



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
Attorney General

CARI FAIS
Acting Director

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

Skyviews of America, LLC.
d/b/a Dream Wheel
American Dream Mall – Level 3
East Rutherford, NJ 07073
Attn: David B. Moore, General Operations Manager

Re: NOV22000288

Dear Mr. Moore:

Please find enclosed Notice of Violation, NOV2200288, dated December 22, 2022. Please respond by signing and returning one of the three options within the NOV to Supervising Investigator Ronald Regen, at RegenR@dca.njoag.gov, **by January 16, 2023**. Please note, if you fail to respond to this Notice of Violation by the date specified above, a Final Order on Default order will be issued.

Please be advised that all mitigation conferences and pre-hearing conferences normally held in the Newark Office located at 124 Halsey Street, 7th Floor, Newark, New Jersey 07102, are being held remotely until further notice.

The call-in phone number for the remote meeting scheduled for January 23, 2023 at 10:00 AM;

- **Call in (audio only):** 1-(856)-288-3130
- **Phone Conference ID:** 979 805 706#

If you have any questions, you may reach me at RegenR@dca.njoag.gov

Sincerely,

Ronald Regen

Ronald Regen, Supervising Investigator
Office of Consumer Protection

Enclosure



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New Jersey Office of the Attorney General

Department of Law & Public Safety
Division of Consumer Affairs
Office of Consumer Protection
124 Halsey Street, 7th Floor, Newark, NJ 07102

December 22, 2022



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VIA CERTIFIED AND REGULAR MAIL

Skyviews of America, LLC
d/b/a Dream Wheel
American Dream Mall – Level 3
East Rutherford, NJ 07073
Attn: David B. Moore, General Operations Manager

NOTICE OF VIOLATION AND OFFER OF SETTLEMENT

Dear Mr. Moore:

The New Jersey Division of Consumer Affairs, Office of Consumer Protection (“Division”) is charged with the enforcement of the New Jersey Consumer Fraud Act, **N.J.S.A. 56:8-1 to -227** (“CFA”), specifically the prohibition on discrimination against cash-paying customers at **N.J.S.A. 56:8-2.33**. The Division has conducted an investigation of Skyviews of America, LLC. d/b/a Dream Wheel (“You,” “Your,” or “Yourself”) as a result of multiple consumer complaints received by the Division (hereinafter “Investigation”).

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

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.

As set forth in the attached Certification of Supervising Investigator Ronald Regen, You have been found to have prohibited cash as payment from consumers to purchase goods or services and/or have refused to accept cash a legal tender when offered by a consumer as payment, in violation of the CFA, specifically **N.J.S.A. 56:8-2.33**.

Each of these violations subjects You to civil penalties, pursuant to N.J.S.A. 56:8-13, consumer restitution pursuant to N.J.S.A. 56:8-15, and reimbursement of the Division's investigative costs and/or attorneys' fees, pursuant to N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19.

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

1. Cease and desist engaging in any practices in violation of the CFA, including N.J.S.A. 56:8-2.33; and
2. Pay a civil penalty in the amount of \$1,000.00.

If the above-referenced payment is received by the Division, within 15 days of the date of this Notice, along with Your signed Answering Certification, You need not do anything further.

IF YOU DO NOT CONTEST THE VIOLATIONS ALLEGED, but want 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 date is January 23, 2023 at 10:00 AM at 124 Halsey Street, 7th Floor, Newark, New Jersey 07102**, with **Supervising Investigator Ronald Regen ("Supervising Investigator Regen")**, a representative of the Division. **You may be accompanied by an attorney**. Should You have any questions regarding this procedure, or seek an adjournment of this date, please contact Supervising Investigator Regen, who may be reached at (973) 792-4210 or regenr@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 15 days from the date of this Notice**.

