

**NEW JERSEY REGISTER**  
**VOLUME 40, ISSUE 16**  
**ISSUE DATE: AUGUST 18, 2008**  
**RULE ADOPTIONS**  
**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**  
**REGULATED BUSINESS SECTION**

Readoption with Amendments: N.J.A.C. 13:45B  
Adopted New Rules: N.J.A.C. 13:45B-5.1 and 6.3  
Adopted Repeal: N.J.A.C. 13:45B-6.5  
Adopted Repeal and New Rule: N.J.A.C. 13:45B-6.2  
Adopted Recodification with Amendments: N.J.A.C. 13:45B-13.2 as 7.3

Personnel Services

Proposed: April 7, 2008 at 40 N.J.R. 1762(a).

Adopted: July 8, 2008 by the Division of Consumer Affairs, David Szuchman, Director.

Filed: July 28, 2008 as R.2008 d.254, with technical changes not requiring additional public notice or comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 56:8-1.1, 34:8-43 et seq. and 52:17B-122 and 52:17B-124.

Effective Date: July 28, 2008, Readoption;

August 18, 2008, Amendments, Repeals, New Rules and Recodification.

Expiration Date: July 28, 2013.

**Summary of Public Comment and Agency Response:**

The comment period closed on June 6, 2008. The Division did not receive any comments.

**Summary of Agency-Initiated Change:**

The Division is removing "or 56:8-1.1" from N.J.A.C. 13:45B-8.1 upon adoption, as that language is already included in the adopted amendment through the cross-reference to "the CFA." The "or 56:8-1.1" was adopted, effective April 21, 2008 (see 40 N.J.R. 91(b), 2118(a)), to modify " N.J.S.A. 34:8-43 et seq.," which was proposed to be deleted in this rule due to the added text. The Division proposed this readoption with amendments on April 7, 2008, but could not include the deletion of "or 56:8-1.1" since the rulemaking to adopt that language had not been adopted; furthermore, the language "or 56:8-1.1 was not able to be deleted upon adoption in the April 21st rulemaking because the amendments being adopted herein were not yet adopted and the Division wanted N.J.A.C. 13:45B-8.1 to reference the CFA.

**Federal Standards Statement**

A Federal standards analysis is not required because the rules readopted with amendments, new rules and repeals are not subject to State statutory requirements and are not subject to any Federal requirements.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:45B.

Full text of the adopted amendments, new rules and recodification follows (additions to proposal indicated in boldface with asterisks \*thus\*; deletions from proposal indicated in brackets with asterisk \*[thus]\*):

(Agency Note: The text of N.J.A.C. 13:45B-5.3, 7.3, 8.1, 13, 14, 15 and 16 reflects the adoption of new rules, recodifications and amendments effective April 21, 2008 and June 16, 2008 (see 40 N.J.R. 91(b), 2118(a) and 39 N.J.R. 2323(a), 40 N.J.R. 3744(b) respectively.)

## **SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS**

### **13:45B-1.1 Purpose and scope**

(a) (No change.)

(b) This chapter shall apply to any person engaging in any of the activities regulated by N.J.S.A. 34:8-43 et seq. or N.J.S.A. 56:8-1.1, including persons whose residence or principal place of business is located outside of this State.

### **13:45B-1.2 Definitions**

The following words and terms, when used in this chapter and in license application forms and licenses, shall have the following meanings unless the context clearly indicates otherwise:

"Advertisement" means any advertisement as defined by N.J.S.A. 56:8-1(a) of any service or product, including any statement appearing in a newspaper, periodical, pamphlet, circular, or other publication, in direct mail literature, on a display or any exterior or interior sign, or radio or television broadcast, or transmitted by telecopier, telex, telephone, any other electronic medium, or delivered to or through any computer, that offers a service or product for sale, whether or not the statement includes a price.

"Applicant" means any person applying for licensing or registration under the Act or N.J.S.A. 56:8-1.1.

