

JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street - 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Division of Consumer Affairs

**FILED**

APR 23 2012

**Division of Consumer Affairs**

By: Patricia Schiripo  
Deputy Attorney General  
(973) 648-7819

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
Docket No.: 11-089

\_\_\_\_\_  
In the Matter of

:  
:  
: Administrative Action  
:  
:  
:

MATTHEW BALISTRERI t/a PYRAMID  
RENOVATIONS,

: CONSENT ORDER  
: RESOLVING SUMMARY  
: SUSPENSION AND  
: PROVISIONAL ORDER OF  
: DISCIPLINE  
:

As a Home Improvement Contractor in the  
State of New Jersey.  
\_\_\_\_\_

**WHEREAS** this matter was opened by the New Jersey Division of Consumer Affairs, Office of Consumer Protection (the “Division”), as a Provisional Order of Discipline (“Provisional Order”) directed to Matthew Balistreri t/a Pyramid Renovations (“Respondent”) in which a penalty was sought based on preliminary findings by the Division that the Respondent had violated the Contractors’ Registration Act, N.J.S.A. 56:8-136 et seq., (“CRA”) by engaging in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in renewing his Home Improvement Contractor (“HIC”) registration in violation of N.J.S.A. 56:8-

141(b)(2), and had also violated an Order of Summary Suspension for failure to maintain commercial general liability insurance as required by N.J.S.A. 56:8-142 (hereinafter the “Action”);

**WHEREAS** the Division alleges that the Respondent failed to maintain commercial general liability insurance, but represented in his online renewal that he did have commercial general liability insurance;

**WHEREAS** the Respondent denies that he has committed any violation of the CRA;

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

**IT IS ORDERED** 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 an HIC in the State of New Jersey (“New Jersey or State”) is reinstated.

2.2 Respondent shall maintain commercial general liability insurance as required by N.J.S.A. 56:8-142.

2.3 Respondent shall truthfully respond to information requested in any initial, renewal, or reinstatement application for registration as an HIC in New Jersey.

### **3. SETTLEMENT AMOUNT**

3.1 The Parties have agreed to a settlement of the Action in the amount of Ten Thousand and 00/100 Dollars (\$10,000.00) (“Settlement Amount”). The Settlement Amount consists of a civil penalty of Ten Thousand and 00/100 Dollars (\$10,000.00), pursuant to N.J.S.A. 56:8-13.

3.2 The Division agrees to suspend \$6,500.00 of the Settlement Amount (“Suspended Penalty”) subject to the conditions set forth in Sections 3.6.

3.3 Respondent shall pay a total of Three Thousand Five Hundred and 00/100 Dollars (\$3,500.00) as follows:

- a. On or before the Effective Date Respondent shall pay One Thousand Five Hundred and 00/100 Dollars (\$1,500.00); and
- b. The remaining Two Thousand Dollars (\$2,000.00) shall be paid in installments of Two Hundred and 00/100 Dollars (\$200.00) on or before the fifteenth day of each of the next ten (10) months.

3.4 The payments set forth in Section 3.3 shall be made by money order, bank check, or other guaranteed funds made payable to the “New Jersey Division of Consumer Affairs” and forwarded to:

Patricia Schiripo, Deputy Attorney General  
State of New Jersey  
Division of Law  
Consumer Fraud Prosecution Section  
124 Halsey Street - 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101

3.5 Upon making the Settlement Payment, Respondent shall immediately be fully

divested of any interest in, or ownership of, the moneys paid. All interest in the moneys, and any subsequent interest or income derived therefrom, shall inure entirely to the benefit of the Division pursuant to the terms herein.

3.6 The Six Thousand Five Hundred and 00/100 Dollar (\$6,500.00) Suspended Penalty shall be automatically vacated one year from the Effective Date, provided:

- a. Respondent complies with the conditions set forth in this Consent Order;
- b. Respondent does not engage in any acts or practices in violation of the CRA; and
- c. Respondent pays the sum of Three Thousand Five Hundred and 00/100 Dollars (\$3,500.00) in the manner required in Sections 3.3 and 3.4.

3.7 In the event Respondent fails to comply with Section 3.6, the balance of the Suspended Penalty as well as any balance of the Settlement Payment shall be immediately due and payable upon written notice by the Division. In any such notice, the Division shall provide Respondent with the specific details of the alleged noncompliance and Respondent shall be afforded a fifteen (15) day period within which to cure the noncompliance. In the event of Respondent's failure to cure the noncompliance, the Division will file a Certificate of Debt for the Suspended Penalty as well as any balance of the Settlement Payment and will take all authorized action to collect unpaid sums due from the 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 this 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 between 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 Applicant.

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 this State or the people of this 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:

Patricia Schiripo  
Deputy Attorney General  
State of New Jersey  
Department of Law and Public Safety  
Division of Law  
124 Halsey Street - 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101

For the Respondent:

Frank Castucci, Esq.  
150 JFK Parkway, Suite 100  
Short Hills, New Jersey 07078

IT IS ON THE 23<sup>rd</sup> DAY OF April, 2012 SO ORDERED.

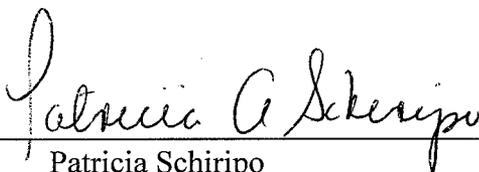
JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY

By:   
~~SHARON M. JOYCE, ACTING DIRECTOR~~  
DIVISION OF CONSUMER AFFAIRS  
Eric T. Kanefsky

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

FOR THE DIVISION:

JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY

By:   
Patricia Schiripo  
Deputy Attorney General  
124 Halsey Street - 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Telephone: (973) 648-7819

Dated: April 20, 2012

FOR THE RESPONDENT:

By: \_\_\_\_\_

Dated: \_\_\_\_\_, 2012

Frank J. Castucci, Esq.  
150 JFK Parkway, Suite 100  
Short Hills, New Jersey 07078  
(973) 464-0350

By: \_\_\_\_\_  
Matthew Balistreri

Dated: \_\_\_\_\_, 2012

Apr. 18. 2012 12:25PM

No. 1082 P. 9

Frank J. Castucci, Esq.  
150 JFK Parkway, Suite 100  
Short Hills, New Jersey 07078  
(973) 464-0350

By:   
Matthew Balistreri

Dated: 4-19-12, 2012

IT IS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012 SO ORDERED.

JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY

By: \_\_\_\_\_  
SHARON M. JOYCE, ACTING DIRECTOR  
DIVISION OF CONSUMER AFFAIRS

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ATTORNEY GENERAL OF NEW JERSEY

By: \_\_\_\_\_

Patricia Schiripo  
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124 Halsey Street - 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Telephone: (973) 648-7819

Dated: \_\_\_\_\_, 2012

FOR THE RESPONDENT:

By:  \_\_\_\_\_

Dated: 4/19, 2012