TBFAA Helps You Comply!

New Requirements - New Tools

TBFAA has added forms, lists and references to newly adopted laws to help you stay in compliance with Texas Law to our member’s only website.

In an effort to help you with the requirement to notify the municipality within 30 days after installation or activation of the alarm system we have asked each locality to give us either the mailing address, email address or fax number for where notification should be sent, or a letter indicating that they do not wish to receive this information. Information on all the localities that have responded is included in a document that you can download from the members only section of our web site.

You can also download the form that has been approved by the TX Private Security Board to notify the Municipality from our members only section.

That is not all you will find on our members only site

* If you have trouble determining if an address is in a city or county we have added some resources to help.
* Information on effective dates and requirements in the new Texas laws.
* FARA -Residential False Alarm Prevention
* FARA -False Alarm Prevention for Banks
* FARA -False Alarm Prevention for Businesses
* FARA -False Alarm Prevention for Schools
* FARA -False Alarm Prevention for Churches and Other Worship Facilities
* SIAC PowerPoint on CP-01 Standard
* SIAC List of Compliant Panels
* List of Local Texas Ordinances

Regional News

- Houston Gulf Coast ................. 22
- North Texas .......................... 22
- South Texas .......................... 22

Visit Page 12 For Info on TBFAA Convention
Galveston - October 2006

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"Reasonable people adapt themselves to the world. Unreasonable people attempt to adapt the world to themselves. All progress, therefore, depends on unreasonable people."
-George Bernard Shaw

2006 has already proven to be a year where our association and our members have been forced to adapt.

Despite our best efforts, Dallas has enacted what they call a verified response policy for commercial accounts. While we continue to try to change the policy at the local and state level, we also continue to work to help our members adapt to this change.

This year has also brought new state wide requirements on user training and notification of municipalities. As you saw in our front page story, TBFAA has prepared checklists, forms, brochures and videos to help our members comply.

As the new state requirements for training are put in place we have teamed with the North Texas Alarm Association and others to develop a professional alarm user training video to help you make sure you cover all the bases.

When our members told us that they were having trouble finding out who to notify in each municipality, to comply with the new state requirements, we contacted each and every Texas municipally to create an online listing of addresses, faxes and emails for hundreds of localities

The widespread use of VoIP presents us all with new challenges and TBFAA along with our partners in NESA have prepared papers, letters and presentations to educate legislators, dealers and consumers about these challenges.

When the state fire marshall began to observe the new version of the fire codes we were ready with a revised fire course to help prepare you to take the updated exams.

And when our long time lobbyist told us late last year that he would be retiring, we went to work to find new representation for our members in Austin.

With all of this change, including our new logo, one thing has not changed- Our commitment to promoting and representing our industry and our commitment to serving the citizens of Texas.

All are more examples of what Franklin D. Roosevelt observed years ago- "There are many ways of going forward, but only one way of standing still."

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Chip Bird
TBFAA President

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The Texas Burglar and Fire Alarm Association, Inc. (TBFAA) is a nonprofit 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 Board, and the Commission on Fire Protection, among many other programs.

The TRANSMITTER is published bi-monthly by The Texas Burglar and Fire Alarm Association, a Texas not for profit association.

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Brad Shipp, Editor

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Advertising: Space reservations due the 5th and artwork due the 20th of each odd numbered month.

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2006 Training Schedule

**Level 1 Class Schedule**

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**Fire Prep Class Schedule**

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<td>December</td>
<td>Houston</td>
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Schedule & Registration Forms Available 'On Line'

Visit [http://www.tbfaa.org](http://www.tbfaa.org) for course descriptions, registration forms and class schedules.
NESA Adopts Positions

NESA met in conjunction with the ISC West show in Las Vegas on Tuesday April 4th. At the meeting progress reports were given from each state and several new position papers were adopted on a variety of issues including; false alarm reduction, VoIP, verified response and state licensing.

The NESA board also approved several proposed changes that will be submitted to NFPA to improve the recently adopted standard on Security –NFPA 731. In addition, the board has adopted an extensive Guide to Alarm Equipment which will be released as a joint document with the False Alarm Reduction Association (FARA) after it has been reviewed by the FARA board at their meeting at the end of April.

All of the newly approved position papers are available for download at http://www.nesaus.org/html/positions.asp.

User Video Available

Educational Alarm Video Available for Industry, Police and Customer Distribution

Video educates users on reducing false alarms

To reduce the number of unnecessary dispatch calls to police, an alarm industry and police group produced an educational video explaining how to reduce false alarms. The North Texas Alarm Association (NTAA) created the video along with the False Alarm Reduction Association (FARA) and Security Industry Alarm Coalition (SIAC). “The participation of police agencies and some of the largest alarm companies demonstrates the importance placed on the responsible use of alarms to save police resources,” said Chris Russell, President of the North Texas Alarm Association, creator of the educational video. Also involved in the production of the video are the South Texas Alarm Association, Houston Gulf Coast Alarm Association, Texas Burglar and Fire Alarm Association, and the National Electronic Security Alliance.

The video is available for the cost of duplication or customization. “There is nothing proprietary about trying to help police save valuable time and money,” continued Russell. “This video is available to any industry association or member, to police, and to municipal officials.”