"Booking agent" means any person who performs any solicitation or recruiting function for or on behalf of any booking agency; a booking agent is licensed as an agent of the booking agency.

"CFA" means the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq.

"Employment agency" means any person who, through its agents or otherwise, for a fee, charge or commission:

1.-2. (No change.)

3. Procures, obtains, offers, promises or attempts to procure or obtain employment or engagements for performing artists;

4.-7. (No change.)

"Entertainment agency" means a booking agency or an employment agency, which procures, obtains, offers, promises or attempts to procure or obtain employment or engagements for performing artists.

"Managing agent" means any individual or entity that controls, supervises, or has the responsibility to direct day-to-day operations of an employment agency or health care service firm.

"Registration" means a registration issued by the Director to any person:

1. To carry on the business of a consulting firm, temporary help service firm, career consulting or outplacement organization, job listing service or prepaid computer job matching service or health care service firm as defined in N.J.A.C. 13:45B-14.2; or

2. (No change.)

"Section" means the Regulated Business Section of the Office of Consumer Protection in the Division, created as a result of the transfer of the Bureau of Employment and Personnel Services Unit and the Charities Registration Section

to the Office of Consumer Protection pursuant to Reorganization Plan No. 002 of 1992.

### **13:45B-2.1 Employment agency license requirements**

(a) In order to open, conduct, or maintain an employment agency, the owner shall obtain an employment agency license by application to the Director and fulfillment of all requirements for such license. In addition to any other information the Director may require, an applicant for an employment agency license shall provide:

1.-4. (No change.)

5. Affidavits of at least two New Jersey citizens who have known the applicant (or the chief executive officer of a corporate applicant) for at least five years, attesting to the applicant's good moral character. If an applicant finds it impossible to submit affidavits from two New Jersey citizens, the applicant may substitute affidavits of two citizens of any state who have known the applicant for at least five years. In that case, however, the applicant shall also submit an affidavit substantiating why it is impossible for him or her to obtain the character affidavits from the required number of New Jersey citizens. All affidavits shall contain the address and the telephone number of the person signing the affidavit;

6. A disclosure statement as to whether the applicant (if a corporation, every officer and director) has ever been convicted of any crime as defined in N.J.S.A. 34:8-44a(1), (2), (3) and the nature of that crime or the equivalent under the laws of any jurisdiction; and

7. The licensure fee set forth in N.J.A.C. 13:45B-7.1.

(b)-(f) (No change.)

### **13:45B-2.4 Records**

(a) To effectuate the purposes of the Act, every holder of an employment agency license, as well as every representative authorized by the owner to supervise or conduct the operation of the employment agency, shall keep and maintain, readily available for inspection by the Director or the Director's duly authorized representative for a period of at least two years, the following:

1. All requests for job seekers (job orders) or applications for employment, which shall include the name and address of the applicant, the date of application and the following additional information:

i.-ii. (No change.)

iii. Memorializations of applications for employment and job orders made by telephone or other oral communication, which shall be kept in writing on standard forms. Copies of these forms shall be filed with the Executive Director prior to their use by the employment agency. However, the written records of oral job orders may be kept in a book or binder used exclusively for such purpose; and

iv. For the purpose of convenience, there may be recorded on the application forms such additional information as is not in violation of any law of the State of New Jersey or Federal law;

2.-3. (No change.)

4. All correspondence concerning references of job seekers, including written records of information secured by telephone or other oral communication. In cases where the job seeker applies for a position of trust or work with a family and the employer waives references, written records of such waivers shall be kept available for inspection by the Director or the Director's duly authorized representative; and

5. (No change.)

### **13:45B-2.5 Agreements; fee schedules**

(a) (No change.)

(b) All agreements and writings required to complete any transaction between an employment agency and a job seeker shall comply with the plain language law standards set forth in N.J.S.A. 56:12-2 and 56:12-10.

(c)-(e) (No change.)

(f) An employment agency shall:

1.-2. (No change.)

