

**FIRE ALARM BURGLAR ALARM AND LOCKSMITH
ADVISORY COMMITTEE
Minutes of May 16, 2000
Public Session**

The notice of this meeting was prepared in the Office of the Board and mailed to the Secretary of State, the Star Ledger, the Trenton Times and the Courier Post.

CALL TO ORDER

The meeting of the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee was called to order by Chairman Robert Shoremount at 9:45 a.m. in the Somerset Room, Sixth Floor, 124 Halsey Street, Newark, New Jersey. All parties were duly noted and all pertinent material has been provided.

ROLL CALL

Committee Members Present:

Richard Aicher
Martin Arnold
Edward Bagniewski
Frank Cavallaro
Keith Eaves
Arthur Fucetola
Charles Okun
Richard Rible
Leo Selb, Vice Chairman
Robert Shoremount, Chairman
Barry Starer

Others Present:

Shirley Passow, Deputy Attorney General
Anthony Miragliotta, Deputy Director
Barbara A. Cook, Executive Director
Maryann Sheehan, Regulatory Analyst
George DeLuca, Administrative Analyst
Sally Barletta, Senior Clerk Transcriber

Committee members Robert Boyer and William Hartung were unable to attend.

There were no members of the public in attendance at the meeting.

GENERAL ANNOUNCEMENTS

The Public Session agenda was amended for this meeting to include discussion of Assembly Bill A1950

Committee members were requested to submit their expense receipts to the Committee office no later than June 20, 2000 for processing of payment prior to June 30, 2000, the end of the fiscal year.

APPROVAL OF MINUTES

Motion was made by Edward Bagniewski, seconded by Martin Arnold and passed unanimously to approve the Public Session minutes as amended of April 18, 2000 and correct lines thirteen and fourteen, page 4 regarding proposed rule **N.J.A.C. 13:31A-2.7(b)2** from "Have successfully completed eight (8) hours of training in basic electronics and four (4) hours of training in life safety, construction, and Barrier Free Codes . . . to" "**Have successfully completed four (4) hours of training in trade related subjects, four (4) hours of training in basic electronics, and four (4) hours in Barrier Free codes . . .**"

REVIEW OF DRAFT RULES

The committee made the following determinations upon review of the draft rules:
(new items, revisions and corrections are printed in bold type)

SUBCHAPTER 2. LOCKSMITH LICENSURE

13:31A-2.7 Locksmith Employees

13:31A-2.7(b) Any person employed by a locksmith licensee for the unsupervised **performance of locksmithing services** shall:

13:31A-2.7(b)2 Have successfully completed four (4) hours of training in basic electronics, four (4) hours of training in trade related subjects and four (4) hours of training in Barrier Free codes, or have successfully passed a competency examination administered by the Committee, **or have obtained a Certified Registered Locksmith -(Certified Professional Locksmith) rating by the Associated Locksmiths of America (ALOA).**

Motion was made by Richard Rible, seconded by Martin Arnold and passed unanimously to replace "Certified Professional Locksmith" with "**Certified Registered Locksmith.**"

13:31A-2.8 Supervision of Locksmith Employees

Motion was made by Arthur Fucetola, seconded by Charles Okun and passed unanimously to amend the following: **13:31A-2.8(a)** the business qualifier shall assume full responsibility for the inspection and supervision of all locksmithing services performed by the business firm and **shall be required to be in compliance with all applicable federal, State, and local laws and codes.**

13:31A-2.8(b) The business qualifier shall:

Supervise the provision of locksmithing services to ensure that such work is performed by **shall be required to be in compliance with all applicable federal, State, and local laws and codes;**

13:31A-2.8(c) Motion was made by Richard Aicher and seconded by Barry Starer to remove supervising employee from provisions 13:31A-2.8(c) and 13:31A-2.8(d). The vote on the motion was (5) for and four (4) opposed. However, it was determined that the vote fails because "no action (can) be taken except upon the affirmative vote of a majority of the existing members of the board."-Attorney General Opinion #6 (1978).

Every 10 employees who are performing locksmithing or electronic security services at either one job site or who are performing such work at several jobs at different sites simultaneously shall be supervised, pursuant to (d) below, by the business qualifier, a licensee, or a supervising employee **meeting the requirements of N.J.A.C. 13:31A 2.7(b), with at least three years** experience in the provision of locksmithing and electronic security system services.

13:31A-2.8(d)1. If the employee performing the work has not **satisfied the requirements of N.J.A.C. 13:31A2.7(b)**, the business qualifier, licensee or supervising employee shall ensure constant on-site supervision of the employee.

The Locksmith Qualifications/Scope and Standards Subcommittee determined that the following work may be performed without constant on-site supervision:

- Opening and making of keys
- Repairing or recombining existing locks
- Installing mechanical security hardware on doors not designated as emergency exits.

