



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

September 5, 2023



MATTHEW J. PLATKIN
Attorney General

CARI FAIS
Acting Director

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

**Whiteway Pet Shop
d/b/a Andre Pet Shop
950 Elizabeth Avenue
Elizabeth, NJ 07201
Attn: Andre Azevedo, Owner/Andre Pet Shop**

Dear Mr. Azevedo:

Please find enclosed Notice of Violation, NOV 230233 dated **August 23, 2023**. Please respond by signing and returning one of the three options within the NOV to Investigator Donna Leslie, at leslied@dca.njoag.gov, by **September 20, 2023**. Please note, if you fail to respond to this Notice of Violation by the specified date above, a Final Order on Default will be issued.

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

The call-in telephone number for the remote meeting scheduled for **September 25, 2023** at **10:00 A.M.**:

- Call in (audio only): 1-(856)-288-3130
- Telephone Conference ID: 817 389 691#

If you have any questions, you may contact me at leslied@dca.njoag.gov.

Respectfully,
Donna Leslie
Donna Leslie
Investigator - Newark
Office of Consumer Protection



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August 23, 2023

VIA CERTIFIED, REGULAR MAIL, AND HAND-DELIVERED

**Whiteway Pet Shop
d/b/a Andre Pet Shop
950 Elizabeth Avenue
Elizabeth, NJ 07201
Attn: Andre Azevedo – Owner/Andre Pet Shop**

NOTICE OF VIOLATION AND OFFER OF SETTLEMENT

Dear Mr. Azevedo:

The New Jersey Division of Consumer Affairs, Office of Consumer Protection (“Division”) is charged with enforcement of the New Jersey Consumer Fraud Act, (“CFA”), **N.J.S.A. 56:8-1 et seq.** including the Refund Policy Disclosure Act (“Refund Act”), **N.J.S.A. 56:8-2.14 et seq.**, and the Pet Purchase Protection Act (“Pet Protection Act”), **N.J.S.A. 56:8-92 et seq.** The Division is also charged with the enforcement of the Regulations Governing the Sale of Animals, **N.J.A.C. 13:45A-12.1 et seq.** (“The Pet Dealers Regulations”) and the General Advertising Regulation, **N.J.A.C. 13:45A-9.1 et seq.**

The Pet Purchase Protection Act requires pet shops to conspicuously disclose information about, among other things, each cat’s or dog’s date and place of birth, age, the name and address of the breeder from which the shop obtained the cat or dog, the breeder’s inspection reports from the United States Department of Agriculture (“USDA”) and the name and address of the veterinarian who has been attending to the animal while in the pet shop’s care. The Pet Protection Act also requires pet shops to post in a conspicuous location a sign advising consumers of their rights to see this information about each cat and dog in the shop as well as certain USDA report information.

As set forth in the attached Certification of Investigator Donna Leslie, an inspection of Whiteway Pet Shop, Inc. a/k/a Andre Pet Shop (“You” or “Yourself”) was conducted on July 11, 2023 and You have been found to be in violation of the CFA, the Pet Protection Act and the Pet Dealer Regulation as follows:

1. Failed to maintain a statement of all vaccinations and inoculations administered to the animal, including the identity and quantity of the vaccine or inoculum

administered and the name and address of the person or licensed veterinarian administering the same, and the date of administering the vaccinations and inoculations, in violation of the Pet Dealer Regulation, specifically, N.J.A.C. 13:45A-12.2(a)(1)(viii)

