

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 #14 DNC 0061

Belcar Associates Inc.,
d/b/a Majestic Home Service and Maintenance,

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 Belcar Associates Inc., d/b/a Majestic Home Service and Maintenance (hereinafter referred to as Belcar) 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 Belcar has apparently violated New York General Business Law § 399-z and 21 NYCRR Parts 4602 and 4603 by making no less than ten (10) unsolicited telemarketing sales calls to six (6) 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. Belcar has been advised of their right to be represented by an attorney and have opted to represent themselves pro se.
6. By executing this Consent Order, Belcar 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. Belcar enters into this agreement in order to resolve a disputed matter. Belcar 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 Belcar made no less than ten (10) unsolicited telemarketing sales calls to six (6) 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, Belcar agrees to a settlement payment in the amount of \$500.00 per alleged call, for a total payment due of **\$5,000.00**.

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

1. That Belcar shall return the fully executed and notarized Consent Order such that same is received by the Department on or before October 1, 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 Belcar shall pay a fine in the amount of **\$5,000.00 (Five Thousand Dollars)**, in twelve equal monthly installment payments, with the first installment in the amount of \$416.66 being due on or before October 1, 2015; the second installment in the amount of \$416.66 being due on or before November 1, 2015; the third installment in the amount of \$416.66 being due on or before December 1, 2015; the fourth installment in the amount of \$416.66 being due on or before January 1, 2016; the fifth installment in the amount of \$416.66 being due on or before February 1, 2016; the sixth installment in the amount of \$416.66 being due on or before March 1, 2016; the seventh installment in the amount of \$416.66 being due on or before April 1, 2016; the eighth installment in the amount of \$416.66 being due on or before May 1, 2016; the ninth installment in the amount of \$416.66 being due on or before June 1, 2016; the tenth installment in the amount of \$416.66 being due on or before July 1, 2016; the eleventh installment in the amount of \$416.66 being due on or before August 1, 2016 and the twelfth installment in the amount of \$416.66.00 being due on or before September 1, 2016. All installment payments 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

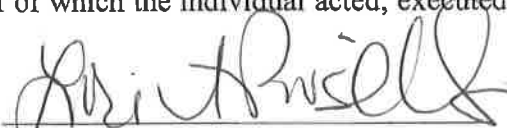
CONSENT OF AL MANDARINO

Al Mandarino, on behalf of Belcar Associates Inc., hereby consents to the issuing and entering of this Order, waives his right to a hearing and agrees to be bound by the terms and conditions herein.


Al Mandarino

STATE OF NEW YORK)
)
COUNTY OF Suffolk) ss.:

On this 29th day of September in the year 2015 before me, the undersigned, personally appeared Al Mandarino, 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

LORI A. PISELLI
NOTARY PUBLIC, State of New York
No. 01PI6058250
Qualified in Suffolk County
Commission Expires November 17, 2017