IF YOU CONTEST THE VIOLATIONS 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 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 a final decision, the Director of the Division may, if violations of the above-referenced statutes and regulations have been proven, order civil penalties and remedies other than those in the settlement offer in this Notice. **Specifically, You may be ordered to: pay civil penalties in an amount up to \$2,500 for the first violation and up to \$5,000 for the second violation, pursuant to N.J.S.A. 56:8-2.33, and up to \$10,000 for the third violation and up to \$20,000 for each subsequent violation, pursuant to N.J.S.A. 56:8-13; pay consumer restitution, pursuant to N.J.S.A. 56:8-15; pay investigative costs and attorneys' fees to the Division, pursuant to N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19; and cease and desist from acts or practices in violation of the CFA, pursuant to N.J.S.A. 56:8-18.**

Before a determination is made with regard to whether an Administrative Hearing will be conducted before the Director of the Division 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 January 23, 2023, at 10:00 AM at 124 Halsey Street, 7th Floor, Newark, New Jersey 07102**, with Supervising Investigator Regen, a representative of the Division. **You may be accompanied by an attorney**. Should You have any questions regarding this procedure, or seek an adjournment of this date, please contact Supervising Investigator Regen, who may be reached at (973) 792-4210 or regenr@dca.njoag.gov. **Your 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 that 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 to this Notice within 15 days of the date of this Notice, the settlement offer will be withdrawn, You will be deemed in default and the allegations against You will be deemed uncontested. Thereafter, this Notice and the underlying proofs will be reviewed by the Director of the Division, and a Final Decision and Order on Default ("Order") will be issued, and **You may be ordered to: pay civil penalties in an amount up to \$2,500 for the first violation and up to \$5,000 for the second violation, pursuant to N.J.S.A. 56:8-2.33, and up to \$10,000 for the third violation and up to \$20,000 for each subsequent violation, pursuant to N.J.S.A. 56:8-13; pay consumer restitution, pursuant to N.J.S.A. 56:8-15; pay investigative costs and attorneys' fees to the Division, pursuant to N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19; and cease and desist from acts or practices in violation of the CFA, pursuant to N.J.S.A. 56:8-18. Once an Order has been entered, Your failure to pay any civil penalties, restitution, attorneys' fees and/or investigative costs within the time allowed will result in the filing of a Certificate of Debt. Any subsequent violation of an Order 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 an Order 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 Regen at (973) 792-4210 or regenr@dca.njoag.gov.

New Jersey Division of Consumer Affairs
Office of Consumer Protection

By: _____


Gregory K. Turner
Assistant Deputy of Enforcement

ANSWERING CERTIFICATION

I, _____, hereby acknowledge that I have read and reviewed the Notice, regarding alleged violations of the CFA, **N.J.S.A. 56:8-1 to -227**, specifically **N.J.S.A. 56:8-2.33(a)**.

PLEASE CHECK ONE OF THE OPTIONS BELOW:

(OPTION 1): Skyviews of America, LLC. d/b/a Dream Wheel

_____ **I DO NOT CONTEST THE VIOLATIONS ALLEGED** and acknowledge the conduct that has been alleged and agree to:

1. Cease and desist from engaging in any practices in violation of the CFA, including **N.J.S.A. 56:8-2.33**; and
2. Pay a civil penalty in the amount of \$1,000.00.

I am also aware that the action taken against me by the Division herein is a matter of public record, and that the Notice and this Answering Certification are public documents. I am enclosing herewith a certified check, cashier's check, or money order, or making payment by credit card or wire transfer, in the sum of \$1,000.00 made payable to the "New Jersey Division of Consumer Affairs," which I am mailing or delivering to: New Jersey Department of Law and Public Safety, Division of Consumer Affairs, Office of Consumer Protection, 124 Halsey Street, P.O. Box 45025, Newark, New Jersey 07101, ATTN: Van Mallett, Lead Investigator.

Dated: _____

By: _____
SIGN NAME

Name: _____
PRINT NAME

(OPTION 2): Skyviews of America, LLC. d/b/a Dream Wheel

_____ **I DO NOT CONTEST THE VIOLATIONS ALLEGED** and hereby waive any rights I may have to an Administrative Hearing in this matter in order to defend myself against any alleged violations, **BUT** I ask the Division to consider mitigating circumstances in my case before rendering its final decision.

_____ I request a Mitigation Conference to present information to Division representatives. I understand that the **Mitigation Conference will be held on January 23, 2023 at 10:00 AM, at 124 Halsey Street, 7th Floor, Newark, New Jersey 07102. I am aware that I may be represented by an attorney at the Mitigation Conference.**

_____ I am submitting written documentation concerning mitigating circumstances. I understand that the Division will consider this material before rendering a final decision.

