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Connecticut Alarm & Systems Integrators Association

Are You Sure Your Website Terms and Conditions and Privacy Policy Are Enforceable? Maybe Not!

By Susan Kohn Ross and Lucy Holmes
Plovnick, MSK

One of the many challenges facing companies that do business online is taking the steps necessary to make sure their website terms of service and privacy policies (and any other terms and conditions) are enforceable to the greatest extent possible in case of a dispute with their customers/users. There is



no specific formula to follow but yet another court has recently issued a reminder

Privacy Policy continued on page 16

CASIA Famous Lobster Bake - June 16

Calf Pasture Beach Pavilion, Norwalk, CT



Connecticut Alarm & Systems Integrators Association

Registration form on page 3
Reservations required.

OSFAA Seeks Executive Director / Association Management Company

The Ohio Security & Fire Alarm Association (OSFAA) is currently seeking interested association management companies to oversee the association's daily operations due to the recent announced retirement of current Executive Director Dale Eller. The OSFAA is seeking an experienced company who can provide the following services:

- Publish (as necessary) email broadcast / newsletter including promotional info on upcoming association events.
- Coordinate and implement membership solicitation and retention program with the OSFAA Board of Directors.
- Coordinate annual conference venue selection including development of banquet and meeting space allotments. Development of conference format and coordination of conference speakers and seminars, solicitation of sponsorships and exhibits and golf outing.
- Implement educational initiatives
- Provide general bookkeeping services, accounts payable and receivable management and monthly reconciliation of all applicable bank statements.
- Coordinate scholarship program
- Develop annual board of directors meeting and "virtual" membership meeting schedules.

Interested companies should contact Alan Gillmore III,

OSFAA President at 216-905-0963 or ahg@gillmoresecurity.com

Sentry AI and USA Central Station Win the Prestigious TMA/SSI Monitoring Technology Marvel Award 2022

The Monitoring Association (TMA) and Security Sales & Integration (SSI) Magazine presented the 2022 TMA/SSI Monitoring Technology Marvel Award to Silicon Valley-based Sentry AI and USA Central Station for their joint AI-based video monitoring solution. Hien Nguyen – Sentry AI's Head of Marketing and Tom Camarda – USA Central Station's National Account Executive accepted the award on behalf of the winning companies.

The Marvel Award recognizes professional monitoring centers and solution providers for the innovation and implementation of cutting-edge technology. The Sentry AI and USA Central Station joint solution seamlessly connects camera systems to a situationally-aware AI engine which sends real-time annotated clips to monitoring agents' familiar interface. The integration makes it possible to monitor even challenging cameras that generate too many false alarms, provide monitoring agents the insights they need to react promptly to security incidents, and equip security dealers with the tools to ensure system health.



Tom Camarda



U. D. Chaka

Tom Camarda, USA Central Station National Account Executive said "Our collaboration with trailblazer Sentry AI to offer enhanced AI video monitoring is a game changer. We can now offer video guarding, health watch, and/or talk down features as part of a smarter security-surveillance system. Not only does it add recurring monthly revenue and generates new subscriber long-term contracts; it increases more value-added services and improves surveillance companies' net worth. Seeing is believing and from the central station standpoint." "

"AI technology is critical for monitoring centers to support the explosive growth of video monitoring being demanded by customers. We are

TMA/SSI Award, continued on page 3



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TMA/SSI Award, continued

thrilled to receive the award from industry prognosticators TMA & SSI, as timely recognition of our cutting-edge AI solutions that are transforming the security monitoring industry. As demonstrated by our partner and industry pioneer, USA Central Station, our innovative solution is also practical, integrates with all leading monitoring center software without modifications, and can be easily adopted by any security provider to improve the safety and security of our communities worldwide" said Uday Kiran Chaka, CEO/Founder of Sentry AI.

THE SENTINEL 2022

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Note: There are vacancies for Regional Vice President positions. Please let us know if you are interested. New people bring new voices and new ideas to the table.