The video is an easy way to help dealers comply with the new user training requirements.

Cooperation with police agencies, changes in technology, and alarm user education have led to a steady reduction in alarm dispatches over the past ten years. In Dallas, for example, there has been a 54% decrease in dispatch requests since 1995. “This is significant progress and, with continued education and public/private partnerships, we are confident there will be continued reductions in false alarms across the nation,” Russell added.

To obtain the video visit the TBFAA’s web site www.tbfaa.org.

Members can get discounted pricing by ordering from the members only section.
What Is The AMPS Network?
By Mark Matlock

Over twenty years ago Bill Gates stated, “If it’s not digital, it’s not in the future”. Mr. Gates knew of what he spoke. In today’s world technologies such as computing, television, video recording, audio recording, and more recently, telecommunications, have all gone digital. As predicted, we now live in a digital world.

In the United States, however, the world of cellular communications was built on an analog network of wireless sites all across America. This network is known as the Analog Mobile Phone System, or AMPS Network. In the early to mid 90’s, cellular carriers began to integrate digital sites among their AMPS networks all across the United States. Today, cellular phone service in America is over 95% digital. The two main digital networks in America are the GSM (utilized by Cingular) and CDMA (utilized by Verizon and Sprint) networks.

In Europe, and even in some third world countries, cellular communication networks were built from the ground up to be 100% digital. It’s perplexing to think that in such a technologically advanced country as America, we are still utilizing some seemingly archaic AMPS equipment. This very quandary has caused cellular carriers in America to move to completely abandon the existing AMPS networks. And its easy to see why: the AMPS equipment is outdated and very expensive to maintain. In fact, the FCC has mandated that as of February of 2008, all cellular carriers in America can eliminate their AMPS networks once and for all.

What Does This Mean For The Electronic Security Industry?

Today, virtually every cellular back up communicator installed in America is an analog device that is designed to work on the AMPS network. If the cellular carriers turn off their AMPS networks in February of 2008 (which appears inevitable), all of the analog cellular back up units will cease to communicate. It is estimated that some 700,000 of these devices exist in the United States. This news may shock some of you, but many of you out there are well aware of what’s going on.

Several alarm industry leaders have fought to keep the AMPS networks in place. This fight is really more of a stay of execution: AMPS networks are going away, its just a question of when. Our biggest ally in the fight has been On Star, the division of GM that utilizes analog communications devices in automobiles to summon aid to drivers. Unfortunately, On Star has conceded that the AMPS networks in the United States are going away sooner than later. Because of that, On Star has taken steps to convert their own system to be 100% digital. This eventuality has left our industry virtually standing alone, fighting a losing battle. It would appear that all cellular carriers will indeed kill their AMPS networks beginning in February of 2008.

So What Do We Do Now?

This does not mean, however, that in February of 2008 a master switch will be flipped and in one fell swoop the AMPS networks will all be turned off. The conversion is complicated and involves balancing existing networks. For example, in areas that are still largely AMPS, carriers will have to install digital equipment to provide service to those areas before the AMPS networks can be totally abandoned. This is how the networks become balanced and it can be a slow process. Some experts surmise that this process may take up to two years to complete.

The problem we face in the security industry is that we have no way of knowing when and where AMPS equipment will be abandoned. Therefore, it would be prudent to take a proactive posture and begin to balance our own equipment. It would not be wise to leave analog equipment in place after February of 2008 under the assumption that this conversion either will not take place, or that it may take some time for certain units to be affected. It would be much better to assume that all analog units will cease to communicate in February of 2008 and take action now to remedy the situation.

Currently, almost all manufacturers of cellular back up units are now producing, or will soon offer for purchase, digital back up devices. These devices will utilize either the GSM or CDMA networks to communicate. I strongly recommend that alarm dealers jump on the bandwagon and seek to install only digital cellular back up devices from this day forward.

Continued on Page 7
Continued from Page 6
The price points may be higher, but it is still less expensive than having to go back and replace an analog unit in two years, or less. Alarm dealers who install cellular back up devices should immediately contact their preferred manufacturers and inquire about the availability of digital units. It would also be wise to prepare a correspondence to our existing customers using analog cellular back up devices. These customers need to be made aware that this conversion is inevitable and that their analog equipment will need to be replaced.

There Will Be Bumps In The Road

This situation is not going to go away and the threat is very real. It would be much better for alarm dealers to be proactive in informing customers rather than having to explain after the fact why this happened and no steps were taken to provide a working solution. The million dollar question is, “who is going to bear the cost of roughly 700,000 change outs?” In considering the answer to that question, please remember that when the analog cellular back up devices were installed, they were all that was available. Digital units are only now hitting the market. Alarm dealers are powerless to affect technological shifts and because this shift is beyond the industry’s control, the customer will undoubtedly have to share in the replacement cost. Its going to be a hard sell, but this situation is not the industry’s fault, and the customer needs to be made aware of that fact.

I know that this is really bad news for many alarm dealers all across America, and I hate to be the one to break it to you. It is my hope that alarm dealers will digest this information and take immediate steps to address these issues. Please don’t wait until January of 2008 to take action. At that point, it will be too late to be effective. And in closing, I only ask that you don’t shoot the messenger!

