

Guest Sign In Sheet

Board Meeting: Security Board

Date: November 7, 2013

Please Print

	<u>Name</u>	<u>Phone#</u>	<u>Company/Person Representing</u>
1	VIVIANA HARRINGTON	801 705 8066	VIVINT, INC.
2	MIKE Patterson	435-671-9100	LAVA CORP.
3	DEREK BIRCH	801-602-8165	COMCAST
4	Zay Hoy Duarte	385-201-5625	Protection 1
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REVISED CHECKLIST FOR PUBLIC MEETINGS

- I am LARRY GILLET Chairperson of the Alarm Systems Security Licensing Board.
- I would like to call this meeting of the Board to order.
- It is now (time) 09 05 on November 7, 2013.
- This meeting is being held in room 402 of the Heber Wells Building
in Salt Lake City, Utah.

- Notice of this meeting was provided as required under Utah's Open Meeting laws.
- In compliance with Utah's Open Meetings laws, this meeting is being recorded in its entirety. The recording will be posted to the Utah Public Notice Website no later than three business days following the meeting.
- In compliance with Utah's Open Meeting laws, minutes will also be prepared of this meeting and will be posted to the Utah Public Notice Website no later than three business days after approval.
- The following Board members are in attendance:

	YES	NO
_____ Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Larry Gillett</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Sandi Henderson</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>William LaRochelle</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Troy Iverson</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>JEFF Michael Howe</u>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

- The following Board members are absent:
- The following individuals representing DOPL and the Department of Commerce are in attendance:

	YES	NO
<u>Mark B. Steinagel</u> , Division Director	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>April Ellis</u> , Bureau Manager	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Xvonne King Darlene Congrove</u> , Board Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Tracy Naff</u> , Compliance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____ , Compliance	<input type="checkbox"/>	<input type="checkbox"/>
<u>PAMELA BENNETT</u> INVESTIGATOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- We welcome any visitors and interested persons at this time. Please be sure to sign the attendance report for the meeting and identify yourself before speaking.
- As a courtesy to everyone participating in this meeting, at this time we ask for all cell phones, pagers, and other electronic devices to be turned off or changed to silent mode.
- Board motions and votes will be recorded in the minutes.
- Let us now proceed with the agenda.
- (End of the Meeting) It is now (time) 10:50 (am) pm), and this meeting is adjourned.

MINUTES

**UTAH
ALARM SYSTEMS SECURITY LICENSING BOARD
MEETING**

**September 5, 2013
Room 475 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:03 a.m.

ADJOURNED: 10:05 a.m.

Bureau Manager:

April Ellis

Board Secretary:

Yvonne King

Board Members Present:

Larry Gillett
Sandi Henderson
Troy Iverson

Board Members Excused:

William LaRochelle

Guests:

Charles Strange
William Bullock
Michael Afflect

DOPL Staff Present:

Tracy Naff, Compliance

ADMINISTRATIVE BUSINESS:

Welcome Troy Iverson

Ms. Ellis administered the Oath of Office to Mr. Iverson.

Approval of the July 16, 2013 Board Meeting Minutes

Ms. Henderson seconded by Mr. Iverson made a motion to approved the July 16, 2013, Board Meeting Minutes as written. The motion carried unanimously.

Nominations for Chair

Ms. Henderson seconded by Mr. Iverson made a motion to nominate Mr. Gillett as Chair. The motion carried unanimously.

TOPICS FOR DISCUSSION

R156-55D Rule Hearing

DECISIONS AND RECOMMENDATIONS

Ms. Ellis gave an update on the rule hearing which will be held Wednesday September 25,

2013 in the Construction Services Commission.

APPOINTMENTS

Compliance: Tracy Naff

Ms. Naff reviewed the compliance report with the Board. She stated all probationers were compliant at this time.

William Bullock

Mr. Bullock appeared before the Board for his scheduled probationary interview. Mr. Bullock stated that the direct supervision requirement in his memorandum is prohibiting him from obtaining employment.

Ms. Henderson seconded by Mr. Iverson made a motion to revise Mr. Bullock's memorandum from direct to indirect supervision. The motion carried unanimously.

John Young

Mr. Young did not appear before the Board for his scheduled appointment. Ms. Ellis reviewed his application.

Ms. Henderson seconded by Mr. Iverson made a motion to deny Mr. Young licensure as a Burglar Alarm Company Agent. The motion carried unanimously.

Michael Affleck

Mr. Affleck appeared before the Board for his scheduled appointment. Ms. Ellis reviewed his application which included a criminal history. Mr. affect explained the situation involving his history.

Mr. Iverson seconded by Ms. Henderson made a motion to approve full licensure to Mr. Affleck as a Burglar Alarm Company Agent. The motion carried unanimously.

Austin Miller

Mr. Miller did not appear before the Board for his scheduled appointment. Ms. Ellis reviewed his application.

Mr. Iverson seconded by Ms. Henderson made a motion to deny licensure to Mr. Miller as a Burglar Alarm Company Agent. The motion carried unanimously.

