

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

### New Jersey Office of the Attorney General

Division of Consumer Affairs
Office of Consumer Protection
124 Halsey Street, 7th Floor, Newark, NJ 07102



MATTHEW J. PLATKIN Acting Attorney General

CARI FAIS
Acting Director

Mailing Address: P.O. Box 45025 Newark, NJ 07101 (973) 504-6200

July 7, 2022

### VIA CERTIFIED AND REGULAR MAIL

Hidden Grounds, LLC d/b/a Hidden Grounds Coffee 700 Garden Street Hoboken, New Jersey 07030 C/O: Anand Patel, Registered Agent

#### NOTICE OF VIOLATION AND OFFER OF SETTLEMENT

Dear Mr. Patel:

The New Jersey Division of Consumer Affairs, Office of Consumer Protection ("Division"), is charged with enforcement of the New Jersey Consumer Fraud Act, ("CFA"), **N.J.S.A. 56:8-1** <u>et seq.</u>, specifically the Prohibition of Discrimination Against Cash-Paying Customers at **N.J.S.A. 56:8-2.33**.

The CFA, specifically N.J.S.A. 56:8-2.33(a), states:

A person selling or offering for sale goods or services at retail shall not require a buyer to pay using credit or prohibit cash as payment in order to purchase the goods or services. A person selling or offering for sale goods or services at retail shall accept legal tender when offered by the buyer as payment.

Further, the CFA, specifically N.J.S.A. 56:8-2.33(b), states:

A person in violation of subsection (a) of [N.J.S.A. 56:8-2.33] shall be subject to a civil penalty of up to \$2,500 for a first offense and up to \$5,000 for a second offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L. 1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

The Division has conducted an investigation of Hidden Grounds, LLC d/b/a Hidden Grounds Coffee located at 700 Garden Street, Hoboken, New Jersey 07030 ("You", "Your", or "Yourself"), and has determined that You are in violation of the CFA (hereinafter "Investigation"). As a result of the Division's Investigation, You have been found to have required a consumer to pay using a credit card or prohibited cash as payment in order to purchase goods or services, in violation of the CFA, specifically N.J.S.A 56:8-2.33. The facts of the Investigation are set forth in the attached Certification of Supervising Investigator Murat Botas.

IF YOU DO NOT CONTEST THE VIOLATION(S) ALLEGED and wish to avail Yourself of this opportunity to settle the Investigation, You should **sign and return the Enclosed Answering Certification within fifteen (15) days** from the date of this **Notice of Violation ("Notice")** and agree to the following:

- 1. Cease and desist from further conduct that violates the CFA, including **N.J.S.A.** 56:8-2.33 et seq.,
- 2. Pay a civil penalty in the amount of \$1,000.00.

If the above-referenced payment is remitted, along with Your signed Answering Certification, You need not do anything further.

IF YOU DO NOT CONTEST THE VIOLATIONS ALLEGED, but wish to present information to Division representatives about any mitigating circumstances in Your case that may persuade the Division to reduce the civil penalty, you may request an informal Mitigation Conference. If You request a Mitigation Conference, You will waive Your right to an Administrative Hearing. The Mitigation Conference is scheduled for Monday, July 26, 2022 at 10:00AM at 124 Halsey Street, 7th. Floor, Newark, New Jersey with Supervising Investigator Murat Botas, a representative of the Division. You may be accompanied by an attorney. Due to COVID-19, this conference may take place as a conference call. Please confirm with Supervising Investigator Botas at 973-273-8038 or email at BotasM@dca.njoag.gov. Should You have any questions regarding this procedure, or seek an adjournment of this date, please contact Supervising Investigator Botas at (973) 273-8038 or BotasM@dca.njoag.gov Alternatively, You may send written documentation to the Division concerning any mitigating circumstances that You believe may persuade the Division to reduce the civil penalty. The Division will then review this material and respond to You. In order to elect either of these options, You must return the enclosed Answering Certification within fifteen (15) days from the date of this Notice.