Attorney General Ruling

March 13, 2006

Opinion No. GA-0409

Re: Authority of the Private Security Board to adopt certain rules regulating newly registered alarm installers (RQ-0391-GA)

Dear Representative Delisi:

You write to inquire about the authority of the Private Security Board to adopt certain rules regulating newly registered alarm installers. (1) Specifically, you seek our opinion as to whether the Private Security Board has the authority to adopt the following two requirements:

1. A requirement that newly registered alarm installers work under the direct supervision of an alarm installer who has passed, as a minimum, the Alarm Level 1 test; and
2. A requirement that an alarm installer's activities must be performed to a certain minimum electronics standard, such as the National Electrical Code.

See Request Letter, supra note 1, at 1-2.

I. Legal Background


Continued on Page 9
**Legislative Support**

The primary objective of the Texas Burglar and Fire Alarm Association is to represent the alarm industry before the Texas Legislature and other governmental agencies. The objectives of the association can only be accomplished by the combined efforts of the Board of Directors and our lobbyist McWilliams & Associates. The Board of Directors, headed up by President Chip Bird, coordinates the activities of the association. McWilliams & Associates heads up our lobbying effort. It would be fair to say “he opens a lot of doors”.

The Texas Burglar and Fire Alarm Association incurs a cost of more than $90,000 per Biannual Legislative Session for our legislative effort. The membership dues are not enough to cover this expense. Special help is needed.

We, the Board of Directors, are asking the professional alarm dealers of the state of Texas to participate either monthly or yearly in this ongoing legislative effort. With the team concept we can get the job done.

Please visit our website http://www.tbfaa.org or call us at 877-908-2322 to sign up to become a Team Member.

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**New TBFAA Lobbyist**

Dean and Andrea McWilliams of McWilliams & Associates have been selected by the TBFAA Board of Directors to replace our longtime lobbyist Ron Kessler. Ron decided to retire last year after years of successful service to TBFAA. TBFAA President Chip Bird and Legislative Director Rodney Hooker and Malcolm Reed interviewed several candidates before deciding to recommend McWilliams & Associates to the board.

“Dean and Andrea impressed us with their professional and knowledgeable approach as well as their contacts in both political parties”, Bird said.

After working with them for a few months. Hooker said “They seem to have a real insight as to the players in Austin, both on the House and Senate side”.

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- Ray Cannedy Security & Investigations
- United Central Control, Inc.
Continued from Page 7


The Board is governed by the Private Security Act found in chapter 1702, Texas Occupations Code. See Tex. Occ. Code Ann. § 1702.001 (Vernon 2004). Chapter 1702 establishes a statutory licensing and regulatory scheme for private investigators and private security companies that is designed to "assure citizens and consumers that regulated companies and individuals are qualified, ethical, responsible and professional." Sunset Report, supra at 57. The Board also "serves as a source of standards of conduct and quality to the industry as a whole." Id. Pursuant to this scheme, the Board licenses security services contractors, see Tex. Occ. Code Ann. § 1702.004(1) (Vernon 2004), which include alarm systems companies. (4) See id. § 1702.102(a)(1). The Board also registers individuals who are connected with license holders, see id. § 1702.004(4)(A), such as alarm installers. (5) See id. § 1702.221. In addition to licensing, the Board regulates those holding licenses or registrations under chapter 1702. See id. § 1702.004(5). With its enforcement power, see id. § 1702.061(d)(4) ("establish and enforce standards"), the Board works to assure the public that "individuals practicing in the regulated area maintain the qualifications and the standards of conduct to safely and effectively perform their responsibilities." Sunset Report, supra at 37.

To carry out its purpose, the Board is expressly authorized to "adopt rules and general policies to guide the agency in the administration of [chapter 1702]." Tex. Occ. Code Ann. § 1702.061(b) (Vernon 2004), and has power to "adopt rules necessary to implement [chapter 1702]." Id. § 1702.061(d)(3). By statute, the Board has the power and "duty to determine the qualifications of license holders, registrants, and commissioned security officers," id. § 1702.061(d)(1), and to "investigate alleged violations of [chapter 1702] and of commission rules." Id. § 1702.061(d)(2). The Board is directed to "establish and enforce standards governing the safety and conduct of each person licensed, registered, or commissioned under [chapter 1702]." Id. § 1702.061(d)(4). In addition, the Board is authorized to adopt by rule "additional qualifications for an individual to be registered under [subchapter J, Chapter 1702]." (6) Id. § 1702.229(b). The Board's rulemaking power is expressly limited in that "[t]he rules and policies . . . must be consistent with [chapter 1702] and other . . . rules adopted under [chapter 1702] and with any other applicable law, state rule, or federal regulation." Id. § 1702.061(c). Moreover, the legislature further limited the Board's rulemaking authority by requiring that any proposed rules be approved in advance by the DPS. See id. § 1702.0611 (Vernon Supp. 2005).

