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FILED

JAN 26 2009

Division of Consumer Affairs

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

**IN THE MATTER OF AN
INVESTIGATION BY THE NEW
JERSEY DIVISION OF CONSUMER
AFFAIRS**

I # 08100201

Administrative Action

of

CONSENT ORDER

Harari's Auto Sales, Inc.

Respondent

This matter having been opened by the Division of Consumer Affairs, Office of Consumer Protection (hereinafter referred to as "Consumer Affairs" or "Division"), as an investigation to ascertain whether violations of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., (hereinafter referred to as "CFA" or the "Act"), and the regulations promulgated pursuant thereto, including the Motor Vehicle Advertising Practices Regulations, N.J.A.C. 13:45A-26A.1 et seq. (hereinafter referred to as the "Auto Advertising Regulations"), the Automotive Sales Practices Regulations, N.J.A.C. 13:45A-26B.1 et seq., (hereinafter referred to as "Auto Sales Regulations"),

and the New Jersey Licensed Motor Vehicle Dealers Regulations, N.J.A.C 31:21-15.1 et. seq., (hereinafter referred to as "Motor Vehicle Dealer Regulations"), have been or are being committed by Harari's Auto Sales, Inc., with at principal place of business located at 330 E Commerce St Bridgeton, New Jersey 08302 (hereinafter referred to as the "Respondent"), and the Division and Respondent (hereinafter collectively referred to as the "Parties") having reached an amicable agreement thereby resolving the issues in controversy and concluding this matter without the need for further action, and Respondent having voluntarily cooperated and consented to the entry of the within order (hereinafter referred to as the "Consent Order") and for good cause shown,

IT IS on this 6th day of Jan, ~~2007~~ 2009 ORDERED and AGREED as follows:

BUSINESS PRACTICES

1. Respondent, its principals, officers, agents, representatives and employees shall not engage in any unfair or deceptive acts or practices in the conduct of their business in the State of New Jersey and shall comply with such state laws, rules and regulations as now constituted or as may hereafter be amended, including but not limited to, the CFA, Auto Advertising Regulations, Auto Sales Regulations, UCLL, and UCLL Regulations, in connection with automobile sales.
2. Specifically, Respondent shall comply with the following business practices:
 - a. Respondent shall not conduct negotiations or sales activity, over the internet or otherwise in other than a licensed location as required by N.J.A.C 13:21-15.5(a)15.

CONSUMER RESTITUTION

3. Respondent shall pay restitution, pursuant to N.J.S.A. 56:8-15, totaling \$14,000.00 to the consumer listed on **Schedule A** attached hereto, and made a part hereof, within **ten (10) days** of the signing of this Consent Order. Restitution payments shall be made individually to the consumer identified in **Schedule A** by certified check, attorney's trust check, or money order. A copy of the payment to each consumer shall simultaneously be sent to: Division of Consumer Affairs, Office of Consumer Protection, P.O. Box 45025, Newark, New Jersey 07101. Attention: Investigator Murat Botas.

PAYMENT TO THE STATE

4. Respondent shall pay the Division of Consumer Affairs the sum of \$2,000.00 as a civil penalty pursuant to N.J.S.A. 56:8-13 and \$464.46 as reimbursement for the Division's costs pursuant to N.J.S.A. 56:8-11. The foregoing payments for penalties and investigative costs totaling \$2,464.46 shall be paid in five (5) monthly installments. The first installment of \$464.46 is due upon signing this Consent Order which shall be no later than December 15, 2008. The remaining balance of \$2,000.00 shall be forwarded in four (4) equal monthly installments of \$ 500.00 each and shall be due on or before the fifteenth of the month each month thereafter until the last of such payments is made on or before April 15, 2009.

5. The aforestated payments for penalties and costs shall be made by certified check, attorney trust account check or other guaranteed funds made payable to the "New Jersey Division of Consumer Affairs" and shall be delivered to the following address:

Attention: Case Management Tracking
New Jersey Department of Law and Public Safety
Division of Consumer Affairs
124 Halsey Street P.O. Box 45025
Newark, New Jersey 07101

6. In the event that any installment payments under paragraph 3 and/or 4 are not made within the due date, all unpaid amounts due and payable under this Consent Order shall immediately be accelerated and deemed due and payable immediately without the need for notice or presentment, with interest calculated in accordance with R. 4:42-11 from the date of default, and with the State's costs of collection. In addition to the relief provided for in this paragraph, this default shall also entitle the Division to make application to a court of competent jurisdiction for an order directing compliance and any other relief in aid of litigant's rights, including the imposition of attorney's fees for said application, or to make any other application as provided by law.

7. If, after the signing of this Consent Order, Respondent engages in any acts or practices which constitute a violation of the Consumer Fraud Act, the Auto Advertising Regulations, the Auto Sales Regulations, Motor vehicle Regulations or this Consent Order, Respondent will be subject to the imposition of enhanced penalties pursuant to N.J.S.A. 56:8-13 or N.J.S.A. 56:8-18, without prejudice to Respondents right to present evidence in mitigation and affirmative defenses.

GENERAL PROVISIONS

8. Nothing contained in this Consent Order shall be construed to limit or affect the rights of any persons or entities who are not parties to this Consent Order with respect to any of the matters contained herein.

9. Nothing contained herein shall in any manner or fashion be construed to limit or affect any position that the parties may take in any future or pending action not specifically encompassed herein.

10. If any provision of this Consent Order or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Consent Order or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and each provision of this Consent Order shall be valid and enforced to the fullest extent permitted by law.

11. This Consent Order resolves all claims and causes of action against Respondent for violations of the CFA and the regulations promulgated pursuant thereto the Auto Advertising Regulations, Auto Sales Regulations, and the Motor Vehicle Regulations which were known by the Division's Office of Consumer Protection through October 7, 2008.

12. The parties represent that an authorized representative of each has signed this Consent Order with full knowledge, understanding and acceptance of its terms and that this person has done so with the authority to legally bind the respective parties.

13. This Consent Order constitutes the entire agreement between the parties hereto and shall bind the parties hereto and their representatives, officers, directors, agents, employees, successors and assigns.

14. Respondents shall not represent or imply that any advertising procedure or other act or practice hereinafter used or engaged in by Respondent has been required or approved, in whole or part, by the Attorney General or the Division of Consumer Affairs or any of the State's agencies or agents.


15. The parties acknowledge that for purposes of enforcement of this Consent Order, New Jersey law shall govern the terms and provisions herein.

16. The Division has advised the Respondent to seek the advice of an attorney prior to entering into this agreement.

17. This Consent Order constitutes a final agency action and shall be effective upon filing.

18. Respondent acknowledge that this Consent Order is a public document subject to the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 to -13.

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY

BY: 
David Szuchman, Director
New Jersey Division of Consumer Affairs

DATED: 1/26/09

The undersigned has read this Consent Order, understands it, and agrees to be bound by its terms.

Consent is hereby given as to the form and entry of this Order.

 (HARARI)

Harari's Auto Sales, Inc.

President
Title

01.15.09
DATE