

## Alarm Industry Wins Mutual Central's Case

The U.S. Court of Appeals, for the Second Circuit, ruled in favor of the alarm industry the case of *Arias et al v. Mutual Central Alarm Service, Inc. et al.* ("Arias").

This case involved allegations by Arias that the alarm industry and Mutual Central's practice of recording all incoming and outgoing calls from central stations violated federal law.

AICC (Alarm Industry Communications Committee, a committee of CSAA) and others sought and were granted permission to file a "friend of the court" brief. Previously, we had also filed a similar brief, in federal district court, where the alarm industry's position prevailed.

The Court's decision that Mutual Central did not violate federal law by its blanket recording of all telephone conversations from, or to, its central station, is a significant event for the industry.

The precise issue addressed by the Court involved whether employees are required to give their consent prior to the recording of all conversations (which may include personal conversations), in order for such recording to fall within the "ordinary course of business" statutory exception. This exception allows "interceptions" of conversations, which would otherwise be unlawful, if they are made in the "ordinary course of business".

The Court went to some length in examining and articulating the many reasons that underlie the industry's recording of calls in central stations and why such recordings here were in the ordinary course of business.

Also of central significance, the Court held that no separate employee consent was necessary for the recording of all calls. The Court further noted that such recording practice is recommended by industry trade associations (a fact pointed out in CSAA/NBFAA's brief).

While this decision is good news for the industry, this area of law is undeveloped as to the alarm industry in the other federal circuits, and indeed, there are some differences among the circuits as to when and if employee consent is necessary to record employee calls.

Any company having questions about its own practices, or the controlling law in its area, should consult counsel. □



Central Station  
Alarm Association

# Signals

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## CSAA Appoints New Director of Meetings & Conventions



CSAA is pleased to announce the appointment of Suzanne Gerhart as Director of Meetings & Conventions.

Suzanne was formerly a Meetings Manager for the Optical Society of America (OSA), an international scientific association of 14,000 members. While at

OSA, Suzanne organized and ran meetings ranging in size from 100 to 6,000 attendees.

She was responsible for site selections, contract negotiations, budget and meeting materials for meetings in Arizona, Idaho, Orlando, Boston, Aspen, Hawaii, San Francisco, and Munich. In addition, she coordinated the logistics of housing Association members, staff and VIPs (12-15 hotels per meeting).

Before working for OSA, Suzanne worked for the Marriott Corporation as Concierge and Sales Assistant and in the NATO's Officer's Club in Heidelberg, Germany, where she handled VIP functions for visiting NATO dignitaries.

"We are delighted to have Suzanne on board. Since quality meetings and educational seminars are one of the main objectives of the Association, her experience in managing both domestic and international meetings makes her a great asset. With the CSAA Annual Meeting in Monte Carlo, Suzanne's expertise will be invaluable," said CSAA's Executive Vice President Steve P. Doyle.

Suzanne has a Bachelor of Science from Clemson University in Parks, Recreation, Tourism Management, with an emphasis in travel, tourism and marketing. □

## UPDATE: Department of Justice's Investigation of CCTV with Covert Audio

As reported in a previous *Signals*, the U.S. Department of Justice conducted an investigation late 1999 into the manufacture and distribution of CCTV equipment which featured covert audio capabilities, believing it to be in violation of U.S. Wiretapping Laws, particularly section 2512 (b) of Title 18 of the U.S. Code. Of particular interest were cameras with disguised audio components that looked like clocks, PIR, smoke detectors, etc.

The Security Industry Association (SIA) originally informed us of the on-going investigation and is keeping us informed of any new developments.

According to SIA sources, the Department of Justice has partnered with the U.S. Treasury Department, specifically U.S. Customs agents. This inter-agency task force has been coordinating the seizure of all CCTV equipment with the characteristics described above.

SIA has also reported that it has received unsubstantiated reports that agents have seized CCTV/Audio equipment not perceived to be in violation of Title 18. SIA is investigating these claims.

SIA recommends its members to have their counsel review their CCTV/Audio product's marketing materials for Title 18 compliance since some of these materials have been used by the Department of Justice/U.S. Customs to identify companies to "visit," in addition to have counsel assess if there are Title 18 compliance issues.

We will keep you informed as we get further information. ☐

To read the text of the previous *Signals* about this topic, visit [www.csaaul.org/CSAA1999Signals.htm](http://www.csaaul.org/CSAA1999Signals.htm), and click on the November 24, 1999 *Signals* reference.

## More Jurisdictions Requiring Third-party Verification

The City of Redmond (Washington) recently wrote a new fire alarm ordinance which requires third-party verification. joined the ever-growing list of jurisdictions requiring this type of certification.

"It often seems that not a week goes by that we don't receive reports about other 8 or 10 jurisdictions that are either contemplating or mandating third-party verification, UL and/or FMRC. It seems that our efforts are beginning to bear fruit as ever-increasing numbers of AHJs are coming to understand the benefits of third-party verification," commented Steve Doyle. ☐

### Not UL-Listed?

Attend CSAA and UL's seminar on how to become a UL-Listed Central Station on February 20-22, 2000 in the Atlanta, Georgia region. Call 703-242-4670 for more information or visit:

[www.csaaul.org/2000CSAAULSeminar1Schd.htm](http://www.csaaul.org/2000CSAAULSeminar1Schd.htm)

## CSAA Regular Member State Directory is Growing

Close to 50% of CSAA regular members have returned the form indicating the states in which they have operations. This information is then entered into a State Directory in our Web site.

This section is becoming one of the most popular sections in our Web site. We are now receiving over 5,000 "hits" per month and this is growing at a very fast rate as potential customers and others find alarm monitoring companies in their area.

This list is also being used to refer police departments and others requesting the False Alarm Analysis Program (FAAP) software to members in their jurisdiction. Please inform those that you have identified as company contact of the existence of this software. We have received calls from law enforcement organizations that have called our members and have been told that they are not familiar with the program. Remember, FAAP was developed by CSAA members as a contribution to the law enforcement community to assist them in managing the administration of false alarm ordinances. It is an ideal way to establish good relationships with law enforcement organizations in your area of operation and to enhance the reputation of your company in the eyes of the law enforcement community.

In addition, we have added a section for Canada. If you have operations in Canada and have already returned your form, please let us know and we will be happy to add you to the Canadian list.

If you have not sent the form back, please do so as soon as possible. Please either fax the table to 703-242-4675; e-mail a list of states, contact name, phone number and e-mail address to [communications@csaaul.org](mailto:communications@csaaul.org); or call Celia Besore at 703-242-4670. ☐

## CSAA Looks to the Past

CSAA is celebrating its 50<sup>th</sup> anniversary this year. We would like to document the accomplishments of the Association in the past 50 years. However, our historical files start with the early 70s.

We need you help to fill the gap!. Please contact Celia Besore at 703-242-4670 if you have any old newsletters or other CSAA memorabilia before 1974 or if you would like to work on this project. ☐

### NEW ONLINE

Visit [www.csaaul.org](http://www.csaaul.org) and read SIA's newest proposed standard, Mobile Security Device standard. Click on the reference in the "Hot News" section.