An agency can adopt rules that are authorized by and consistent with its statutory authority. See R.R. Comm'n of Tex. v. Lone Star Gas Co., 844 S.W.2d 679, 685 (Tex. 1992). An agency's authority to promulgate rules and regulations "may be expressly conferred on it by statute or implied from other powers and duties given or imposed by statute." Id. "The rulemaking power . . . does not permit the enactment of regulations which are inconsistent with the expression of the lawmakers' intent in statutes other than those under which the regulations are issued." State v. Jackson, 376 S.W.2d 341, 344 (Tex. 1964). The determining factor in whether a particular agency has exceeded its rulemaking authority is whether the rules are "in harmony with the general objectives of the Act involved." Lone Star Gas Co., 844 S.W.2d at 685. An agency rule that imposes additional burdens, conditions, or restrictions in excess of or inconsistent with the relevant statutory provisions is invalid. See Hollywood Calling v. Pub. Util. Comm'n, 805 S.W.2d 618, 620 (Tex. App.--Austin 1991, no writ). "Specifically, a licensing agency for a business or profession cannot enforce standards that are more burdensome than those of the controlling statute, even though they may be reasonable and may be administered reasonably." Tex. Att'y Gen. Op. No. JC-0049 (1999) at 3 (citing Bloom v. Tex. State Bd. of Exam'trs of Psychologists, 492 S.W.2d 460, 462 (Tex. 1973)).

Continued on Page 10
II. Direct Supervision of Alarm Installer

With these rules in mind, we first consider the proposed requirement that a newly registered alarm installer work under the direct supervision of an alarm installer who has passed the Alarm Level 1 test. See Request Letter, supra note 1, at 1. We first examine the registration scheme for alarm installers established by the Board’s enabling statute. Under chapter 1702, Occupations Code, an individual employed as an alarm installer is required to register with the Board. See Tex. Occ. Code Ann. § 1702.221(1) (Vernon 2004). The statute requires that an individual be 18 years of age to register. See id. § 1702.229(a). An application for registration must be verified and include:

(1) the applicant’s full name, residence address, residence telephone number, date and place of birth, and social security number;

(2) a statement [regarding names used by applicant];

(3) the name and address of the applicant’s employer

and, if applicable, the applicant's consulting firm;

(4) the date the employment commenced;

(5) a letter from the license holder [for whom registrant works] requesting that the applicant be registered;

(6) the title of the position occupied by the applicant and a description of the applicant's duties; and

(7) any other information, evidence, statement, or document required by the commission.

Id. § 1702.230(a). In addition to the application, the statute requires a criminal history check on the registrant. See id. § 1702.282 (Vernon Supp. 2005). The Board is authorized to establish additional qualifications for an individual to be registered. See id. § 1702.229(b) (Vernon 2004). The Board is also authorized to require continuing education for a registrant, see id. § 1702.308, and to require an alarm installer to have met additional training requirements in order to renew an initial registration. See id. § 1702.239. A registration is valid for two years. See id. § 1702.233. The proposed requirement about which you ask would apply to a "newly registered alarm installer." Request Letter, supra note 1, at 1, 4. While you do not define the term, we understand it to at least mean a person who is already registered. By its plain language, the provision granting authority to establish additional qualifications applies only to those individuals who have yet to be registered. See Tex. Occ. Code Ann. § 1702.229(b) (Vernon 2004). With respect to alarm installers who have already registered, the Board has only the authority to require continuing education and to impose additional training requirements for registration renewal. See id. §§ 1702.308, .239. Thus, we must determine whether the authority given the Board for continuing education and training includes the authority to require an alarm installer to work under the direct supervision of one who has passed the Alarm Level 1 test. Section 1702.239 authorizes the Board to "require that an individual employed as an alarm installer . . . hold a certification by a commission-approved training program to renew an initial registration." Id. § 1702.239(a). The Board's authority to approve training programs is limited to those programs that are nationally recognized and that consist of a minimum of 16 hours of classroom study. See id. Moreover, a training program suitable to be authorized as a requirement by the Board must "offer at least two [sufficient] certification programs each year . . . within 100 miles of each county in the state that has a population of more than 500,000." See id. § 1702.239(a).
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TBFAA Convention - Galveston October 2006

What: TBFAA Annual Convention and Trade Show

When: Thursday October 26
Friday, October 27
Saturday October 28

Where: The Tremont House - A Wyndham Historic Hotel
2300 Ship's Mechanic Row
Galveston, Texas 77550
Phone: 409-763-0300

Reserve your room before September 25th to get the Special TBFAA rate of $125 per night

Tentative Schedule

Thursday October 27
6:30-8:30 pm  Presidents Reception

Friday October 28
8am-8pm  Registration Open
9am-Noon  Texas Private Security Board Updates
Noon-1pm  Lunch for Class Attendees & Exhibitors
1-2pm  Fire License Update
2-3pm  TBFAA & Legislative Update
3-4pm  Contracts Update
1-4pm  Exhibitor Setup
4-8pm  Exhibits Open
8-Midnight  Casino Night

Saturday October 29
8-5pm  Registration Open
9:30-10:30am  Ethics Class
10:45-11:45am  Compliance Class
9am to Noon  Technical Classes
11:45am-Noon  Board Meeting
Noon-3pm  Annual Meeting & Lunch
3-5pm  Technical Classes
2:15-5:15pm  Board Meeting

Visit www.tbfaa.org
TO REGISTER
or for more information
Apr 03, 2006, FREMONT, Calif. -- The burglary rate in Fremont, Calif., has gone up 14 percent in the year since the Bay Area city instituted a verified response alarm policy. Statistics released by Fremont Police reveal a large rise in burglaries in the city, but Fremont Police Chief Craig Steckler says it’s still too early to render a “failed” verdict on his policy.

