

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law - 5<sup>th</sup> floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

**FILED**

MAR 06 2009

**Division of Consumer Affairs**

By: John D. Hugelmeier  
Deputy Attorney General  
(973) 693-5056

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**

of

**Dan the Affordable Moving Man, Inc.,  
and Daniel Vernay, Jr., Individually,  
21 High Street, Budd Lake, NJ 07828-2446**

**Respondents**

Administrative Action  
I No. 09100323

**CONSENT ORDER**

This matter was opened to the Division of Consumer Affairs, Office of Consumer Protection (hereinafter referred to as "Consumer Affairs" or the "Division"), on its own initiative as an investigation into whether Dan the Affordable Moving Man, Inc., and Daniel Vernay, Jr., individually, (hereinafter referred to collectively as the "Respondents") were in violation of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. (the "CFA"), and the Public Movers and Warehousemen Licensing Act, N.J.S.A. 45:14D-1 et seq.

The Division and Respondents (collectively referred to as the "Parties") have reached an amicable agreement resolving the issues in controversy and concluding this matter without the need for further actions. Respondents, while neither admitting nor denying any statements of fact or violations of law, have voluntarily cooperated and consented to the entry of the within order (the "Consent Order"). Therefore, and for good cause shown:

IT IS on this 6<sup>th</sup> day of MARCH, 2009

ORDERED and AGREED as follows:

**BUSINESS PRACTICES**

1. Respondents shall cease and desist from the following violation of the Public Movers and Warehousemen Licensing Act (N.J.S.A. 45:14D-9 et seq.): the intra-state moving of household goods within New Jersey without a license.

**PAYMENT TO THE STATE**

2. Respondents shall pay to the Division of Consumer Affairs the sum of \$2,000.00, as a civil monetary penalty pursuant to N.J.S.A. 56:8-13. A payment of \$333.00 will be due and owing upon execution of this Order. Thereafter, a payment of \$333.00 will be due on April 1, 2009; a payment of \$333.00 will be due on May 1, 2009; a payment of \$333.00 will be due on June 1, 2009; a payment of \$333.00 will be due on July 1, 2009; and a final payment of \$335.00 will be due on August 1, 2009.

3. The payment required by Paragraph 2 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 within (10) ten days of the issuance of this Consent Order to the following address:

**Attention: Supervisor  
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**

4. In the event that any installment payments under Section 3 are not made within the due date, all unpaid amounts due and payable under this Consent Order shall be immediately accelerated and deemed due and payable immediately without 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 cost of collection. In addition to relief provided for in this Section, 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.

5. If, after the signing of this Consent Order, Respondents engage in any acts or practices which constitute a violation of the CFA, the Public Movers and Warehousemen Licensing Act, or this Consent Order, Respondents shall be subject to the imposition of enhanced penalties pursuant to N.J.S.A. 56:8-13 and/or N.J.S.A. 45:14D-16, without prejudice to Respondents' right to present evidence in mitigation and affirmative defenses.

### **DUTY TO COOPERATE**

6. Respondents shall have a continuing duty to provide assistance and/or information as requested by the Division in connection with its public moving and/or storage activities. Respondents shall also have a continuing duty to cooperate in any inquiry, investigation or hearing conducted by the Division in connection with the advertising, moving or storage of household goods within this State.

7. Failure by Respondents to comply with any of the requirements of this Consent Order, including, but not limited to, the payment provisions of Paragraph 2, should they become activated, shall constitute grounds for the Division to deny Respondents' application to become or to remain licensed as a public mover.

### **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 circumstances 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 Respondents for violations of the CFA and the Public Movers and Warehousemen Licensing Act that were known by the Division's Office of Consumer Protection through January 1, 2007.

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 bind legally the respective parties.

13. This Consent Order constitutes the entire agreement between the Parties and shall bind the Parties 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 Respondents have been required or approved, in whole or part, by the Attorney General or the Division or any of the State's agencies or agents.

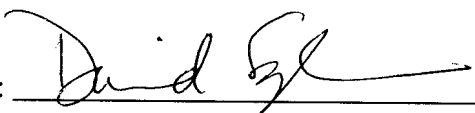
15. The Parties acknowledge that for purposes of enforcement of this Consent Order, New Jersey law shall govern the terms and provisions herein.

16. Respondents acknowledges that this Consent Order is a public document subject to the New Jersey Open Public Records Act.

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

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY

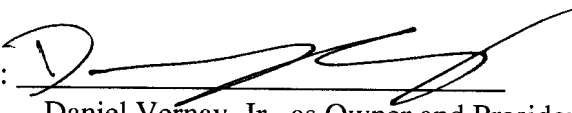
DATED: 3/6/09

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

FOR RESPONDENTS

The undersigned have read this Consent Order, understand it, and agree to be bound by its terms. Consent is hereby given as to the form and entry of this Order.

DATED: 3/4/09

BY:   
Daniel Vernay, Jr., as Owner and President  
of Dan the Affordable Moving Man, Inc.,  
and Individually