Nicole Ford

Ms. Ford did not appear before the Board for her scheduled appointment. Ms. Ellis reviewed her application and stated Ms. Ford appeared to be in the process of obtaining an expungement.

The decision on Ms. Ford's application will be tabled until the next scheduled meeting November 7, 2013.

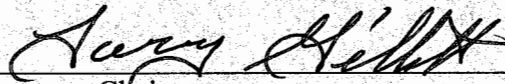
Next Scheduled Meeting

November 7, 2013

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

11-7-13

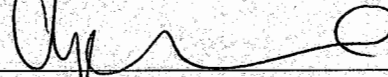
Date Approved



Chairperson,

11/7/2013

Date Approved



Bureau Manager,

**ALARM SYSTEM SECURITY LICENSING BOARD
REVISED AGENDA**

November 7, 2013

9:00 A.M.

Room 402 4th floor
Heber M. Wells Building
160 E. 300 S. Salt Lake City, Utah

This agenda is subject to change up to 24 hours prior to the meeting.

ADMINISTRATIVE BUSINESS:

1. Call Meeting to Order
2. Sign Per Diem
3. Approve Board Minutes for September 5, 2013
4. Welcome Michael Jeffrey Howe

DISCUSSION ITEMS:

5. License Revocation for:
Darin Ivison
Daniel Jewkes
6. Compliance, Tracy Naff
7. Pending rule change discussion in regards to R156-55d-102(2)

APPOINTMENTS:

8. 9:10 Lelani Speer, Probation Review
9. 9:15 Nicole Ford, Application Review
10. 9:20 Samantha Denning, Application Review
11. 9:25 Jake Poulson, Application Review
12. 9:30 Zachary Amaral, Application Review
13. 9:35 Michael Patterson, Application Review
14. 9:40 Derek Birch, Application Review
15. 9:45 Cheryl Allred, Application Review
16. 9:50 Michael Drazan, Application Review
17. 9:55 Daysha Briggs, Application Review
18. 10:00 Benjamin Nielsen, Application Review
19. 10:05 Zayetty Zavala, Application Review

NEXT SCHEDULED MEETING:

January 2, 2014

Note: In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify, Carol Inglesby, ADA Coordinator, at least three working days prior to the meeting. Division of Occupational & Professional Licensing, 160 East 300 South, Salt Lake City, Utah 84115, 801-530-6628 or toll-free in Utah only 866-275-3675

Posted to Web 11/12/2013 4:45 PM

Posted to Bulletin Board November 12, 2013

1. Who Are Employees?

Before you can know how to treat payments that you make to workers for services, you must first know the business relationship that exists between you and the person performing the services. The person performing the services may be:

- An independent contractor,
- A common-law employee,
- A statutory employee, or
- A statutory nonemployee.

This discussion explains these four categories. A later discussion, *Employee or Independent Contractor?* (section 2), points out the differences between an independent contractor and an employee and gives examples from various types of occupations.

If an individual who works for you is not an employee under the common-law rules (see section 2), you generally do not have to withhold federal income tax from that individual's pay. However, in some cases you may be required to withhold under the backup withholding requirements on these payments. See Publication 15 (Circular E) for information on backup withholding.

Independent Contractors

People such as lawyers, contractors, subcontractors, and auctioneers who follow an independent trade, business, or profession in which they offer their services to the public, are generally not employees. However, whether such people are employees or independent contractors depends on the facts in each case. The general rule is that an individual is an independent contractor if you, the person for whom the services are performed, have the right to control or direct only the result of the work and not the means and methods of accomplishing the result.

Common-Law Employees

Under common-law rules, anyone who performs services for you is your employee if you have the right to control what will be done and how it will be done. This is so even when you give the employee freedom of action. What matters is that you have the right to control the details of how the services are performed. For a discussion of facts that indicate whether an individual providing services is an independent contractor or employee, see section 2.

If you have an employer-employee relationship, it makes no difference how it is labeled. The substance of the relationship, not the label, governs the worker's status. It does not matter whether the individual is employed full time or part time.

For employment tax purposes, no distinction is made between classes of employees. Superintendents, managers, and other supervisory personnel are all employees. An **officer of a corporation** is generally an employee; however, an officer who performs no services or only minor

services, and neither receives nor is entitled to receive any pay, is not considered an employee. A **director of a corporation** is not an employee with respect to services performed as a director.

You generally have to withhold and pay income, social security, and Medicare taxes on wages that you pay to common-law employees. However, the wages of certain employees may be exempt from one or more of these taxes. See *Employees of Exempt Organizations* (section 3) and *Religious Exemptions* (section 4).

Leased employees. Under certain circumstances, a corporation furnishing workers to various professional people and firms is the employer of those workers for employment tax purposes. For example, a professional service corporation may provide the services of secretaries, nurses, and other similarly trained workers to its subscribers.

The service corporation enters into contracts with the subscribers under which the subscribers specify the services to be provided and a fee is paid to the service corporation for each individual furnished. The service corporation has the right to control and direct the worker's services for the subscriber, including the right to discharge or reassign the worker. The service corporation hires the workers, controls the payment of their wages, provides them with unemployment insurance and other benefits, and is the employer for employment tax purposes. For information on employee leasing as it relates to pension plan qualification requirements, see *Leased employee* in Publication 560, *Retirement Plans for Small Business* (SEP, SIMPLE, and Qualified Plans).