“I don’t believe that the alarm response policy and the rate of burglaries have any relation. There’s just no correlation,” Steckler told the Alameda Star- Times. “They’re going to happen whether you respond to an alarm or not.”

Steckler announced the new policy in January 2005 and delayed its implementation until March. Under the policy, Fremont officers do not respond to an alarm unless the property owner or alarm company will be able to show evidence that a crime is occurring or has occurred.

Fremont was the first city in the state to institute a full verified response policy. The Southern California cities of Los Angeles, Simi Valley and Ventura have ordinances where some alarms must be verified.

According to the statistics, there were 977 burglaries in Fremont between April 2005 to February 2006. This compares to 854 acts during the same period between 2004 and 2005.

“Last year, we expected that, because of economic factors and the policy, burglaries would jump,” Mike Salk, vice president of the East Bay Alarm Association, told the Star-Times. “We’re happy that other departments have been willing to work with us.”

Reprinted from Security Sales & Integration web site www.securitysales.com,
Did you know that your company is important in the life of the local alarm associations and the TBFAA? Your company is a key company.

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But it does make a difference, because a group or community that’s active needs active participation by every company to the best of their ability.

So, the next time you think you are not important to your alarm association or the TBFAA, remember this frustrating computer: You are a key person in the alarm industry and in your community, and the neighborhood where you live!

Decide to get involved today. Go to www.tbfaa.org and download a membership application, fill it out, and send it in today. We need every alarm company in Texas to join with us in protecting, growing, and maturing the alarm industry in our great state.

(copied and revised)

Bill Parsley
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Honeywell Products to Protect the Home of James Bond - Mar 29, 2006, LONDON -- Honeywell Security recently announced that the firm would provide an integrated security system at the head office of Eon Productions, known most for making the James Bond movies. Local installing firm West London Security (WLS) will lead the installation using a Win-Pak Pro proximity access control system, Fusion DVR and a Galaxy intruder alarm system. Eon staff will use the proximity system to access the main doors, which will be kept locked at all times. Cameras are positioned to monitor activities surrounding the perimeter doors as well as other secured areas.

Bosch’s DiBos Hybrid DVR/NVR Takes Video Surveillance to a New Level - The new DiBos features Bosch’s state-of-the-art digital recording and communications technology. The DiBos solution is scalable: it can store up to 450 IPS on 30 composite video inputs, plus up to 30 IPS per attached network camera or network video server. You can connect up to 32 additional network video/audio sources. As many as 10 audio streams can be recorded on a 30-video channel unit, and every network video server can add one audio channel.

Monitronics Founder Announces Retirement - Jim Hull, who turned an idea he jotted down on notes during a 1988 plane flight into alarm monitoring giant Monitronics Int’l Inc., stepped down as CEO and president of the firm at the end of this March. Hull will retain a role at the firm he founded as Monitronics’ chairman of the board of directors. From its humble beginnings as a couple of scribbled notes, Monitronics has grown under Hull’s leadership as one of the nation’s top residential security providers with more than 480,000 subscribers. Mike Haislip, previously Monitronics’ vice president and COO, has taken over the reins of the Dallas-based company as president and CEO.

ADI Partners with XM Satellite Radio to Deliver Digital Music to Commercial Businesses - Commercial businesses now have access to a newly designed line of digital music and audio equipment as a result of an agreement between ADI, a low-voltage product distributor, and XM Satellite, the nation’s leading satellite radio provider.
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- Grayson Pro-Tech, Inc.
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- Home Protection Centre, Inc.
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- Infinity Security Group, Inc.
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- Intruder Alert Systems of San Antonio, In
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- M.A.C. Alarms
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- Security One, Inc.
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The proverbial "six flags" that have flown over Texas are those of Spain, France, Mexico, The Republic of Texas, The Confederacy, and The United States.
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Continued from Page 10