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Michael Hatcher

Vice President, Eastern Region



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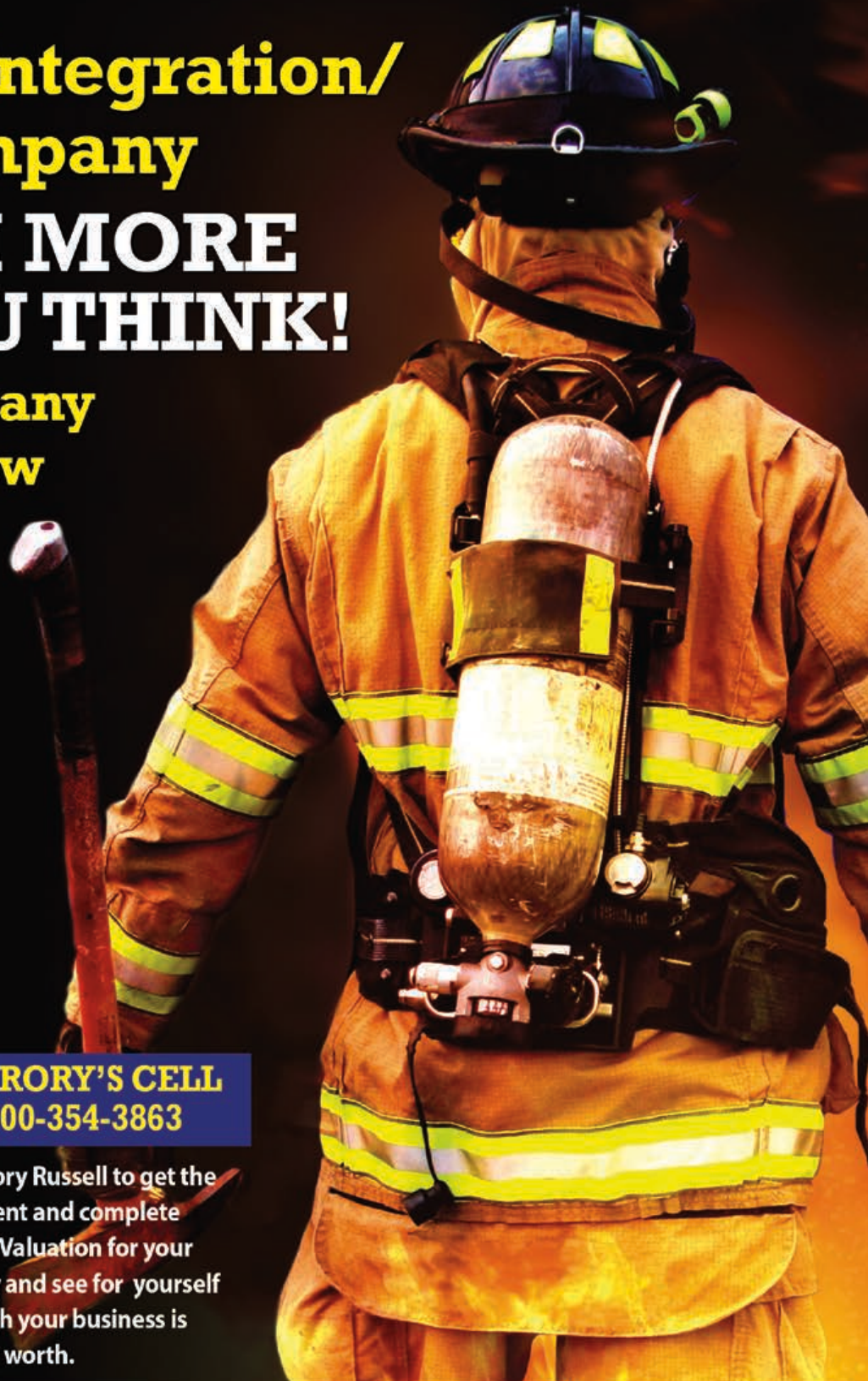
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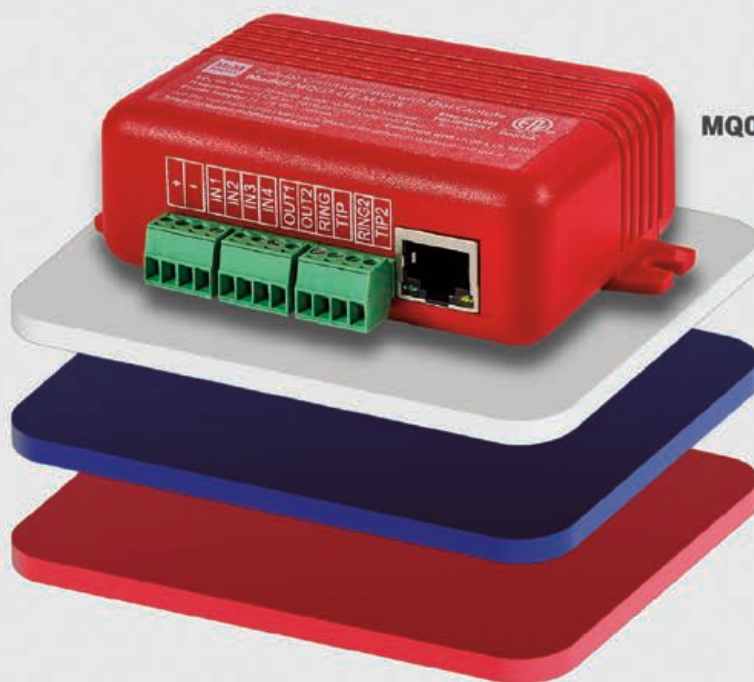
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NEW CASIA TRAINING DEADLINES