2. Failed to have an animal health and history certificate signed by the consumer in violation of the Pet Dealer Regulation, specifically, N.J.A.C. 13:45A-12.2(a)(2);
3. Failed to include an attestation by the owner or operator of the pet shop that, as of the date of purchase of the animal by the store the breeders and brokers of the animals were in compliance with the requirements concerning the maintenance and care of the animals and sanitary operations of the kennel or pet shop, in violation of the Pet Protection Act, specifically, N.J.S.A. 56:8-95(f)(8);
4. Failed to issue and maintain a copy of the mandatory "Know Your Rights" statement signed by the pet dealer, it's agent or employee, and the consumer, in violation of the Pet Dealer Regulation, specifically, N.J.A.C. 13:45A-12.3(a)(12);
5. Failed to issue the mandatory "WARNING" statement that the animal has or has not been previously vaccinated or inoculated consumer in violation of the Pet Dealer Regulation, specifically, N.J.A.C. 13:45A-12.2(a)(ix)
6. Failed to list on the animal's cage card the attending veterinarian's, name and address, and date of the animal's initial examination, in violation of the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(3);
7. Failed to list on the animal cage card, the first and last name of the breeder of the animal, the full street address, of where the breeder is doing business, the breeder USDA license number, and, where the breeder is required to be licensed in the state where the breeder is located, the breeder state license number, in violation of the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(4);
8. Failed to list on the animal cage card, the first and last name of the broker of the animal, the full street address, of where the broker is doing business, the broker USDA license number, and where the broker is required to be licensed in the state where the broker is located, the broker state license number, in violation of the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(5);
9. Failed to conspicuously post on the animal cages or enclosures, the mandatory "Know Your Rights" statement in bold typeface in no less than 12 point type, in violation of the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(6);
10. Failed to have the mandatory USDA inspection reports for the breeders and brokers of animals for two years prior to the first day the animals were offered for sale, in violation of the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(6);
11. Failed to conspicuously post the mandatory "Know Your Rights" statement, in violation of the Pet Dealers Regulation, specifically, N.J.A.C. 13:45A-12.2(a)9;

12. Failed to post the name, address and telephone number of the local health authority with jurisdiction over the pet shop, in violation Pet Protection Act, specifically, N.J.S.A. 56:8-96(h); and
13. Failed to conspicuously post a refund policy, in violation of the Consumer Fraud Act, specifically, N.J.S.A. 56:8-2.16.

Each of these violations subjects You to civil penalties, pursuant to N.J.S.A. 56:8-13 and /or N.J.S.A. 56:8-95.3, consumer restitution pursuant to N.J.S.A. 56:8-15, as well as reimbursement of the Division's investigative costs and/or attorneys' fees, pursuant to N.J.S.A. 56:8-11 and 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 fifteen (15) days from the date of this Notice of Violation ("Notice")** and agree to the following:

1. Cease and desist from engaging in any practices in violation of the CFA, the Pet Protection Act, the Pet Dealer Regulations, and the Advertising Regulations;
2. Correct my non-compliance with CFA, the Pet Protection act, the Pet Dealer Regulation, and the Advertising Regulations within 30 days and remain in compliance;
3. Pay a civil penalty in the amount of \$7,500.00 and
4. Pay investigative costs in the amount of \$629.58.

If the above-referenced payment is received by the Division, along with your signed Answering Certification, You need not do anything further.

IF YOU DO NOT CONTEST THE VIOLATIONS ALLEDGED but want to present information to Division representatives about any mitigation circumstances in Your case that may persuade the Division to reduce the civil penalty, You may request an informal **Mitigation Conference**. The purpose of such a conference would only be to discuss Your ability to pay the full amount of the civil penalty. Before You seek a Mitigation Conference, you must correct your non-compliance with the Pet Protection Act, the Pet Dealers Regulations, and the Refund Policy and remain in compliance.

If You request a Mitigation Conference, the conference date is **September 25, 2023, at 10:00 A.M., at 124 Halsey Street, 7th Floor, Newark, New Jersey 07101 with Investigator Donna Leslie (Investigator Leslie)**, representatives 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 Investigator Leslie at (973) 504-6201. Alternately,

You may send written documentation to the Division concerning any mitigation circumstances that You believe may persuade the Division to reduce the civil penalty. **In order to elect either of**

these options, You must return the enclosed Answering Certification within fifteen (15) days from the date of this Notice. The Division will then review this material and respond to You.

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 fifteen (15) days from the date of this Notice.

In that event, this letter will serve as notice of the violations against You. You should be aware that in making its final decision, the Division may, if violations of the above-referenced statutes and regulations have been proven, order civil penalties and remedies other than those requested in this Notice.