The Board also has authority to "recognize, prepare, or administer continuing education programs" and to require a registrant to participate in continuing education programs to maintain the individual's registration. See id. § 1702.308(b)-(c). In its exercise of this authority, the Board is required to "set the minimum number of hours that must be completed and the types of programs that may be offered." See id. § 1702.308(b). Both grants of authority contemplate a formal program or course of instruction with certain defined parameters. We do not believe a requirement that a newly registered alarm installer work under the direct supervision of one who has passed the Alarm Level 1 test falls within the parameters of a nationally recognized training program or of a continuing education program. Moreover, the proposed requirement imposes on the alarm installer the burden of being accompanied by a supervisor for every installation activity. Such a requirement, in essence, an apprenticeship requirement which we believe is an additional burden beyond the registration scheme set out by chapter 1702. See supra at 3; see also State v. Pub. Util. Comm'n, 131 S.W.3d 314, 321 (Tex. App.--Austin 2004, pet. denied) (administrative agency rules cannot impose additional burdens, conditions, or restrictions exceeding or inconsistent with statutory provisions). Texas statutes contain many examples of apprenticeship or internship requirements in connection with certain occupations. See Tex. Occ. Code Ann. §§ 402.207 (authorizing apprenticeship permit to hearing instrument fitter and dispenser), 451.153 (Vernon 2004) (establishing apprenticeship requirements for athletic trainers), §§ 455.159 (authorizing student internship program for massage therapy students), 502.252 (Vernon Supp. 2005) (authorizing internship prior to issuance of marriage and family therapy license), §§ 1102.101 (requiring apprentice inspector license for real estate sales), 1301.354 (Vernon 2004) (requiring drain cleaner-restricted registrant to have worked as plumber's apprentice). Clearly, the legislature knows how to do so here leads us to conclude that a rule which essentially requires an alarm installer to serve as an apprentice is outside the scope of the Board's rulemaking authority. We, therefore, conclude the Board does not have the authority to adopt a requirement that a newly registered alarm installer work under the direct supervision of one who has passed the Alarm Level 1 test.

III. Minimum Electronics Standards

We next consider the proposed requirement regarding minimum electronics standards. We only address the narrow question of whether the Board is authorized to adopt a requirement that an "alarm installer's activities must be performed to a certain minimum electronics standard, such as the National Electrical Code." See Request Letter, supra note 1, at 2. In the absence of any particular minimum electronics standard being specifically identified, however, we can only advise you in general terms. The Board has express authority to "establish and enforce standards governing the safety and conduct of each person . . . registered . . . under [chapter 1702]." Tex. Occ. Code Ann. § 1702.061(d)(4) (Vernon 2004). In addition, the Board has express authority to establish qualifications for registrants. See id. §§ 1702.061(d)(1), .229(b). Chapter 1702 does not define the terms "safety," "conduct," or "qualifications," and we find no judicial or attorney general opinion that provides a suitable definition of these terms. In the absence of a legally defined meaning, a court will look to the plain meaning of a word as understood by the ordinary person. See Bingham v. State, 915 S.W.2d 9, 15 (Tex. Crim. App. 1994); see also Tex. Gov't Code Ann. § 311.011 (Vernon 2005) (words and phrases construed according to the rules of common usage). The Oxford English Dictionary defines "safety" as the "state of being safe; exemption from hurt or injury; freedom from danger." XIV The Oxford English Dictionary 358 (2d ed. 1989). In the context of chapter 1702, we believe the term "safety" has a broad scope that includes both the person subject to chapter 1702, see Tex. Occ. Code Ann. § 1702.061(d)(4) (Vernon 2004) ("safety . . . of each person . . . registered [under chapter 1702]," and the general public. See Sunset Report, supra at 37 (stating that improved enforcement of minimum standards and qualifications of those working in the industry will assure "that individuals practicing in the regulated area maintain the qualifications and the standards of conduct to safely and effectively perform their responsibilities"). The term "conduct" is defined as the "action or manner of conducting, directing, managing, or carrying on (any business, performance, process, course, etc.)." III The Oxford English Dictionary 690 (2d ed. 1989). Finally, "qualification" is defined as "a quality, accomplishment, etc., which qualifies or fits a person for some office or function." Id. at 971.

Continued on Page 20
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Note - Exhibitors in bold returned from last year

New Fire Rules Available

The long anticipated change to the Fire Alarm Rules has been officially adopted and became effective April 1, 2006. The rules and statute changes which include the adoption of new versions of NFPA codes and standards are available on the State Fire Marshal’s website.

http://www.tdi.state.tx.us/fire/fmlialarm.html

CEUs for Association Meetings

Meetings of the Houston Gulf Coast Alarm Association, North Texas Alarm Association and South Texas Alarm Association that meet the criteria of the Texas Board of Private Security CEU guidelines will have a 1 hour CEU credit issued for each attending person. Not all meetings will meet this criteria, but at least six or more a year will. Look for advance notification each month of all meetings that will meet the criteria for a CEU.

More Texas Trivia

Texas comes from the Hasinai Indian word tejas meaning friends or allies.

The nickname, Lone Star State, comes from the single star that appeared on the flag of the Republic of Texas. The vertical blue bar is for loyalty. The white bar represents strength, and the red bar is for bravery. The State Flag is the same.
Attorney General Ruling

Continued from Page 18

Pursuant to the ordinary meaning of these terms, we believe the Board has authority to establish and enforce standards designed to protect a person subject to chapter 1702 and members of the general public from injury or danger. We believe that the Board also has the authority to establish and enforce standards that direct the action or manner in which a person subject to chapter 1702 performs the activities regulated by chapter 1702. Finally, we believe the Board has authority to define the qualities or accomplishments that are required of a person subject to chapter 1702 in order for that person to perform the activities regulated by chapter 1702. The Board has authority to establish and enforce standards designed to protect alarm installers and the general public from injury or danger as well as the authority to define the qualities or accomplishments that are required of an alarm installer in order for the alarm installer to be qualified to perform alarm installations. See supra at p. 5. Therefore, we conclude that to the extent any particular minimum electronics standard is directly designed to protect the alarm installer or the general public from injury or danger, the Board has authority to adopt the standard. In the same vein, to the extent a particular minimum electronics standard defines the qualities or accomplishments that are required of an alarm installer in order for the alarm installer to be qualified to perform alarm installations, the Board has authority to adopt the standard. Without a specific standard to consider, we leave it to the Board, subject to judicial review, see Flores v. Employees Ret. Sys., 74 S.W.3d 532, 538 (Tex. App.--Austin 2002, pet. denied), to determine whether any proposed minimum electronics standard directly pertains to the safety, conduct, or qualifications of a person subject to chapter 1702, Occupations Code.

