

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street - 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Division of Consumer Affairs

FILED

JAN 26 2012

Division of Consumer Affairs

By: Glenn T. Graham
Deputy Attorney General
(973) 648-7457

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
Docket No.: 11-048

In the Matter of

Administrative Action

CHARLES CASALE d/b/a
CASALE ENTERPRISES, INC.

CONSENT ORDER

Respondent.

WHEREAS this matter was opened by the New Jersey Division of Consumer Affairs, Office of Consumer Protection (the "Division"), as a Provisional Order of Revocation of the Registration as a Home Improvement Contractor ("HIC") of Charles Casale ("Casale"), d/b/a Casale Enterprises, Inc. ("Respondent") based on preliminary findings by the Division. Specifically, the Division preliminarily found that Respondent violated the Contractors' Registration Act, N.J.S.A. 56:136 et seq., ("CRA") by: obtaining an HIC renewal registration through fraud, deception or misrepresentation in violation of N.J.S.A. 56:8-141(b)(1) and b(2); engaging in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense, in

violation of N.J.S.A. 56:8-141(b)(2); having been convicted of a crime involving moral turpitude or any crime relating adversely to the CRA.; and failing to comply with N.J.S.A. 56:8-141d and 141e.

WHEREAS the Respondent disputes the aforementioned preliminary findings;

WHEREAS the Division and Respondent (collectively, the “Parties”) having reached an amicable agreement resolving the issues in controversy and concluding this matter without the need for further action, and Respondent having voluntarily cooperated and consented to the entry of the within order (hereinafter “Consent Order”) without having admitted any fact or violation of law, and for good cause shown:

IT IS ORDERED and **AGREED** as follows:

1. EFFECTIVE DATE

1.1 This Consent Order is effective on the date that it is filed with the Division (“Effective Date”).

2. HIC REGISTRATION

2.1 Respondent’s registration as a Home Improvement Contractor in the State of New Jersey, Registration Number 13VH03651300, is hereby revoked by consent;

2.2 After a period of two (2) years from the Effective Date of this Consent Order, Respondent may apply for registration as a Home Improvement Contractor in the State of New Jersey.

3. REIMBURSEMENT OF COSTS

3.1 Respondent shall pay the cost of transcription services for the October 6, 2011 hearing, in the amount of Two Hundred and Fifty-Five and 50/100 Dollars (\$255.50). The aforesaid amount shall be submitted together with this Consent Order, fully executed by Respondent.

4. RELEASE

4.1 Nothing contained in this Consent Order shall be deemed a waiver of any right of the Division or the Attorney General to take any civil or administrative action as appropriate, including, but not limited to, filing a Complaint, seeking attorneys fees and costs, injunctive relief and/or penalties for violations of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., and the regulations promulgated thereunder or the CRA and regulations promulgated thereunder in connection with any consumer complaints received or investigations undertaken by the Division.

5. GENERAL PROVISIONS

5.1 If any provision of this Consent Order or the application thereof to any person or circumstance 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.

5.2 The parties acknowledge 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.

5.3 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.

5.4 This Consent Order shall be governed by, and construed and enforced in accordance with, the laws of the State of New Jersey (“State”).

5.5 The Parties have negotiated, jointly drafted and fully reviewed the terms of the Consent Order and the rule that uncertainty or ambiguity is to be construed against the drafter shall not apply to the construction or interpretation of this Consent Order.

5.6 This Consent Order sets forth the entire agreement among the Parties. Except as otherwise provided herein, this Consent Order shall be modified only by a written instrument signed by or on behalf of the Division and Respondent.

5.7 Except as otherwise explicitly provided in this Consent Order, nothing herein shall be construed to limit the authority of the Attorney General to protect the interests of the State or the people of the State.

5.8 This Consent Order is a public document subject to the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

5.9 Unless otherwise prohibited by law, any signatures by the Parties required for filing of this Consent Order may be executed in counterparts, each of which shall be deemed original, but all of which shall constitute one and the same Consent Order.

6. NOTICES UNDER THIS CONSENT ORDER

6.1 Except as otherwise provided herein, any notices, payments or other documents required to be sent to the Division or Respondent pursuant to this Consent Order shall be sent by

United States mail, Certified Mail Return Receipt Requested, or other nationally recognized courier service that provides for tracking services and identification of the person signing for the documents.

The notices and/or documents shall be sent to the following addresses:

For the Division:

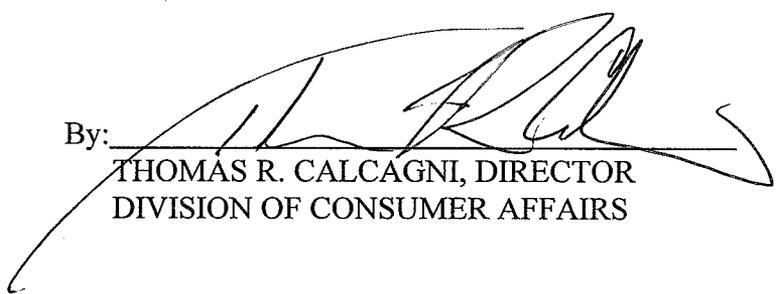
Glenn T. Graham
Deputy Attorney General
State of New Jersey
Department of Law and Public Safety
Division of Law
124 Halsey Street - 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

For the Respondent:

John F. Russo, Esq.
27 North Broad Street
Ridgewood, New Jersey 07450

IT IS ON THE 26th DAY OF January, 2012 SO ORDERED.

Jeffrey S. Chiesa
PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY

By: 
THOMAS R. CALCAGNI, DIRECTOR
DIVISION OF CONSUMER AFFAIRS

THE PARTIES CONSENT TO THE FORM, CONTENT AND ENTRY OF THIS CONSENT ORDER ON THE DATES BESIDE THEIR RESPECTIVE SIGNATURES.

FOR THE DIVISION:

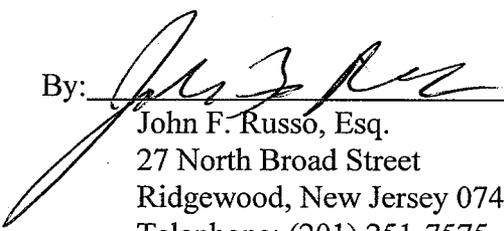
~~PAULA T. DOW~~ ^{GT} Jeffrey S. Chiesa
ATTORNEY GENERAL OF NEW JERSEY

By: 
Glenn T. Graham
Deputy Attorney General
124 Halsey Street - 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Telephone: (973) 648-7457

Dated: January 26, 2012

FOR THE RESPONDENT:

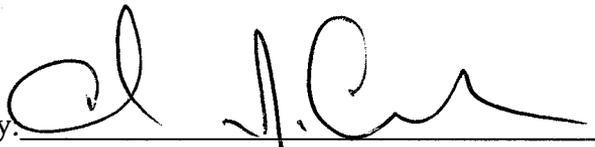
LAW OFFICES OF JOHN F. RUSSO, ESQ.

By: 
John F. Russo, Esq.
27 North Broad Street
Ridgewood, New Jersey 07450
Telephone: (201) 251-7575

Dated: JAN 6, 2012

FOR THE RESPONDENT:

CHARLES CASALE d/b/a CASALE ENTERPRISES, INC.

By: 

Charles J. Casale
42 Brandon Road
Midland Park, New Jersey 07432

Dated: 1.6.12, 2012