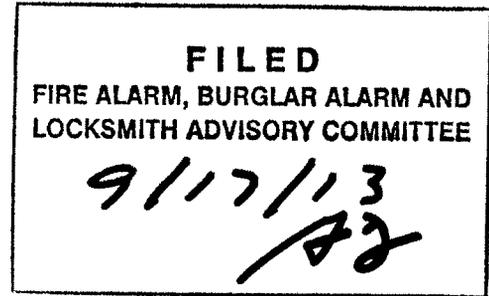


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY FIRE ALARM, BURGLAR ALARM
AND LOCKSMITH ADVISORY COMMITTEE

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Administrative Action

EDWARD F. BREWER
License No. 34FA00062100
License No. 34BA00074700

FINAL ORDER
OF DISCIPLINE

TO ENGAGE IN THE BURGLAR ALARM
AND FIRE ALARM BUSINESS
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey Fire Alarm, Burglar Alarm and Locksmith Advisory Committee ("the Committee") upon receipt of information which the Committee has reviewed and on which the following preliminary findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Edward F. Brewer ("respondent") is licensed to practice as a burglar alarm installer and a fire alarm installer in the State of New Jersey and has been at all times relevant hereto.
2. The Committee received information that on December 2, 2008, respondent pled guilty, in Camden County Superior Court, to two counts of Fourth Degree Falsifying Records (N.J.S.A. 2C:21-4A and N.J.S.A. 2C:2-6). On July 2, 2010, respondent was sentenced to one (1) year of probation, to be served concurrently for both counts. Respondent was required to pay \$5,000.00 restitution to the State of New Jersey and was prohibited from submitting a bid, entering into a contract, or otherwise conducting any business, either directly or indirectly, with the State of

New Jersey or any other State authority or body for a period of five (5) years.

3. The judge, in determining respondent's sentence, cited one aggravating factor, the need to deter respondent and others from violating the law. The judge also found five mitigating factors present in respondent's case; compensation of victims, no prior history of criminal activity, conduct was the result of circumstances that are unlikely to recur, likely to respond well to probation, and cooperation with law enforcement authorities. The judge determined that the mitigating factors outweighed the aggravating factors.

4. Respondent admitted, as part of his guilty plea, that on or about August 8, 2003, he aided Paul Kerth, also a Committee licensee, in colluding to win state government contracts by submitting false bids. Respondent submitted, and aided others in submitting, false bids to obtain a contract with the New Jersey Department of Corrections to provide remote playback equipment for a closed circuit television system at the Garden State Youth Correctional Facility.

5. Respondent also admitted that he aided another in uttering a writing or record that he knew to contain a false statement or information. Specifically, respondent approached Joseph Caputa on two occasions and asked him to submit two bids on behalf of his company, Caputa Electric, for two alarm jobs at the Garden State Youth Correctional Facility, knowing that Mr. Caputa had no intention of actually performing the work at the facility. The false bids allowed Independent Alarm Distributors, Inc., owned by Paul Kerth, to win the contracts for those state jobs. Respondent then received work from Independent Alarm Distributors, Inc. performing work on those fraudulently-awarded jobs as a sub-contractor.

6. Respondent appeared before the Committee to answer questions regarding his arrest and convictions. Respondent testified that his actions, which led to his convictions, were a "gigantic mistake", and that he would never do them again. Moreover, respondent explained he was embarrassed, but still needed to support his family. Respondent supplied documentation that he has complied with his probationary requirements. Respondent requested that he be allowed to maintain his license.

7. Respondent indicated on his 2010-2013 burglar alarm triennial renewal application that he has not completed the required continuing education during the past three years. Respondent also indicated on his 2010-2013 fire alarm triennial renewal application that he has not completed the required continuing education during the past three years.

8. On August 31, 2010, the Committee sent a letter to respondent, via regular mail, to his address of record. The letter requested that respondent provide a narrative explaining why he

did not complete his continuing education for his renewal concerning both licenses. Respondent was required to provide the response within 30 days of receipt of the letter. Respondent was advised that his failure to provide a response would be considered a failure to cooperate and could result in disciplinary action pursuant to N.J.A.C. 13:45C-1.3.

9. Respondent failed to provide the requested narrative, nor did he provide any response to the letter sent to him at his address of record on August 31, 2010.

10. The Committee sent two letters to respondent, both dated October 23, 2012, via regular mail, to his address of record. One letter concerned respondent's burglar alarm license and the other concerned his fire alarm license. Each letter reminded respondent that an initial letter was sent to him concerning his failure to complete his continuing education, and that he failed to provide a written response. Each letter also instructed respondent to complete his entire continuing education requirement for the 2010-2013 period prior to April 1, 2013 and to provide the certificates to the Committee prior to that date.

11. Respondent, to date, has failed to provide the continuing education certificates for either license, as required, nor did respondent provide any response to the October 23, 2012 letters sent to him by the Committee at his address of record.