3. Not charge more than one percent of the scheduled fee for each day worked to a job seeker who obtains employment and who is discharged without cause or who voluntarily terminates employment for just cause. For purposes of this subsection, the employment agency shall repay to any job seeker so discharged or terminated any excess of the maximum fee in accordance with the fee schedule, allowing three business days to determine that the termination was not due to any fault on the part of the job seeker. The employment agency may, however, by separate written agreement between the employment agency and the job seeker, retain the fee or any part of the fee, which has been paid for the job from which the job seeker has been discharged without cause or terminated, if the employment agency furnishes the job seeker with another job and allows due credit for the retained payment;

4.-5. (No change.)

### **13:45B-2.6 Employment agent's license qualifications**

(a) Before being permitted to sit for the written examination as required by the Act and by this chapter, an applicant for an employment agent's license shall submit the following to the Division:

1. Affidavits of the applicant and the holder of the employment agency license by whom the applicant is to be employed, and such other evidence as the Director may reasonably require, indicating that:

i. (No change.)

ii. The applicant has, for a period of at least six months, been employed in the handling of personnel problems including the securing of help for employers and jobs for employees in the types or classes of occupations for which application is made;

2. Affidavits attesting to the applicant's good moral character from two New Jersey citizens who have known the applicant for at least one year. If the applicant finds it impossible to submit such affidavits from two New Jersey citizens, the applicant may substitute the following:

i. (No change.)

ii. An affidavit substantiating why it is impossible to obtain affidavits from two New Jersey citizens; and

3. The licensure fee set forth in N.J.A.C. 13:45B-7.1.

(b) All affidavits submitted under (a)1 and 2 above shall include the address and telephone number of the affiant.

Recodify existing (b) and (c) as (c) and (d) (No change in text.)

### **13:45B-2.7 Employment agent's conditional license qualifications**

(a) (No change.)

(b) Before being granted an agent's conditional license, an applicant shall submit the following to the Section. All

affidavits shall include the address and telephone number of the affiant:

1.-3. (No change.)

4. The name, business address and employment agency license number of the licensee who will be supervising the applicant;

5. The name and license number of the duly licensed agent on premise who will supervise the conditional agent; and

6. Payment of the fee as set forth in N.J.A.C. 13:45B-7.1.

(c)-(d) (No change.)

### **13:45B-2.8 Identification and introductory card; character references**

(a) (No change.)

(b) The employment agency shall require all job seekers applying for positions of trust or work with private families to furnish the agency with names and addresses of individuals available as character references, and shall communicate, orally or in writing, with at least one of the individuals given by the job seeker as a character reference.

1. (No change.)

2. If the employer voluntarily waives, in writing, a verification of references, the licensed employment agency shall not be required to make the verification, but shall keep a record of the written waiver as required by N.J.A.C. 13:45B-2.4(a)4.

### **13:45B-3.1 Business locations; special permits**

(a) Any building or part thereof in which the business of an employment agency is conducted or operated shall be maintained with due regard to reasonably safeguarding such confidential information as may properly be given to the agency.

(b) An employment agency license, or registration under N.J.S.A. 34:8-65 or 66, shall not authorize activities at any place other than the place designated in the license or registration except upon issuance of a special permit by the Director, as follows:

1. Where an activity is to take place away from the premises designated in the license, application for a special permit shall be made on a form supplied by the Division, which must be received by the Division no later than seven business days before the activity is to take place.

2.-4. (No change.)

(c) (No change.)

(d) The following shall apply to entertainment showcases:

1. A special permit is required when the services of any performing artist are offered to the public at a specific time and location, such being known as an entertainment showcase, if the services are being offered by a person who will be accepting a fee, commission or charge when the performer books an engagement with an employer. (Only licensed booking agencies or entertainment agencies may offer this service.) The permit is required whether performers appear in person or their services are offered by electronic means.

2. (No change.)

