

FROM THE PRESIDENT

*By Tom Powers
NYELSA President*



Dear NYELSA members,

I want to take this opportunity to wish you a Happy New Year from the Board of Directors at the New York Electronic Life Safety Association (NYELSA)!

As we start the new year, I would like to communicate on major changes coming to our association and progress on two exciting new initiatives which were launched last year.

As always, we are deeply appreciative of the support of members like you – Thank you!

Congratulations to Dale Eller of ITZ Solutions, our Executive Director and his wife Paula on Dale's future retirement from our organization.

At our November general meeting in Albany, Dale informed Jim Quirin and I of his planned retirement this coming September of 2022.

Dale, I would like to take this opportunity to thank you for your hard work and commitment in building and growing the NYELSA to what it is today.

Your stewardship of the NYELSA has been characterized by innovative ideas, strategic thinking, and most valuable - your tireless efforts to increase the credibility and resourcefulness of the NYELSA to our members and our industry.

The resulting recognition has become an asset to NYELSA, and the relationships you have fostered with our members and partners will ensure NYELSA will prosper and continue to offer opportunities to advance our members.

By all measures, NYELSA has improved on your watch with increasing our membership, supporting and strengthening our board of directors, enhancing the quality and impact of our association to our members, improving the financial stability of our organization – especially during these very challenging times, and building a great relationships with our partners.

Your energy and devotion to the role will be difficult to match, but you leave NYELSA a better organization and on a strong footing for the future.

It is our great pleasure on behalf of the Member companies and the Executive Committee to thank you for your dedication and the great job you have accomplished in your term as Executive Director and wish you all the very best in your future endeavors.

We look forward to your ongoing involvement in NYELSA.

New York Security Signal

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NYELSA DOS Liaison Committee Update

Hello NYELSA Members,

As the Coronavirus pandemic and now the Omicron variant continue to plague the United States and specifically New York State, we did receive some good news from the New York State Department of State concerning "Live Distance Education".

At the beginning of the Coronavirus pandemic, New York State granted us an exception to conduct our training and testing for the NYELSA 81-hour courses through live distance technologies. Through 2020 and up to July 2021 we were granted several extensions to continue our live distance training.

As of July 1, 2021, the New York State, Bureau of Educational Standards informed our association that all live distance training must be stopped immediately. We contacted the NYSDOS to request a permanent change to the Regulations permitting live distance training to continue on a permanent basis, due to the continued health effects of the virus, expense of training, available sights for training, and the burden of travel for our teachers and students.

Good news was received on December 7, 2021, from David A. Mossberg, Esq., Supervising Attorney, Office of General Counsel State of New York that the changes to the Regulations had been approved for permanent live distance training.

Below are the changes to Title 19 for your reading enjoyment.

John A. Sperrazza

NYELSA DOS Liaison Committee Chair

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A new Part 159 is added to Chapter V, prior to Subchapter A, of Title 19 NYCRR to read as follows:

Part 159. Administration Relating to the Division of Licensing Services

Section 159.1 Live Distance Offerings

(a) Definitions. As used in this section, the following terms shall have the following meanings:

(1) "Approved instructor" means a person authorized, pursuant to applicable law, to provide personal instruction to students for the purpose of satisfying: educational requirements leading to an original license, certification, or registration issued by the Division; or continuing educational requirements leading to a renewal license, certification, or registration issued by the Division.

(2) "Approved entity" means any entity, authorized pursuant to applicable law: to offer educational courses or enroll students in such educational courses leading to an original license, certification, or registration issued by the Division; or to offer continuing educational courses or enroll students in such courses for the purpose of satisfying continuing educational requirements leading to a renewal license, certification, or registration by the Division.

(3) "Division" means the Division of Licensing Services of the Department of State.

(4) "Live distance education" means providing instruction, in real-time, where the approved instructor and the students are physically separated, but the use of remote technology allows each person participating in the educational program to view and communicate with each other in a live and interactive manner that transmits simultaneous live audio and video.

(5) "Live distance examination" means offering a proctored examination where the students and proctor are physically separated, but the use of remote technology allows each person participating in the examination to view and communicate with each other in a live and interactive manner that transmits simultaneous live audio and video.

(b) Unless otherwise expressly prohibited by law, an approved entity may, subject to the provisions in this subdivision and following approval by the Division, offer live distance education.