13:31A-2.9 Identification Cards

13:31A-2.9(a)1 Motion was made by Richard Rible and seconded by Barry Starer to delete the requirement for a date of birth on identification cards. The motion was defeated by a vote of two (2) for and seven (7) against.

Motion was made by Barry Starer to amend the requirement from date of birth to year of birth on identification cards. There was no second to the motion.

SUBCHAPTER 3. BURGLAR ALARM AND FIRE ALARM LICENSURE

13:31A-3.1(a)6i Motion was made by Keith Eaves, seconded by Leo Selb and passed unanimously to amend the requirement of 80 hours of technical courses as two (2) hours of training in Barrier Free codes, two (2) hours of training in Uniform Construction codes, **two (2) hours of training in industrial safety, two (2) hours of training in the Americans with Disabilities Act (ADA) and 72 hours of training in trade related subjects.**

Motion was made by Keith Eaves, seconded by Leo Selb and passed unanimously to require that an applicant complete **four (4) hours of active trade training in Uniform New Jersey Construction codes which shall include a maximum of four (4) hours in Barrier Free codes.**

13:31A-3.3 Waiver of Examination Requirements

13:31A-3.3(a) The Committee agreed by consensus to amend the 40 hours of technical training which shall include two (2) hours of training in Barrier Free codes, **two (2) hours in training in Uniform Construction codes, two (2) hours of training in industrial safety, two (2) hours training in the Americans with Disabilities Act (ADA), and 32 hours of training in trade related subjects.**

13:31A-3.3(b) The amended 40 hours of technical training required by 13:31A-3.3(a) will be applicable to this provision.

13:31A-3.3(c) The amended 40 hours of technical training required by 13:31A-3.3(a) will be applicable to this provision.

13:31A-3.5(a)3 For purposes of this section "responds appropriately" means that a person calling to request shall be provided **within 24 hours with the date and time when such service shall be rendered.**

13:31A-3.6 Burglar alarm and fire alarm employees

13:31A-3.6(b)2 Have successfully completed two (2) hours of training in Barrier Free codes, **two (2) hours of training in Uniform Construction codes, two (2) hours of training in industrial safety, two (2) hours in the American with Disabilities Act (ADA), and 32 hours of training in trade related subjects,** or shall have successfully passed a competency examination administered by the Committee.

13:31A-3.7(d)1 The Alarm Qualifications subcommittee will determine the level of work that will require constant on site supervision of employees and report its findings at the June 20, 2000 meeting.

DISCUSSION OF PROPOSED ADVISORY COMMITTEE FUNCTIONS

After discussion regarding delegation of functions, the Advisory Committee determined that it would formally submit a request to the Board of Examiners of Electrical Contractors for those functions stated pursuant to N.J.S.A. 45:5A-24, Powers and duties regarding regulation of locksmiths, fire alarm, or burglar alarm businesses.

Motion was made by Leo Selb, seconded by Charles Okun and passed unanimously to submit the request to the Board simultaneously at the time the Committee submits the completed draft of the rules and regulations to the Board.

REVIEW OF EXAMINATION PROGRAM PROPOSAL SUBMITTED BY EXPERIOR

ASSESSMENTS

The Committee reviewed Experior's proposal for administration of its licensing examinations. Experior outlined its proposal for the development of subject matter, specifications, examination questions, scoring and reporting. Although Experior requested that an agreement be made by June 1, 2000, the Committee determined that it cannot enter into an agreement at this time since it has not completed its rule making. Staff was requested to prepare a reply to Experior requesting that an agreement be made once the proposed rules and regulations are presented to the Board of Examiners of Electrical Contractors.

DISCUSSION OF ASSEMBLY BILL A1950

The bill would create a separate Advisory Committee within the Department of Community Affairs to license and regulate fire alarm contractors, removing the authority from Fire Alarm, Burglar Alarm and Locksmith Advisory Committee, the Board of Examiners of Electrical contractors and the Division of Consumer Affairs as intended by P.L. 1997, c.305. Motion was made by Leo Selb, seconded by Barry Starer and passed unanimously proposed that the bill, in its present form, would halt the comprehensive consumer protection being formulated by the Committee through its rule making efforts. Among the Committee's concerns are that the bill does not require criminal history background checks, pre-licensure education, continuing education, or surety bonding which are required by P.L. 1997, c. 305.

After review and discussion, motion was made by Charles Okun, seconded by Leo Selb and passed unanimously to formally oppose the bill by memorandum to Mark Herr, Director, Division of Consumer Affairs.

ADJOURNMENT

Having no further business, motion was made by Barry Starer, seconded by Martin Arnold and passed unanimously to adjourn the Public Session at 3:30 p.m.

Respectfully Submitted

Barbara A. Cook
Executive Director