

**BOARD OF EXAMINERS OF ELECTRIC CONTRACTORS
FIRE ALARM, BURGLAR ALARM AND LOCKSMITH
ADVISORY COMMITTEE**

**BUSINESS MEETING
October 15, 2013**

PUBLIC SESSION MINUTES

1. CALL TO ORDER

The meeting of October 15, 2013 was called to order at 9:45 A.M. by Chairman Charles Okun. 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, Courier Post and the Trenton Times. The notice has also been sent to the Secretary of State, Trenton, New Jersey.

The Committee saluted the flag.

ROLL CALL

The following members were present:

Charles Okun
William Hartung
David Rible
Robert Shoremount

The following members were not present:

Arthur Fucetola
Keith Eaves
Edward Card
Walter Wargacki, Jr.
Barry Starer
Jon D. Sprague
Joseph Cantalupo Liaison, Board Of Examiners Of Electrical Contractors

Also present were:

Howard Pine, Assisting Deputy Director
Joseph Donofrio, Deputy Attorney General, Division of Law
George De Luca, Administrative Analyst
Lisa Marshall, Agency Services Representative
Rachel Glasgow, Regulatory Analyst

Acting Executive Director David Freed was unable to attend the meeting.

2. ANNOUNCEMENTS

Due to lack of a quorum, the meeting was conducted as a subcommittee. All decisions will be submitted as recommendations to the full Committee for review and approval at the next scheduled meeting.

3. CHAIRMAN'S REPORT

A Chairman's Report was not provided at this Public Session.

4. EXECUTIVE DIRECTOR'S REPORT

An Executive Director's Report was not provided at this Public Session.

5. APPROVAL OF PUBLIC MINUTES

Motion was made by Robert Shoremount and seconded by David Rible to recommend approval of the September 17, 2013 Public Session minutes.

6. CONTINUING EDUCATION SUBCOMMITTEE REPORT

A report was not submitted by the subcommittee.

7. REVIEW OF CORRESPONDENCE

Inquiry Regarding Licensed and Unlicensed Employees Of Alarm Businesses (Anthony Agnello, Business Representative, Local Three, International Brotherhood of Electrical Workers)

Mr. Agnello submitted the following questions:

1. This is in reference to NJ Administrative Code Title 13, Law and Public Safety Chapter 31A Sub Chapter 3, 13:31A-3.6 Burglar Alarm or Fire Alarm Employees. The question is what competency examination are they referring to in section b paragraph 2? Is it the unsupervised employee fire alarm exam and unsupervised burglar alarm exam as stated in the Prometric bulletin or something else?

2. If a company installs, services, maintains alarm systems and has 70 employees that all work on their own in NJ which license would be required for these employees. Does every tech need a license or do they only need to take the unsupervised test as stated by Prometics? If a company has 60 employees and each do service (repairs), installations, and inspections what is required for the technician to do work from the state?

The following response will be provided to Mr. Agnello to Questions (1) and (2):

The Advisory Committee has not yet implemented Employee Registration. At this time, there is no approximate date when implementation will occur. Accordingly, the Unsupervised Employee examination is not available. The Advisory Committee may consider consulting with Prometric and ask that the Unsupervised Employee examination be offered if a separate arrangement can be made between Prometric and licensed businesses which may seek the examination for their employees. However, the Advisory Committee cannot ensure that such an arrangement can be made. You may wish to follow up with the Advisory Committee at a later time to ascertain whether such an arrangement has been made.

3. Does every employee that works for the company need an Identification Card (13:31A-3.8) supervisors, office staff, salespeople?

The Advisory Committee requires that licensees carry photo identification cards when performing services. Since the Advisory Committee has not yet implemented Employee Registration, it cannot require photo identification cards for them. In lieu of implementation of Employee Registration, the Advisory Committee recommends that licensed businesses provide their employees with business issued photo identification cards. Actually, most businesses issue photo identification cards to their employees regardless of license status.

4. (13:31A-3.7) Supervision of burglar alarm or fire alarm business employees please clarify paragraph C and what this means.