Additional information. For more information about the treatment of special types of employment, the treatment of special types of payments, and similar subjects, refer to Publication 15 (Circular E) or Publication 51 (Circular A).

Statutory Employees

If workers are independent contractors under the common law rules, such workers may nevertheless be treated as employees by statute, "statutory employees," for certain employment tax purposes. This would happen if they fall within any one of the following four categories and meet the three conditions described under *Social security and Medicare taxes*, later.

1. A driver who distributes beverages (other than milk) or meat, vegetable, fruit, or bakery products; or who picks up and delivers laundry or dry cleaning, if the driver is your agent or is paid on commission.
2. A full-time life insurance sales agent whose principal business activity is selling life insurance or annuity contracts, or both, primarily for one life insurance company.
3. An individual who works at home on materials or goods that you supply and that must be returned to you or to a person you name, if you also furnish specifications for the work to be done.

4. A full-time traveling or city salesperson who works on your behalf and turns in orders to you from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments. The goods sold must be merchandise for resale or supplies for use in the buyer's business operation. The work performed for you must be the salesperson's principal business activity. See *Salesperson* in section 2.

Social security and Medicare taxes. Withhold social security and Medicare taxes from the wages of statutory employees if all three of the following conditions apply.

- The service contract states or implies that substantially all the services are to be performed personally by them.
- They do not have a substantial investment in the equipment and property used to perform the services (other than an investment in transportation facilities).
- The services are performed on a continuing basis for the same payer.

Federal unemployment (FUTA) tax. For FUTA tax, the term "employee" means the same as it does for social security and Medicare taxes, except that it does not include statutory employees in *categories 2 and 3* earlier. Thus, any individual who is an employee under *category 1 or 4* is also an employee for FUTA tax purposes and subject to FUTA tax.

Income tax. Do not withhold federal income tax from the wages of statutory employees.

Reporting payments to statutory employees. Furnish Form W-2 to a statutory employee, and check "Statutory employee" in box 13. Show your payments to the employee as "other compensation" in box 1. Also, show social security wages in box 3, social security tax withheld in box 4, Medicare wages in box 5, and Medicare tax withheld in box 6. The statutory employee can deduct his or her trade or business expenses from the payments shown on Form W-2. He or she reports earnings as a statutory employee on line 1 of Schedule C or C-EZ (Form 1040). A statutory employee's business expenses are deductible on Schedule C or C-EZ (Form 1040) and are not subject to the reduction by 2% of his or her adjusted gross income that applies to common-law employees.

Statutory Nonemployees

There are three categories of statutory nonemployees: direct sellers, licensed real estate agents, and certain companion sitters. Direct sellers and licensed real estate agents are treated as self-employed for all federal tax purposes, including income and employment taxes, if:

- Substantially all payments for their services as direct sellers or real estate agents are directly related to sales or other output, rather than to the number of hours worked and

- Their services are performed under a written contract providing that they will not be treated as employees for federal tax purposes.

Direct sellers. Direct sellers include persons falling within any of the following three groups.

1. Persons engaged in selling (or soliciting the sale of) consumer products in the home or place of business other than in a permanent retail establishment.
2. Persons engaged in selling (or soliciting the sale of) consumer products to any buyer on a buy-sell basis, a deposit-commission basis, or any similar basis prescribed by regulations, for resale in the home or at a place of business other than in a permanent retail establishment.
3. Persons engaged in the trade or business of delivering or distributing newspapers or shopping news (including any services directly related to such delivery or distribution).

Direct selling includes activities of individuals who attempt to increase direct sales activities of their direct sellers and who earn income based on the productivity of their direct sellers. Such activities include providing motivation and encouragement; imparting skills, knowledge, or experience; and recruiting.

Licensed real estate agents. This category includes individuals engaged in appraisal activities for real estate sales if they earn income based on sales or other output.

Companion sitters. Companion sitters are individuals who furnish personal attendance, companionship, or household care services to children or to individuals who are elderly or disabled. A person engaged in the trade or business of putting the sitters in touch with individuals who wish to employ them (that is, a companion sitting placement service) will not be treated as the employer of the sitters if that person does not receive or pay the salary or wages of the sitters and is compensated by the sitters or the persons who employ them on a fee basis. Companion sitters who are not employees of a companion sitting placement service are generally treated as self-employed for all federal tax purposes.

Misclassification of Employees

Consequences of treating an employee as an independent contractor. If you classify an employee as an independent contractor and you have no reasonable basis for doing so, you may be held liable for employment taxes for that worker (the relief provisions, discussed below, will not apply). See section 2 in Publication 15 (Circular E) for more information.

Relief provisions. If you have a reasonable basis for not treating a worker as an employee, you may be relieved from having to pay employment taxes for that worker. To get this relief, you must file all required federal information returns on a basis consistent with your treatment of the