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Legal Column

By: Ken Kirschenbaum, NYSESA Legal Counsel

ARBITRATING ALARM INDUSTRY DISPUTES

There are plenty of reasons you should be using Kirschenbaum Contracts™ for your alarm, security, fire and automation business. Among the most important reasons are:

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- dispute resolution through arbitration

It's the last itemized benefit I want to discuss in today's article, arbitration.

Arbitration is a contracted for dispute resolution alternative to litigation in court. The court system in just about every jurisdiction was faltering if not broken before Covid; now it's probably safe to say that unless you're in a one horse town, your court system is hopelessly broken. You simply can't pursue collection cases and you can't get lawsuits against you resolved because you can't get a court date or a judge to decide motions. So instead of going to court, you agree to go to arbitration.

Because arbitration is a creature of agreement, parties are free to fashion their own procedures. There are several well-known companies, such as American Arbitration Association and more recently Jams. Because the alarm industry contracts offered by K&K include the arbitration program offered by Arbitration Services Inc that company has considerable experience with alarm industry cases. This program offers inexpensive and relatively quick resolution of matters.

You do have to be careful which arbitration program you agree to use because you can find yourself bogged down with an expensive and protracted arbitration proceeding. For example, one popular program has a minimum filing fee of \$1700. Obviously that isn't going to be practical when you have a collection case for close to that amount. Other programs may require three arbitrators instead of one, which means you're paying for three instead of one; it gets expensive and proceedings are protracted because all three have different schedules.

Some arbitration programs don't offer virtual hearings which are much easier to schedule and attend. We've found virtual hearings to be just as effective as in-person hearings.

Courts favor arbitration. A dispute arose between a natural gas supplier and a California consumer over pricing. The consumer started a class action claiming violation of the consumer contract regarding pricing. The gas company moved to dismiss the class action and compel arbitration. The Federal District court gave a comprehensive analysis of the contract in question, which was executed electronically, and rejected all challenges to the arbitration provision. The Judge cited familiar law: "In deciding whether to compel arbitration, a district court typically determines two gateway issues: (1) whether a valid agreement to arbitrate exists; and (2) if it does, whether the agreement encompasses the dispute at issue. "To evaluate the validity of an arbitration agreement, federal courts 'should apply ordinary state-law principles that govern the formation of contracts.'" If the court is "satisfied that the making of the arbitration agreement or the failure to comply with the agreement is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement." "[A]ny doubts concerning the scope of arbitrable issues should be resolved in favor of arbitration." If a court "determines that an arbitration clause is enforceable, it has the discretion to either stay the case pending arbitration, or

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NYELSA MEETING & EVENT NEWS

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2022 BOARD OF DIRECTORS MEETINGS

- February 10, 2022
- May 19, 2022
- August 9, 2022
- November 3, 2022

2022 ANNUAL MEETING

- August 9, 2022 - Seminars
 - Apex Entertainment - Albany

2022 SEMI-ANNUAL GOLF OUTING

- May 19, 2022 - Spring Outing
 - Ravenwood Golf Club
- Sept. 20, 2022 - Fall Outing
 - Casperkill Golf Club

INDUSTRY EVENTS

- ISC West, Las Vegas - 2022
 - March 22-25, 2022
- ESX 2022 - Fort Worth, TX
 - June 14-17, 2022
- ISC East - NYC - 2022
 - November 16-17, 2022

(1) Live distance education shall not be offered for segments of a course that require practical, in-person, or hands-on-learning.

(2) Prior to offering a live distance education course, an approved entity shall apply and disclose to the Division, on a form provided by the Division the following:

(i) a detailed description of the technology used, that the approved entity will rely upon, to provide live distance education, which must contain simultaneous live audio and video instruction;

(ii) a detailed description of the methods used, that the approved entity will rely upon, to ensure active participation by students;

(iii) a detailed description of the methods used, that the approved entity will rely upon, to verify the identity of students enrolled in an approved course of study;

(iv) a detailed description of the methods used to obtain a signed certification from each enrolled student evidencing that the student participated in the instruction;

(v) a detailed description of the instructions that will be provided to students to ensure that such students comprehend how to participate in a live distance course;

(vi) a detailed description of the methods used that the approved entity will rely upon to ensure the privacy and security of student records, and

(vii) such other information as the Division finds appropriate.

(c) An approved entity, that is approved to offer live distance education may also, subject to the provisions in this subdivision and following approval by the Division, offer live distance examinations.

(1) Live distance examinations shall not be offered to test segments of, or relating, to a course that requires practical, in-person, or hands-on-learning.

