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FILED

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Division of Consumer Affairs

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
DOCKET NO. 10-008

PAULA T. DOW, Attorney General of
the State of New Jersey,

Petitioner,

v.

EFURNITUREDEALS, INC. a/k/a
SIMPLESIMONKIDS.COM and
JOSEPH DWECK,

Respondents.

Administrative Action

**ORDER FOR ENTRY OF
DEFAULT AND FINAL DECISION
AND ORDER BY DEFAULT**

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This application for Entry of Default and a Final Decision and Order by Default against Respondents, E furnitureDeals, Inc a/k/a Simplesimonkids.com and Joseph Dweck (collectively, "Respondents") having been brought by Petitioner Paula T. Dow, Attorney General of the State of New Jersey ("Petitioner"), Frank J. Marasco, Deputy Attorney General, appearing, by way of Administrative Complaint ("Complaint"), Notice of Hearing and Notice to File Answer ("Notice") and accompanying Brief, Certification of Raquel Williams, with accompanying exhibits, and

Certification of Frank J. Marasco with accompanying exhibits, alleging Respondents have engaged in conduct in violation of the New Jersey Consumer Fraud Act ("CFA"), N.J.S.A. 56:8-1 et seq. and the Regulations Governing the Delivery of Household Furniture and Furnishings ("Furniture Regulations"), N.J.A.C. 13:45A-5.1 et seq. and the Regulations Governing Deceptive Mail Order Practices ("Mail Order Regulations") N.J.A.C. 13:45A-1.1 et seq.; and

Petitioner having commenced this action on February 23, 2010 upon the filing of the Complaint and Notice which was duly served upon Respondents by Investigator Ediz Laypan on February 24, 2010; and Respondents to date having failed to answer or otherwise defend this action, thus defaulting for failure to appear or to otherwise defend as provided by N.J.A.C. 13:45-3.3(g); and

The Director of the Division of Consumer Affairs having jurisdiction over the subject matter of this action and over Respondents:

IT IS on this 13th day of June, 2011:

1. **ORDERED** that Default shall be entered against Respondents;
2. **IT IS FURTHER ORDERED** that a Final Decision and Order by Default be and hereby is entered in favor of Petitioner and against Respondents as follows:
 - a. Respondents have committed violations of the CFA and the Furniture and Mail Order Regulations;
 - b. Respondents shall immediately cease and desist from engaging in conduct in violation of the CFA and/or the Furniture and Mail Order Regulations, in accordance with N.J.S.A. 56:8-18, N.J.A.C. 13:45-5.1(c) and N.J.A.C. 13:45-5.2(a);
 - c. Respondents shall pay consumer restitution in the amount of \$18,468.00, as authorized by N.J.S.A. 56:8-8;

d. Respondents shall pay a civil penalty of \$551,000.00, for violating the CFA and the Furniture and Mail Order Regulations, in accordance with N.J.S.A. 56:8-3.1, N.J.S.A. 56:8-13, N.J.A.C. 13:45-5.1(c) and N.J.A.C. 13:45-5.2(a);

e. Respondents shall pay Petitioner's investigative costs of \$3,003.48, and attorneys' fees of \$18,274.50, as authorized by N.J.S.A. 56:8-11, N.J.S.A. 56:8-19, N.J.A.C. 13:45-5.1(c) and N.J.A.C. 13:45-5.2(a); and

f. Granting such other relief as the interest of justice may require.

3. **IT IS FURTHER ORDERED** that Respondents shall not advertise, offer for sale, or engage in or attempt to engage in the sale of merchandise to consumers whether or not from a physical location in the State of New Jersey;

4. **IT IS FURTHER ORDERED** that a copy of this Order be served upon Respondents within 10 days from the date said Order is filed.


THOMAS R. CALCAGNI, ACTING DIRECTOR
NEW JERSEY DIVISION OF CONSUMER AFFAIRS

This motion was _____ opposed X unopposed.