IF YOU CONTEST THE VIOLATION(S) ALLEGED, and do not wish to settle the matter consistent with the terms set forth above, You may request a formal Administrative Hearing by returning the enclosed Answering Certification within fifteen (15) days from the date of this Notice. In that event, this Notice will serve as notice of the violations against You. You should be aware that in making its final decision, the Division may, if violations of the above-referenced statutes have been proven, order civil penalties and remedies other than those in the settlement offer above Specifically, You may be ordered to: pay civil penalties in an amount up to \$2,500 for the first violation, \$5,000 for the second violation, \$10,000 for the third violation and up to

\$20,000 for the fourth violation and each subsequent violation, pursuant to N.J.S.A. 56:8-13 and N.J.S.A 56:8-2.33, and pay investigative costs and attorneys' fees to the Division pursuant to N.J.S.A. 56:8-11 and 56:8-19.

Before a determination is made with regard to whether an Administrative Hearing will be conducted before the Director or referred to the Office of Administrative Law, a Pre-Hearing Conference will be held. If You request an Administrative Hearing, Your Pre-Hearing Conference will be scheduled on July 26, 2022, at 10:00 A.M. at 124 Halsey Street, 7th. Floor, Newark, New Jersey with Supervising Investigator Botas. You may be accompanied by an attorney. Due to COVID-19, this conference may take place as a conference call. Please confirm with Supervising Investigator Botas. attendance at this Pre-Hearing Conference is mandatory. Any failure to appear without a satisfactory explanation may result in an order barring You from raising certain defenses at the Administrative Hearing, pursuant to N.J.A.C. 1:1-14.4. The purpose of this Pre-Hearing Conference is to discuss the issues in this matter and the defenses which You may wish to raise. You should be prepared to discuss the evidence You will propose to offer at the Administrative Hearing. It may be helpful if You bring to the Pre-Hearing Conference a copy of any documentation that supports Your position. If the Division determines that there are no material facts in dispute, You will have an opportunity to submit legal arguments and any documentation that may be relevant to the ultimate disposition of this matter. If there are material facts in dispute, an Administrative Hearing will be scheduled. During the Administrative Hearing, You, either personally or with the assistance of Your attorney, will have an opportunity to respond to the alleged violations, and submit evidence and present testimony as may be necessary for the Division to make a final determination.

IF YOU FAIL TO RESPOND within fifteen (15) days of the date of this Notice, the settlement offer will be withdrawn, and You will be deemed in default. allegations against You will be deemed uncontested. Thereafter, this Notice and the underlying proofs may be reviewed by the Director of the Division, and a Final Decision and Order on Default ("Final Order on Default") will be issued, and You may be ordered to: pay civil penalties in an amount up to \$2,500 for the first violation, \$5,000 for the second violation, \$10,000 for the third violation and up to \$20,000 for the fourth violation and each subsequent violation pursuant to N.J.S.A. 56:8-13 and N.J.S.A. 56:8-2.33; and pay investigative costs and attorneys' fees to the Division pursuant to N.J.S.A. 56:8-11 and 56:8-19. You will receive no further notice from the Division prior to issuance of a Final Order on Default. Once a Final Order on Default has been entered, Your failure to pay any civil penalties, attorneys' fees and investigative costs within the time allowed will result in the filing of a Certificate of Debt. Any subsequent violation of a Final Order on Default with a cease and desist provision may subject You to a civil penalty of up to \$25,000 per violation pursuant to N.J.S.A. 56:8-18. Service of a Final Order on Default will be deemed effective if sent by first-class mail and certified mail, return receipt requested, to Your last known mailing address.

Should You have any questions, please contact **Supervising Investigator Botas** at (973) 273-8038 or email <a href="mailto:BotasM@dca.njoag.gov">BotasM@dca.njoag.gov</a>.