Public Act (No. 21-37) and License Renewal

We were recently notified that a new Public Act (No. 21-37) changes the deadline date to complete continuing education for license renewal to three (3) months prior to the renewal date for the license.

Therefore, June 30 is the 2022 deadline.

CASIA's Continuing Education Program is being reviewed by the State. We have established three dates for the mandatory in-classroom training. CASIA classes will be held at the Trumbull Marriott on:

Saturday, June 18, 2022 8 a.m. to Noon

See the below statement from the Public Act No. 21-37 - new requirements for all state of CT trades licenses.

(c) For any Department of Consumer Protection license, certificate, registration or permit that requires the holder to complete continuing education requirements, the continuing education requirements shall be completed within the annual or biannual period that begins and ends three months prior to the renewal date for the applicable license, certificate, registration or permit, except for licenses issued pursuant to chapter 400j.

We look forward to seeing you in class!

CASIA Sets Training

CASIA has re-signed an agreement with ESA/NTS to be an official reseller of their education training. This curriculum was specifically compiled to meet the 288-hour course requirements of the state of Connecticut when apprenticing for the L-6 low voltage electrical license. The NTS program is online and the progression of each student's study is monitored and tracked by NTS.



2022 CASIA MEETINGS

We're shaking things up: Every CASIA dinner meeting will be a **VENDOR Display Event and Tabletops will be complimentary with dinner.** Space will be on a first come first serve basis and we request you reserve your spot (at least a week) prior. Each meeting will give one vendor an opportunity to speak for 20 minutes about their products and/or services plus new technologies. If a vendor feels he can accomplish their sales presentation in 10 minutes, we will have two speakers per event. Please just give Pat Remes a call and you will be put on the schedule.

As to meetings, we are going back to a monthly event upstairs at Eli's on Whitney, Hamden, except for the noted exceptions. The calendar dates are below. We hope this new direction will excite our valued associate members in that you will be able to have on-on-one time with multiple CT's dealers on a monthly basis.



- Thursday, June 16 - Lobsterbake & Barbecue @ Calf Pasture Beach in Norwalk catered by Captain John's Clambakes
- Thursday, July 21 - GOLF CLASSIC @ Lyman Orchards
- Thursday, September 15 - Nine & Dine @ Lyman Orchards
- Thursday, October 20 - Monthly Meeting @ ELI's on Whitney 6:15pm
- Thursday, December 15 - HOLIDAY PARTY

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TMA NEWS

TMA Opens Review for TMA-AVS-01 Alarm Validation Standard

The Monitoring Association (TMA) Standards Committee has opened a Preliminary Technical Review Period for its TMA-AVS-01 Alarm Validation Standard. Initiated in 2020, the standard provides a method of creating an alarm scoring or classification metric for unauthorized human activity detected by alarm systems that will assist law enforcement with resource allocation and Call-for-Service prioritization. The purpose of this optional review process is to allow



interested stakeholders to provide feedback prior to the commencement of the official ANSI public comment period. Professionals from across the physical security industry, law enforcement, and emergency communications are asked to review and submit comments. All comments must be received through the TMA portal no later than 8:00 PM ET on Friday, June 17, 2022. All interested may access the draft document at <https://tma.us/wp-content/uploads/2022/05/AVS-01-Committee-Draft-Rev-24.pdf> and the TMA online comment form at <https://tma.us/avs01commentform>. If you have any questions or comments, please contact Bryan Ginn at bginn@tma.us.

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If Fire Safety is your career, become part of our active, professional community. We are Illinois' Fire Alarm & Early Warning Detection Industry Association. We provide education and code advocacy for the advancement of fire and life safety in Illinois, and Nationwide.