## **SUBCHAPTER 4. EXAMINATIONS AND VARIOUS CLASSIFICATIONS OF EMPLOYMENT AND**

## **PERSONNEL SERVICES**

### **13:45B-4.2 "Aeronautical" classification**

Applicants for an employment agent's license who include "aeronautical" in the type or class of occupation in which they intend to furnish help or employment shall furnish to the Executive Director a written statement from the Division of Aeronautics in the State Department of Transportation (Division of Aeronautics) certifying to the Executive Director that, in the opinion of the Division of Aeronautics, the applicant has sufficient knowledge of the types of licenses required by persons to be legally engaged in the operation, maintenance or repair of aircraft.

### **13:45B-4.5 "Career counseling" classification**

(a) An applicant for an employment agent's license who designates his or her field of employment as "career counseling" as a type or class of services, which he or she intends to provide, are persons other than those required to be registered pursuant to N.J.A.C. 13:45B-5.1, 10.1 and 11.1 (that is, consulting firms, career consulting or outplacement organizations, and prepaid computer job matching or job listing services) and who provide, or offer to provide, the following services for a fee charged to the job seeker shall be classified as a career counseling agent:

1.-6. (No change.)

(b)-(c) (No change.)

### **13:45B-5.1 Consulting firm registration requirements**

(a) To register as a consulting firm, an applicant shall submit annually:

1. A completed application form provided by the Division containing the information required by N.J.S.A. 34:8-64 and such other information as the Division may require; and

2. The registration fee, as set forth in N.J.A.C. 13:45B-7.1.

### **13:45B-5.2\* Consulting firm providing temporary help services**

(a) (No change.)

(b) A consulting firm that provides temporary help services pursuant to N.J.S.A. 34:8-64g shall be required to post a bond of \$ 1,000 with the Attorney General to secure compliance with the CFA. The Director may waive such bond for any corporation or entity having a net worth of \$ 100,000 or greater. In order to obtain such a waiver, the consulting firm must provide a copy of a certified financial report prepared by a certified public accountant or licensed accountant establishing that the firm has a net worth of \$ 100,000 or greater.

## **SUBCHAPTER 6. ENTERTAINMENT AGENCIES**

### **13:45B-6.1 Purpose and scope**

(a) The rules contained in this subchapter implement the Act and supplement rules in this chapter that govern the operation of entertainment agencies and agents, under which booking agencies, employment agencies, and agents procure, obtain, offer, promise or attempt to procure or obtain employment or engagements for performing artists in this State.

(b) This subchapter shall apply to all persons operating entertainment agencies located in New Jersey, or agencies wherever located that place performing artists in temporary or permanent positions located in New Jersey, or that engage in single or repeated acts of solicitation to employees or job seekers resident in New Jersey, whether by mail, newspaper, magazine, telephone, sales/TV, radio/TV, poster, billboard, or any other media, or in person.

### **13:45B-6.2 Booking/entertainment agency and agent license requirements**

Booking agencies and entertainment agencies shall obtain licenses in accordance with the requirements set forth under N.J.A.C. 13:45B-2.1(a). Booking agents and entertainment agents shall obtain licenses in accordance with the requirements set forth under N.J.A.C. 13:45B-2.6.

**13:45B-6.3 Bond requirement**

Booking agencies and entertainment agencies shall obtain a bond in accordance with the requirements set forth in N.J.A.C. 13:45B-2.3.

**13:45B-6.4 Entertainment agency licenses; posting**

(a)-(b) (No change.)

(c) There shall be posted in each entertainment agency the agency's schedule of fees, as well as a certified abstract of the Act and this chapter. Such posting shall be in a manner and place as to be readily visible and legible by persons doing business with the agency. The entertainment agency also shall have full copies of the Act and this chapter available for review by any job seeker or employer. The certified abstract shall be available from the Bureau for a fee of \$ 5.00.

**13:45B-6.5 Entertainment agency contracts**

(a) (No change.)

