

10:97-8.3 Administrative Reviews and Hearings

(a) The Commission shall afford an opportunity for an Administrative Review to each manager who is dissatisfied with any action arising from the operation or administration of Business Enterprises New Jersey when a written request is submitted within 15 days of the occurrence of the action. The manager has the option of transmitting the grievance through the Committee of Business Enterprise Managers.

(b) (No change.)

(c) The Commission shall afford an opportunity for an Administrative Hearing, also known as a Full Evidentiary Hearing, to each operator in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq.) and the Uniform Administrative Procedure Rules (N.J.A.C. 1:1), subject to any superseding Federal or State law (see 34 CFR 361.48 and 34 CFR 395.13).

(d) If a manager has participated in an Administrative Hearing and is dissatisfied with any action taken or decision rendered as a result of the hearing, he or she may file a complaint with the Secretary, United States Department of Education. Such complaint shall be accompanied by all supporting documents, including a statement of the decision which was rendered and the reasons in support thereof. Filing of the complaint by the manager shall indicate consent for the release of such information for the hearing of an ad hoc arbitration panel (see 34 CFR 395.13).

SUBCHAPTER 9. COMMITTEE OF BUSINESS ENTERPRISE OPERATORS

10:97-9.1 Committee of Business Enterprise Managers

(a) The Commission shall provide for the biennial election of a Committee of Business Enterprise Managers, which, to the extent possible, shall be representative of all managers in Business Enterprises New Jersey on the basis of such factors as geography and type of business enterprise, with the goal of providing for proportional representation of managers on Federal property and managers on other property.

(b) The Committee shall be elected by the majority of all active licensed managers in the State program.

(c) Participation by any active licensed manager in any election shall not be conditioned upon the payment of dues or any other fee.

(d) The Committee of Business Enterprise Managers shall:

1. Actively participate with the Commission in major administrative decisions and policy and program development decisions affecting the overall administration of Business Enterprises New Jersey;
2. Receive and transmit to the Commission grievances at the request of managers and serve as advocates for such managers in connection with such grievances;
3. Actively participate with the Commission in the development and administration of the system for the transfer and promotion of managers;
4. Actively participate with the Commission in the development of training and re-training programs for managers; and
5. Sponsor, with the assistance of the Commission, meetings and instructional conferences for managers within the State.

(e) It is the responsibility of the Committee of Business Enterprise Managers to establish and maintain bylaws under which they will operate.

1. The CBEM bylaws will be subject to review and approval by the Commission.

SUBCHAPTER 10. NEW PRIVATE BUSINESS ENTERPRISE OPPORTUNITIES

10:97-10.1 Manager initiative

(a) Blind managers, who participate in the activity of the Business Enterprises New Jersey, are encouraged to identify and help secure potential business opportunities in private, non-governmental buildings. This new, private entrepreneurial initiative is designed to expand the Business Enterprises New Jersey and create increased employment opportunities for eligible blind consumers.

1. Once a private site is identified, the manager shall bring this opportunity to the attention of the Commission for potential evaluation as a viable location to include among the BENJ network. If deemed a viable business enterprise location by the Commission, the new

opportunity will be established and become part of the blind manager's business enterprise. Only at such time as the blind manager separates from BENJ as a result of resignation, retirement, or removal for cause, will the Commission exercise its programmatic responsibility to resume management of this private enterprise and place it out for bid pursuant to the transparent provisions of N.J.A.C. 10:97-7.

2. All newly acquired private facilities that the Commission accepts and deems appropriate to operate within the confines of BENJ will be equally subject to all procedural processes, benefits, and obligations that apply to existing, traditional facilities located in or on Federal, State, and municipal properties and host agencies. Further, the due process rights of blind managers who operate such private facilities/locations shall be the same as those set forth in N.J.A.C. 10:97-8, and that apply to participants in BENJ generally.

(b) Nothing in this section is intended to prohibit a manager from pursuing and developing his or her own business enterprise outside the scope of BENJ.

(a)

**DIVISION OF DISABILITY SERVICES  
Division of Disability Services Organizational Rules  
Adopted New Rules: N.J.A.C. 10:139**

Adopted: May 8, 2017, by the Division of Disability Services, Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Filed: May 25, 2017, as R.2017 d.131.

Authority: N.J.S.A. 30:6E-1 et seq., and 52:14B-4(b).

Effective Date: May 25, 2017.

Expiration Date: May 25, 2024.

**Take notice** that the Department of Human Services, has adopted new organizational rules for the Division of Disability Services. This new chapter is intended to inform the public of the basic composition, mission, and core principals of the Division of Disability Services. This new organizational chapter is exempt from the notice and public comment requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and is effective upon filing with the Office of Administrative Law, pursuant to N.J.S.A. 52:14B-4(b).