Specifically, You may be ordered to: pay civil penalties in an amount up to \$10,000 for the first violation and up to \$20,000 for the second violation and each subsequent violation pursuant to N.J.S.A. 56:8-13; pay consumer restitution pursuant to N.J.S.A. 56:8-15; and pay investigative costs and attorneys' fees to the Division, pursuant to N.J.S.A. 56:8-11 and 56:8-19.

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 **September 25, 2023, at 10:00 A.M., at 124 Halsey Street, 7th Floor, Newark, New Jersey 07101** with Investigator Donna Leslie ("**Investigator Leslie**"), 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 **Investigator Leslie**, who may be reached at (973) 504-6201.


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 which 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 an 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.

August 23, 2023

IF YOU FAIL TO RESPOND to this Notice within fifteen (15) days of the date of this letter, the settlement offer will be withdrawn, and You will be deemed in default. The allegations against You will be deemed uncontested. Thereafter, this Notice and the underlying proofs may be reviewed by the Director of the Division, and a **Final Decision and Order on Default ("Order")** will issue, and **You may be ordered to: pay civil penalties in an amount up to \$10,000.00 for the first violation and up to \$20,000.00 for the second violation and each subsequent violation pursuant to N.J.S.A. 56:8-13; pay consumer restitution pursuant to N.J.S.A. 56:8-15; and pay investigative costs and attorneys' fees to the Division pursuant to N.J.S.A. 56:8-11 and 56:8-19. You will receive no further notice from the Division prior to the issuance of a Final Order on Default.** Once an Order has been entered, Your failure to pay any civil penalties, attorneys' fees, investigative costs and/or restitution 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 penalty of up to \$25,000.00 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 **Investigator Leslie** via email at **Leslied@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 et seq., Pet Protection Act, N.J.S.A. 56:8-92 et seq., and the Pet Dealer Regulations, N.J.A.C. 13:45A-12.1 et seq.,

PLEASE CHECK ONE OF THE OPTIONS BELOW:

(OPTION 1):

_____ **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, the Pet Protection Act, the Pet Dealer Regulations, and the Advertising Regulations;
2. Correct my non-compliance with CFA, the Pet Protection act, the Pet Dealer Regulation, and the Advertising Regulations within 30 days and remain in compliance;
3. Pay a civil penalty in the amount of \$7,500.00 and
4. Pay investigative cost in the amount of \$629.58.

I understand, acknowledge and agree that I shall:

1. Maintain a statement of all vaccinations and inoculations administered to the animal, including the identity and quantity of the vaccine or inoculum administered and the name and address of the person or licensed veterinarian administering the same, and the date of administering the vaccinations and inoculations, as required by the Pet Dealer Regulation, specifically, N.J.A.C. 13:45A-12.2(a)(1)(viii)
2. Ensure the animal health and history certificate signed by the consumer as required by the Pet Dealer Regulation, specifically, N.J.A.C. 13:45A-12.2(a)(2);
3. Include an attestation that the owner or operator of the pet shop, as of the date of purchase of the animal by the store the breeders and brokers of the animals were in compliance with the requirements concerning the maintenance and care of the animals and sanitary operations of the kennel or pet shop, as required by the Pet Protection Act, specifically, N.J.S.A. 56:8-95(f)(8);

