

At a Motion Term of the Supreme Court, held in and for the County of Monroe, at the Monroe County Court House, Hall of Justice, Rochester, New York, on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Present: HON. WILLIAM P. POLITO  
JUSTICE OF THE SUPREME COURT

STATE OF NEW YORK COUNTY OF MONROE  
SUPREME COURT

PEOPLE OF THE STATE OF NEW YORK, BY  
ANDREW M. CUOMO, ATTORNEY GENERAL OF THE  
STATE OF NEW YORK,

PETITIONER,

ORDER AND JUDGMENT

-against-

INDEX NO. 07-9261

ALVIS D. SPRAGUE,  
D/B/A ALISA HOME IMPROVEMENTS,

RESPONDENT.

The Attorney General having commenced this proceeding by filing a Notice of Petition and Verified Petition with supporting Affirmation and exhibits in the Office of the Monroe County Clerk on July 20, 2007, to enjoin Respondent from engaging in deceptive, fraudulent and illegal business practices in connection with Respondent's home improvement contracting business and to recover restitution on behalf of individuals victimized by such practices, and civil penalties and costs, as authorized by statute, to be paid to the State of New York.

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Now, upon reading the Verified Petition dated July 20, 2007, Affirmation of Assistant Attorney General Carlos Rodriguez with annexed exhibits, dated July 20, 2007, Petitioner's Supplemental Affirmation with annexed exhibits dated October 24, 2007 and Petitioner's Supplemental submission to the Court dated October 29, 2007, and

The matter having initially come to be heard at a Motion Term of this Court on the 18th day of September, 2007, and adjourned to the 30<sup>th</sup> day of October, 2007, and Petitioner having appeared by Andrew M. Cuomo, Attorney General of the State of New York, Carlos Rodriguez, Assistant Attorney General, of counsel, and Respondent, Alvis D. Sprague, having been duly served on October 18, 2007 and October 24, 2007, with copies of all pleadings, correspondence and documentation which have been filed in this proceeding, and said Respondent having failed to appear,

**NOW, on motion of the Attorney General, it is**

**PARTIES SUBJECT TO JUDGMENT**

**ORDERED, ADJUDGED AND DECREED that:**

1. This Order and Judgment (hereinafter, "Order") shall extend to Respondent Alvis D. Sprague, individually and as owner and operator of d/b/a Alisa Home Improvements, his agents, servants, employees, successors, heirs and assigns, or any other person under Respondent's direction and control, whether acting individually or in concert with others, or through any corporate or

other entity or device through which he may now or hereafter act or conduct business.

2. Respondent Alvis D. Sprague is permanently enjoined from violating N.Y. Executive Law § 63 (12), Articles 22-A and 36-A of the N.Y. General Business Law and N.Y. Lien Law § 71-a(4).

3. Respondent Alvis D. Sprague is permanently enjoined from engaging in the home improvement contracting business within the State of New York.

4. Respondent Alvis D. Sprague individually and as Owner and Operator of Alisa Home Improvements is liable for the payment of restitution to the consumers listed on Addendum A, in the amount of \$59,722.29 plus civil penalties of \$10,000 and statutory costs of \$2,000 pursuant to N.Y. Civil Practice Law & Rules § 8303 (a)(6), for a grand total of \$ 71,722.29. ( See Schedule of Restitution Payments Owed to Consumers attached hereto as Addendum A and incorporated by reference).

5. The Attorney General shall in turn, as appropriate, and within his sole discretion, distribute the funds to consumers who have filed complaints with the Attorney General prior to the date of the Order.

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6. Each of the consumers listed in Addendum A to this Order and Judgment is granted a monetary judgment for the specific amount stated therein.

7. Respondent Alvis D. Sprague shall also make restitution in the following manner to any consumer who files a complaint with the Attorney

General within one hundred and twenty (120) days of entry and service of this Order and who substantiates his/her claim for a refund. The Attorney General shall notify Respondent of each complaint and provide him with the supporting documentation by mail. Within ten (10) days after mailing, Respondent shall submit any written objections to the Attorney General concerning each complaint. The Attorney General shall be the final arbiter of all disputed claims and upon either the expiration of ten days after mailing consumer complaints to Respondent or considering any objections submitted by Respondent, the Attorney General shall determine the amount of restitution which shall be paid by Respondents, if any, and shall notify them by mail. Within thirty (30) days of the date of the Attorney General's notice, Respondent shall pay restitution in the amount specified to the State of New York by certified check who will in turn, as appropriate, distribute those funds to these consumers.