New Jersey Division of Consumer Affairs Office of Consumer Protection

Ву:

Gregory K. Turner

Assistant Deputy of Enforcement

### **ANSWERING CERTIFICATION**

3							
I,, hereby acknowledge that I have read and reviewed the Notice, regarding alleged violations of the CFA, <b>N.J.S.A. 56:8-1</b> <u>et seq.</u> , specifically <b>N.J.S.A. 56:8-2.33</b> .							
PLEASE CHECK ONE OF THE OPTIONS BELOW:							
(OPTION 1): Hidden Grounds, LLC d/b/a Hid	den Grounds Coffee						
I DO NOT CONTEST THE VIOLATION(S) ALLEGED and acknowledge the conduct that has been alleged and agree to:							
<ol> <li>Cease and desist from further specifically N.J.S.A. 56:8-2.33;</li> </ol>							
2. Pay a civil penalty in the amount I am aware that the action taken agains public record, and that the <b>Notice</b> and the documents. I am enclosing herewith a cashi \$1,000.00 made payable to the "New Jersey I mailing or delivering to: Case Initiation and Tra and Public Safety, Division of Consumer Affa Newark, New Jersey 07101, Attention: Van Ma	st me by the Division herein is a matter of his <b>Answering Certification</b> are public er's check or money order in the sum of Division of Consumer Affairs" which I am cking Unit, New Jersey Department of Law hirs, 124 Halsey Street, P.O. Box 45025,						
Dated:	By:SIGN NAME						
	Name:PRINT NAME						

### (OPTION 2): Hidden Grounds, LLC d/b/a Hidden Grounds Coffee

I DO NOT CONTEST THE VIOLAT rights I may have to an Administrative Hearing against any alleged violations, <b>BUT</b> I ask the Divi in my case before rendering its final decision.	
I request a Mitigation Conference representatives; I understand that the Mi July 26, 2022, at 10:00 A.M., at 124 H New Jersey. Due to COVID-19, this conference call. Please confirm with Botas at 973-273-8038 or email Botas I may be represented by an attorney at the	tigation Conference will be held on alsey Street, 7th, Floor, Newark, onference may take place as a Supervising Investigator Murat M@dca.njoag.gov. I am aware that
I am submitting written docume circumstances; I understand that the D before rendering a final decision.	
I understand that, if, after considering Division is not persuaded that any reduction in <b>Notice</b> is warranted, or that any of the other ter following terms may be ordered and I will be obtained.	the amounts set forth above and in the ms or conditions should be modified, the
<ol> <li>Cease and desist from further specifically N.J.S.A. 56:8-2.33; ar</li> </ol>	
2. Pay a civil penalty in the amount	of \$1,000.00.
If a modification in these terms is accepted amounts that I must pay. I am also aware the Division herein is a matter of public record, a <b>Answering Certification</b> are public document further enforcement proceedings and any failure the filing of a <b>Certificate of Debt</b> .	hat the action taken against me by the and that the Division's <b>Notice</b> and this s. Failure to comply may subject me to
Dated:	By: SIGN NAME
	Name: PRINT NAME

(OPTION 3): Hidden Grounds, LLC d/b/a Hidden Grounds Coffee

I CONTEST THE VIOLATION(S) ALLEGED and request a formal Administrative Hearing. I understand that I am required to attend a Pre-Hearing Conference on July 26, 2022, 10:00 A.M. at 124 Halsey Street, 7th. Floor, Newark, New Jersey with Supervising Investigator Murat Botas, at which the issues in this matter and the possibility of settlement will be discussed. Due to COVID-19, this conference may take place as a conference call. Please confirm with Supervisoring Investigator Murat Botas at 973-273-8038 or email BotasM@dca.njoag.gov. I am aware that I may be represented by an attorney at the Pre-Hearing Conference.

