

BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Fire Alarm, Burglar Alarm and Locksmith Advisory Committee

September 20, 2011

PUBLIC SESSION MINUTES

I. CALL TO ORDER

The Meeting of September 20, 2011, was called to order at 10:30 A.M.

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:

Arthur Fucetola
Sgt. William Hartung
Charles Okun
Robert Shoremount
Jon Sprague
Walter Wargacki, Jr.

The following members were not present:

Keith Eaves
Edward Bagniewski
Richard Rible

Joseph Cantalupo - *Electrical Board Liaison*

Also, present were:

Joseph Donofrio, Deputy Attorney General, Division of Law
Howard Pine, Acting Executive Director
Maryann Sheehan, Regulatory Analyst
Lolly Merced, Administrative Assistant to the Deputy Director
Joseph Schooley, Chairman, Board of Examiners of Electrical Contractors

II. ANNOUNCEMENTS

No announcements

III. CHAIRMAN'S REPORT

Nothing to report.

IV. APPROVAL OF PUBLIC MINUTES July 19, 2011

A motion was made by Walter Wargacki, Jr. and seconded by Sgt. William Hartung to approve the July 19, 2011 Public Minutes as amended. Motion carried.

V. CONTINUING EDUCATION SUBCOMMITTEE REPORT

No report was submitted since Keith Eaves was absent.

VI. REVIEW OF APPLICATIONS FOR ALARM AND LOCKSMITH LICENSES REVIEW OF APPLICATIONS FOR ALARM AND LOCKSMITH BUSINESS LICENSES

The Advisory Committee reviewed and approved applications for individual and business licenses.

VII. REGULATIONS Maryann Sheehan, Regulatory Analyst CE Final Draft Regulations

Maryann Sheehan, Regulatory Analyst, met with the Committee to review proposed amendments to the Committee's continuing education requirements in N.J.A.C. 13:31A-1.12. The proposed changes would require licensees to take 24 credits, instead of 36 per license, per triennial renewal period. All licensees would be required to take 10 mandatory credits (2 in the Barrier Free Subcode, 2 in the Uniform Construction Code, 2 in the Americans with Disabilities Code, 2 in industrial safety, and 2 in New Jersey law and regulations). A motion was made by Walter Wargacki, Jr. and seconded by Arthur Fucetola to approve the draft and to recommend to the Board of Examiners of Electrical Contractors that the draft be published as a proposal for public comment. Motion carried. A motion was made by Walter Wargacki, Jr. and seconded by Arthur Fucetola to approve the draft of a new rule which would establish requirements that a business must meet when the business qualifier is no longer able to perform his or her duties and to recommend to the Board that the new rule be published as a proposal for public comment.

Motion carried. The Regulatory Analyst advised that both drafts would be forwarded to the Board for its consideration.

VIII. CORRESPONDENCE

A. Pinnacle Security (inquiry - scope of practice)

The Committee reviewed an email from Michelle Thomas, Licensing Manager, Pinnacle Security, LLC, advising the Committee that they hold an electrical contractor license in New Jersey. They are in the process of expanding their business to include certain home automation features. They want to be able to offer their customers a thermostat component which will work directly with the alarm system. After review and discussion by the Committee, a motion was made by Arthur Fucetola and seconded by Jon Sprague to refer this inquiry to the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors to determine if this function falls within the Board's scope of practice. Motion carried.

B. NJBFAA (inquiry on municipal regulatory jurisdiction)

The Advisory Committee received a copy of the Township of Ocean Township Code, Ordinance 2155 submitted by Antonio V. Amodio, Jr., Chief of Police. Mr. Amodio advised the Committee that the Township of Ocean Council passed a resolution to enter into an agreement with ATB Services to administer the Alarm System ordinance on the behalf of the Township of Ocean Police Department. Both the Township of Ocean Police Department and the ATB Services are working together to significantly reduce the false alarms. This was submitted for informational purposes.

IX. MISCELLANEOUS

A. Request for Waiver of Locksmith Examination

Steven Kornfeld applied for a business license ("Steve Kornfeld Locksmith") in February 2011. He stated that most of his business is conducted in Pennsylvania. However, he wants to practice in New Jersey. He has not applied for an individual locksmith license because he says he is too old and would not pass the examination required for licensure. He attended a Locksmith School in Little Falls, New Jersey that lasted several months in 1976. Mr. Kornfeld is requesting a waiver to sit for the exam. He is requesting to use his locksmith education from 1976 in lieu of taking the examination. After review and discussion by the Advisory Committee, a motion was made by Walter Wargacki, Jr. and seconded by Sgt. William Hartung to deny Mr. Kornfeld's waiver request from taking and passing the examination because it does not meet the waiver provision of the regulations found at N.J.A.C. 13:31A-1.11. He needs to pass the examination in order to be licensed in New Jersey. Motion carried.

B. Periodic Report on Legislation

The Advisory Committee received a periodic report on legislation for the quarter that

ended June 30, 2011. The Committee reviewed and discussed S2882 which expands the scope of service provided by alarm business licensees. Specifically, the Committee discussed that this bill is redundant, it does not clearly define, “automation” and may exceed the scope of practice of alarm business and impede on the scope of practice of the Electrical Contracting Board. It was the Committee’s decision that Walter Wargacki, Jr. and Robert Shoremount draft a response to this bill and submit it to Howard Pine for submittal to the Burt Liebman, Director of Legislative and Regulatory Affairs, Division of Consumer Affairs.

C. Division of Law Billing Report

The Advisory Committee received the Fourth Quarter of Fiscal Year 2011 Division of Law Billing for informational purposes.

D. CY 2012 Meeting Dates

The Advisory Committee approved the following dates to hold its Public Meetings for the calendar year of 2012.

January 17, 2012	February 21, 2012	March 20, 2012	April 17, 2012
May 15, 2012	June 19, 2012	July 17, 2012	August 21, 2012
September 18, 2012	October 16, 2012	November 20, 2012	December 18, 2012

E. Verizon Home Control Service

Deputy Attorney General Joseph Donofrio advised the Advisory Committee that he sent out the letter to John L. Harrington, Kerbey Harrington LLP, advising them of the Committee’s decision. Based on the information provided, it appears that Verizon does not have to obtain a business license in order to provide the “Home Control” service to their customers. To the extent that Verizon will not be providing “Locksmithing services”, as that term is defined pursuant to N.J.A.C. 13:31A-1.2, a business license is not required. However, should Verizon or Verizon employees engage in locksmithing services at anytime, a locksmith business license would be required.

Finally, Verizon has indicated that the wireless pre-fabricated lock-set will be provided to the consumer and the consumer will be responsible for the installation. The Committee strongly suggests that Verizon include a recommendation in their advertising, and in their consumer literature, recommending that the installation of the lock-set be performed by a New Jersey licensed locksmith.

X. PUBLIC COMMENTS

No one from the public was present.

XI. ADJOURNMENT

A motion was made by Walter Wargacki, Jr. and seconded by Jon Sprague to close the Public Session of the meeting and go into Executive Session. Motion carried. Public session was adjourned at 12:30 P.M.