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CASIA Connecticut Alarm & Systems Integrators Association

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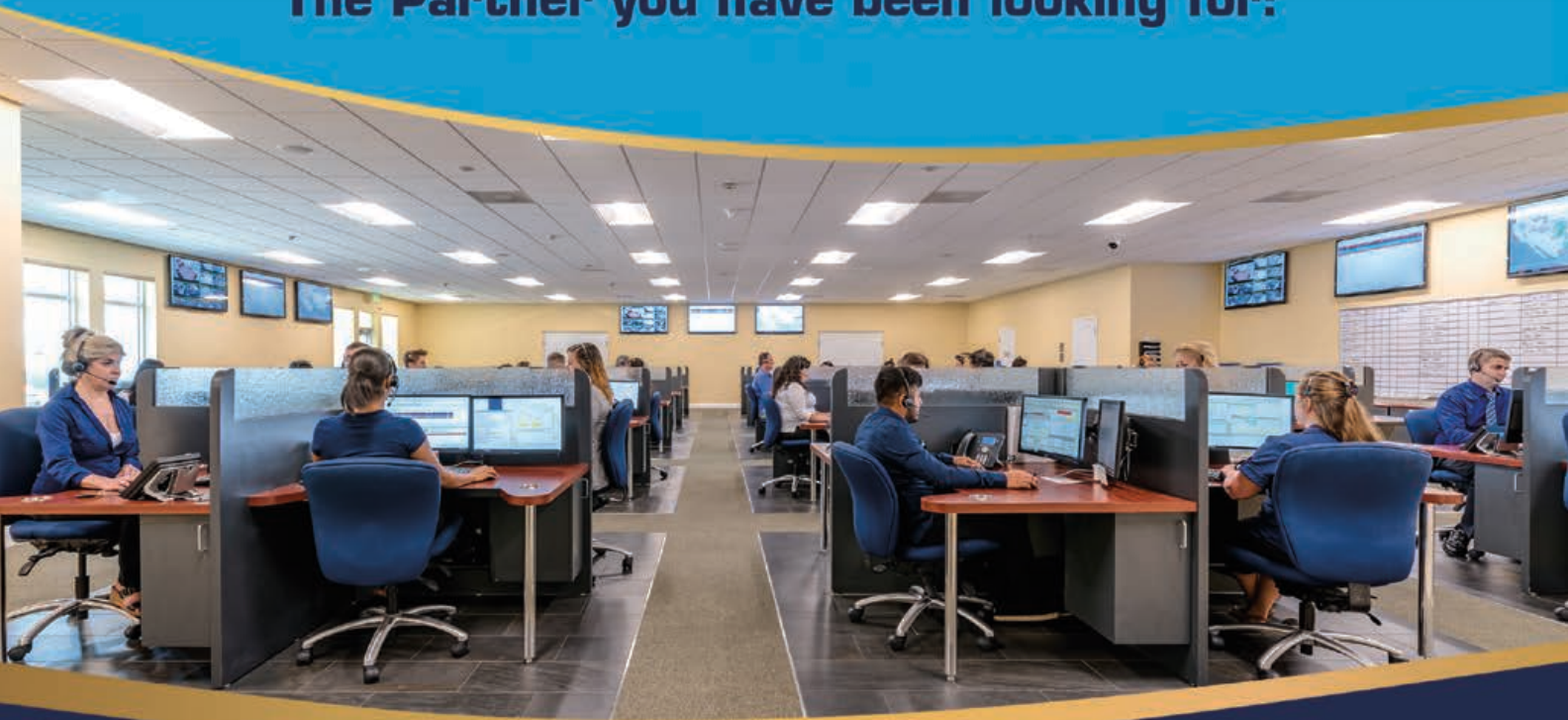


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holding that simply including a statement saying accessing our website binds you to our policies (whether the terms of service, terms of use, privacy policy or any other) is not enough.

As a general proposition, to form a contract under the laws in most jurisdictions, both parties to the contract must manifest their assent to the terms of the agreement. While this traditionally happens through written communications or verbal discussions, parties may also manifest agreement through their conduct. However, conduct is not effective as a form of agreement unless the party engaging in the conduct intends to do so and knows or has reason to know what the other party may infer from the conduct taking place. These principles are very important when evaluating whether a party has adequately

manifested his or her agreement to the terms and conditions appearing on a website.