CONCLUSIONS OF LAW

1. The above preliminary findings of fact establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(b), in that respondent's convictions involve the use and employment of dishonesty, fraud, deception, misrepresentation, false promise and false pretense. The above preliminary findings of fact also establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent has engaged in occupational misconduct based on the conduct underlying his conviction. The above preliminary findings of fact also establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(f), in that respondent has been convicted of crimes involving moral turpitude and relating adversely to the activity regulated by the Committee. Additionally, the above preliminary findings of fact also establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(h), in that respondent has violated and failed to comply with the provisions of an act and regulation administered by the Committee, specifically N.J.S.A. 45:5A-24(k) and N.J.A.C. 13:31A-1.12, by failing to satisfy the continuing education requirements for the 2010-2013 triennial license renewal for both his burglar alarm and fire alarm license. Finally, the above preliminary findings of fact establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent

engaged in occupational and professional misconduct by failing to provide a response to the letter sent to him on August 31, 2010 in contravention of N.J.A.C. 13:45C-1.2.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 16, 2013. A copy of the Order was forwarded to respondent's last known address on file with the Committee, via regular and certified mail. The certified card was returned to the Committee bearing respondent's signature. The regular mail was not returned. The Provisional Order of Discipline was subject to finalization by the Committee at 5:00 p.m. on the 30th business day following its entry unless respondent requested a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal, setting forth in writing any and all reasons why said findings and conclusions should not be modified or dismissed, and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore. Respondent did not respond to the Provisional Order of Discipline.

The Committee finds that the Provisional Order of Discipline was sent to respondent's address of record. N.J.A.C. 13:31A-1.8(b) provides that service of an administrative complaint or other Committee-initiated action at a licensee's address which is on file with the Committee shall be deemed adequate notice for the purposes of service and the commencement of any disciplinary proceedings. Since the Provisional Order of Discipline was served at respondent's address of record, via regular and certified mail, the Committee deems service to be effected. Respondent cannot evade process by failing to respond. As such, the Committee determined that the Provisional Order of Discipline, entered on July 16, 2013, is to be finalized as written.

ACCORDINGLY IT IS, on this *17th* day of *September*, 2013
HEREBY ORDERED THAT:

1. Respondent's license to engage in the burglar alarm business, and his license to engage in the fire alarm business, are both hereby suspended for one (1) year based on the findings that respondent's conviction violated N.J.S.A. 45:1-21(b),(e) and (f). Six (6) months of the one (1) year suspension are to be active and the remaining six (6) months are to be stayed and to be served as a probationary period. The six (6) month active suspension period shall begin upon the entry date of this final order. The stayed suspension shall be activated upon the Committee's

receipt of any information, which the Committee in its sole discretion deems reliable, demonstrating that respondent has been arrested or convicted of any offense relating to alarm business activities or involving moral turpitude; or has engaged in any violations of the Committee's statutes or regulations during the probationary period; or for any violation of this order.

2. Respondent's license to engage in the burglar alarm business shall remain suspended, and shall not be reinstated, unless and until respondent furnishes the Committee with a copy of his continuing education certificates documenting that he satisfied the continuing education requirements pertaining to his burglar alarm license for the 2010-2013 triennial renewal cycle.

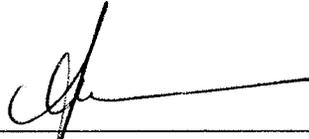
3. Respondent's license to engage in the fire alarm business shall remain suspended, and shall not be reinstated, unless and until respondent furnishes the Committee with a copy of his continuing education certificates documenting that he satisfied the continuing education requirements pertaining to his fire alarm license for the 2010-2013 triennial renewal cycle.

4. Respondent is hereby reprimanded for the violations cited above.

5. Respondent is hereby assessed a civil penalty in the amount of six hundred dollars (\$600.00), pursuant to N.J.S.A. 45:1-21(h), in that respondent violated and failed to comply with the provisions of an act and regulation of the Committee, specifically N.J.S.A. 45:5A-24(k) and N.J.A.C. 13:31A-1.12, by failing to satisfy the continuing education requirements for the 2010-2013 triennial license renewal for his burglar alarm license. Additionally, respondent is assessed a civil penalty in the amount of six hundred dollars (\$600.00), pursuant to N.J.S.A. 45:1-21(h), in that respondent violated and failed to comply with the provisions of an act and regulation of the Committee, specifically N.J.S.A. 45:5A-24(k) and N.J.A.C. 13:31A-1.12, by failing to satisfy the continuing education requirements for the 2010-2013 triennial license renewal for his fire alarm license. Finally, respondent is hereby provisionally assessed a civil penalty, in the amount of six hundred dollars (\$600.00), pursuant to N.J.S.A. 45:1-21(e), in that respondent engaged in occupational and professional misconduct by failing to provide a response to the letter sent to him on August 31, 2010, in contravention of N.J.A.C. 13:45C-1.2. Payment of the aggregate civil penalties totaling one thousand eight hundred dollars (\$1,800.00) shall be paid by certified check or money order made out to the state of New Jersey and delivered to David Freed, Acting Executive Director, New Jersey Fire Alarm, Burglar Alarm and Locksmith Advisory Committee, 124 Halsey Street, P.O. Box 45042, Sixth Floor, Newark, NJ, 07101, no later than thirty (30) days after the entry date of this Final Order of Discipline. In the event respondent fails to make a timely payment, a certificate of debt shall be filed.

6. Any practice in this State prior to formal reinstatement of license by the Committee shall constitute grounds for a charge of unlicensed practice. In addition, the Committee reserves the right to place restrictions on respondent's practice should his license be reinstated.

NEW JERSEY FIRE ALARM, BURGLAR ALARM
AND LOCKSMITH ADVISORY COMMITTEE

By: 

Charles Ogun
Committee Chairman