

BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Fire Alarm, Burglar Alarm and Locksmith Advisory Committee

August 21, 2012

PUBLIC SESSION MINUTES

I. Call to Order

The meeting of the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee was called to order by Chairman, Charles Okun, at 9:30 A.M. in the Somerset Conference Room, Sixth Floor, 124 Halsey Street, Newark, New Jersey. All parties were duly notified of the date, time and location of this meeting and pertinent material was provided to meeting participants.

All requirements of the Open Public Meetings Act have been complied with in accordance with N.J.S.A. 10:4-6. The notice of the meeting has been mailed to the Newark Star Ledger, Camden Courier Post, and the Trenton Times. The notice has also been sent to the Secretary of State, Trenton, New Jersey.

The Board saluted the Flag.

The following members were present:

Keith Eaves
Charles Okun
Robert Shoremount
Walter Wargacki, Jr.
Arthur Fucetola
Jon Dane Sprague
David Rible
Edward Card
Barry Starer

The following members were not present:

Sgt. William Hartung
Joseph Cantalupo - Electrical Board Liaison

Also, present were:

Howard Pine, Acting Executive Director
Joseph Donofrio, Deputy Attorney General, Division of Law
Lolly Merced, Administrative Assistant to the Deputy Director
Lisa Marshall, Consumer Service Rep.
George DeLuca, Administrative Analyst

II. Announcements

Howard Pine announced that someone was hired to serve as the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee's Acting Executive Director. He will start on September 10, 2012. The Advisory Committee will also get another person to serve as a supervisor over the staff of the Team that the Committee is part of.

III. Chairman's Report

The Chairman had nothing to report.

IV. Approval of Public Minutes

April, 17, 2012

A motion was made by Robert Shoremount and seconded by Jon Dane Sprague to approve the public minutes of April 17, 2012 as submitted. Motion carried.

May 15, 2012

A motion was made by Walter Wargacki, Jr. and seconded by David Rible to approve the public minutes of May 15, 2012 as amended. Motion carried.

June 19, 2012

A motion was made by Jon Dane Sprague and seconded by Arthur Fucetola to approve the public minutes of June 19, 2012 as amended. Motion carried.

V. Regulations

A. Proposed Repeal and New Rule - N.J.A.C. 13:31A-1.12; Proposed Amendments: N.J.A.C. 13:31A-2.1 and 3.1; Proposed New Rule: N.J.A.C. 13:31A-1.16 - published in the NJ Register on August 6, 2012.

The Regulations were published in the NJ Register dated August 6, 2012. The regulation were also posted on the Committee's website. There is a 60-day comment period. At the end of the comment period, the Committee will review all of the comments and create a response.

B. DCA Uniform Regulations - Waivers; Performance-Based Outcomes Adopted New Rules: N.J.A.C. 13:45C-2 and 3

Effective April 16, 2012, all of the Boards and Committees are authorized under N.J.A.C. 13:45C-2 to waive compliance with, or relax a specific regulatory requirement upon the request of a licensee or applicant. The Board or Committee may also do so on its own initiative. The waiver may be granted only if waiver or relaxation of the regulatory requirement:

1. Would not unduly burden any affected parties;
2. Is consistent with the underlying purposes of the board's/committee's laws and rules; and
3. Will not comprise the spirit and intent of the board's/committee's statutory goals of providing consumer protection or pose a risk to the health safety or welfare of the public.

No waiver of a statutory requirement is permitted.

VI. New Business

A. Division of Law Billing

The Division of Law billing report was submitted for informational purposes..

B. Meeting Dates for Calendar Year 2013

The Committee accepted the following dates for the Calendar Year 2013 for which the Committee will hold their monthly public meetings:

January 15	May 21	September 17
February 19	June 18	October 15
March 19	July 16	November 19
April 16	August 20	December 17

C. Waiver Requests

i. Dent Wizard (Jerry Reidel) Locksmith License

Jerry Riedel, Locksmith Operations Manager, Dent Wizard is requesting a waiver from the requirement of obtaining a locksmith license in New Jersey for the following reasons:

1. Dent Wizard does not deal with the general public.
2. Dent Wizard only services contracted customers of strictly automotive locksmith services.
3. Dent Wizard only performs work on automotive locks.
4. Dent Wizard does not advertise locksmith services to the general public.
5. Dent Wizard only performs locksmith services at the dealership/auction locations.

After review and discussion, it was the Committee's decision that the services performed by Dent Wizard do not fall within the statutory and regulatory definitions of locksmithing services. A motion was made by Arthur Fucetola and seconded by Jon Dane Sprague to send a letter to Mr. Riedel informing him that the services he is performing do not fall within the statutory and regulatory definitions of locksmithing services. However, he is not allowed to advertise or refer himself as a "locksmith". Motion carried. DAG Donofrio will draft the letter to Mr. Riedel and will submit it to the Chairman for approval prior to

mailing.

ii. ND Power and Energy (Neil Shah) Alarm License

Neil Shah, Director of ND Power and Energy is looking to enter the home/business burglar security systems business nationwide (with brand name www.zzzsafety.com) with a base in New Jersey. They are applying for a burglar alarm business license in New Jersey. Mr. Shah is requesting a waiver from being required to have an individual licensed professional qualify his business. Mr. Shah claims that this company is a wireless, GSM based without any need for wiring or engineering. They are only focusing on burglar alarm systems, not on fire or other complicated systems. After review and discussion by the Committee, a motion was made by Jon Dane Sprague and seconded by Robert Shoremount, to deny Mr. Shah's Waiver Request because it is a statutory requirement that a business license cannot be issued without employment of a business qualifier. Motion carried.

VII. Old Business

**A. UPL - Unlicensed Practice - Acknowledged and Fine paid
IMO/Joseph King, Atlantic Lock and Safe, Inc.**

The Committee received Joseph King's signed Uniform Penalty Letter whereby he agreed to cease and desist from engaging in the unlicensed practice and submitted payment of \$5,000 in penalties. This was reported in public session for informational purposes.

**B. Interim Consent Order - Suspension of license
IMO/Stam R. Davis
34BA00071600
34FA00059300**

An Interim Consent Order of Voluntary Surrender of Licenses was filed on June 5, 2012. This was reported in public session for informational purposes.

VIII. Continuing Education Subcommittee Report

The Continuing Education Subcommittee submitted recommendations for the Advisory Committee's review and approval. After review and discussion by the Advisory Committee, a motion was made by Walter Wargacki, Jr. and seconded by Jon Dane Sprague to accept the Continuing Education Subcommittee's Report of Recommendations. Robert Shoremount abstained. Motion carried.

**IX. Review of Applications for Alarm and Locksmith Licenses
Review of Applications for Alarm and Locksmith Business Licenses**

The Committee reviewed and approved individual and business applications.

X. Public Comments

No one from the Public was present.

XI. Adjournment

A motion was made by William Hartung and seconded by Walter Wargacki, Jr. to close the public session and go into executive session to discuss confidential matters. Motion carried. Public session was adjourned at 11:30 a.m.