CHRIS CHRISTIE
*Governor*

KIM GUADAGNO
*Lt. Governor*

# *New Jersey Office of the Attorney General*

Division of Consumer Affairs
Fire Alarm, Burglar Alarm and Locksmith Advisory Committee
124 Halsey Street, 6th Floor, Newark NJ 07102

FILED
JUN 29 2016
Fire Alarm, Burglar, Alarm and Locksmith Advisory Committee

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*Acting Attorney General*

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***Mailing Address:***
P.O. Box 45042
Newark, NJ 07101
(973) 504-6245

May 25, 2016

David C. De Feo
Dave's Locksmith Service
125 Garfield Place
Totowa, NJ 07512

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**RE: OFFER OF SETTLEMENT**
**CEASE & DESIST WITH PENALTY**

Dear Mr. De Feo:

This letter is to advise you that the New Jersey Fire Alarm, Burglar Alarm and Locksmith Advisory Committee (the "Committee") has had an opportunity to review evidence that you have advertised and/or offered the unlicensed provision of locksmithing services in New Jersey in violation of the provisions of N.J.S.A. 45:5A-25 et seq. and N.J.A.C. 13:31A et seq. Please note that this Settlement Letter and Acknowledgement, if entered into, will become public.

More specifically, the following evidence has been obtained:

- A copy of a web site for "www.daveslocksmithservice.com" which indicates that Dave's Locksmith Service advertised the provision of locksmithing services in the State of New Jersey.
- Your letter in response to the Committee's inquiry stating you were unaware your business needed a license.

Upon review of all available information, the Committee has determined that you have performed locksmithing services without proper licensure and therefore probable cause exists to support a finding that you have practiced Locksmith services pursuant to N.J.S.A. 45:5A-25 which provide in pertinent part:

> (b) No person shall represent himself as qualified to provide, or otherwise provide locksmithing services unless he is licensed as a locksmith in accordance with the provisions of this act.

The Committee has determined that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you pursuant to N.J.S.A. 45:1-23. The Committee is authorized, pursuant to N.J.S.A. 45:1-25, to seek a penalty of $10,000 for the first violation and not more than $20,000 for the second and each subsequent violation. Notwithstanding, that determination, however, the Committee is offering you an opportunity to settle this matter. In the event that you reject this settlement offer, or fail to respond, the Committee has instructed the Attorney General's Office to initiate formal proceedings.

Therefore, the initiation of formal proceedings will be avoided should you consent to the following:

1. Sign an agreement to cease and desist from practicing or otherwise representing yourself from engaging in locksmithing services in the State of New Jersey, nor engage in any services which fall under the practice of providing locksmithing services, unless duly authorized by the New Jersey Burglar Alarm, Fire Alarm and Locksmith Advisory Committee to do so.

2. Pay a total civil penalty in the amount of $2500 to be paid via check or money order made out to the State of New Jersey, and delivered to the New Jersey Burglar Alarm, Fire Alarm and Locksmith Advisory Committee simultaneous with receipt by the Committee of a fully executed copy of this Settlement Agreement.

3. Submit to the Committee offices, within thirty (30) days of receipt of this letter your 2013 renewal cycle continuing education certificates.

4. Submit to the Committee offices, within thirty (30) days of receipt of this letter a business application for Dave's Locksmith Service.

If you are willing to settle this matter on the offered settlement terms, you should sign this acknowledgement and return it to the Committee office for filing. This letter will then become a matter of public record and constitute the Final Order of the Committee in this matter. This Settlement Offer will remain open to you for thirty (30) days from the date of receipt of this letter. In the event that no response is received in the allowable time period, it will be assumed that you have rejected the Committee's settlement proposal, at which time the settlement offer set forth herein will be withdrawn. The matter will then be considered for the initiation of formal proceedings.

Once again, in the event you reject this offer of settlement, and formal charges are filed, the Committee can seek civil penalties of $10,000 for the first violation, and up to $20,000 for every violation thereafter. Additionally, the Committee may seek an order requiring you to reimburse certain monies and/or requiring you to pay additional costs and/or legal fees incurred by the Committee.

The Committee reserves the right to take further action should it be determined that the continuing education requirements for either the 2013 renewal cycle are not up to date and/or if the business application is not submitted within the thirty (30) day time limit.

Should you have any questions concerning this letter or the settlement offer, please do not hesitate to contact the Committee Office at (973) 504-6245.

By: Philameana Tucker
Philameana Tucker, Executive Director

cc: Joseph Donofrio, Deputy Attorney General

PT:ks

**Via Regular and Certified Mail**
Mail receipt no: 7007 0220 0000 1315 4053

## ACKNOWLEDGMENT AND AGREEMENT TO CEASE AND DESIST

I, David C. De Feo, Dave's Locksmith Service, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I admit to having engaged in the practice of providing locksmithing services while unlicensed to do so. I agree to cease and desist from engaging in the practice of locksmithing services until such time as I become licensed to engage in Locksmith services in New Jersey. Further, I agree to make an active penalty payment in the amount of $2500, submit my 2013 renewal cycle continuing education certificates and a business application for Dave's Locksmith Service within the stipulated time frame.

I am aware that if I violate this agreement, the Committee may institute legal proceedings against me to obtain an injunction and to seek monetary penalties to be calculated as second offenses pursuant to law.

I am aware that by signing this acknowledgement, I am waiving any rights I may have to defend myself against these charges of wrongdoing. I am also aware that the action taken against me by the Committee is a matter of public record, and that this letter is a public document.

DAVID C. DEFEO
Print Name

David C. DeFeo
Signature

6/23/2016
Date