(2) Prior to offering live distance examinations, an approved entity shall apply and disclose to the Division, on a form provided by the Division the following:

(i) a detailed description of the technology used, that the

Continued on Page 12



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Continued from Page 5

to dismiss the case if all of the alleged claims are subject to arbitration.” (citations omitted).

“In determining whether to compel arbitration under the FAA, the Court must engage a two-step inquiry. First, the Court must determine whether a valid agreement to arbitrate exists. Second, if it does, the Court then must look to see if the agreement encompasses the dispute at issue. If the answer to both questions is “yes,” then the Court must enforce the arbitration agreement.” (citations omitted).

Regarding the often-cited defense to arbitration of fraudulent inducement the Judge found:

“Plaintiff appears to argue that the oral contract in its entirety is not valid because it was fraudulently induced. However, this question must be decided by an arbitrator. (finding questions of whether fraud in the inducement of the agreement as a whole were questions for the arbitrator); (determining that a fraudulent inducement claim that runs to the entire contract, and not specifically the arbitration provision, must be decided by the arbitrator). Accordingly, this argument is not a basis upon which to deny Defendants’ motion to compel arbitration.” (citations omitted).

The Judge also made short rift of the Plaintiff’s claim that she didn’t agree to the contract, making this interesting finding:

“Plaintiff argues that because Vista allegedly mailed the Welcome Letter and T&Cs to Plaintiff two days after enrolling in the Vista Program, they attempted to change the contract after its formation, and thus there was no “meeting of the minds” and a valid contract does not exist. Defendants argue that courts have found such provisions enforceable and Plaintiff assented to arbitration by continuing the service.

The Ninth Circuit has found that receiving an agreement and continuing service is sufficient to show assent to the agreement. (The district court’s finding that plaintiffs received the Consumer Agreement and continued to accept DirecTV’s services is not clearly erroneous and its conclusion that these actions bound Plaintiffs to the terms of the contract is correct.”).

Here, Plaintiff was able to terminate her contract at any time without paying an early termination fee or penalty. Plaintiff, however, continued her service for approximately five months after services commenced. Plaintiff’s failure to cancel her contract demonstrates that Plaintiff assented to the agreement. Accordingly, the Court finds a valid agreement to arbitrate exists.” (citations omitted)

Jason Aurelio, our Membership Committee Chair and his committee continue the efforts to redesign our membership structure.

It is our hope that restructuring will help our organization grow and provide more helpful resources and topics to all our members.

Please get involved by providing your feedback to the membership committee.

We have several other exciting new initiatives in the pipeline. These include the creation of two golf outings and a new family oriented annual conference.

- Our spring golf outing will be held May 19th at the Ravenwood Golf Club in Victor, NY.
- Our annual conference will be held on August 9th at Apex Entertainment in Albany, NY.
- Our fall golf outing will be held September 20th at the Casperkill Country Club in Poughkeepsie, NY.

A note on training. New regulations went into effect on December 7, 2021 that allows for educational providers to offer qualifying education courses in a Live Distance Education delivery method.

DOS has approved our 81hour training classes, needed for state license and many other training classes that are now available online.

Class dates and times can be found on our website.

Thank you for taking time to read our newsletter. Please consider getting more involved with our association on any level that you can.

Perhaps as a board member, committee position, training instructor, or simply by attending an upcoming association meeting.

Your commitment to excellence has helped NYELSA reach new successes and promote the professionalism in the electronic life safety industry.

2022 will be a big year for NYELSA and our profession.

Thanks for renewing your membership and sticking with us.

On behalf of everyone at NYELSA, Happy New Year!

Best regards,

Tom Powers

NYELSA President

Membership Committee Report

By: Jason Aurelio, Membership Committee Chair

Over the last few years, many things have changed in our businesses and personal lives. Technology has advanced, meetings have evolved, and the industry is moving faster than ever before. So, to remain relevant and provide more value to its membership, NYELSA is working towards becoming a state only organization.

Historically, NYELSA has operated under a local chapter model. However, over time most of these local chapters have dwindled and become inactive. This is the first reason why NYELSA is working towards becoming a state only organization. Rest assured that existing active chapters (WNY and RASIA) will continue to operate as usual. The second reason is to capitalize on the opportunity that a more centralized and organized association can offer the Membership. Such as more relevant training (classes and webinars), social events, legislative advocacy, and enhanced business support.

