

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 304 Department or Agency Alabama Electronic Security Board of
Licensure

Rule No. 304-X-1-.05

Rule Title: Code of Ethics

 New X 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 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 412223, 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 Reference Service.

Signature of certifying officer Lynne Thornton
Date September 11, 2014

(DATE FILED)
(STAMP)

ALABAMA ELECTRONIC SECURITY BOARD OF LICENSURE

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Electronic Security Board of Licensure

RULE NO. & TITLE: 304-X-1-.05 Code of Ethics

INTENDED ACTION: To Amend Rule

SUBSTANCE OF PROPOSED ACTION:

Additions and changes resulting from Board's review of its entire Administrative Code, as periodically required by law, for currency and to add, change or remove items in the rule for clarification and enhancement purposes.

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; Thursday, November 6, 2014, 9:30 a.m., Alabama Industrial Development Training Center, One Technology Court, Montgomery, Alabama.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

November 6, 2014

CONTACT PERSON AT AGENCY:

**Lynne Taunton, Executive Secretary, Alabama Electronic Security Board of Licensure, 7956 Vaughn Road, PMB 392, Montgomery, AL 36116.
Phone: (334) 264-9388**


Lynne Taunton, Executive Secretary

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 and their staffs.

~~(a) ————— Companies will further the public interest by contributing to the development of a better understanding and use of the capacities, abilities and technical skills of the electronic security industry in the State of Alabama, the United States of America and neighboring countries by accepting their responsibilities to the communities within which we live and work.~~

(b) (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.

(e) (b) Companies will always be mindful of the trust placed in them by customers and of their responsibility to render services at the highest level of quality.

~~(d) ————— Companies will assure that all of their employees are carefully oriented so that they will clearly understand company operations, policies, and procedures.~~

~~(e) ————— Companies will apply uniform and equitable standards of employment opportunity and assure that the best possible use is made of the abilities, technical and other, of their employees regardless of race, creed, color, sex or age.~~

~~(f) ————— Companies will endeavor to provide opportunity for the professional advancement of those employees who enter the security industry by assisting them to acquire additional knowledge and competence in their technical skills and to keep up with significant advances in the state of art.~~

~~(g) ————— Companies will maintain a wholly professional attitude toward those they serve, those who assist them, toward other firms in the industry, towards the members of other professions, and toward the practitioners of allied arts and sciences.~~

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

~~(i)~~ (d) Companies Licensees will give to each client or potential client their state 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.

~~(j)~~ (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.

~~(k)~~ (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.

~~(l)~~ (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. Companies will not misrepresent what is in a contract, while informing them of alternatives and changes in the technology of the industry.

~~(m)~~ (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.

~~(n)~~ (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.

(2) Any company, including all employees of a company, and any

person who violates one or more cannon 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, and, upon evidence that said behavior has had a negative impact on (potential) consumers of the alarm or locksmith business or has negatively impacted any other business (even those not in the locksmith or alarm installation business), shall be subject to a fine or other disciplinary action at the discretion of the Board or its investigative committee. ~~Negative impact is conduct of such an egregious nature that it interferes with a business' daily operations or interferes with an individual's ability to feel safe, secure, or unharmed in their own home or residence~~ 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.

Author: Fred Crawford

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

History: **New Rule:** Filed March 24, 2000; effective April 28, 2000.
Amended: Filed May 28, 2004; effective July 2, 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.