If the Division and I agree upon any essential settlement terms at the **Pre-Hearing Conference**, I understand that:

- 1. These terms will be included in a document ("Pre-Hearing Settlement Sheet");
- 2. The Division representative and I will sign the Pre-Hearing Settlement Sheet and I will be bound by it; and
- 3. The Division will send me a Consent Order which will include all settlement terms that I must sign and return along with any required payment to the Division within thirty (30) days of the date that the Division sends it to me.

I further understand that if I fail to sign and return the **Consent Order**, the Division will present this matter to the Director of the Division based upon this **Notice**, and a **Final Decision and Order After Notice of Violation** will be issued. **I will receive no further notice from the Division prior to issuance of a Final Decision and Order After Notice of Violation**.

If the Division and I do not agree upon settlement terms at the **Pre-Hearing Conference**, I will thereafter be advised of the time, date and place for the **Administrative Hearing** if a determination has been made that there are material facts in dispute. I am aware that I may be represented by an attorney at the Administrative Hearing. I am also aware that at the time of the Administrative Hearing, I may offer testimony, documentation and legal argument relevant to the alleged violations. I understand that in making a final decision, the Director of the Division may, if unlawful activity has been proven, issue a cease and desist order and/or assess civil penalties, attorneys' fees and investigative costs exceeding the settlement offer in this Notice, and may order such other remedies as deemed appropriate. I am also aware that this proceeding is a matter of public record and that the Notice and this Answering Certification are public documents.

Dated:	By:	
* "	SIGN NAME	
	Name:	
	PRINT NAME	

### Hidden Grounds, LLC d/b/a Hidden Grounds Coffee 700 Garden Street Hoboken, New Jersey 07030

#### **INVESTIGATIVE CERTIFICATION**

- I, Murat Botas, being of full age, do hereby certify as follows:
  - 1. I am employed as an Investigator by the Office of the Attorney General, Division of Consumer Affairs, Office of Consumer Protection ("Division"), located at 124 Halsey Street, 7th Floor, Newark, New Jersey 07102.
  - 2. On or about April 26, 2022, the Division received a complaint that Hidden Grounds, LLC, d/b/a Hidden grounds Coffee located at 700 Garden Street Hoboken, New Jersey 07030, prohibited cash as payment in order to purchase goods or services.
  - 3. On May 13, 2022, the Division sent a Notice to Hidden grounds Coffee via certified mail, directing Hidden Grounds Coffee to cease and desist from prohibiting a buyer from using cash as payment pursuant to N.J.S.A. 56:8-2.33. The certified mail was delivered to Hidden Grounds Coffee on May 20, 2022. A copy of the Notice and proof of service are attached as **Exhibit A**.
  - 4. On June 13, 2022 at approximately 11:00 a. m., I, arrived at Hidden Grounds Coffee located at 700 Garden Street, Hoboken, New Jersey 07030, to conduct an on-site inspection. A copy of the Inspection Sheet is attached as **Exhibit B**.
  - 5. The purpose of the inspection was to determine whether Hidden Grounds Coffee was selling or offering for sale goods or services at retail and requiring a buyer to pay using credit or prohibit cash as payment in order to purchase the goods or services.
  - 6. Upon arrival, I spoke to an employee at Hidden Grounds Coffee, and explained that the Division was conducting an inspection of the location for the purpose of ensuring compliance with N.J.S.A 56:8-2.33 Discrimination against cash paying customers.

- 7. I asked the employee if Hidden Grounds Coffee accepted cash as payment for goods offered for sale. He stated that Hidden Grounds Coffee does not accept cash as a form of payment, he explained that possibly in a month when the company changes the computer system at the store they would start accepting cash. The employee also mentioned that the store was robbed on several occasions, and that was one reason why they were not accepting cash.
- 8. At 11:30 a.m. I left Hidden Grounds Coffee.
- 9. On June 16, 2022, the Division ran a Detailed Corporation Information Inquiry report ("inquiry report"). The inquiry report indicates that Anand Patel is the registered agent of Hidden Grounds LLC. The inquiry report is attached hereto as **Exhibit C**.
- 10. All documents submitted with this Certification are true copies of documents in possession of the Division.

