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ATTORNEY GENERAL OF NEW JERSEY

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FILED

MAY 10 2004

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

Jeffrey Pearlman
d/b/a Sitting Pretty Seating Services,
L.L.C.

Respondents

Administrative Action

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., including the anti-ticket scalping provisions N.J.S.A. 56:8-26 et seq. (hereinafter collectively referred to as "CFA" or the "Act"), and the Regulations, N.J.A.C. 13:45A-1.1 et seq., including the Regulations Governing the Resale of Tickets of Admission to Places of Entertainment N.J.A.C. 13:45A-20.1 et seq. (hereinafter referred to as the "Regulations") have been or are being committed by Jeffrey Pearlman d/b/a Sitting Pretty Seating Services, L.L.C. (hereinafter collectively referred to as the "Respondents"), 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, and for good cause shown,

IT IS on this 28th day of April, 2004 ORDERED and AGREED as follows:

A. BUSINESS PRACTICES

1. Respondents, their 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 Regulations, in connection with the practice of reselling tickets.

2. Respondents shall cease and desist from engaging in the following:

- A. From operating as a reseller of tickets, within the state of New Jersey, to New Jersey venues or to New Jersey consumers without registering with the state as a ticket broker in accordance with N.J.S.A. 56:8-27.
- B. From transacting business under names other than those for which they are registered or their own.

3. Specifically, Respondents shall comply with the following business practices:

- A. The Respondents shall abide by the ticket broker's registration requirements and applicable resale price restrictions contained in the Act and Regulations.
- B. The Respondents shall only transact business under names for which they are registered or their own.

B. PAYMENTS TO THE STATE

4. Respondents, jointly and severally, shall be liable to pay a penalty of \$7,000.00 pursuant to N.J.S.A. 56:8-13 and costs in the amount of \$500.00 pursuant to N.J.S.A. 56:8-11. Of this amount, \$5,000.00 shall be suspended for a period of two [2] years from the date hereof and shall, at the expiration of said two [2] year period, automatically be vacated provided Respondents:

- A. obey the restraints and conditions set forth in this Order; and
- B. do not violate the Consumer Fraud Act, the regulations promulgated pursuant thereto and/or any other consumer protection statute. However, in the event that Respondents fail to comply with the foregoing provisions, the entire suspended amount of \$5,000.00 shall be due and immediately payable upon notice by the Division.

5. The non-suspended payment amount totaling \$2,500.00, shall be paid as follows:

An initial payment of \$500.00 shall be sent together with this Consent Order fully executed by the Respondents. The remaining balance of \$ 2,000.00 shall be paid in 17 equal monthly installments of \$111.00 with a final 18th payment due of \$113.00. The first installment payment shall be due on May ¹⁵~~3~~ 2004, and shall continue on the first day of the month every month thereafter through and including October 1, 2005.

6. Each of the afore-stated 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:

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

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, including the suspended penalty amount, 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.

C. GENERAL PROVISIONS

8. If, after the signing of this Consent Order, Respondents engage in any acts or practices which constitute a violation of the Consumer Fraud Act, the Regulations or this Consent Order, Respondents 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' rights to present evidence in mitigation and affirmative defenses.

9. 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.

10. 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.

11. This Consent Order resolves all claims and causes of action against Respondents for violations of the CFA and the regulations promulgated pursuant thereto, which were known by the Division's Office of Consumer Protection through January 8, 2004.

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 Respondents 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.

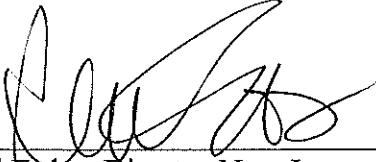
16. The Division has advised the Respondents to seek the advice of an attorney prior to entering into this agreement.

17. This Consent Order may be executed in counterparts.

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

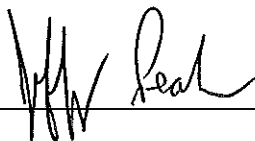
19. This Consent Order is a public document.

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY


BY:  DATED: 5/10/04
Reni Erdos, Director New Jersey
Division of Consumer Affairs


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.

BY:  DATED: 4/28/04

TITLE: Owner/President


Jeffrey Pearlman,
as owner and operator of Sitting Pretty Seating Services, L.L.C.

 DATED: 4/28/04
Jeffrey Pearlman, Individually