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February 3, 2021

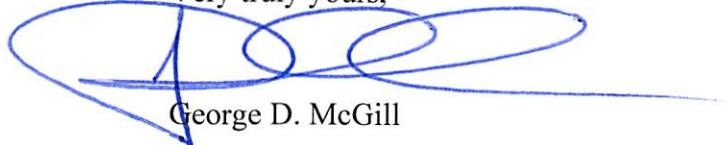
Ms. Kristie Dickert
Administrative Officer
Planning Board/Zoning Board of Adjustment
Township of Neptune
25 Neptune Boulevard
Neptune, NJ 07753

Re: 1312 7th Avenue Zoning Board of Adjustment Hearing

Dear Ms. Dickert:

As you know I represent Thomas Palmisano in reference to the property located at 1312 7th Avenue. Please find attached a copy of the criminal complaint and Affidavit of Probable Cause filed in reference to the builder in this matter. I was advised that the matter is awaiting presentation to the grand jury. These are just charges and not evidence of guilt. Please include this letter with the exhibit.

Very truly yours,



George D. McGill

GDM/rm

COMPLAINT - SUMMONS

COMPLAINT NUMBER**1334****S****2021****000123**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

NEPTUNE TWP MUNICIPAL COURT
25 NEPTUNE BLVD
NEPTUNE NJ 07753-0000
732-988-5200 COUNTY OF: **MONMOUTH**

ADDRESS:

2060 EAST 54TH ST.**BROOKLYN****NY 11234-0000***THE STATE OF NEW JERSEY**VS.***GAVIN A PANDAY**# of CHARGES: **1**
CO-DEFTS: **0**
POLICE CASE #: **MCP2000312**
COMPLAINANT NAME: **DET M. ACQUAVIVA**
132 JERSEYVILLE AVE
FREEHOLD NJ 07728

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN** DOB: **11/27/1969**
DRIVER'S LIC. #: **345307036** DL STATE: **NY**
SOCIAL SECURITY #: **xxx-xx-x602** SBI #:
TELEPHONE #: **718-570-3880 (C)**
LIVESCAN PCN #:

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **01/08/2018** in **NEPTUNE TWP**, **MONMOUTH County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, DID BETWEEN JANUARY 2018 AND JUNE 2018, PERFORM, ENGAGE, OR ATTEMPT TO ENGAGE IN THE BUSINESS OF MAKING OR SELLING HOME IMPROVEMENTS WHILE UNREGISTERED WITH THE NEW JERSEY DIVISION OF CONSUMER AFFAIRS IN VIOLATION OF NJSA: 56:8-138(A), 4TH DEGREE.

in violation of:

Original Charge	1) 56:8-138A	2)	3)
Amended Charge			

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: DET M. ACQUAVIVA Date: 01/27/2021

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONSYOU ARE HEREBY SUMMONED to appear before the Superior Court in the county of: **MONMOUTH**at the following address: **MONMOUTH COUNTY COURTS****71 MONUMENT PARK PO BOX 1271 FREEHOLD NJ 07728-0000**

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: **01/27/2021** Appearance Date: **02/09/2021** Time: **09:30AM** Phone: **732-358-8700**Signature of Person Issuing Summons: DET M. ACQUAVIVA Date: 01/27/2021 Domestic Violence – Confidential Related Traffic Tickets or Other Complaints Serious Personal Injury/ Death Involved**Special conditions of release:**

- No phone, mail or other personal contact w/victim
- No possession firearms/weapons
- Other (specify):

ORIGINAL

Affidavit of Probable Cause

COMPLAINT NUMBER			
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NEPTUNE TWP MUNICIPAL COURT
 25 NEPTUNE BLVD
 NEPTUNE NJ 07753-0000
 732-988-5200 COUNTY OF: MONMOUTH

# of CHARGES 1	CO-DEFTS	POLICE CASE #: MCP2000312
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COMPLAINANT DET M. ACQUAVIVA
 NAME: 132 JERSEYVILLE AVE
 FREEHOLD NJ 07728

THE STATE OF NEW JERSEY
 VS.
GAVIN A PANDAY

ADDRESS: 2060 EAST 54TH ST.
 BROOKLYN NY 11234-0000

DEFENDANT INFORMATION
 SEX: M EYE COLOR: BROWN DOB: 11/27/1969
 DRIVER'S LIC. #. 345307036 DL STATE: NY
 SOCIAL SECURITY #: xxx-xx-x602 SBI #:
 TELEPHONE #: 718-570-3880 (C)
 LIVSCAN PCN #:

Purpose: This Affidavit/Certification is to more fully describe the facts of the alleged offense so that a judge or authorized judicial officer may determine probable cause.

1. Description of relevant facts and circumstances which support probable cause that (1) the offense(s) was committed and (2) the defendant is the one who committed it:

I, Michael Acquaviva, am a detective with the Monmouth County Prosecutor's Office (MCPO). I have participated in this investigation and am aware of the facts contained herein, based upon my own investigation, as well as information provided to me by other law enforcement officers. Because this Attachment is submitted for the limited purpose of establishing probable cause, I have not included herein the details of every aspect of the investigation. Statements attributable to individuals contained in this Attachment are related in substance and in part, except where otherwise indicated.

In March 2020, Kristin Palmisano reported a complaint about her contractor to the Monmouth County Prosecutor's Office. The complaint was for poor workmanship and work not being completed on an extensive renovation project. The project was an investment property located at 1312 7th Ave., Neptune Twp., NJ. The property consists of a front house and a rear house. The contractor was identified as Gavin Panday of Prime Construction and/or Prime Restoration. Palmisano reported that in January 2018 she entered into a contract with Panday for approximately a total of \$220,000 for renovations on both structures on the property. Between January 2018 and approximately June 2018, Panday worked on the project. Thereafter, the construction issues were discovered.

Panday provided Palmisano with an estimate with "Prime Restoration" as the title. Panday also provided Palmisano with receipts with "Prime Construction" as the recipient. This investigation revealed that Panday did not apply for a permit for any construction with Neptune Township. Panday also entered into a contract and performed construction work without being licensed as a contractor by the State of New Jersey. This was confirmed by the New Jersey Division of Consumer Affairs.

In conclusion, based on the above, probable cause exists to show that Panday has committed the crime of NJSA: 56:8-138(a), failure to register as a contractor, (4th degree).

Affidavit of Probable Cause

COMPLAINT NUMBER**THE STATE OF NEW JERSEY****1334****S****2021****000123**

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YEAR

SEQUENCE NO.

VS.**GAVIN A PANDAY**

2. I am aware of the facts above because: (Included, but not limited to: your observations, statements of eyewitnesses, defendant's admission, etc.)

Police investigation, victim statement, documents provided by victim

3. If victim was injured, provide the extent of the injury:

No injury

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: DET M. ACQUAVIVA LAW ENFORCEMENT OFFICER

Date: 01/27/2021

Affidavit of Probable Cause**Page 6 of 7**

1/1/2017