

FILED

MAR 15 2009

Division of Consumer Affairs

**STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS**

IN THE MATTER OF AN INVESTIGATION	:	
BY THE NEW JERSEY DIVISION OF	:	
CONSUMER AFFAIRS	:	Administrative Action
	:	Z0800194
of	:	
	:	
Joel Balazinski dba/JB Custom Contracting	:	FINAL ORDER
	:	ON DEFAULT
Respondent (s)	:	
	:	

This matter was opened to the Director of the Division of Consumer Affairs (hereinafter the "Division") as an investigation of whether Joel Balazinski dba/JB Custom Contracting, located at 1008 Halliard Avenue, Beachwood, New Jersey ("Respondent") violated the New Jersey Consumer Fraud Act, N.J.S.A., 56:8-1 et seq., (the "CFA") and the Home Improvement Regulations, N.J.A.C. 13:45A-16.1 et. seq., (the "Home Improvement Regulations"). This investigation disclosed that:

1. Respondent failed to register with the Division as a home improvement contractor in violation of N.J.S.A. 56:8-138.a.;
2. Respondent failed to include the legal name and business address of the seller, including the legal name and business address of the sales representative or agent who solicited or negotiated the contract for the seller in violation of N.J.A.C. 13:45a-16.2(a)12(i);
3. Respondent failed to include the "Notice to Consumer" in home improvement contracts in violation of N.J.S.A. 56:8-151.b; and
4. Respondent failed to have contract signed by all parties in violation of N.J.A.C. 13:45A - 16.2(a) 12;

A Notice of Violation was issued to Respondent on September 30, 2008, setting forth the findings of fact and conclusions of law above. 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 Barby Menna, attesting to the efforts made to serve Respondent. Those efforts are sufficient to establish that service has been made.

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, the Division finds that Respondent failed to conform with regulatory obligations as set forth in the NOV, and thus it concludes that Respondent has violated N.J.A.C. 13:45 A-16.2.

Based on the foregoing:

IT IS on this 15th Day of MARCH, 2008, ORDERED that:

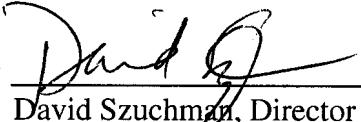
1. Respondent shall register with the Division as a home improvement contractor as required by of N.J.S.A. 56:8-138.a.;
2. Respondent shall include the legal name and business address of the seller, including the legal name and business address of the sales representative or agent who solicited or negotiated the contract for the seller as required by N.J.A.C. 13:45a-16.2(a)12(i);
3. Respondent shall include the "Notice to Consumer" in home improvement contracts as required by N.J.S.A. 56:8-151.b; and
4. Respondent shall have all contracts signed by all parties as required by N.J.A.C. 13:45A - 16.2(a) 12;

Respondent shall pay the Division of Consumer Affairs the sum of \$6,500 as a civil penalty, pursuant to N.J.S.A. 56:8-13. Payment for penalty 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 delivered to the following address:

New Jersey Department of Law and Public Safety
Division of Consumer Affairs
124 Halsey Street
P.O. Box 45021
Newark, New Jersey 07101
ATTN: Case Management Tracking

1. Any failure to pay any penalty or costs within the time allowed will result in the filing of a Certificate of Debt, pursuant to N.J.S.A. 56:8-17.
2. Any further violation of the regulations concerning home improvement practices may subject Respondent to enhanced penalties pursuant to N.J.S.A. 56:8-13.
3. Any subsequent violation of a final order containing a cease and desist provision is punishable by a \$25,000 penalty pursuant to N.J.S.A. 56:8-18.

DIVISION OF CONSUMER AFFAIRS

By: 
David Szuchman, Director
New Jersey Division of Consumer Affairs