**Full text** of the adopted new rules follows:

CHAPTER 139  
DIVISION OF DISABILITY SERVICES ORGANIZATIONAL  
RULES

SUBCHAPTER 1. MISSION AND METHOD OF OPERATIONS

10:139-1.1 Division of Disability Services' mission

The Division of Disability Services (DDS) provides a single point of entry for people seeking disability related information in New Jersey. DDS works to streamline access to services and information that promote and enhance independent living for individuals with disabilities by facilitating coordination and cooperation among local, county, and State government agencies. DDS promotes maximum independence and the full participation of people with disabilities within all aspects of community life. DDS serves individuals with all disabilities, Statewide.

10:139-1.2 Division method of operations

(a) The Division of Disability Services operates as an integral part of the Department of Human Services.

(b) Division operations are administered by a Director, who is appointed by the Commissioner, Department of Human Services. The Director reports to an Assistant Commissioner, Department of Human Services.

(c) Under the direction of the Director of the Division of Disability Services, the specific functions and goals of the Division include, but are not limited to:

1. Operating a comprehensive information and referral system for persons of all ages with disabilities;
2. Coordinating State government agencies offering services to individuals with disabilities;
3. Creating a link to, and collaborating with, all State and county disability programs;
4. Acting as the Statewide hub on disability related issues and information;
5. Serving as staff to the mandated Traumatic Brain Injury Advisory Council and the Personal Assistance Services Advisory Council;
6. Administering the New Jersey Personal Assistance Services Program, pursuant to N.J.A.C. 10:140;
7. Operating the New Jersey Personal Preference Program;
8. Administering the Traumatic Brain Injury Fund pursuant to N.J.S.A. 30:6F-5;
9. Overseeing enrollment of NJ WorkAbility;
10. Serving as the Department lead in Access and Functional Needs (AFN) Planning;
11. Assisting with and promoting community discharge;
12. Initiating assessments for the determination of Managed Long-Term Services and Supports (MLTSS) eligibility for children, 17 years and younger, who are not otherwise eligible for NJ FamilyCare;
13. Administering various other special projects and initiatives, as grant money and budget allows, designed to support individuals with disabilities in the community;
14. Publishing guides/informational brochures including, but not limited to, New Jersey Resources and the New Jersey Guide to Accessible Parking; and
15. Attending disability related events throughout the State to disseminate information to, and create rapport with, the public.

## SUBCHAPTER 2. PUBLIC INFORMATION

10:139-2.1 Public information, submissions, or requests

(a) Members of the public may access information regarding the Division on its website at <http://www.state.nj.us/humanservices/dds>.

(b) The Division's website also contains information about how members of the public may contact the Division by telephone at 888-285-3036 or through regular mail at Division of Disability Services, PO Box 705, Trenton, NJ 08625-0705.

## INSURANCE

### (a)

#### DEPARTMENT OF BANKING AND INSURANCE DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

##### REAL ESTATE COMMISSION

##### Employment Agreements; Commissions; Accounting to Salespersons and Referral Agents; Actions for Collection of Compensation

##### Adopted Amendment: N.J.A.C. 11:5-4.1

Proposed: September 19, 2016, at 48 N.J.R. 1900(a).

Adopted: May 31, 2017, by the New Jersey Real Estate

Commission, Patrick J. Mullen, Director of Banking.

Filed: June 1, 2017, as R.2017 d.130, **without change**.

Authority: N.J.S.A. 45:15-6 and 45:15-17.t.

Effective Date: July 3, 2017.

Expiration Date: February 24, 2023.

##### Summary of Public Comment and Agency Response:

The New Jersey Real Estate Commission (Commission) in the Department of Banking and Insurance received a total of 268 timely written comments. The Commission received one comment from Jarrod C. Grasso, RCE, Chief Executive Officer, on behalf of the New Jersey