S U M M A R Y

The Private Security Board does not have authority to adopt a proposed rule requiring that a newly registered alarm installer work under the direct supervision of an alarm installer who has passed the Alarm Level 1 test. To the extent that any particular minimum electronics standard directly pertains to the safety, conduct, or qualifications of a person subject to chapter 1702, Occupations Code, the Private Security Board is authorized to adopt the standard.

Very truly yours,

GREG ABBOTT
Attorney General of Texas

BARRY MCBEE
First Assistant Attorney General

ELLEN L. WITT
Deputy Attorney General for Legal Counsel

NANCY S. FULLER
Chair, Opinion Committee
Charlotte M. Harper
Assistant Attorney General, Opinion Committee

Footnotes
3. We consider the Board's authority to adopt the proposed rules pursuant to its enabling legislation, the Private Security Act. We do not here consider any authority the Texas Department of Public Safety might have to adopt the proposed rules.
4. “A person acts as an alarm systems company for the purpose of [chapter 1702] if the person sells, installs, services, monitors, or responds to an alarm system or detection device.” Id. § 1702.105.
5. “An individual acts as an alarm systems installer for purposes of [chapter 1702] if the individual installs, maintains, or repairs an alarm system or detection device.” Id. § 1702.223. We assume that you ask about installation of burglar alarms as defined by Occupations Code section 1702.002(1)(A) and not about fire alarm installation regulated by the Department of Insurance. See id. § 1702.329; see also Tex. Ins. Code Ann. art. 5.43-2 (Vernon Supp. 2005).
6. Subchapter J, chapter 1702, is entitled "Registration Requirements; Registrant Duties" and includes the provision that requires registration of alarm installers. See Tex. Occ. Code Ann. § 1702.221(1) (Vernon 2004).
It might sound presumptuous, but the downtown Fort Worth Bank of America had been robbed twice since late December. And it was probably not the only bank where workers were feeling antsy. The Tarrant County FBI office has investigated 44 bank robberies this fiscal year, which began in October. Last fiscal year, the Tarrant County region had 33 robberies. During a three-week period last month, banks were robbed in Fort Worth, White Settlement, Keller, Haltom City and North Richland Hills. "We've had a flurry, no doubt about it," said Dale Ensley, special agent for the FBI's Fort Worth-area Safe Streets Task Force. "These things usually seem to come in cycles. You can't predict them." But, he said, there is reason for optimism. After robbing the bank, the two men were quickly arrested. They are suspects in two other recent robberies, including one at the same branch. Also last week, police arrested a man suspected of being "The Consistent Bandit," believed to be responsible for at least four Tarrant County bank heists, as well as one attempted robbery. He is also a suspect in several out-of-state bank robberies. "The way these things work, you often have individuals responsible for a series of robberies," Ensley said. "It makes it seem like there are all these different robbers out there, when actually you might have one or two serial robbers. "They'll keep robbing them until they get caught. We think the arrests will slow things down." 'They think it's easy' This isn't the old days, when a city had a few large banks that handled residents' money.

Tarrant County has 29 banks with about 265 branches, according to the Texas Bankers Association. They are scattered in downtowns, in the suburbs, in strip malls and in grocery stores. But the proliferation of bank branches probably isn't the biggest thing encouraging bank robberies, said Buck Revell, a former FBI agent who headed the Dallas division from 1991 to 1994 and now owns a private security consulting company. "They think it's easy," he said. Most bank tellers are trained to comply with threats, he said. A lone robber can quietly walk up to a teller and pass a note making a threat and demanding money. Few banks employ armed guards anymore. "It's for good reason," Revell said. "They don't want to put their employees or their clients in a situation where there is an armed confrontation." In many recent heists, the robbers implied that they had weapons but did not show them. At least one didn't even get out of his car. Last fall, a man robbed a bank by passing a note through the drive-up window. He tried again a week later, but the teller dropped to the floor and hit the alarm. The robber honked his horn and argued briefly with the bank's manager over an intercom before fleeing. The Consistent Bandit, after being thwarted by a teller in Haltom City, committed a successful robbery the next day in Fort Worth. Ensley said bank robberies are often unplanned and committed by drug users desperate for quick money. "It's a spur-of-the-moment deal," he said. "Professional bank robbers are rare; we've dealt with them. But the most are committed by people who haven't put a lot of thought into it." If they did, they might realize that they're probably going to get caught.

