

STATE OF NEW YORK
DEPARTMENT OF STATE
In the Matter of a Proceeding Pursuant to Articles 26
of the General Business Law and
Regulations promulgated thereunder,

CONSENT ORDER

- by-

File #15 DNC 0437

Panther Home Improvements, Inc.,

Respondent.

1. The New York State Department of State ("Department") is an executive agency of the State of New York charged with the regulation of the "Do Not Call" law and the enforcement of Article 26 of the General Business Law.
2. An enforcement action and proceeding against Panther Home Improvements, Inc. (hereinafter referred to as "Panther") was initiated based upon complaints received by the Department alleging violations of the Do Not Call Registry, in violation of General Business Law § 399-z and 21 New York Codes, Rules and Regulations (NYCRR) Parts 4602 and 4603.
3. The Department alleges that Panther has apparently violated New York General Business Law § 399-z and 21 NYCRR Parts 4602 and 4603 by making no less than fifteen (15) unsolicited telemarketing sales calls to twelve (12) consumers whose telephone numbers were validly registered on the Do Not Call Registry.
4. The Department's staff conducted an investigation, which investigation resulted in commencement of the above-captioned administrative proceeding.
5. Panther has been advised of their right to be represented by an attorney and is represented by Kenneth M. Keith, Attorney at Law, of Keith, Shapiro & Ford, with an office located at 666 Old Country Road, Suite 509, Gaeden City, New York 11530.
6. By executing this Consent Order, Panther affirmatively waives its right to a hearing in the manner provided by law, consents to the issuance and entry of this Order and agrees to be bound by the terms, provisions and conditions contained herein.
7. Panther enters into this agreement in order to resolve a disputed matter. Panther affirms that all violations alleged in the Department's Notice of Apparent Liability, regarding a pattern of business practices which allegedly violated the relevant sections of the General Business Law have been, or will be rectified, in accordance with the terms set forth herein:

To resolve the Department's allegations that Panther made no less than fifteen (15) unsolicited telemarketing sales calls to twelve (12) consumers whose telephone numbers were validly registered on the National Do Not Call Registry, in violation of New York General Business Law Section 399-z and 21 NYCRR Parts 4602 and 4603, Panther agrees to a settlement payment in the amount of \$500.00 per alleged call, for a total payment due of **\$7,500.00**.

NOW, in consideration of the above premises, it is **ORDERED**:

1. That Panther shall return the fully executed and notarized Consent Order such that same is received by the Department on or before December 15, 2015. The mailing address to send the Consent Order is: NYS Department of State, Division of Licensing Services, Attn: John E. Kenny, Senior Attorney, One Commerce Plaza, 99 Washington Avenue, 5th Floor, Albany, NY 12231.
2. That Panther shall pay a fine in the amount of **\$7,500.00 (Seven Thousand Five Hundred Dollars)**, with said payment to be received on or before December 15, 2015. The payment shall be in the **form of a cashier's check or money order**, payable to the **New York State Department of State**.
3. That upon execution of this Order by the Secretary of State or his designee, the Complaint in this matter shall be terminated, withdrawn and discontinued with prejudice with respect to Respondent in accordance with the terms hereof.
4. That the Consent Order herein expressly depends upon representations made by Respondent both oral or written, formal or informal which relate to the subject matter of the Consent Order and that such representations have fully, accurately and truthfully disclosed all relevant facts to the Department of State. If any such representation is determined to be limited, inaccurate or untruthful, the Department of State shall not be bound by the terms herein and shall initiate any action it deems appropriate in the administrative, civil or criminal prosecution of Respondent.
5. The effective date of this Order shall be the date on which the Secretary of State or his designee signs the same. The Department will provide Respondent or its counsel with a fully executed copy of this Order as soon as practicable after the Secretary of State signs the same.
6. The failure of Respondent to comply fully and in timely fashion with any provision of this Order shall constitute a default and a failure to perform an obligation under this Order. Such default shall result in an administrative hearing for the purpose of determining whether additional penalties should be imposed due to Respondent's default and failure to perform an obligation under this Order.
7. This Order constitutes the entire agreement of the parties and no provision of the agreement shall be deemed waived or otherwise modified except as is specifically set forth in a writing executed by the Secretary of State or his designee indicating an intent to modify this Order.

CONSENT OF KATHLEEN KUTNER

Kathleen Kutner on behalf of Panther Home Improvements, Inc., hereby consents to the issuing and entering of this Order, waives her right to a hearing and agrees to be bound by the terms and conditions herein.


Kathleen Kutner

STATE OF NEW YORK)
)
COUNTY OF *NASSAU*) ss.:

On this 2nd day of December in the year 2015 before me, the undersigned, personally appeared Kathleen Kutner, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

Robert J. DiRusso
Notary Public, State of New York
ID: 01D16080861
Qualified in Nassau County
Commission Expires 09/23/2018