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.

Murat Botas Supervising

Office of Consumer Protection

New Jersey Division of Consumer Affairs

Investigator

Dated: July 7, 2022 Newark, New Jersey

## **EXHIBIT** A

(A copy of the Notice and proof of service)



PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

### New Jersey Office of the Attorney General

Division of Consumer Affairs
Office of Consumer Protection
124 Halsey Street, 7th Floor, Newark, NJ 07102



MATTHEW J. PLATKIN
Acting Attorney General

Howard Pine Acting Director

Mailing Address: P.O. Box 45025 Newark, NJ 07101 (973) 504-6200

May 13, 2022

### VIA REGULAR AND CERTIFIED MAIL

Hidden Grounds Coffee 79 Hudson Street Hoboken, New Jersey 07030 Attn: Business Owner

Re: Hidden Grounds Coffee

To Whom It May Concern:

On March 18, 2019, New Jersey Governor Phil Murphy signed P.L. 2019, c.50 (N.J.S.A. 56:8-2.33), prohibiting any person, as defined by N.J.S.A. 56:8-1, selling or offering for sale goods or services at retail from: (1) requiring a buyer to pay using credit; or (2) refusing to accept cash as payment, in order to purchase the goods or services. A person selling or offering for sale goods or services at retail must accept legal tender when offered by the buyer as payment, unless exempted under the law.

The Division of Consumer Affairs, Office of Consumer Protection (the "Division") considers it to be a violation of N.J.S.A. 56:8-2.33 for a person to engage in any of the following retail sales practices:

- Prohibiting a buyer from using cash;
- Refusing cash payment due to a buyer's failure to use exact change; and
- Requiring a buyer to only use electronic payment methods (such as an app or an in-store kiosk) when making a purchase in-person at a physical retail location.

The Division may bring an enforcement action against a person for engaging in any of the retail purchase practices included in the non-exhaustive list above.

The Division has conducted an inspection of Hidden Grounds Coffee, during which our investigator determined that it is the practice of Hidden Grounds Coffee to not accept cash payment. These practices are unlawful under N.J.S.A. 56:8-2.33. Accordingly, you may be liable for an assessment by the Division of civil monetary penalties of up to \$2,500 for a first violation and \$5,000 for a second violation. Furthermore, a third violation of N.J.S.A. 56:8-2.33 constitutes an unlawful practice under the Consumer Fraud Act, N.J.S.A. 56:8-1 to -227 (the "CFA"), and is subject to civil penalties of up to \$10,000, pursuant to N.J.S.A. 56:8-13.

Although no final determination has been made, and the Division's investigation is ongoing, to the extent you are engaged in conduct in violation of the CFA, you are hereby directed to cease and desist such conduct. Please be guided accordingly.

Sincerely,

Gregory K. Turner

Assistant Deputy Director of Enforcement





## EXHIBIT B

(A copy of Inspection Sheet)

### No Cash Undercover Investigation

Name of the Business: Hidden Grounds Coffee
Address: 700 GARDEN Street
City/State/Zip/County: Hobolan N.J 07030
Telephone Number: 848 308 - 3645
Date of Inspection: 6 13 22 Start Time: 11.00 Am End Time: 11.30 Am
Investigator: M. BoltAS
1. Does this location accept cash as a form of payment? YESNO
2. If YES is cash accepted at all times? YES NO W/A
3. If NO, are there certain days that cash is or is not accepted?
Explain:
4. Is there a Notice indicating "No Cash" is accepted? YESNO
5. If YES, Please take a picture of the Notice.
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.
6 13/22 Um / No
Date Signature
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# EXHIBIT C

(Secretary of State)



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MERGER INFORMATION

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AMENDMENT CERTIFICATES

PREVIOUS REGISTERED AGENTS

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