

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

**MICHAEL CEDOLA
D/B/A MICHAEL CEDOLA LANDSCAPING,**

Respondent

Administrative Action
No. Z0800035

**FINAL ORDER
ON DEFAULT**

FILED

MAY 14 2008

This matter was opened by the Division of Consumer Affairs, Office of Consumer Protection ("Consumer Affairs" or the "Division"), as an investigation of whether the contract form used by Michael Cedola d/b/a Michael Cedola Landscaping (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:

Pursuant to N.J.S.A. 56:8-138, no person shall offer to perform, or engage, or attempt to engage in the business of making or selling home improvements unless registered with the Division as a contractor;

Pursuant to N.J.S.A. 56:8-151 and/or N.J.A.C. 13:45A -16.2(a)12, a home improvement contract for a purchase price in excess of \$500.00 shall:

Include the "Notice to Consumer," as required by N.J.S.A. 56:8-151b;

Be in writing and signed by all parties, pursuant to N.J.A.C. 13:45A-16.2(a)12;

Include the dates or time period on or within which the work is to begin and be completed by the seller, pursuant to N.J.A.C. 13:45A-16.2(a)12(iv).

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 February 29, 2008, setting forth the findings of fact and conclusions of law above. An Investigator's certification which included a copy of the contract form was attached to the Notice of Violation, establishing the factual basis for the charges. Attached to this Order is the certification of Investigator Aziza Salikhov, establishing that Respondent was served with the Notice.

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 14 day of MAY, 2008 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 \$6,000.00 as a civil penalty, pursuant to N.J.S.A. 56:8-13. The payment shall be made by a certified check, attorney trust account check or other guaranteed funds made payable to the "New Jersey Division of Consumer Affairs" and shall be mailed or delivered to the following address:

Attention: Supervisor
Case Management Tracking Unit
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 \$25,000.00, pursuant to N.J.S.A. 56:8-18.
5. This Order constitutes a final Agency action. It shall be effective upon filing and is a public document, subject to the New Jersey Open Public Records Act.

DIVISION OF CONSUMER AFFAIRS

BY: Lawrence DeMarzo
Lawrence DeMarzo, Acting Director
New Jersey Division of Consumer Affairs