I understand that, if, after considering the mitigation evidence presented, the Division is not persuaded that any reduction in the amounts set forth above and in the Notice is warranted or that any of the other terms or conditions should be modified, the following terms may be ordered and I will be obligated to:

1. Cease and desist from engaging in any practices in violation of the CFA, including **N.J.S.A. 56:8-2.33**; and
2. Pay a civil penalty in the amount of \$1,000.00

If a modification in these terms is accepted by the Division, I will be notified of the amounts that I must pay. I am also aware that the action taken against me by the Division herein is a matter of public record, and that the Notice and this Answering Certification are public documents. **Failure to comply may subject me to further enforcement proceedings and any failure to make a required payment will result in the filing of a Certificate of Debt.**

Dated: _____

By: _____
SIGN NAME

Name: _____
PRINT NAME

(OPTION 3): Skyviews of America LLC. d/b/a Dream Wheel

I CONTEST THE VIOLATIONS ALLEGED and request a formal Administrative Hearing. I understand that I am required to attend a **Pre-Hearing Conference on January 23, 2023 at 10 AM, at 124 Halsey Street, 7th Floor, Newark, New Jersey 07102**, at which the issues in this matter and the possibility of settlement will be discussed. **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 30 days of the date that the Division sends it to me.**

I further understand that if I fail to do so, 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 ("Order") will be issued.

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 arguments relevant to the alleged violations. **I understand that in making a final decision, the Director of the Division may, if violations of the above-referenced statutes and regulations have been proven, order payment of civil penalties, restitution, attorneys' fees and investigative costs exceeding the settlement offer in this Notice, and/or issue a cease and desist order,** 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

INVESTIGATIVE CERTIFICATION

Name of Business: Skyviews of America d/b/a Dream Wheel

Location: 1 American Dream Way, East Rutherford, NJ 07073. The Dream Wheel is located on the third level of American Dream, within the Coca Cola Eats food court.

I, Ronald Regen, 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, and have held that position at all times relevant to this Certification.
2. On Tuesday August 16, 2022, I arrived at the Dream Wheel, located within the American Dream Mall, 1 American Dream Way, East Rutherford, NJ, at approximately 2:45 pm. The Dream Wheel is a ferris Wheel operated by Skyviews of America, LLC. d/b/a Dream Wheel ("Dream Wheel LLC").
3. The purpose of the inspection was to determine whether Dream Wheel LLC was selling or offering for sale goods or services at retail, namely tickets to ride the Dream Wheel, and prohibiting buyers from using cash payment in order to purchase the goods or services or refusing to accept cash offered to purchase tickets
4. I observed a price list on the sales counter of the Dream Wheel indicating that all sales are final, as well as the prices charged for a Dream Wheel experience. I asked the clerk if he accepted cash and he responded by saying no. I asked to speak to the manager and the clerk texted the manager to respond to the sales counter.
5. Shortly after, David B. Moore arrived and indicated that he was the manager. I explained that the law, specifically N.J.S.A. 56:8-2.33, required businesses in New Jersey to accept cash. I prepared an inspection report and Mr. Moore signed and initialed the document. A copy of the inspection report is attached as **Exhibit A**.
6. Mr. Moore asked if there would be a penalty and I indicated yes, but did not know the amount. Mr. Moore asked whether it would meet the requirements under the law if consumers that wished to pay with cash were required to go down to the mall customer service with their cash and purchase a gift card. I told Mr. Moore it would not meet the requirement under the law.
7. On Friday October 28, 2022, at approximately 2:40 pm, I returned to the Dream Wheel in an undercover capacity for a follow-up inspection. I again met with David B. Moore, the manager of the Dream Wheel. Mr. Moore indicated that he still does not accept cash at the sales counter. Mr. Moore indicated that they send all customers wishing to pay cash to the American Dream Mall Customer Service Desk where customers could purchase a gift card from the mall.
8. There was no signage indicating that the Dream Wheel does not accept cash and would only accept credit cards or gift cards.
9. Gift cards are sold within the American Dream Mall at the following locations:

- Guest Services A Court;
- Guest Services C Court;
- Nickelodeon Universe Admissions Counter;
- DreamWorks Water Park Admissions Counter; and
- The Rink Admissions Counter.