This key contract point was reinforced in a recent court decision, see *Berman v. Freedom Financial Network, LLC*, No. 20-16900 (9th Cir. 2022) (“Berman”), wherein the 9th Circuit affirmed the district court’s order denying defendants’ motion to compel arbitration, ruling that plaintiffs were not bound by a mandatory arbitration clause that was included in a website’s terms of service absent some evidence that plaintiffs had actually agreed to that clause. In its decision, the 9th Circuit discussed the two different types of agreements commonly used in connection with website policies: (1) “clickwrap” agreements, in which a website presents users with specified contractual terms on a pop-up screen and users must check a

box explicitly stating “I agree” in order to proceed; and (2) “browsewrap” agreements, in which a website offers terms that are disclosed often only through a hyperlink and the user supposedly manifests assent to those terms simply by continuing to use the website.

“Clickwrap” agreements are usually found to be enforceable by courts, since they provide a website user with notice of the terms of the agreement and require an affirmative act on his or her part (clicking a box) to proceed. “Browsewrap” agreements, however, are less likely to be enforced by courts, because in those situations website users are often unaware of the terms of the agreement, or that their continued use of the website would be considered acceptance of any stated terms.

In *Berman*, the defendants included a mandatory arbitration clause in small print as a part of a browsewrap terms of service agreement. Plaintiffs argued they did not see the mandatory arbitration clause and had not assented to it.

The 9th Circuit ruled the small print arbitration clause, in a browsewrap agreement, was insufficient to form a binding contract under New York and California law.

The 9th Circuit also noted the defendants did not argue that plaintiffs had actual notice of the mandatory arbitration clause, and could not establish enough facts to demonstrate that plaintiffs were on inquiry notice of the website’s terms and conditions because the notice was not conspicuous enough, and the hyperlink that would have taken the website user to the terms of service was not readily apparent.

Continued on page 18

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The Court also found that plaintiffs did not take any actions that unambiguously manifested their assent to the terms of service while browsing the website. Given these findings, it was not surprising when the 9th Circuit affirmed the lower court's ruling, holding the mandatory arbitration clause in the terms of service was not binding on plaintiffs, a ruling that is consistent with many others published by courts throughout the country.

As a practical matter, Berman underscores yet again that businesses should work with their web designers to make sure that notice of any terms and conditions with which the company intends to bind its customers/users should be clear and conspicuous on their websites, and the presentation of those terms and conditions should be accomplished by website design features that require users to affirmatively agree to the terms and conditions in question. One way to accomplish this is by incorporating a clickwrap agreement into the website's design. In addition, hyperlinks that take users to additional terms of service should be clear so that users are not required to ferret them out.

While Berman addressed only terms of service (often called terms of use), its holding applies equally to any privacy policy a company may post on its website, PLUS, each time there are updates to any website posted policies, among other steps, the company must also keep evidence its customers/users accepted those changes. Different companies implement this requirement differently, but the first rule when it comes to establishing anyone is bound by your terms and conditions is to be able to provide tangible evidence the party in question actually accepted those provisions.

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After an external audit of DMP's ISO-9001:2015 Quality Management System, **DMP** achieved recertification with no non-conformances. "The successful completion of this audit is a testament to the dedication that DMP has to its business and quality systems which have been put in place to ensure that we provide the highest quality parts and services to our customers," said DMP's Director of Corporate Quality, Chris Montgomery.



JONARD TOOLS has introduced three new adjustable wrenches to suit user needs on both extremes of the size scale. The Adjustable Wrench 18" with Extra Wide Jaws (AW-18) has a jaw capacity that opens to 2.08" (53 mm) wide; the Adjustable Wrench 15" with Extra Wide Jaws (AW-15) has a jaw capacity that opens to 1.69" (43 mm) wide; and the Adjustable Wrench 4" with Extra Wide Jaws (AW-4) the smallest of the line, has a jaw capacity that opens to 0.511" (13 mm) wide.



Each wrench is made from high carbon steel and is heat-treated for maximum strength and durability. They also feature a precision-formed knurled worm gear for smooth movement, English and Metric scales on either side of the wrench, and ergonomically designed handles that are vinyl-dipped for comfort. Each wrench also complies with ASME B107.8-2003 and ANSI standards. The AW-16 and the AW-18 are perfect tools for taking on bigger tasks such as working on utility pole hardware, while the compact design of the AW-4 makes it perfect for working in small or tight spaces and is small enough to fit in any pocket.



