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MAR 1 2009

Division of Consumer Affairs

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

IN THE MATTER OF AN INVESTIGATION :
BY THE NEW JERSEY DIVISION OF :
CONSUMER AFFAIRS :

Administrative Action
No. Z0800208

of :

Avtec Specialties, LLC :

**FINAL ORDER
AFTER REVIEW
OF SUBMISSION**

Respondent(s) :

This matter was opened by the Division of Consumer Affairs, Office of Consumer Protection ("Consumer Affairs" or "Division"), as an investigation of whether the advertising of Avtec Specialties, LLC (the "Respondent") violated the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. (the "CFA"), the Contractors' Registration Act, N.J.S.A. 56:8-136 et seq. (the "Registration Act"), and the Home Improvement Contractor Registration Regulations, N.J.A.C. 13:45A-17.1 et seq. (the "Registration Regulations"). That investigation disclosed that:

Pursuant to N.J.S.A. 56:8-144 and N.J.A.C. 13:45A-17.11(d)2., a registered home improvement contractor must prominently display the contractor's registration number on all advertisements distributed within this State. Your advertisement(s) identified in the attached report failed to display Your contractor registration number in violation of N.J.S.A. 56:8-144 and N.J.A.C. 13:45A-17.11(d)2.

A Notice of Violation was served upon Respondent on October 27, 2008 setting forth the findings of fact and conclusions of law above. Respondent was offered the opportunity to be heard on these charges. Respondent expressly declined to contest the charges and waived any right to a hearing in this matter. Respondent, however, did request that the Division consider mitigating circumstances before rendering its final decision. On December 4, 2008, by way of written submission, Respondent asked the Division to consider certain mitigation circumstances before rendering a final decision. Specifically, the Division has reviewed the following: US Return of Partnership Income for 2006 and 2007; and has been persuaded to modify the terms as set forth in the Notice of Violation.

Accordingly, IT IS on this 1st day of MARCH, 2009 ORDERED:

1. Respondent shall cease and desist from any advertising that does not include Your contractor registration number, in violation of N.J.S.A. 56:8-144 and N.J.A.C. 13:45a-17.11(D)2;
2. Any advertisement distributed by You or on Your behalf within this State shall include Your contractor registration number, as required N.J.S.A. 56:8-144 and N.J.A.C. 13:45A-17.11(d)2;
3. Respondent shall pay the Division of Consumer Affairs the sum of \$250 as a civil penalty pursuant to N.J.S.A. 56:8-13. The amount due and owing totals \$250. A payment of \$250 shall be mailed or delivered within fifteen (15) days of receipt of this Order.

Payments for penalties shall be made by certified check, attorney trust account check or other guaranteed funds made payable to the "New Jersey Division of Consumer Affairs" and shall be delivered to the following address:

Attention: Van Mallett
Case Management Tracking
New Jersey Department of Law and Public Safety
Division of Consumer Affairs
124 Halsey Street
P.O. Box 45025
Newark, New Jersey 07101

In the event that any payment hereunder is not made within fifteen (15) days of its due date, all unpaid amounts due and payable shall immediately be accelerated and deemed due and payable immediately without the need for notice or presentment, with interest calculated in accordance with **R. 4:42-11** from the date of default, and with the State's costs of collection. In addition to the relief provided for in this paragraph, this default shall also entitle the Division to make application to a court of competent jurisdiction for an order directing compliance and any other relief in aid of litigant's rights, including the imposition of attorney's fees for said application, or to make any other application as provided by law.

3. Payment shall be made within fifteen (15) days of issuance of this Final Order. Service of this Final Order will be deemed effective if sent by certified mail to the last known mailing address of Respondent's business.

4. Failure to pay any penalties within the time allowed will result in the filing of a certificate of debt. Any subsequent violation of this Order may subject Respondent to additional penalties of up to \$25,000 penalty pursuant to N.J.S.A. 56:8-18.

5. This Order constitutes a final agency action and shall be effective upon filing and is a public document subject to the New Jersey Open Public Records Act.

DIVISION OF CONSUMER AFFAIRS

BY: 

David Szuchman, Director

New Jersey Division of Consumer Affairs