8. Respondent Alvis D. Sprague shall deliver all payments pursuant to paragraphs 4 through 7 herein to Attorney General Andrew M. Cuomo, in care of Carlos Rodriguez, Assistant Attorney General at the New York State Department of Law, 144 Exchange Boulevard, Rochester, New York 14614 (or such other place as he may designate).

9. Nothing in this Order shall be construed to deprive any person of any right or remedy provided by law.

10. Except as otherwise provided herein, any notices, statements or other written documents required by this Order shall be provided by first-class

mail to the intended recipient at the addresses set forth below, unless a different address is specified in writing by the party changing such address:

**For the Petitioner, The People of the State of New York, to**

**ANDREW M. CUOMO  
Attorney General of the State of New York  
Carlos Rodriguez  
Assistant Attorney General of Counsel  
Consumer Frauds and Protections Bureau  
144 Exchange Boulevard  
Rochester, New York 14614**

**To Respondent Alvis D. Sprague at:**


**Monroe County Jail  
130 South Plymouth Avenue  
Rochester, NY 14614**

Such notices, statements and documents shall be deemed to have been given upon mailing.

11. Respondent Alvis D. Sprague shall provide written notice to the Attorney General of any change in address within ten (10) days of such change.

12. This Court shall retain jurisdiction of this action for the purpose of carrying out or modifying the terms of this Order, or granting such

further relief as the Court deems just and proper, *and it is further*  
*ORDERED that this order is stayed 60 days for respondent to "retain counsel"*  
*submit a legally sufficient response and request that the case be placed back on the*  
*special term calendar. The failure of which the People may enforce the order without*  
*any further order of the Court.*  
**Signed this 2 day of Nov, 2007, Rochester, New York**

  
**HON. WILLIAM P. POLITO  
Justice of the Supreme Court**

**ADDENDUM A**  
**PEOPLE V. ALISA HOME IMPROVEMENTS**  
**INDEX NO. 2007/9261**  
**SCHEDULE OF RESTITUTION PAYMENTS OWED TO CONSUMERS**  
**BY RESPONDENT ALVIS D. SPRAGUE, AS OWNER AND OPERATOR OF**  
**ALISA HOME IMPROVEMENTS**

No.	Consumer	Restitution Amount
1	Mark Ballard 227 Aldine Street Rochester, NY 14619	\$3,000.00
2	Paul Duro 466 Grosvenor Road Rochester, NY 14610	\$10,982.00
3	Eunice J. Friederich 2594 Clover Street Rochester, NY 14618	\$6,150.00
4	Richard P. Harris 570 Kings Hwy. South Rochester, NY 14617	\$4,000.00
5	Sandra Landauer 1223 Hatch Road Webster, NY 14580	\$10,650.00
6	Robert P. Lehmann 5194 St. Paul Blvd. Rochester, NY 14617	\$2,600.00
7	Xing Guang Lin 233 Aldine Street Rochester, NY 14619	\$627.00
8	LaJoyce Miller 571 Clay Avenue Rochester, NY 14613	\$2,304.34
9	Charles & Sondra Monachino 20 Woodstock Lane Brockport, NY 14420-9461	\$500.00
10	Iris Preston 2168 Culver Road Rochester, NY 14609	\$7,500.00

<b>No.</b>	<b>Consumer</b>	<b>Restitution Amount</b>
11	Tim Sheehan 25 Wheat Hill Street Rochester, NY 14624	\$2,603.95
12	Laurie Snyder 43 Hemingway Drive Rochester, NY 14620	\$6,350.00
13	Melissa Swald-Camman 1651 Culver Road Rochester, NY 14609	\$1,255.00
14	Glen Patrick Waldron 215 Illinois Street Rochester, NY 14609	\$1,200.00
	TOTAL	\$59,722.29