

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
By: James J. Savage
Assistant Attorney General
(973) 877-1280

FILED

JUN 30 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 :

of :

NRPM Home Improvements, Inc. :

and :

Nick Granata, Individually and as Owner and :
Operator of NRPM Home Improvements, Inc. :

Administrative Action
I# 0700286

CONSENT ORDER

This matter having been opened by the Division of Consumer Affairs, Office of Consumer Protection (hereinafter referred to as "Consumer Affairs" or "Division"), as an investigation in order to ascertain whether violations of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. (hereinafter referred to as "CFA" or the "Act"), the Contractor Registration Act, N.J.S.A. 56:8-136 et seq. (hereinafter referred to as "CRA"), the Home Improvement Contractor Registration Regulations N.J.A.C. 13:45A-17.1 et seq., (hereinafter "Home Improvement Contractor Registration Regulation") and the Home Improvement Regulations, N.J.A.C. 13:45A-16.1 et seq., (hereinafter "Home

Improvement Regulations”) have been or are being committed by NRPM Home Improvements, Inc., with a principal place of business located at 545 Lexington Ave., Clifton, New Jersey, 07011, its principals, officers, directors, employees, representatives, agents, successors and assigns and Nick Granata, individually and as owner and operator of NRPM Home Improvements, Inc. (hereinafter collectively referred to as “Respondents”) and it appearing that the parties have reached an amicable agreement thereby resolving the issues in controversy and concluding this matter without the need for further action, and Respondents having voluntarily cooperated and consented to the entry of the within order and for good cause shown,

IT IS on this 30th day of June, 2009 ORDERED and AGREED as follows:

BUSINESS PRACTICES

1. Respondents, their principals, officers, agents, representatives and employees shall not engage in any unfair or deceptive acts or practices in the conduct of their business in the State of New Jersey and shall comply with such state laws, rules and regulations as now constituted or as may hereafter be amended, including but not limited to, the CFA, the CRA, the Home Improvement Contractor Registration Regulations and the Home Improvement Regulations in connection with home improvement contracting.
2. Respondents shall cease and desist from engaging in the following:
 - (A) Failing to include the “Notice to Consumer” in home improvement contracts in violation of N.J.S.A. 56:8-151.b;
 - (B) Failing to provide a copy of Respondents’ certificate of commercial general liability insurance to consumers along with the home improvement contract in

violation of N.J.S.A. 56:8-151.a.(2); and

- (C) Advertising, selling or representing to consumers any loan terms including but not limited to charges, fees, interest rates or other obligations pertaining to the financing of home improvement work in violation of N.J.S.A. 56:8-2.

3. Specifically, Respondents shall comply with the following business practices:

- (A) Include the "Notice to Consumer" in all home improvement contracts as required by N.J.S.A. 56:8-151.b;
- (B) Provide a copy of their certificate of commercial general liability insurance to all consumers along with all home improvement contracts as required by N.J.S.A. 56:8-151.a.(2); and
- (C) Refrain from advertising, selling or representing to consumers any loan terms including but not limited to charges, fees, interest rates or other obligations pertaining to the financing of home improvement work.

EXISTING CONSUMER COMPLAINTS

4. Respondent shall pay restitution, pursuant to N.J.S.A. 56:8-15, totaling \$1,800.00 to consumer listed on **Schedule A**. Restitution payments shall be payable to the consumer listed on schedule A by certified check, attorney's trust check, or money order. The payment to the consumer shall be sent to: Division of Consumer Affairs, Office of Consumer Protection, P.O. Box 45025, Newark, New Jersey 07101. Attention: Kate Fila.

5. Failure by Respondent to make any of the restitution payments required in the time prescribed by this Consent Order shall constitute a breach of this Consent Order. In the event of such breach, the Division may seek a Superior Court Order compelling compliance and seeking additional

penalties and costs or take whatever additional action it deems necessary and appropriate under the circumstances.

