

STATE OF NEW YORK
DEPARTMENT OF STATE

In the Matter of the Alleged Violations of the
Do Not Call Registry

- by-

CONSENT ORDER

16-DNC-0187

C. MICHAEL EXTERIORS, INC.

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. Respondents C. Michael Exteriors, Inc. and Ramco Industries, Inc. (collectively, “Company”) are domestic business corporations with an address of 6075 E. Molloy Road, Syracuse, NY 13211.
3. The Department of State’s Division of Consumer Protection received numerous complaints stating that Company violated the Do Not Call law.
4. The Department’s staff conducted an investigation, which investigation resulted in commencement of the above-captioned administrative proceeding.
5. The Company has been advised of its right to be represented by an attorney and is represented by Elliot A. Hallak, Esq., Harris Beach PLLC, 677 Broadway, Suite 1101, Albany, NY 12207.
6. By executing this Consent Order, Company affirmatively waives the right to a hearing in the manner provided by law, consents to the issuance and entry of this Consent 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 affirms that all violations alleged in the Department’s Notice of Apparent Liability and letter dated April 18, 2016, regarding a pattern of business practices by Company which allegedly violated the relevant sections of the General Business Law have been, or will be resolved, in accordance with the terms set forth herein:

The Department alleges that Company made no less ten (10) unsolicited telemarketing sales calls to ten (10) consumers whose telephone numbers were validly registered on the National Do Not Call Registry, in violation of New York General Business Law (GBL) Section 399-z and 21 NYCRR Parts 4602 and 4603. To resolve the Department’s claims and allegations against Company regarding any unsolicited telemarketing sales calls

which occurred prior to the Department's Notice of Apparent Liability (the "Complaint"), Company agrees to a settlement for a total payment due of **\$5,000.00**.

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

1. That Company shall execute and forward the within Consent Order to the **NYS Department of State, Division of Consumer Protection, Attn: Aiesha L. Battle, Esq., One Commerce Plaza, 99 Washington Avenue, Suite 640, Albany, NY 12231**, so that the original of same is received on or before **December 23, 2016**;
2. That Company shall be ordered to pay a fine in the amount of five thousand dollars (**\$5,000.00**) made payable to: "**NYS Department of State**" by certified check, postal money order, or by check drawn on its attorney's trust account. Company is ordered to return the same so that it is received by Department on or before **December 23, 2016**.
3. That upon execution of this Consent Order by the Secretary of State or her designee, the Complaint in this matter shall be terminated, withdrawn and discontinued with prejudice with respect to the Company in accordance with the terms hereof;
4. That the Consent Order herein expressly depends upon representations made by the 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 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 the Company;
5. The effective date of this Consent Order shall be the date on which the Secretary of State or her designee signs the same and shall expire when Company has fully complied with the requirements of this Consent Order. The Department will provide Company or Company's counsel with a fully executed copy of this Consent 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 Consent Order shall constitute a default and a failure to perform an obligation under this Consent Order. Such default shall result in an administrative hearing for the purpose of determining whether additional penalties should be imposed due to the Company's default and failure to perform an obligation under this Consent Order;
7. This Consent 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 her designee indicating an intent to modify this Consent Order;
8. Nothing contained in this Consent 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; (2) any right of the Department to enforce administratively or at law or in equity, the terms, provisions and conditions of this Consent Order; (3) any right of the Department to bring any future action, either administrative or judicial, for any other violations of the applicable laws, the implementing regulations or conditions contained in orders if any, issued by the Department to Company.

Dated:

12/16/2016
Albany, New York

NEW YORK STATE
DEPARTMENT OF STATE

By: 

Aiesha L. Battle, Esq.

Director, Division of Consumer Protection

CONSENT OF C. MICHAEL EXTERIORS, INC. AND RAMCO INDUSTRIES, INC.

Respondents C. MICHAEL EXTERIORS, INC. and RAMCO INDUSTRIES, INC. hereby consent to the issuing and entering of this Order, waive their right to a hearing and agree to be bound by the terms and conditions herein.

Consent of:

Peter D. Hrich
By:
C. MICHAEL EXTERIORS, INC.

Consent of:

Peter D. Hrich
By:
RAMCO INDUSTRIES, INC.

STATE OF NY)
COUNTY OF Onondaga) ss.:

On this 13th day of December in the year 2016 before me, the undersigned, personally appeared Peter D. Hrich, 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.

Kelly A Zeigler
Notary Public

KELLY A ZEIGLER
NOTARY PUBLIC STATE OF NEW YORK
ONONDAGA
L.I.C. #01ZE6341852
COMM. EXP. 05/16/2020