

**STATE OF NEW YORK
DEPARTMENT OF STATE**

In the Matter of a Proceeding Pursuant to Article 26
of the General Business Law and Regulations
promulgated thereunder,

- by-

CONSENT ORDER

File #2015-0170

CENTURY REMODELING
HOME IMPROVEMENT, LLC.

Respondent.

1. The New York State Department of State (the "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. This enforcement action and proceeding against CENTURY REMODELING HOME IMPROVEMENT, LLC. ("Company") was initiated based upon a review of 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 Company has apparently violated New York General Business Law § 399-z and 21 NYCRR Parts 4602 and 4603 by making no less than seventeen (17) unsolicited telemarketing sales calls to fifteen (15) 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 the commencement of the above-captioned administrative proceeding.
5. Company has been advised of its right to be represented by an attorney and is represented in these proceedings by Scott Shaffer, Attorney at Law, Olshan Frome Wolosky, LLP, 1325 Avenue of the Americas, New York, New York, 10019.
6. By executing this Consent Order, Company 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. Company enters into this agreement in order to resolve a disputed matter. Company agrees that the violations alleged in the Department's Notice of Apparent Liability (File # 2015-0170), 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 Company made no less than **seventeen (17)** unsolicited telemarketing sales **calls** to fifteen (15) 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, Company agrees to a settlement payment in the amount of **\$500.00 per alleged call**, for a total payment due of **\$8,500.00**.

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

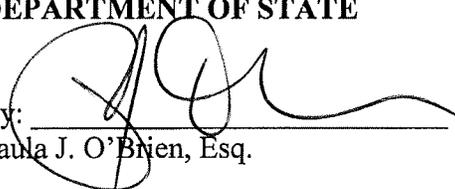
1. That Company shall return the fully executed and notarized Consent Order such that same is received by the Department on or before **August 1, 2016**. The mailing address to send the Consent Order is: NYS Department of State, Division of Licensing Services, Attn: Paula J. O'Brien, Associate Attorney, One Commerce Plaza, 99 Washington Avenue, Suite 640, Albany, NY 12231.
2. That Company shall pay a fine in the amount of **Eight Thousand Five Hundred (\$8,500.00) Dollars** due in accordance with the schedule set forth below in this Section, with payment to be in the form of **a bank check, teller check, money order or check from Olshan Frome Wolosky Client Trust Account**, payable to "NYS Department of State". **Failure to submit an attorney's check, bank check, teller check or money order in the stated first payment amount, together with an original fully executed copy of this Consent Order will render the offer set forth herein null and void:**
 - A. Payment I: **\$2,200.00** shall be delivered to the following address: NYS Department of State, Division of Consumer Protection, Attn: Paula J. O'Brien, Esq., 99 Washington Avenue, 6th Floor, Albany, New York 12231 and received on or before **Aug. 1, 2016**;
 - B. Payment II: **\$2,100.00** shall be delivered to the following address: NYS Department of State, Division of Consumer Protection, Attn: Paula J. O'Brien, Esq., 99 Washington Avenue, 6th Floor, Albany, New York 12231 and received on or before **Sept. 1, 2016**;
 - C. Payment III: **\$2,100.00** shall be delivered to the following address: NYS Department of State, Division of Consumer Protection, Attn: Paula J. O'Brien, Esq., 99 Washington Avenue, 6th Floor, Albany, New York 12231 and received on or before **Oct. 1, 2016**;
 - D. Payment IV: **\$2,100.00** shall be delivered to the following address: NYS Department of State, Division of Consumer Protection, Attn: Paula J. O'Brien, Esq., 99 Washington Avenue, 6th Floor, Albany, New York 12231 and received on or before **Nov. 1, 2016**;
3. That upon execution of this Order by the Secretary of State or his designee, the Notice of Apparent Liability in this matter shall be terminated, withdrawn and discontinued with prejudice with respect to Company in accordance with the terms hereof.
4. That the Consent Order herein expressly depends upon representations made by Company 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. If any such representation is determined to be limited,

inaccurate or untruthful, the Department shall not be bound by the terms herein and shall initiate any action it deems appropriate in the administrative, civil or criminal prosecution of Company.

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 Company and 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 Company 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 Company'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.
8. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting (1) any legal, administrative or equitable rights or claims, actions, suits, causes of action or demand whatsoever that the Department may have against anyone, other than Company, its parents, subsidiaries or affiliates; (2) any right of the Department to enforce administratively or at law or in equity, the terms, provisions and conditions of this Order; or (3) any right of the Department to bring any future action, either administrative or judicial, for any future violations of the applicable laws, the implementing regulations or conditions contained in orders if any, issued by the Department to Company.
9. By entering into this Order, the Department expressly waives and releases Company from all claims or liability arising out of the allegations at issue in File # 2015-0170, and any and all complaints based on telephone calls that were made or allegedly made, or other facts that occurred or allegedly occurred, prior to the date of this Order.

Dated: July 28, 2016
Albany, New York

**NEW YORK STATE
DEPARTMENT OF STATE**

By: 
Paula J. O'Brien, Esq.

CONSENT OF CENTURY REMODELING HOME IMPROVEMENT, LLC
by and through Vincent Basciano

Vincent Basciano, on behalf of CENTURY REMODELING HOME IMPROVEMENT, LLC hereby consents to the issuing and entering of this Order, waives the right to a hearing and agrees to be bound by the terms and conditions herein.



VINCENT BASCIANO

Title:

STATE OF NEW YORK)

COUNTY OF)

ss.:

On this 27th day of July in the year 2016 before me, the undersigned, personally appeared Vincent S. Basciano, 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 he executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

JOAN B. FLANNERY
Notary Public, State of New York
No. 01FL6065035
Qualified in Suffolk County
Commission Expires Oct. 9