(b) Each entertainment agency shall file a copy of the form(s) of any contract used or to be used by the agency with the Regulated Business Section of the Office of Consumer Protection, 124 Halsey Street, P.O. Box 45028, Newark, New Jersey 07102. All forms of contract shall comply with the plain language law standards as set forth in N.J.S.A. 56:12-2 and 56:12-10.

(c) Copies of all executed contracts between the entertainment agency and performing artists shall be maintained by the agency in a form suitable for inspection by the Division. These copies shall be made available for inspection by representatives of the Division.

(d)-(e) (No change.)

(f) If the entertainment agency fails to deliver products or services by the date of delivery as specified in the contract, the job seeker is entitled to a full refund of monies paid for the promised service or product. The job seeker may waive the right to a refund by acknowledging and waiving the right in writing.

**13:45B-6.6 Information required**

(a) Information required by the Act and this subchapter shall be provided to the Regulated Business Section of the Office of Consumer Protection, 124 Halsey Street, Newark, New Jersey 07102 (Mailing address: P.O. Box 45028, Newark, New Jersey 07101) on January 1 of each year. Where the entertainment agency begins operation after January 1, the information required by the Act and this subchapter shall be provided with the agency's application.

**13:45B-7.1 Fee schedule**

The following fees shall be charged by the Division:

Temporary help service firm, secondary location(s). . . . . \$ 10.00

**13:45B-7.3 Standards for issuance and renewal of licenses and registrations**

(a) No license or registration required by the provisions of the Act or N.J.S.A. 56:8-1.1 shall be issued until it has been established to the satisfaction of the Director that all of the provisions of the Act, N.J.S.A. 56:8-1.1 and this chapter

applicable to the issuance of such license or registration have been fully complied with.

(b) Prior to any suspension, revocation or refusal to renew a license or registration, the licensee or registrant shall have the right to request a hearing, which shall be conducted pursuant to the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

## **SUBCHAPTER 8. OUT-OF-STATE BUSINESSES**

### **13:45B-8.1 Application**

All provisions of N.J.A.C. 13:45B-1 through 16 shall apply to any person engaging in any of the activities regulated by \*[or 56:8-1.1]\* the Act or, if applicable, the CFA in New Jersey, including persons whose residence or principal place of business is located outside of this State.

## **SUBCHAPTER 10. REGISTRATION FOR CAREER CONSULTING OR OUTPLACEMENT ORGANIZATIONS**

### **13:45B-10.1 Registration process**

(a) The following entities are required to be registered with the Section in order to operate within New Jersey:

1. (No change.)

(b)-(e) (No change.)

(f) The registration fee as set forth in N.J.A.C. 13:45B-7.1 shall be due annually.

(g) Upon initial registration with the Section and annually thereafter, every career consultant or outplacement organization shall deposit with the Director an original bond in the sum of \$ 10,000 with a duly authorized surety company as surety, to be approved by the Director. The bond shall be payable to the State of New Jersey and shall provide that the person applying for registration will comply with the Act and this chapter and will pay all damages occasioned to any person by reason of any misrepresentation, deceptive or misleading act or practice or any unlawful act or omission of any licensed or registered person, agents, or employees, while acting within the scope of their employment, made, committed or omitted in the business conducted under the license or registration or caused by any violation of the Act in carrying on the business for which the license or registration is granted. In case of a breach of the condition of any bond, application may be made to the Director by the person injured by the breach for leave to sue upon the bond, which leave shall be granted by the Director if it is proven to his or her satisfaction that the condition of the bond has been breached and the person has been injured. The person obtaining leave to sue shall be furnished with a certified copy of the bond and shall be authorized to institute suit on the bond in their name for the recovery of damages sustained by the breach.

1.-3. (No change.)

(h) (No change.)

## **SUBCHAPTER 11. PREPAID COMPUTER JOB MATCHING OR JOB LISTING SERVICES**

### **13:45B-11.1 Registration process**

(a)-(e) (No change.)

(f) The registration fee as set forth in N.J.A.C. 13:45B-7.1 shall be due annually.