4. Maintain a copy of the mandatory "Know Your Rights" statement signed by the pet dealer, its agent or employee, and the consumer, as required by the Pet Dealers Regulation, specifically, N.J.A.C. 13:45A-12.3(a)(12);
5. Ensure that consumers are issued a mandatory **"WARNING"** statement that the animal purchase has or has not been previously vaccinated or inoculated, as required by the Pet Dealers Regulation, specifically, N.J.A.C. 13:45A-12.2(a)(1)(ix);
6. Post on animal cage cards the attending veterinarian's, name and address, and date of the animal's initial examination, as required by the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(3);
7. Post on the animal cage card, the first and last name of the breeder of the animal, the full street address, of where the breeder is doing business, the breeder USDA license number, and, where the breeder is required to be licensed in the state where the breeder is located, the breeder state license number, as required by the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(4);
8. Post on the animal cage card, the first and last name of the broker of the animal, the full street address, of where the broker is doing business, the broker USDA license number, and where the broker is required to be licensed in the state where the broker is located, the broker state license number, as required by the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(5);
9. Conspicuously post on the animal cages or enclosures, the mandatory "Know Your Rights" statement in bold typeface in no less than 12 point type, as required by the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(6);
10. Conspicuously post the mandatory USDA inspection reports for the breeders and brokers of animals for two years prior to the first day the animals were offered for sale, as required by the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(6);
11. Conspicuously post the mandatory "Know Your Rights" statement, as required by the Pet Dealers Regulation, specifically, N.J.A.C. 13:45A-12.2(a)9;
12. Conspicuously post the name, address and telephone number of the local health authority with jurisdiction over the pet shop, as required by Pet Protection Act, specifically, N.J.S.A. 56:8-96(h); and
13. Conspicuously post a refund policy, as required by the Consumer Fraud Act specifically, N.J.S.A. 56:8-2.16.

August 23, 2023

I understand that if the above-reference payment, in the total amount of \$8,129.58, is received by the Division, along with my signed Answering Certification, I need not do anything further.

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 in the sum of **\$8,129.58** made payable to the "New Jersey Division of Consumer Affairs", which I am mailing or delivering to: Case Initiation and Tracking Unit, 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)

_____ **I DO NOT CONTEST THE VIOLATIONS ALLEGED** and hereby **waive any rights I may have to a 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 **September 25, 2023, at 10:00 A.M., at 124 Halsey Street, 7th Floor, Newark, New Jersey 07101.**

_____ 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, the Pet Protection Act, the Pet Dealer Regulations, and the Advertising Regulations;
2. Correct my non-compliance with CFA, the Pet Protection act, the Pet Dealer Regulation, and the Advertising Regulations within 30 days and remain in compliance;
3. Pay a civil penalty in the amount of \$7,500.00 and
4. Pay investigative costs in the amount of \$629.58.

I understand, acknowledge, and agree that I shall:

1. Maintain a statement of all vaccinations and inoculations administered to the animal, including the identity and quantity of the vaccine or inoculum administered and the name and address of the person or licensed veterinarian administering the same, and the date of administering the vaccinations and inoculations, as required by the Pet Dealer Regulation, specifically, N.J.A.C. 13:45A-12.2(a)(1)(viii);
2. Ensure the animal health and history certificate signed by the consumer as required by the Pet Dealer Regulation, specifically, N.J.A.C. 13:45A-12.2(a)(2);
3. Include an attestation that the owner or operator of the pet shop that, as of the date of purchase of the animal by the pet shop, the breeders, and brokers of the animals were in compliance with the requirements concerning the maintenance and care of animals and sanitary operations of the kennel or pet shop, as required

by the Pet Protection Act, specifically, N.J.S.A. 56:8-95(f)(8);

