

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

By: James J. Savage
Assistant Attorney General
(973) 877-1280

FILED

MAR 01 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 :

of :

Tri-State Placement Services, Inc. :

Respondent :

Administrative Action
I# 0700023

CONSENT ORDER

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 in order 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"), and the Employment and Personnel Services Act, N.J.S.A. 34:8-43 et seq., (hereinafter referred to as the "Act") and its Regulations, N.J.A.C. 13:45B-1 et seq., have been or are being committed by Tri-State Placement Services, Inc. located at 580 Sylvan Avenue, Englewood Cliffs, NJ 07632 (hereinafter referred to as the "Respondent"), and it appearing that the parties have reached an amicable agreement thereby resolving the issues in controversy and

concluding this matter without the need for further action, and Respondents 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 1st day of MARCH, 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 and the Act, in connection with Employment and Personnel Services.

2. Respondent shall cease and desist from engaging in the opening, conducting or maintaining, either directly or indirectly, of a consulting firm or the performance of any of the functions of a consulting firm, without first obtaining a valid consultant firm license as required in N.J.S.A. 34:8-43 et seq.

3. Respondent acknowledges having placed ten individuals residing in New Jersey in an eighteen month period between July 2006 and January 2008.

4. Respondent shall comply with all the provisions of the Employment and Personnel Services Act, N.J.S.A. 34:8-43 et seq., and its Regulations, N.J.A.C 13:45B-1 et seq., as they apply to a consulting firm.

PAYMENT TO THE STATE

5. Respondent shall pay the Division of Consumer Affairs the sum of \$5,000.00 as a civil

penalty pursuant to N.J.S.A. 34:8-61 and/or N.J.S.A. 56:8-13 and \$568.94 as reimbursement for the Division's costs pursuant to N.J.S.A. 56:8-11. The aforestated amounts, totaling \$5,568.94 shall be paid as follows:

An initial payment of \$1,000.00 shall be sent together with this Consent Order fully executed by the Respondent. The remaining balance of \$4,568.94 shall be paid in 12 monthly installments of \$380.74, the first payment due on March 1, 2009 and continuing on the first day of the month every month thereafter through and including February 1, 2010.

6. Each of 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

7. In the event that any installment payment hereunder is not made within fifteen (15) days of its 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.

8. Failure of Respondent to make the payment to the State in the time prescribed by this Consent Order constitute a breach of this Consent Order. In the event of such breach, the Division may take whatever additional action it deems necessary and appropriate under the circumstances, including, but not limited to, seeking an Order from the Superior Court compelling compliance and seeking additional penalties, costs and attorney fees.

9. If, after the signing of this Consent Order, Respondent engages in any acts or practices which constitute a violation of the Consumer Fraud Act, Employment and Personnel Services Act, the Regulations or this Consent Order, Respondent will be subject to the imposition of enhanced penalties pursuant to N.J.S.A. 34:8-61, N.J.S.A 56:8-13 or N.J.S.A. 56:8-18, without prejudice to Respondent's right to present evidence in mitigation and affirmative defenses.

GENERAL PROVISIONS

10. 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.

11. 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.

12. 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.

13. This Consent Order resolves all claims and causes of action against Respondent for violations of the CFA and the regulations promulgated pursuant thereto and the Employment and Personnel Services Act and its Regulations, which were known by the Division's Office of Consumer Protection through October 2, 2008.

14. 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.

15. 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.

16. Respondent 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.

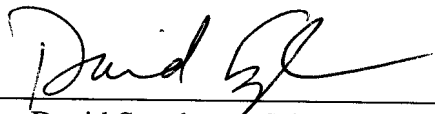
17. The parties acknowledge that for purposes of enforcement of this Consent Order, New Jersey law shall govern the terms and provisions herein.

18. This Consent Order may be executed in counterparts.

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

20. Respondent acknowledges 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.

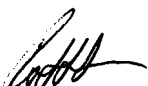
ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY

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

DATED: 3/11/09

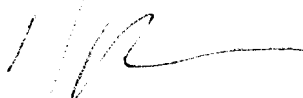
The undersigned has read this Consent Order, understands it, and agrees to be bound by its terms.

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


Robert Freeman, Owner
Tri-State Placement Services, Inc.

DATED: 2/7/09

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


Robert J. Mancinelli, Attorney for
Tri-State Placement Services, Inc.

DATED: 2-3-09