10. Gift cards may also be purchased on the American Dream website at [link]. , indicating that Gift card purchases are subject to a \$4.50 surcharge, however, there was no signage at the various counters, or at the Dream Wheel itself, disclosing this surcharge. The \$4.50 surcharge is listed on the American Dream website though.
11. Gift cards may be used at assorted attractions within the American Dream Mall, food and drink establishments, and various stores and kiosks The American Dream website also indicates that when applying gift cards as payment, American Dream gift cards should be processed as a credit card.
12. After leaving the sales counter, I proceeded to go to the lower level where the American Dream Mall Customer Service Counter is located. I asked the clerk what is the fee for an American Dream Mall Gift Card, and was told that the fee was \$4.50 for a gift card up to \$1,000.00 in value. I asked if I would still be charged a service fee if I purchased the gift card to use at the Dream Wheel, and was told yes.
13. I departed the American Dream Mall at approximately 3:15 pm and completed an undercover inspection report **Exhibit B**
14. 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.

S/ *Ronald Regen*

RONALD REGEN

Dated: November 18, 2022

Newark, New Jersey

EXHIBIT A



New Jersey Office of the Attorney General

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



NOTICE OF VIOLATION

Name of Business: DREAM WHEEL by SKYVIEWS OF AMERICA
Address: 1 AMERICAN DREAM WAY
City: EAST RUTHERFORD State: NJ Zip: 07073 County: BERGEN
Phone: 201-800-4261 Email: DAVID@DREAMWHEELN.J.COM
Date of Inspection: 8-16-2022 Time of Inspection: 2:45 PM

FAILURE TO DISCLOSE REFUND POLICY
N.J.S.A 56:8-2.14 et seq. & N.J.A.C. 13:45A-15.1 et seq.

Is the Refund Policy conspicuously posted on a sign attached to merchandise; affixed to a cash register or point of sale; posted at a store entrance or clearly visible to a buyer from a cash register?

[X] Yes [] No Initials of store representative: DBM ALL SALES FINAL

FAILURE TO DISPLAY SELLING PRICE
N.J.S.A. 56:8-2.5

Is the total selling price of merchandise offered for sale marked by a stamp, label or sign affixed to the merchandise or located at the point where it is offered for sale?

[X] Yes [] No Initials of store representative: DBM

FAILURE TO ACCEPT CASH PAYMENTS
N.J.S.A. 56:8-2.33

Does the retail establishment require the buyer to pay using credit card or prohibit cash as payment in offering to purchase the goods or services?

[] Yes [X] No Initials of store representative: DBM

I certify that I have conducted an inspection, observed the above-referenced violations and left a copy of this Notice of Violation and Offer of Settlement with the representative noted below:

Investigator (Print): RONALD REGEN Investigator #: 20

Investigator's Signature: [Signature]

Business Representative (Print): DAVID B. MOORE Representative's Signature: [Signature] DAVID MOORE

EXHIBIT B

No Cash Undercover Investigation

Name of the Business: SKYVIEWS OF AMERICA, LLC. dba DREAM WHEEL

Address: 1 AMERICAN DREAM WAY

City/State/Zip/County: EAST RUTHERFORD NJ 07073 (BURGEN)

Telephone Number: 201-800-4261

Date of Inspection: 10/28/2022 Start Time: 2:40 PM End Time: 3:00 PM

Investigator: RONALD REGEN

1. Does this location accept cash as a form of payment? YES ___ NO X

2. If YES is cash accepted at all times? YES ___ NO ___

3. If NO, are there certain days that cash is or is not accepted?

Explain: They indicated I could go downstairs and purchase a gift card. Manager states he called NJ Consumer Affairs and an unknown person stated "gift cards" would be acceptable.

8/17/22

4. Is there a Notice indicating "No Cash" is accepted? YES ___ NO X

DAVID MOORE
MANAGER

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.

10/28/2022
Date

[Signature]
Signature

RONALD REGEN
Print Name