To accomplish this, many items will have to be addressed this year such as a revision of the Bylaws, updating the structure of the Board of Directors, and addressing dues. The Executive Committee is working diligently in conjunction with the Membership Committee to accomplish these tasks. The Board of Directors support and are excited to begin this transition. If you have an interest in participating in this transition process or would like to learn more about upcoming volunteer opportunities (committee assignments, Board positions, etc.), please reach out to Jason Aurelio (chair of the Membership Committee) at jaurelio@safesecuresentry.com.



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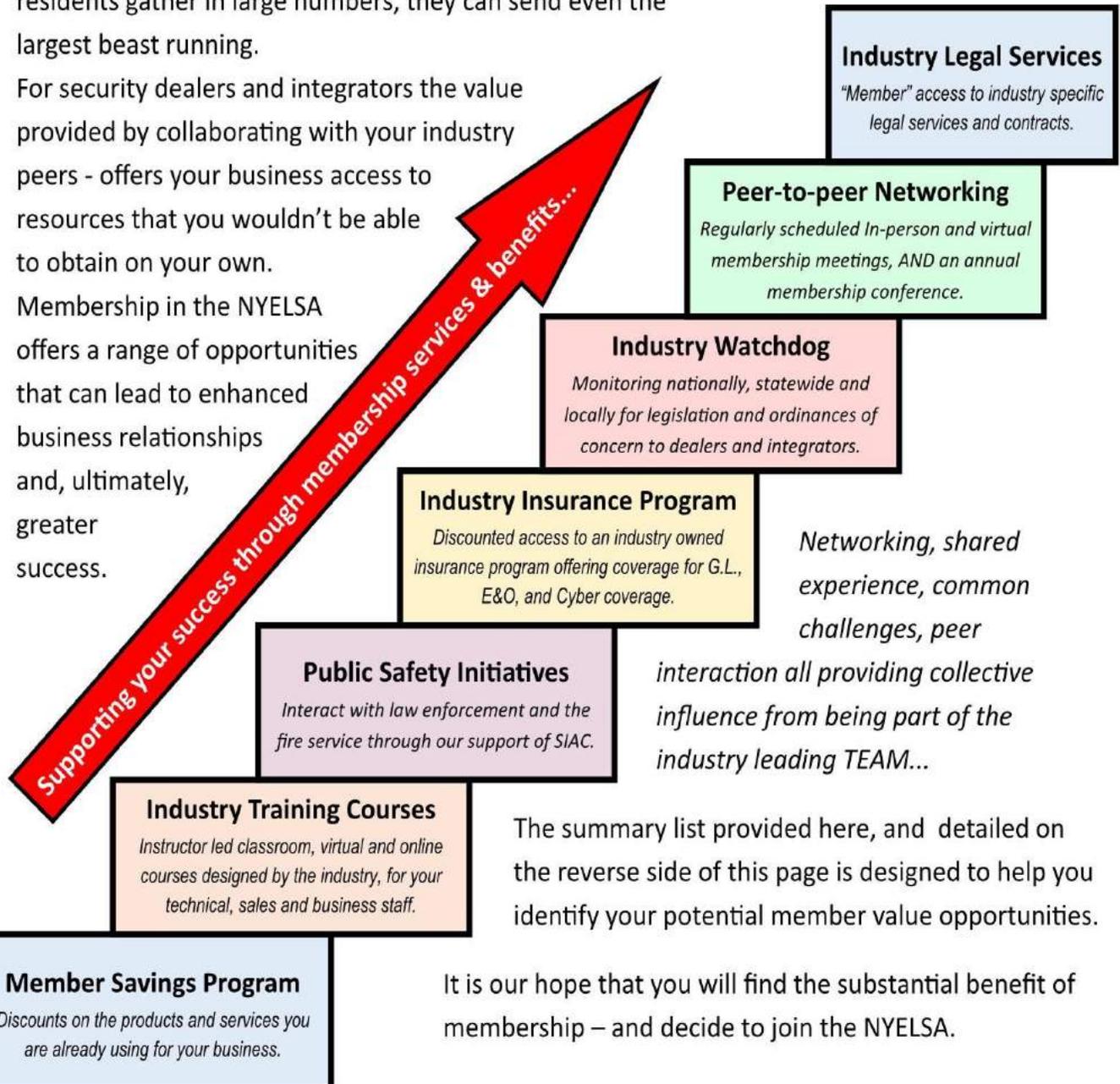
The NYELSA is committed to supporting you in building a successful business by providing a return on your membership investment through value-added services.

Ever feel like an ant crawling through a landscape of giant competitors?