Realtors in support of the rule proposal. The Commission also received 267 comments from the New Jersey Realtors Action Center in support of the rule proposal on behalf of the following: Alfred J. Sica Jr., Raymond Clarke, Robert Oppenheimer, Necker Jean, George Broome, Jr., Elaine Salas, William Wagner, Ray Smith, Donn Lamom, Frank Glaush, Jeannine Wescoat, Albert S. Veltri, Giovanni LaBarbera, Angelo Del Duca, Carol Menz, Pablo Arias, Paul O'Brien, Debra Meckbach, Frank Shoemaker, Dennis Gaggini, Jr., Raymond Mizrahi, Allan Dechert, Joseph Burris, Joseph Boniakowski, Barabra Layton, Patricia DiGeronimo, Diane Ailor, John McDonough, Diane Esposito, Calvin Douglass, Albert Cupo, James DeSimone, Bonnie Fitzgerald, Joseph Leone, Alex Mosquera, Michael Buccola, Donna Paul, Don Ricard, Chad Smickley, Douglas Newbold, Marie Meola, Frank Sortino, Lois Fitzpatrick, Daniel Martinez, Frank Camassa, Jr., Feliciano Esguerra, David Lewis, Joseph Buono, Karen Murphy, Diana Sheriff, Vanessa Brown, Joseph Romano, Marcelo Moya, Ralph Barone, Charles Tobin, Augusto Neno, John Terebey, Frank Godino, Charles Coviello, Judy Kao, Jeanmarie McSpedon, Susana Saraiva, Robert Hugus, Douglas Ramos, Wendell Maki, William Hand, Rosalie Daniels, Paul Verdicchio, Yvonne Marshall, Nilda Cotrina, Gene Krutyansky, John Klukowicz, Judith Mizzne, Joseph Gibbons, Walter Smolenski, Robert Dell Elba, Gerri Grassi, Jeffrey Halpren, Barbara Veeder, Peter Lair, Patricia Majorossy, Antonette Solano, Jennifer Mocerino, Nelson Chen, Robert Bornstein, Genette Falk, Johnathan Kessler, Shirley Rader, Thomas Caiaffa, Michele Jackson, Peter Zams, Darren Vella, Randolph Wine, Charles Patrick, Edward Carbone, Hershel L. Davis, Steven Schultz, Cheryl Goldinger, Tonian Kim, Rosa Stimmler, Karen Campo, Roberta Butera, Raquel Lozada, Nick D'Ambrosia, Stephanie Sacchi, Vikas Aggarwal, Susan Pasquali, Michael Decicco, Birgit DeSotle, Andrew Zastko, Myles Garvey, Meiling Kravarik, Gloria Siciliano, Harry Disbrow, Armino Ventura, Alexander Acebedo, Karol Johnson, Tekeste Ghebremicael, Rick Marchesi, David Fialk, Lorraine Falconer, Kyle Poskitt, Christine Earley, Scott Glenfield, Darlene Bandazian, Charlene Fiorita, Anna Chain, Joseph Zarroli, Dorothy Schulze, George Colavito, Hazel Moore, Scott Bruen, Kevin Bergin, Ronald Holton, Susan Murphy, Valerie Belardo, Heather Moffitt, Linda S. Barmore, John Campo, Natalie Lentini, Michael Donatacci, Mary Sgobba, Patricia Hallock, Roxanne Coleman, Earl Nielsen Sr., Heidi Wittenberg, John Dinardo, Patti Tahan, John Nuss, Thomas Jones, Patricia Hynes, Richard Jones, Betty Jean Bracken, Linda M. Lomon, Harry Mehlman, Barbara Amato, Jo-Anne Mitchell, Nickie Lisella, Alice Farr-Leonard, Dave Shapiro, Marc Williams, Jose Soares, Cathy Hutchison, Sharon Sawka, Cynthia DiRienzo, Mary Bauer, Elizabeth Roachy, Walter Sawka, Theresa Cuicnotta, Craig Brower, Debra Flower, Joseph Haberl, Paul Porreca, Roseanne Fadil, James Joeriman, Gene Schecher, Robert Van Der Wende, Judson Henderson, Teresa Trigas Pfefferle, Edward Verdel, Maria Marinelli, Cathy Kitchen, John Baier, Augusto Verissimo, Joseph Cassese, Doug Radford, Nick Manis, Patrick Parker, Jeffrey Gamble, Tom Seretis, Violet Smith-Gilmore, Carlo Losco, Jan Kwapniewski, Anthony Balboni, Alireza Memar, Anthony Pustizzi, Barbara Veeder, Paul O'Brien, Francis Joissim, John LaRosa, Patrick Bocchicchio, Ed Barski, Mary Ellen Courtney, Anamaria Delvalle, Christopher Duncan, Jeanine Soderlund, Karla Cino, Walthor Kurkela, Maria Schmidt, Salman Alhashim, Richard Grimm, Frank DeMaria, Anthony Dell'Omo, John Sacktig, Carlos Jesus, Alberto Conde, Manuela Carvalho, Albina Vityuk, George Amabile, Timothy Siciliano, John Sass, Muhtesem Bocu, Felipe Cabezas, Sam Sauveur, Harold Maxwell, Robert Oquist, Juana Reyes, Justin Bosak, Rosmena Desa, Sandi Lichtman, John Tamborini, Denise Jessel, Gary Jessel, Fernando Semiao, Thomas Zdanowic, Robert Burr, Dana Mauro, Gary Peze, Susan LaRue, John McHugh, Andrea Schlosser, Diane Disbrow, Jackie Barber, Tina Torres, David Quinones, Judy Appleby, Jack Leonard, Kathleen Glover, Cheryl Goldinger, Lennard Charles, George Scull III, Malik Crichlow, Lisa Lopez, Jose Cordova, June Holder, Joseph Ragonese, Susan Marcrie, Edward Tomback, Deborah Kerr, Jacob Steinberg, Catherine Rickards, Allan Layton, Carey Hughes, Elvira Quiray, Christina Clemans, Christine George, and Edward Nuttall.

COMMENT: All commenters state support for the adoption of the amendments to N.J.A.C. 11:5-4.1 as proposed. The commenters noted that the proposed amendments clarify that an independent contractor