(g) (No change.)

## **SUBCHAPTER 13. HEALTH CARE SERVICE FIRMS**

### **13:45B-13.1 Authority, purpose and scope**

(a) (No change.)

(b) Firms providing health care services are licensed and/or registered under several categories pursuant to the CFA and the Act. In order to consolidate these firms into an appropriate category and subject all firms operating in a similar manner to uniform regulation, the Director is hereby identifying a new class of licensure: "health care service firm."

(c) (No change.)

### **13:45B-13.3 Initial registration requirements**

(a) Except as set forth in N.J.A.C. 13:45B-13.4, each health care service firm shall register with the Division by submitting the following, on forms provided by the Director:

1. A registration form, which shall include the following information:

i. The name of the health care service firm and any fictitious or trade name used in its operation and the names of health care companies related through joint ownership, boards of directors, officers or principals;

ii. Each primary location including street and street number of the building(s) and place(s) where its business is to be conducted and the addresses of all health care companies related through joint ownership, boards of directors, officers or principals;

iii.-v. (No change.)

2. (No change.)

3. A bond of \$ 10,000 to secure compliance with the Act. The Director may waive the bond requirement for any corporation or entity having a net worth of \$ 100,000 or more. In order to obtain a waiver, the health care service firm shall provide a copy of a certified financial report prepared by a certified public accountant or licensed accountant establishing a net worth of \$ 100,000 or greater; and

4. (No change.)

(b)-(d) (No change.)

### **13:45B-13.4 Firms registered prior to April 3, 1995 and meeting the definition of health care service firm**

A firm registered prior to April 3, 1995 and meeting the definition of a health care service firm shall not be required to comply with the initial registration requirements of N.J.A.C. 13:45B-13.3(a)1 and 2. Such entity shall, however, comply with the provisions of N.J.A.C. 13:45B-13.3(a)3 by ensuring that it has filed a \$ 10,000 bond with the Director, unless the Director has waived the bond requirement for the reasons set forth therein.

### **13:45B-13.5 Registration renewal**

(a) A health care service firm shall renew registration on or prior to July 1 of each year by submitting the following, on forms provided by the Director.

1. A renewal application\*[,]\* that shall provide the information set forth in N.J.A.C. 13:45B-13.3(a)1; a certification that no new officers, directors, principals or owners have been added since the previous renewal; a list of primary locations; an updated description of any action taken by another state upon a license held by the health care service firm or by any officer, director, owner or principal of the health care service firm; and an updated description of any violations of Federal or New Jersey State law by the health care service firm or any officer, director, owner or principal of the health care service firm.

2. (No change.)

### **13:45B-13.6 Prohibited acts**

(a) A health care service firm shall not:

1. (No change.)

2. Charge a fee or a liquidated damage charge to any individual employed by the health care service firm or in connection with employment by the firm. If a fee or liquidated damage charge is imposed, the health care service firm shall obtain a license as an employment agency pursuant to N.J.A.C. 13:45B-2;

3.-4. (No change.)

## **SUBCHAPTER 14. PLACEMENT OF HEALTH CARE PRACTITIONERS**

### **13:45B-14.2 Application form; minimum information required**

(a) (No change.)

(b) (No change in text.)

### **13:45B-14.3 General duties**

(a)-(d) (No change.)

(e) An agency shall not submit, record or convey to another agency, information that the agency knows or has reason to know is false, deceptive or misleading.

(f) An agency shall make available for inspection by the Director, or by his or her designated agent, any book, record or account required by law, including these rules, to be made, maintained or kept.

(g) (No change.)

(h) An agency shall either maintain, or ensure the existence of, a general liability insurance policy that shall insure against any placed health care practitioner's negligence, malpractice or any other unlawful conduct occurring within the scope of the health care practitioner's placement. The policy shall be in the amount of not less than \$ 1,000,000.

(i) (No change.)

