

53 N.J.R. 2052(a)

VOLUME 53, ISSUE 23, DECEMBER 6, 2021

RULE ADOPTIONS

Reporter

53 N.J.R. 2052(a)

NJ - New Jersey Register > 2021 > DECEMBER > DECEMBER 6, 2021 > RULE ADOPTIONS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS

Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > OFFICE OF THE DIRECTOR

Administrative Code Citation

Readoption: N.J.A.C. 13:45

Text

Notice of Readoption

Rules for Administrative Hearings in the Division of Consumer Affairs

Authority: N.J.S.A. 34:8-54, 45:14D-16, 45:17A-21, and 56:8-4; and Reorganization Plan No. 008-1998.

Authorized By: Division of Consumer Affairs, Sean P. Neafsey, Acting Director.

Effective Date: October 20, 2021.

New Expiration Date: October 20, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:45 were scheduled to expire on April 9, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021 c. 103, any chapter of the New Jersey Administrative Code that would have otherwise expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred. Pursuant to Executive Order No. 244 (2021) and P.L. 2021, c. 104, this notice of readoption is timely filed.

Subchapter 1 contains general provisions including definitions of words and phrases used in the rules. Subchapter 2 addresses the Division of Consumer Affairs' (Division) subject matter jurisdiction, which

includes both sales and advertisements of merchandise under the Consumer Fraud Act. Subchapter 3 establishes procedures for the commencement of administrative proceedings and includes a description of the required contents of the notice and complaint and the methods by which service is affected. Subchapter 4 describes the conduct of hearings, sets forth the Director of the Division of Consumer Affairs (Director) authority to hear contested cases, provides for setting the time and place of a hearing, permits adjournments, and specifies the order in which evidence is presented. Subchapter 5 addresses the duties of the Director when issuing a final decision and order.

The Division has reviewed the chapter and determined it to be generally necessary, reasonable, and proper for the purpose for which it was originally promulgated, namely, to set forth the procedures to be followed in contested cases in which the Director issues administrative charges and hears contested matters as the agency head. Therefore, pursuant to N.J.S.A. 45:9-37.18, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted without amendment and shall continue in effect for a seven-year period.

NEW JERSEY REGISTER

Copyright © 2021 by the New Jersey Office of Administrative Law