies donated supplies, time and other resources to help out.

This is the second year in a row that TESS has participated with HEB and Operation Finally Home and they are already looking forward to helping out again on their next project. “We were brought in on the first one a little late but this second one from the beginning. I am not sure when the next one will come around but we are looking forward to it.” said Vice President and Partner, Ramiro Hernandez.

Hernandez says they get to meet with the family early on in the process to find out their specific needs. For the Carlton family, they ended up putting a camera system in, an alarm system with a free year of monitoring. Once the Carltons were moved in, they went back for another visit to show them how to use the alarm and utilize the camera system.

TESS, members of the South Texas Alarm Association, was started almost 20 years ago by Hernandez and his business partner Mike Snellgrave.

This is the 11th home that Operation Finally Home has been able to present as part of their mission to “provide custom-built, mortgage free homes America’s military Heroes and the widows of the fallen.”
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Areas affected by Hurricane Harvey

By Mitch Reitman

The Comptroller’s office just released guidelines regarding disaster extension requests from the State of Texas. These extensions apply to businesses needing extensions of time to file certain sales and franchise tax returns. If you are in the following Texas Counties you may be able to request extensions for certain tax returns:

Aransas, Austin, Bastrop, Bee, Brazoria, Calhoun, Chambers, Colorado, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Hardin, Harris, Jackson, Jasper, Jefferson, Karnes, Kleberg, Lavaca, Lee, Liberty, Matagorda, Montgomery, Newton, Nueces, Orange, Polk, Refugio, Sabine, San Jacinto, San Patricio, Tyler, Victoria, Walker, Waller, Wharton

Taxpayers who need longer extensions may request them from the Comptroller.

If you are a Hurricane Harvey rescuer, you do not have to pay hotel tax.

You may be able to get an exemption from charging sales tax on labor charges to repair property damaged in the disaster area. The rules are complex so consult your tax professional. TBFAA & HGCAA members can call Mitch Reitman for a no charge explanation.

Sales tax is not due on items purchased using FEMA or Red Cross debit cards. Be sure to keep a copy of the receipt and clearly mark it FEMA or Red Cross, and have the purchaser sign it.

If you are a TBFAA member, please feel free to call Mitch Reitman with any questions.

Fire Marshal Reminder: Current Registration/License Numbers

As of March 1, 2017, all companies and licensees should be displaying only your currently issued Registration and License numbers. This includes service tags, labels, vehicles, signs and business forms. After March 1, 2017, the old numbers must not be used or displayed.

In March 2012, the State Fire Marshal’s Office began the conversion to a new licensing software program. For many companies and licensees, this resulted in being issued a new unique number. In order to lessen the impact of the changes, the State Fire Marshal’s Office agreed that there would be a transition period of five (5) years to allow companies to deplete their stock of service tags and business forms bearing the old numbers.

For additional Licensing information and a link to our Company and Individual Search application, please go to our licensing site.
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More from Mitch

By Mitch Reitman

Most of you have heard me discuss the perils of treating employees as “contractors” and issuing them IRS forms 1099. Not only is it a bad idea to treat an employee as a contractor, the IRS has instituted new requirements, and penalties, for misfiled and late filed 1099’s. Filers can receive up to a $530 per record penalty, (a $3+ million maximum penalty for even a mid-sized penalty), if delivering 1099 or W-2 statements and after the IRS deadlines. To make things worse, even if you can scrape together the penalty money, penalties aren’t deductible against your Federal Income Tax liability.

Intentional disregard for furnishing or filing information returns is a $530 / return penalty. Additionally, filers can receive up to a $260 per record penalty for the late delivery of a statement (i.e. sending out a 1099 too late) and then another $260 per record penalty for filing late. If this isn’t bad enough, the penalty is indexed for inflation.

Here is an example:
- Failure to Furnish Correct Payee Statements: $50 / $100 / $260 per payee statement depending on when you furnish the correct information returns (IRS Code Section 6721)
- Intentional Disregard: If a company fails to provide a correct payee statement, due to intentional disregard of the requirements to furnish a correct payee statement, the penalty is at least $530 per payee statement with no maximum penalty.
- Similar penalties apply for 1099’s in which the Social Security Number or Taxpayer Identification Number is incorrect. What, the “contractor” is using his/her Social Security Number… I thought that this was a “contractor” with a real company and a Taxpayer Identification Number.
- Failure to File by the Due Date: $50 per return if filed within 30 days of the deadline, $100 per return if filed by August 1st, and $260 per return if filed after August 1.

Note - Jan. 31st 2017 was the new IRS filing deadline for 1099 MISC with box 7 (non employee compensation).

But wait… There’s more
IRS Code Section 6721 Includes Penalties For:
- Missing or incorrect Social Security and Taxpayer (ID) Identification Numbers
- Failure to E-File Correct Information Returns to the IRS
- Late 1099-MISC forms with Box 7 information (non “employee” compensation)

Even though it is better to treat these people as employees remember that W-2 forms are now due on January 31, 2018.