Generally, we expect that if employees are not licensed, that they are supervised by licensees and/or employees who would meet the experience requirement of "Supervising Employees" of our regulations, although the rule has not been formally implemented. A "Supervising Employee" may also be an employee who holds a license.

Every ten employees who do not qualify as "Supervising Employees" and/or are not licensed, must be supervised. Also, the Advisory Committee broadly assigns the role of supervision to the business qualifier, a licensee who represents a licensed business.

Also, Mr. Agnello will be asked to refer to N.J.A.C 13:31A-3.7 (d) with regard to the role of the business qualifier in the supervision of employees.

5. Please explain the differences between the business qualifier, a licensee, unsupervised and a supervising employee and what qualifications and/or exams are needed to achieve these titles.

The Advisory Committee advises that the terms and their scope can be readily identified by reading the Definitions Section of the Advisory Committee regulations, N.J.A.C 13:31A-1.2.

Your question regarding employees can be answered through literal interpretation of existing regulations N.J.A.C 13:31A-3.5, N.J.A.C 13:31A-3.6 and N.J.A.C 13:31A-3.7.

Deputy Attorney General Donofrio stated that the Advisory Committee is not in a position to enforce the supervisory employee rule. It is important that the Advisory Committee apply the regulation if it wishes to enforce the supervision of employees.

Inquiry Regarding Scope Of Practice, (Tom Williams, Licensee, Proprietor, Pop-A-Lock Bus Lic No. 34AL00002700)

The Advisory Committee received correspondence from Mr. Williams. Specifically, Mr. Williams informed the Advisory Committee that a competing business, which is unlicensed, is performing locksmithing services in the form of duplication of programmable automobile keys. Mr. Williams inquired whether the competing business should be required to obtain a locksmith business license.

After review of Mr. Williams' correspondence and discussion, members in attendance asked Mr. De Luca to cite the following regulatory exemption with regard to locksmithing services in a response to Mr. Williams:

N.J.A.C. 13:31A-1.1(c)iii

An automobile service dealer or lock manufacturer, or their agents or employees, while servicing, installing, repairing or rebuilding locks from a product line utilized by that dealer or lock manufacturer.

Also, it was noted the Advisory Committee has previously exempted other businesses which have provided proof that the businesses are providing services pursuant to the regulatory exemption.

Mr. De Luca will respond to Mr. Williams' inquiry. Mr. De Luca will also ask Mr. Williams to provide specific examples which indicates the competing and unlicensed business may be performing services which are not exempt.

8. REVIEW OF APPLICATIONS FOR ALARM AND LOCKSMITH LICENSES

The following individuals were provisionally approved to sit for examination:

Jacob A. Barrett (Burglar Alarm/Fire Alarm)

Brian D. Cardie (Burglar Alarm)

Monho Choi (Burglar Alarm/Fire Alarm)

Mark S. Fischer (Burglar Alarm/Fire Alarm)

Julian X. Garcia (Burglar Alarm), Robert A. Moore (Burglar Alarm)

Christopher T. O'Donnell (Burglar Alarm)

Mark F. Voto (Fire Alarm)

Michael S. Wilbur (Fire Alarm, pending completion of an Eight (8) hour class in codes)

REVIEW OF APPLICATIONS FOR ALARM AND LOCKSMITH BUSINESS LICENSES

The following businesses were approved for licenses:

Falcon Fire and Security LLC (Burglar Alarm & Fire Alarm)

Planer Protective (Burglar Alarm & Fire Alarm)

Soter Sprinkler Burglar and Fire LLC (Fire Alarm)

Applications for the following businesses are being held in abeyance:

Skyline Security Management Inc.

Power Home Technologies LLC

9. RULE PROPOSAL

Regulatory Analyst Rachel Glasgow discussed proposed rules regarding qualifications for licensure for applicants who have served in the Armed Forces per PL 2013, c.49. After discussion with regard to the proposed rules, Ms. Glasgow informed members in attendance she would again meet with the Advisory Committee at the November 19, 2013 meeting.

10. ADJOURNMENT

Motion was made by David Rible and seconded by William Hartung to adjourn Public Session at 10:40 a.m. Motion carried.

Respectfully Submitted,

David Freed
Acting Executive Director

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