(j) The agency and the health care practitioner supervisor shall immediately report any violation of this subchapter to the Executive Director.

(k)-(l) (No change.)

### **13:45B-14.7 Homemaker-home health aides and agencies**

(a) In order to place certified homeowner-home health aides, an agency regulated by the Division shall be licensed as a health care service firm. If an agency regulated by the Division is not licensed as a health care service firm, it shall not place certified homemaker-home health aides.

(b)-(e) (No change.)

### **13:45B-15.1 Advertisements and solicitations**

(a) All advertisements offering employment or personnel services or products shall include the advertiser's business

name and address as they appear on the license or registration form of the licensed or registered firm. Advertisements for positions within the licensed or registered firm shall also include the advertiser's business name and address as they appear on the license or registration form of the firm. All advertisements shall contain the name and address as it appears on the license, and license number of the entertainment agency.

(b)-(d) (No change.)

(e) Copies of all advertisements and solicitations shall be maintained by the licensed or registered firm or entertainment agency in a form suitable for inspection and shall be made available for inspection by the Division for two years following publication or dissemination.

(f) A record of all advertisements and solicitations with date and place of publication or dissemination, including identification of media used, shall be maintained in a form suitable for inspection and made available upon request of representatives of the Division for two years following publication or dissemination.

(g) While performing the functions of an entertainment agent, a booking agent shall carry and provide to job seekers and employers a business card containing his or her license number.

(h) (No change in text.)

### **13:45B-16.1 Violations**

(a) A violation of any applicable provision of this chapter by a licensee shall be deemed to be a violation of the Act and, if applicable, the CFA and shall be subject to the penalties and sanctions provided for thereunder.

(b) A violation of any applicable provision of this chapter by a registrant or its agent shall be deemed to be a violation of the Act and\*,\* if applicable, the CFA and shall be subject to the penalties and sanctions provided for thereunder.

(c)-(d) (No change.)

(e) Nothing in the Act or this chapter shall be construed to prevent qualified members of other professional groups, such as members of the clergy, authorized practitioners, school guidance counselors, or psychologists from providing career counseling services consistent with the accepted standards of their respective professions, provided, however, that they do not hold themselves out to the public by any title or description stating or implying that they are career counselors or are licensed to practice career counseling.

(f) The Director may refuse to issue, and may revoke, any license or registration for failure to comply with, or violation of, the provisions of the Act and this chapter or for any other good cause shown, within the meaning and purpose of the Act and this chapter. A refusal or revocation shall not be made except upon reasonable notice to, and opportunity to be heard by the applicant or licensee or registrant. The Director may, if he or she finds it to be in the public interest, suspend a license or registration for any period of time that he or she determines to be proper or assess a penalty in lieu of suspension, or both, and may issue a new license or registration, notwithstanding the revocation of a prior license or registration, provided that he or she finds the applicant to have become entitled to the new license or registration.

(g)-(j) (No change.)

(k) Whenever it appears to the Director that a person has engaged in, is engaging in, or is about to engage in, any practice, which is a violation of the provisions of the Act or this chapter, the Director may seek and obtain in a summary action in the Superior Court an injunction prohibiting the person from continuing the practices or engaging therein or doing any acts in furtherance thereof.

1. (No change.)

(l) Whenever it appears to the Director that a person has engaged in, is engaging in, or is about to engage in, any

practice, which is a violation of the Act or this chapter, the Director may hold hearings on the violation and upon finding the violation to have been committed, may enter an order:

1. (No change.)

2. Directing the person to restore to any person in interest any moneys or property, real or personal that may have been acquired by means of any unlawful practice;

3.-4. (No change.)

(m) (No change.)

(n) In addition to any other penalty provided by law, a person who violates any of the provisions of the Act or this chapter shall be liable for a penalty of not more than \$ 2,000 for the first offense and not more than \$ 5,000 for the second and each subsequent offense. A person who violates the CFA shall be subject to the penalties provided by that statute.

(o)-(p) (No change.)