If you think that you are immune to the healthcare debate in Washington, be aware that thousands of IRS personnel who have been sidetracked to administer the insurance mandate may suddenly find themselves with time on their hands. They will be looking for new targets, don’t become one. Make certain that your employee / contractor house is in order. Be aware of the new filing deadlines and aggressive accuracy requirements. Talk to your tax practitioner. If they can’t help you call us.

Mitch Reitman is the Managing Principal of Reitman Consulting Group, the Security Industry’s tax and accounting specialists.

About Reitman Consulting Group

Originally founded as S.I.C. Consulting in 2001, we are a brick and mortar consulting firm with associates who know your business and have the experience and resources to assist you. Reitman Consulting Group began with a pencil and knowledge of the security industry and systems integration industry. Although founder Mitch Reitman has much more than a pencil now, he still has the desire and ability to serve the industry.

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- Roast & Toast Dinner after the Trade Show
- Pool Party with Cash Bar After Roast & Toast

Make sure to visit www.tbfaa.org to register.
Why Join An Association?

By: John C. Helweg

Occasionally I get asked why someone should join a trade association? They may tell me that they are a member of the regional association, so why join the state or national association? Conversely they may tell me that they are a member of the state or national association, so why join the regional association?

Each provides different services for their members. The state and national associations raise legislative funds that pay to have a lobbyist monitoring legislative actions that may affect our trade and they assist us in making changes in the law as needed. Generally speaking, the national association is watching legislation at the national level and state association is watching legislation at the state level.

Regional associations don’t have a lobbyist, but they are usually more involved with the local government and law enforcement. They work with the city and county to make sure that local ordinances do not conflict with state laws or hurt our businesses with unintended consequences. We work together to solve complex problems.

National and state associations generally meet once a year at convention. You can get a couple days of CEU’s and attend their trade show, where you can see all the manufacturer’s latest products. Conventions are a big deal where you can meet many new people from all over, along with all the sales reps for your products and service providers. They also have fun activities like casino nights to keep you entertained.

Regional associations don’t have annual conventions, they have monthly meetings where you can get CEU’s at every meeting, stay current with changes in city and county ordinances, get useful information from local law enforcement and fire marshals, learn from quality speakers and other business owners that might have a solution to a problem you are experiencing. Regional associations also offer networking events like golf and bowling tournaments. You have the ability to really get to know people in your profession and make life-long friends.

Each trade association plays an important part in your business’ growth and well-being and is well worth the money. If we don’t have lobbyists watching legislation and assisting us in making changes in the law, we will likely get pummeled by laws with unintended consequences and burdensome requirements making our jobs much harder. If we don’t go to monthly meetings to stay on top of local laws and ordinances and interact with law enforcement and fire marshals we run the risk of breaking those laws and getting penalized or arrested.

Join your National, State and Local trade associations and be active, serve on the boards and be a part of something greater than yourself.

Regards,
John C. Helweg
HGCAA President

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HGCAA Awards First Responder Scholarship

By: John C. Helweg, HGCAA President

Riley Hood is this year's First Responders Scholarship recipient. His Father is a Houston Police Department Officer stationed at the Eastside Station.

Riley's grades were above average and his essay was well written. He was very involved in extracurricular and community activities. We've included his essay, a list of his activities and his teacher's recommendation letter.

We had a couple excellent candidates to choose from but it was Riley's community involvement and well written essay that won the Board over.

Here is a brief excerpt from Riley's essay:

My dad believes, that as a police officer, if you value the people in your community, they will in turn, value you. Everyone should learn that being courteous and respectful is a very valuable skill. My dad works in a very poor section of the city and many people who come in contact with him call him “Officer Friendly”. He has made a huge impact on my life by teaching me this value. I always try to use what he has taught me when I come into contact with others.

Industry Partners that have passed away

Jennifer Michelle Bernard
April 13, 1985 - June 25, 2017

Frederick James Burkey
May 19, 1946 - August 20, 2017

Robert George Damesworth, Sr
December 28, 1948 - August 24, 2017

Joseph Martin Graves
June 20, 1928 - June 26, 2017

Howard Hans Johnsen
September 20, 1940 – September 8, 2017

Marques Wendell Parnell Johnson
March 3, 1984 - Sept 18, 2017
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<thead>
<tr>
<th>Month</th>
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<td>16&amp;17</td>
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<td>December</td>
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Level 1 Class - Two more Chances!
This training program, provided by TBFAA is a certified, nationally recognized training program approved by the Texas Department of Public Safety, License #0104. This 16-hour course meets requirements for installers and salespersons. The program provides an overview on the theory, installation and maintenance of alarm systems.

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8 Hour -1 day Residential Fire Alarm Technician

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<td>September</td>
<td>1</td>
<td>McAllen</td>
</tr>
<tr>
<td>November</td>
<td>3</td>
<td>El Paso</td>
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