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**FILED**  
FIRE ALARM, BURGLAR ALARM AND  
LOCKSMITH ADVISORY COMMITTEE  
*December 3, 2015*  
*[Signature]*

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  
APPLICATION OF  
  
**BEN KLEIN**  
**Applicant #: 1773484/1773828**  
  
TO PRACTICE AS A BURGLAR ALARM AND  
FIRE ALARM LICENSEE IN THE  
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER

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 findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Ben Klein ("respondent") applied to have the New Jersey Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee approve his application for a Burglar Alarm license and a Fire Alarm license in the State of New Jersey. The date of respondent's applications is July 16, 2013.
2. A review of respondent's criminal history revealed that on August 19, 2003, respondent was arrested by the Penn Township Police Department, Manheim, Pennsylvania and charged with Homicide by Vehicle ( 75 Pa. C.S. § 3732), Reckless Driving (75 Pa. C.S. § 3736), and Failure to Stop at a Stop Sign (75 Pa. C.S. § 3323).
3. Respondent was convicted of Homicide by Vehicle ( 75 Pa. C.S. § 3732(a)).

Respondent was sentenced to eleven (11) months, twenty-nine (29) days minimum confinement; one (1) year, eleven (11) months, twenty-nine (29) days maximum confinement. According to respondent, he was sentenced on December 12, 2005 and placed on probation through November of 2011. According to respondent, all probation requirements, restrictions and appointments were satisfactorily met and all payments to the state of Pennsylvania were made.

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Licensure was entered on September 29, 2014, provisionally denying respondent's application for a burglar alarm license in New Jersey, pursuant to N.J.S.A. 45:5A-27a(2) and N.J.A.C. 13:31A-3.1(a)3, in that the respondent's conviction pursuant to 75 Pa. CS. §3732(a) is equivalent to a conviction for a crime of the first, second or third degree, under the New Jersey Code of criminal Justice, which occurred within ten (10) years prior to the filing of the application or licensure.

A copy of the Provisional Order was forwarded to respondent at the last known address of record on file with the Board by certified and regular mail. The Provisional order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

In response to his receipt of the filed Provisional Order of Denial, respondent submitted court documentation establishing that the day of his sentencing was December 7, 2004, not December 12, 2015. On March 17, 2015, the Committee reviewed the documentation submitted by respondent and determined that the date of sentencing was December 7, 2004. As a result, upon his submission of updated applications, respondent's conviction would be more than ten years ago, and N.J.S.A. 45:5A-27a(2) and N.J.A.C. 13:31(a)3 no longer serve as a bar to respondent sitting for the burglar alarm and fire alarm licensing examinations. Therefore, the Committee voted to permit respondent to sit for the burglar alarm and fire alarm licensing examinations upon his submission of updated applications.

ACCORDINGLY, IT IS, on this 17th day of November, 2015

HEREBY ORDERED THAT:

1. Respondent is hereby permitted to take the burglar alarm examination and the fire alarm examination upon his submission of updated applications.

NEW JERSEY FIRE ALARM, BURGLAR ALARM  
& LOCKSMITH ADVISORY COMMITTEE

By: \_\_\_\_\_

  
Charles Okun  
Chairman