

FILED

AUG 14 2007

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 :
 :
of :
 :
Guzzi Masonry & Paving, Inc. :
Respondent (s) :

Administrative Action
File No. Z0700020

**FINAL ORDER
ON DEFAULT**

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 Guzzi Masonry & Paving, Inc. (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:

In an advertisement appearing in March 2007, in New Jersey's Shopping Spree Toms River/Brick, Respondent offered to perform or engage in the business of making or selling home improvements in New Jersey by offering to perform masonry and paving projects on residential property, an activity included in the definition of "home improvement" as set forth at N.J.A.C. 13:45A-16.1A. A search conducted by the Division determined that Respondent has not been registered as a home improvement contractor with the Division, as required by the Registration Act, specifically N.J.S.A. 56:8-138, at any time since December 31, 2005 (the effective date of the Registration Act).

N.J.S.A. 56:8-139 expressly prohibits any unregistered person from advertising home improvement services on or after December 31, 2005, in any classified advertising, directory, sign or card. Pursuant to N.J.S.A. 56:8-146.a., this conduct constitutes a violation of the CFA. As such, pursuant to N.J.S.A. 56:8-3.1, the Acting Director may: 1) assess penalties against the Respondent pursuant to N.J.S.A. 56:8-13; 2) direct Respondent to take certain remedial actions including payment of costs to the State pursuant to N.J.S.A. 56:8-11; and 3) order the Respondent to cease and desist from engaging in unlawful activity pursuant to N.J.S.A. 56:8-18.

A Notice of Violation was issued to Respondent on May 11, 2007, setting forth the findings of fact and conclusions of law above. A report of investigation was attached to the Notice of Violation, establishing the factual basis for the charges. Attached to this Order is the certification of Jane Manay, establishing that Respondent was served with the Notice. Those

efforts are sufficient to establish that service has been made.

Respondent was offered the opportunity to be heard on these charges. Respondent failed to reply within the fifteen (15) days as allowed by the terms of the Notice of Violation and thus the charges are deemed uncontested and true. As the Notice provides, the Director has reviewed the matter and concludes that no basis exists to alter or modify the findings of fact or conclusions of law in the Notice of Violation, or the disposition as set forth therein.

Accordingly, IT IS on this 14th day of August, 2007 ORDERED:

1. Respondent shall cease and desist from advertising, offering to perform, engaging in or attempting to engage in the making or selling of home improvements unless and until Respondent is registered with the Division pursuant to the Registration Act and the Registration Regulations.

2. Respondent shall pay the Division of Consumer Affairs the sum of \$5,000.00 as a civil penalty pursuant to N.J.S.A. 56:8-13. The amount due and owing totals \$5,000.00. Payments for penalties and costs 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: Diana F. Petrella, Supervisor
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

3. Payment shall be made within ten (10) 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: 

Stephen B. Nolan, Acting Director
New Jersey Division of Consumer Affairs