4. Maintain a copy of the mandatory "Know Your Rights" statement signed by the pet dealer, its agent or employee, and the consumer, as required by the Pet Dealer Regulation, specifically, N.J.A.C. 13:45A-12.3(a)(12);
5. Ensure that consumers are issued a mandatory "WARNING" statement that the animal purchase has or has not been previously vaccinated or inoculated; N.J.A.C. 13:45A-12.2(a)(1)(ix)
6. Post on animal cage cards the attending veterinarian's, name and address, and date of the animal's initial examination, as required by the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(3);
7. Post on the animal cage card, the first and last name of the breeder of the animal, the full street address, of where the breeder is doing business, the breeder USDA license number, and, where the breeder is required to be licensed in the state where the breeder is located, the breeder state license number, as required by the Protection Act, specifically, N.J.S.A. 56:8-95(c)(4);
8. Post on the animal cage card, the first and last name of the broker of the animal, the full street address, of where the broker is doing business, the broker's USDA license number, and where the broker is required to be licensed in the state where the broker is located, the broker's state license number, as required by the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(5);
9. Conspicuously post on the animal cages or enclosures, the mandatory "Know Your Rights" statement in bold typeface in no less than 12 point type, as required by the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(6);
10. Conspicuously post the mandatory USDA inspection reports for the breeders and brokers of animals for two years prior to the first day the animals were offered for sale, as required by the Pet Protection Act, specifically, N.J.S.A. 56:8-95(c)(6);
11. Conspicuously post the mandatory "Know Your Rights" statement, as required by the Pet Dealers Regulation, specifically, N.J.A.C. 13:45A-12.2(a)9;
12. Conspicuously post the name, address, and telephone number of the local health authority with jurisdiction over the pet shop, as required by Pet Protection Act, specifically, N.J.S.A. 56:8-96(h), and
13. Conspicuously post a refund policy, as required by the CFA, specifically, N.J.S.A. 56:8-2.16 and N.J.S.A. 56:8-2.16.

August 23, 2023

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 Division's **Notice** and this **Answering Certification** are public documents. I am further aware that 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)

I CONTEST THE VIOLATIONS ALLEGED and request a formal **Administrative Hearing**. I understand that I am required to attend a **Pre-Hearing Conference on September 25, 2030 at 10:00 A.M., at 124 Halsey Street, 7th Floor, Newark, New Jersey 07101**, 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. I also understand that **I must sign and return the Consent Order and any required payment to the Division within thirty (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 the **Notice, and a Final Decision and Order after NOV ("Order")** will be issued. **I will receive no further notice from the Division prior to the issuance of an Order.**

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 unlawful activity has been proven, assess civil penalties, consumer restitution, as well as attorneys' fees and investigative costs and/or issue a cease and desist order exceeding the settlement offer in this Notice, 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

**Whiteway Pet Shop, Inc.
950 Elizabeth Avenue
Elizabeth, NJ 07201**

INVESTIGATIVE CERTIFICATION

I, Donna Leslie, being of full age, do hereby certify as follows:

1. I, Donna Leslie, am employed as an Investigator by the State of New Jersey, Office of The Attorney General, Division of Consumer Protection (Division), located at 124 Halsey Street, Newark, NJ 07102.
2. On July 11, 2023 at approximately 01:10 P.M, Investigator Angela Medina and I arrived at "Whiteway Pet Shop, Inc." pet store located at 950 Elizabeth Avenue, Elizabeth, NJ 07201 to conduct a compliance inspection. **(Exhibit #1)** Upon entry, I identified myself and Investigator Medina, requested to speak with the available owner or manager and was greeted by Andre Azevedo, identifying himself as the business owner. I provided him with a detailed description of our purpose and issued copies of the New Jersey Pet Protection Act, Consumer Fraud Act, Pet Dealers Regulation and the Refund Policy Act.
3. I observe the refund policy posted in the showcase counter/payment area, located at waist level, to my right upon entering the location. **(Exhibit #2)** The notice was not conspicuously posted to view upon entering or exiting the premises.
4. The mandatory posting of the "Know Your Rights" statement and the local health department information was not posted as required. Mr. Azevedo advised that the store was undergoing construction and the posting will be place upon completion. USDA Inspection Reports **(Exhibit #3)** were not posted, but available upon request.
5. I observed various empty fish tanks, assorted aquatic fish and algae plants, birds, reptiles, worms, gerbils, bugs, fishing gear and bait, and accessories on display for sale. **(Exhibit #11)** It was extremely difficult to maneuver in the store as there was retail traffic, construction equipment, and employees, moving about in the store. The aisles were close in proximity making it difficult to bend, have two people standing in the same aisle or to reach above to take photographs of the cages animals. **(Exhibit #4)**