If so, consider this: The average anthill packs plenty of collective power, and when its residents gather in large numbers, they can send even the largest beast running.

For security dealers and integrators the value provided by collaborating with your industry peers - offers your business access to resources that you wouldn't be able to obtain on your own.

Membership in the NYELSA offers a range of opportunities that can lead to enhanced business relationships and, ultimately, greater success.



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Regularly scheduled In-person and virtual membership meetings, AND an annual membership conference.

- Regional In-person Membership Meetings
- Virtual (Zoom Video) Membership Meetings
- Annual Membership Conference, with vendor exhibits, seminars sessions, social activities and membership meeting and elections...

Industry Legal Services

"Member" access to industry specific legal services and contracts.

Public Safety Initiatives

Interact with law enforcement and the fire service through our support of SIAC.

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Industry Watchdog

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- Professional Fire Alarm Design
- Life Safety Code
- International Building Code

COURSES | Non-Technical

- Security Sales Essentials
- Understanding Electronic Security Systems

CERTIFICATIONS

- Alarm Technician Level 1 and 2
- Video Technician and Systems Specialist
- Systems Integrator (CSI or CSSI)
- Service Technician
- Intrusion Technician Level 2
- Residential Fire Alarm Inspector
- Fire Alarm Technician Level 2 & 3
- Security Salesperson



Ode To Membership

The value of one member

- Ten little members standing in a line.
One disliked the sermon, then there were nine.
- Nine ambitious members offered to work late.
One forgot her promise, then there were eight.
- Eight creative members had ideas good as heaven.
One lost enthusiasm, then there were seven.
- Seven loyal members got into a fix.
They quarreled over projects, then there were six.
- Six members remained with spirit and drive.
One moved away, then there were five.
- Five steadfast members wished there were more.
One became indifferent, then there were four.
- Four cheerful members, who never disagree,
til one complained of meetings, then there were three.
- Three eager members! What did they do?
One got discouraged, then there were two.
- Two lonely members, our rhyme is nearly done.
One joined another team, then there was only one.
- One faithful member was feeling rather blue,
met with a neighbor, and then there were two.
- Two earnest members each enrolled one more,
doubling their number, then there were four.
- Four determined members, just wouldn't wait,
'til each one won another, then there were eight.
- Eight excited members signed up sixteen more.

In another six verses, there'll be a thousand twenty-four.

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NYELSA dues notices were recently sent out for renewal of your membership for 2022.

Annual Membership fees are due on January 1 2022, and renew your membership for an entire year.

Please send your membership renewal TODAY...

Continued from Page 6

approved entity will rely upon, to provide the examination, which must contain simultaneous live audio and video instruction;

(ii) a detailed description of the methods used, that the approved entity will rely upon, to ensure active participation by students and measures to detect and prevent fraud;

(iii) a detailed description of the methods used, that the approved entity will rely upon, to verify the identity of students taking a live distance proctored examination;

(iv) a detailed description of the methods used that the approved entity will rely upon to ensure the privacy and security of student examination records, and

(v) such other information as the Division finds appropriate.

(3) An approved entity that is approved to offer live distance education but does not satisfy the provisions in this subdivision shall not provide live distance examinations.

(d) Every approved entity that elects to offer live distance education shall, in addition to existing requirements imposed by applicable law, retain a record of each student's participation in and completion of the live distance learning program for a period of five years, and such records must be available for review and inspection by the Division. Each approved entity that elects to provide live distance education shall ensure that each location where an approved instructor is providing instruction is appropriate, free of distraction, and conducive to learning.

(e) A duly authorized designee of the Division may audit any course offered and may verify attendance and inspect the records of attendance of the course at any time during its presentation or thereafter.

(f) The Division may deny, suspend, or revoke the approval or renewal of a live distance education course, live distance examination authorization, or the authorization of an approved entity, if it is determined following a hearing, that they are not in compliance with applicable law and rules, or if the course or examination does not adequately reflect, present, or test the approved curriculum.