Candid cameras- Surveillance photos of the Consistent Bandit were all over the newspaper and TV news. They were good pictures -- in one his sunglasses were pushed back on his head, keeping his hair away from his face. He was arrested after a Haltom City police officer spotted him driving one afternoon. Most bank robbers wind up in a jail cell -- especially in Tarrant County. In fiscal 2005, the Fort Worth-area task force cleared 73 percent of bank robberies, Ensley said. One reason the crimes are solvable is improved surveillance cameras. High-quality digital photos are often available immediately after a robbery and are so clear that they almost resemble yearbook photos. "We're getting better and better images of people robbing banks," said Lori Bailey, spokeswoman for the Dallas FBI. "The equipment has improved and that can only help us." The tellers are aware of this. One at a bank known for good surveillance photos said she always makes sure the back of her hair is fixed nicely because it shows up in images of the robber released to the media. Texas banks post photos of robbers on a members-only Web site to alert one another about whom to look out for, said Olivia Solis, communications director for the Texas Bankers Association. They also post pictures of people who pass bad checks or commit fraud. "The photos are really good," she said. "There is also a really good training program for tellers to learn exactly what they should do during a robbery." The photos are usually the robbers' downfall, Ensley said. They are most commonly caught when a relative or friend sees the image and calls police, Ensley said. "Someone almost always recognizes them," he said. "That's why they usually don't get away with it." Those who don't can face decades in prison, depending on how many banks they robbed and whether they used a weapon. And in the federal prison system, there is no such thing as parole.
The NTAA holds CEU training classes on the third Wednesday of the month, every other month, at ADI in Dallas. When you register for these courses, you can receive the required 8-hours of CEU's in one day! For further information, please contact Eva Cruz at 214-277-7000.

The Houston Gulf Coast Alarm Association holds membership meetings on the 2nd Friday of each month from 11:30 am to 1 pm. Please use this schedule to make plans and attend as many as you can. We welcome any new attendee with a free lunch.

South Texas Alarm Association

General membership meetings are held on the second Tuesday of each month from 11:30 a.m. to 12:30 p.m., at The Alamo Cafe, 14250 US Hwy. 281 North, San Antonio, TX

Support your Local Alarm Associations
# TBFAA Calendar

<table>
<thead>
<tr>
<th>Month</th>
<th>Event Details</th>
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</thead>
<tbody>
<tr>
<td>April</td>
<td></td>
</tr>
<tr>
<td>04</td>
<td>NESA Annual Meeting Las Vegas</td>
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<tr>
<td>04-07</td>
<td>ISC West Las Vegas</td>
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<tr>
<td>11</td>
<td>STAA Membership Mtg Alamo Cafe’, San Antonio</td>
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<tr>
<td>11</td>
<td>TXBFAA Board Meeting Alamo Cafe’, San Antonio</td>
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<td>14</td>
<td>HGCAA Membership Meeting Houston</td>
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<tr>
<td>19</td>
<td>NTAA CEU Training ADI- Farmers Branch</td>
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<tr>
<td>20</td>
<td>NTAA Membership Meeting Dallas</td>
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<tr>
<td>21</td>
<td>Fire Prep Class Dallas- ADI- Farmers Branch</td>
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<tr>
<td>24-28</td>
<td>FARA Training Symposium San Francisco</td>
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<tr>
<td>27-28</td>
<td>Level 1 El Paso- SGI</td>
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<td>Fire Prep Class San Antonio</td>
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<td>17</td>
<td>NTAA CEU Training ADI- Farmers Branch</td>
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<tr>
<td>17-21</td>
<td>CSAA- NASS-EX Savannah, GA</td>
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<tr>
<td>18</td>
<td>NTAA Membership Meeting Dallas</td>
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<td>25-26</td>
<td>Level 1 Houston- ADI</td>
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<tr>
<td>June</td>
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<td>04-08</td>
<td>NFPA Meeting &amp; Expo Las Vegas</td>
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### TPSB Information

**Texas Private Security Board**

Main Number: 512-424-7710  
Email: privatesecurityboard@txdps.state.tx.us  
http://www.tcps.state.tx.us

Correspondence containing checks or money orders should be sent to:  
P.O. Box 15999 Austin, TX  78761-5999  
General correspondence NOT containing checks or money orders should be sent to: P.O. Box 4087 Austin, TX 78773-0001  
Physical address: 5805 N. Lamar Blvd. Austin, TX  78752-4422

### State Fire Marshal

Agency Telephone Number (512) 463-6169 or 1-800-578-4677  
http://www.tdi.state.tx.us/fire/index.html

Mailing Address  
P. O. Box 149104  
Austin, TX 78714-9104

Delivery Address  
333 Guadalupe  
Austin, TX 78701

**Who to Contact**

Fire Alarm -- Claudia Hernandez, Licensing Technician  
512-305-7935, claudia.hernandez@tdi.state.tx.us.

Manager -- Susan Light, Manager of Licensing Administration  
512-305-7932, susan.light@tdi.state.tx.us.

Technical -- Mark Redlitz, P.E., Director of Licensing  
512-305-7927, mark.redlitz@tdi.state.tx.us.
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TBFAA
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Dallas, TX 75229

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