6. There were eight animal in the stacked caged area that housed puppies. Five cages were empty and three cages housed puppies' six puppies. Cages five and four **(Exhibit #5)** house a total of four puppies. Their cage cards were posted but failed to list the initial veterinarian examination date, the Breeders USDA and State license number, color markings, place of birth, and the Brokers State license number. Cage #8, **(Exhibit #6)** located at the bottom right by the windows, housed three puppies. The cage did not have a cage card posted with the animal's information. None of the cages had the "Know Your Rights" statement posted on or near the cages as required by the PPPA.
7. Upon request, Inv. Medina and I were guide to the quarantine area. There were a total of nine sick kittens, three per cage stacked in this area. There were no cage cards or "Know Your Rights" statements posted as required. **(Exhibit #7)**
8. Mr. Azevedo provided copies of a Certificates of: Authority, in the name of "Andre Pet Shop LLC" issued by the State of New Jersey-8/17/22, City of Elizabeth Operators Cert.-issued on 11/21/22 and expired as of 01/31/23, Sanitary Inspection Report dated, 11/3/22, **(Exhibit #8)** sample sale agreements, and pet sales records. **(Exhibit #9)**
9. Upon further review of the sales records, I identified the failure to maintain on file the, animal health certificates documenting required PPPA information, signed and dated "Know Your Rights" and "WARNING" statements. **(Exhibit #10)**
10. At approximately 02:39 P.M., Investigator Medina and I exited the location.
11. I certify that, the foregoing statements made by me are true. I am aware that if any of the foregoing statements made are willingly false, I am subject to punishment.

Date: July 24, 2023 s/ Donna Leslie

Donna Leslie
Investigator

**Whiteway Pet Shop
950 Elizabeth Ave
Elizabeth, NJ 07201**

Investigative Certification

I, Angela Medina, being of full age, do hereby certify as follows:

1. I am an Investigator at the Division of Consumer Affairs ("Division"), located at 124 Halsey Street Newark, New Jersey 07101, and have held the that position at all times at the time of this Certification.
2. On July 11, 2023, at approximately 1:00 P.M., I assisted Inv. Donna Leslie ("Inv. Leslie") with an inspection of Whiteway Pet Shop, located at 950 Elizabeth Ave Elizabeth, NJ 07201 (hereinafter "Business").
3. Inv. Leslie and myself identified ourselves to the manager and explained that the Division was conducting an inspection to determine whether the Business is in compliance with the Consumer Fraud Act("CFA"), N.J.S.A. 56:7-1 et seq., the Refund Policy Disclosure Act ("Refund Act"), N.J.S.A. 56:8-2.14 et seq., the Pet Purchase Protection Act ("Pet Protection Act") N.J.S.A. 56:8-92 et seq., and the Regulations Governing the Sale of Animals ("The Pet Dealers Regulations") N.J.A.C. 13:45A-12.1 et seq.,
4. The owner informed Inv. Leslie and myself that the building is currently under construction and in the process of building an enclosed space specifically for the dogs and cats that are sold at the premises.
5. Upon looking around the store, aquatic life, insects, reptiles were observed along with dogs in cages. No cats were observed on the sales floor.
6. Inv. Leslie and I then proceeded to where the dogs were being housed in cages and proceeded with the inspection. It was observed that the cages were in a corner of the store. Due to the construction, the area that the dogs were located at was narrow and was difficult to have multiple people at once in the crowded area. There were approximately eight cages in total and out of those total number of cages, there were six empty and three cages housing multiple dogs. For two cages, there was a clipboard with paperwork attached showing the sex and breed of the animal, along with breeder information. The third cage had no cage card attached with the three animals identifying information.
7. Inv. Leslie then asked if there was an area where they keep quarantined animals to which the manager stated that that was located in the back. The manager then led us to a back room where the three cages were found with multiple kittens in the cages. No information, involving breed, sex, breeder information, was located on the cages.

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8. Inv. Leslie then proceeded to provide the manager copies of the necessary Acts and Regulations that the store is required to abide by.
9. The inspection was completed and Inv. Leslie and myself, exited the premises at approximately 2:39 P.M.

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.

Dated: July 24, 2023 s/ Angela Medina
Angela Medina
Investigator

EXHIBIT # 1

(Inspection Report/Inv. Certs)