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Course Part	81 Hour Security / Fire Alarm Installer License Course	Course Dates
Part 1	Level One Certified Alarm Technician	February 16 - 18 April 6 - 8 June 8 - 10 September 28 - 30
Part 2	Advanced Intrusion Systems	March 2 - 4 April 20 - 22 June 22 - 24 October 12 - 14
Part 3	Fire Alarm Installation Methods	March 16 - 18 May 4 - 6 July 13 - 15 October 26 - 28
Part 4	Troubleshooting, Service & Maintenance	March 30 - April 1 May 24 - 26 July 27 - 29 November 9 - 11

Month	Continuing Education Courses (non-license related)	Course Dates
April	Residential Fire Alarm	April 5
May	Video System Technology	May 3 - 4
October	Electronic Access Control	October 13 - 14
November	Professional Fire Alarm Design	November 10 - 11

Additional course topics available. Private classes available for 10+

Understanding the NYS Security / Fire Alarm Installer License Requirements:

Need for license: An individual, firm, company partnership or corporation must be licensed if it installs, maintains or services alarm systems, including, but not limited to, such items as detectors, control devices and alarm communication systems, conduits and associated wires of alarm systems; or if it holds itself out to the public as being able to do so. **This shall include, but not be limited to,** selling alarm systems to consumers when the installation, maintenance or servicing of the alarm system will be subcontracted to or otherwise performed by another;

A security and fire alarm installers license is required for the installation, maintenance or servicing of a closed circuit television system (CCTV), or video surveillance system, if such system is used, either full-time or part-time, for the detection or monitoring of intrusion, break-in, theft, movement, sound or fire; and electrical entry systems which detect and/or provide notification of intrusion, break-in, theft, movement, sound or fire regardless of the number of entry points.

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Registration Form on other side



11/1/21

NYELSA 2022 Training Course Registration Form

Enter ## of Students Registering	Course Name	Course Dates <i>(circle selected date)</i>	NYELSA Member Price	Non - Member Price	TOTAL COURSE FEES
	Level One Certified Alarm Technician	2/16-18/22	\$395.00	\$495.00	
		4/6-8/22	\$395.00	\$495.00	
		6/8-10/22	\$395.00	\$495.00	
		9/28-30/22	\$395.00	\$495.00	
	Advanced Intrusion Systems	3/2-4/22	\$395.00	\$495.00	
		4/20-22/22	\$395.00	\$495.00	
		6/22-24/22	\$395.00	\$495.00	
		10/12-14/22	\$395.00	\$495.00	
	Fire Alarm Installation Methods	3/16-18/22	\$395.00	\$495.00	
		5/4-6/22	\$395.00	\$495.00	
		7/13-15/22	\$395.00	\$495.00	
		10/26-28/22	\$395.00	\$495.00	
	Troubleshooting, Service & Maintenance	3/30-4/1/22	\$395.00	\$495.00	
		5/24-26/22	\$395.00	\$495.00	
		7/27-29/22	\$395.00	\$495.00	
		11/9-11/22	\$395.00	\$495.00	
	81 Hour Security / Fire Alarm Installer License Course "Bundle"	February - March	\$1,450.00	\$1,750.00	
		April - May	\$1,450.00	\$1,750.00	
		June - July	\$1,450.00	\$1,750.00	
		September - November	\$1,450.00	\$1,750.00	
	Residential Fire Alarm	4/5/22	\$275.00	\$375.00	
	Video System Technology	5/3-4/22	\$375.00	\$475.00	
	Electronic Access Control	10/13-14/22	\$375.00	\$475.00	
	Professional Fire Alarm Design	11/10-11/22	\$375.00	\$475.00	

= Total # of Students

Total Course Fees =

Company: _____

Contact: _____ Student Name: _____

Email: _____ Student Email: _____

Address: _____

City: _____ State: _____ Zipcode: _____

Phone: _____ Fax: _____

Payment Type: Check () *Payable to NYELSA* Master Card () Visa () Amex ()

Credit Card #: _____

Expiration: _____ Security Code: _____

Signature: _____

Mail payment (with completed form) to: NYELSA - 1971 Western Avenue - PMB 1105 - Albany, NY 12203
 (800) 556-9232 (NY) or (814) 838-0301 (Outside NY) www.NYSESA.org
 Credit card payments may be scanned / emailed to - Info@NYSESA.org



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**New York Electronic & Life
Safety Association**
1971 Western Avenue
PMB # 1105
Albany, NY 12203

Mark Your Calendar

Annual Meeting

Apex Entertainment - Albany, NY

August 9, 2022



Details: www.NYELSA.org or (800) 556-9232

Mark Your Calendar

Spring Golf Outing

Ravenwood Golf Club

Victor, NY

May 19, 2022

Details:

www.NYELSA.org

(800) 556-9232

Mark Your Calendar

Fall Golf Outing

Casperkill Country Club

Poughkeepsie, NY

September 20, 2022

Details:

www.NYELSA.org

(800) 556-9232