PAYMENT TO THE STATE

6. Respondents shall pay the Division of Consumer Affairs the sum of \$1,000.00 as a civil penalty pursuant to N.J.S.A. 56:8-13 and \$760.05 as reimbursement for the Division's costs pursuant to N.J.S.A. 56:8-11. The afore stated amounts, totaling \$1,760.05, shall be paid in full by June 1, 2009. The payment shall be made by certified check, attorney trust account or other guaranteed funds made payable to "New Jersey Division of Consumer Affairs" and shall be delivered together with this Consent Order fully executed by Respondents to the following address:

Attention: 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

7. If, after the signing of this Consent Order, Respondents engage in any acts or practices which constitute a violation of the Consumer Fraud Act, the CRA, the Home Improvement Contractor Registration Regulations, the Home Improvement Regulations, or this Consent Order, Respondents will be subject to the imposition of enhanced penalties pursuant to N.J.S.A. 56:8-13 or N.J.S.A. 56:8-18, without prejudice to Respondents' right to present evidence in mitigation and affirmative defenses.

8. Failure by Respondents to make the payment to the State in the time prescribed by this Consent Order shall constitute a breach of this Consent Order. In the event of such breach, the Division may take whatever additional action it deems necessary and appropriate under the

circumstances, including, but not limited to, seeking an Order from the Superior Court compelling compliance and seeking additional penalties, costs and attorneys fees.

DUTY TO COOPERATE

9. Respondents acknowledge that home improvement contractors who sell or perform home improvements are required to register with the Division in accordance with the Contractors' Registration Act, N.J.S.A. 56:8-136 through 152 and the Home Improvement Contractor Registration Regulations and Respondents have agreed to apply for registration prior to doing any home improvement work in the State of New Jersey.

10. Failure by Respondents to comply with any of the requirements of this Consent Order, including, but not limited to the payment provisions of Paragraph 4 and 6 may constitute grounds for the Division to deny Respondents' registration.

GENERAL PROVISIONS

11. Nothing contained in this Consent Order shall be construed to limit or affect the rights of any persons or entities who are not parties to this Consent Order with respect to any of the matters contained herein.

12. Nothing contained herein shall in any manner or fashion be construed to limit or affect any position that the parties may take in any future or pending action not specifically encompassed herein.

13. If any provision of this Consent Order or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Consent Order or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and each provision of this Consent Order shall

be valid and enforced to the fullest extent permitted by law.

14. This Consent Order resolves all claims and causes of action against Respondents for violations of the CFA, The Contractors Registration Act and the regulations promulgated pursuant thereto, in particular, the Home Improvement Regulations, which were known by the Division's Office of Consumer Protection through April 30, 2009.

15. The parties represent that an authorized representative of each has signed this Consent Order with full knowledge, understanding and acceptance of its terms and that this person has done so with the authority to legally bind the respective parties.

16. This Consent Order constitutes the entire agreement between the parties hereto and shall bind the parties hereto and their representatives, officers, directors, agents, employees, successors and assigns.

17. Respondents shall not represent or imply that any advertising procedure or other act or practice hereinafter used or engaged in by Respondents have been required or approved, in whole or part, by the Attorney General or the Division of Consumer Affairs or any of the State's agencies or agents.

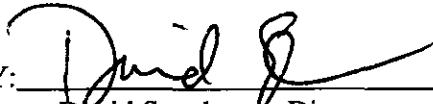
18. The parties acknowledge that for purposes of enforcement of this Consent Order, New Jersey law shall govern the terms and provisions herein.

19. The Division has advised the Respondents to seek the advice of an attorney prior to entering into this agreement.

20. Respondents acknowledges that this Consent Order is a public document subject to the New Jersey Open Public Records Act.

21. This Consent Order constitutes a final agency action and shall be effective upon filing.

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY

BY: 
David Szuchman, Director
Division of Consumer Affairs

DATED: 6/30/09

The undersigned has read this Consent Order, understands it, and agrees to be bound by its terms.

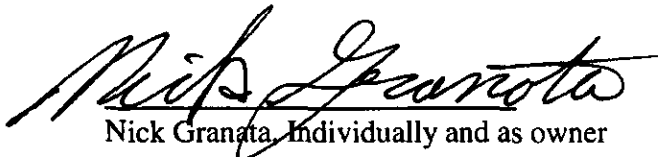
Consent is hereby given as to the form and entry of this Order.

Respondents:

NRPM Home Improvements, Inc.

BY: NICK GRANATA.
TITLE: PRESIDENT.

DATED: 6-24-09



Nick Granata, Individually and as owner
and operator of NRPM Home Improvements, Inc.

DATED: 6-24-09

Schedule A

Blanca Acosta