NAPCO SECURITY TECHNOLOGIES introduced new Professional NAPCO HD Video WiFi Cameras & Doorbell, now in-stock and available. Put video accounts online in less than 10 minutes with affordable pro video and gain incremental RMR from residential and SMB accounts. The NAPCO HD video WiFi cameras & doorbell offer top features, including Night Vision or New Ultra StarLight Night Vision, 2-Way Talk and HD Resolution Video, up 30fps@2.0MP (1920x 1080). Easily scan and enroll in seconds, just scan the QR code and connect to any 2.4GHZ wireless router. Plus, 12-months of cloud-based video storage and access is included, thereafter it's only \$1.25/mo. For more information on new HD Video WiFi Cameras & Doorbell visit www.napcosecurity.com.

SNAP ONE announced the launch of eight new Snap One Local Partner Stores and the new locations expand Snap One's physical footprint to 34 locations across North America and offer local Partners product training, same-day delivery and expert assistance from knowledgeable professionals.



"The pandemic delayed our celebrations for several locations that officially opened in 2021, so we are now inviting our local integrator Partners in these locales to reconnect with our teams

and vendors and promote the new local shopping experience," Zidek said. "We'll also invite all attendees to join our new rewards program so they can immediately start earning



Snap One celebrated opening their 34th distribution center.

rewards for sales milestones including free shipping, additional training, progressive product discounts, enhanced support, quarterly rebates and more." The company provides

software, award-winning support, and digital workflow tools to help its integrator partners build thriving and profitable businesses. Additional information about Snap One can be found at snapone.com.



DMP's Darin Porter, Robert Spencer, Adam Fisher and Edward Zachar delivered THE MIRROR and some quality training at NMC in Irvine, CA.



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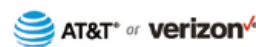


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TMA and Security Systems News Announce Leadership Award

The Monitoring Association (TMA) and Security Systems News have partnered to create a Diversity, Equity, and Inclusion (DEI) Leadership Award with the goal of promoting and fostering a more inclusive workforce throughout the security industry.

"TMA, together with Security Systems News, seeks to be an agent of change and to raise awareness of the significance and the value of DEI initiatives within the security business sector. We're proud to introduce this new award as a means to bring this critical issue to the forefront, to inform, and to empower companies to embrace and embed these core principles," stated Celia T. Besore, CEO, TMA. Learn more online at <https://tma.us/about-tma/>.

TMA's Automated Secure Alarm Protocol Welcomes Denver City and County - Its 104th ECC

The Monitoring Association (TMA) welcomed its 104th US-based PSAP/Emergency Communication Center (ECC) to its ASAP-to-PSAP service on April 12, 2022. The Denver 9-1-1 Communications Center is the 2nd agency in the state of Colorado to implement ASAP-to-PSAP. Launched in 2011 as a public-private partnership, TMA's ASAP service is designed to increase the accuracy and efficiency of calls for service from alarm companies to Emergency Communication Centers (ECCs).

"TMA's ASAP-to-PSAP service has added 21 ECCs in the last twelve months. The rate of adoption is rapidly increasing across the U.S.," stated TMA President Morgan Hertel. "The recent addition of major metropolitan cities like Atlanta and Denver is a testament to the protocol's high level of effectiveness and efficiency in life-saving scenarios. ASAP-to-PSAP now services 12% of the U.S. population. **Learn more about TMA's ASAP service online at www.tma.us/asap/.**

2022 TMA/SDM Excellence Awards

The Monitoring Association (TMA) is pleased to announce the winners of its 2022 Excellence Awards and Marvel Technology Award (see page 1). This year's excellence awards were presented virtually on Monday, April 25th by TMA President Morgan Hertel and the award sponsors, SDM Magazine and SSI Magazine. This year's winners are:

- **Monitoring Center of the Year – Enterprise**
AvantGuard Monitoring Centers
- **Monitoring Center of the Year – SMB**
EPS Security
- **Monitoring Center Manager of the Year**
Marcos Reyes, Kimberlite-Sonitrol Corporation
- **Monitoring Center Operator of the Year**
Sydney Johnston, EPS Security
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November 16-17, 2022

ISC East, New York, NY

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TMA Annual Meeting, Kapalua, Maui, Hawaii

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November 30- December 3, 2022

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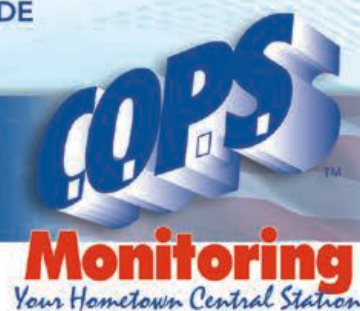
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