

4. The name, residence and business street address, and business telephone number of each person with an ownership interest of 10 percent or more in the telemarketing business and the percentage of ownership held;

5. The telephone number or numbers that the telemarketer will be using to make telemarketing sales calls and the name of its telephone service provider;

6. Whether the entity, each officer, director, principal or owner of a telemarketing business has been adjudged liable in an administrative or civil action involving theft, fraud or deceptive business practices. For the purposes of this paragraph, a judgment of liability in an administrative or civil action shall include, but not be limited to, any finding or admission that the entity, officer, director, principal or owner of a telemarketing business engaged in an unlawful practice or practices related to fraud, deceptive trade practices, relating to the license to do business or practice an occupation or trade regardless of whether that finding was made in the context of an injunction, a proceeding resulting in the denial, suspension or revocation of an organization's registration, consented to in an assurance of voluntary compliance or any similar order or legal agreement with any State or Federal agency;

7. The name and address of an agent in the State of New Jersey for service of process; and

8. The name and address of any seller(s) with whom or on whose behalf the telemarketer has contracted to make any telemarketing calls.

13:45D-3.3 Disclosure statement

(a) Each applicant shall file a disclosure statement with the Director stating whether the applicant has been convicted of any violations of the following provisions of the "New Jersey Code of Criminal Justice," Title 2C of the New Jersey Statutes, or the equivalent under the laws of any other jurisdiction:

1. Any crime of the first degree;
2. Any crime which is a second or third degree crime and is a violation of Chapter 20 or 21 of Title 2C of the New Jersey Statutes; or
3. Any other crime which is a violation of N.J.S.A. 2C:5-1 and 2C:5-2 (conspiracy), N.J.S.A. 2C:12-3 (terroristic threats), N.J.S.A. 2C:15-1 (robbery), N.J.S.A. 2C:18-2 (burglary), N.J.S.A. 2C:20-4 (theft by deception), N.J.S.A. 2C:20-5 (theft by extortion), N.J.S.A. 2C:20-7 (receiving stolen property), N.J.S.A. 2C:20-9 (theft by failure to make required disposition of property received), N.J.S.A. 2C:21-1 (forgery and other related offenses), N.J.S.A. 2C:21-2 (criminal simulation), N.J.S.A. 2C:21-2.1 (fraud relating to driver's license or other document issued by governmental agency to verify identity or age; simulation), N.J.S.A. 2C:21-2.3 (fraud relating to motor vehicle insurance identification card; production or sale), N.J.S.A. 2C:21-3 (frauds relating to public records

and recordable instruments), N.J.S.A. 2C:21-4 (falsifying or tampering with records), N.J.S.A. 2C:21-5 (bad checks), N.J.S.A. 2C:21-6 (fraud relating to credit cards), N.J.S.A. 2C:21-7 (deceptive business practices), N.J.S.A. 2C:21-9 (misconduct by corporate official), N.J.S.A. 2C:21-10 (commercial bribery and breach of duty to act disinterestedly), N.J.S.A. 2C:21-11 (rigging publicly exhibited contest), N.J.S.A. 2C:21-12 (defrauding secured creditors), N.J.S.A. 2C:21-13 (fraud in insolvency), N.J.S.A. 2C:21-14 (receiving deposits in a failing financial institution), N.J.S.A. 2C:21-15 (misapplication of entrusted property and property of government of financial institution), N.J.S.A. 2C:21-16 (securing execution of documents by deception), N.J.S.A. 2C:21-17 (impersonation; theft of identity), N.J.S.A. 2C:21-19 (wrongful credit practices and related offenses), N.J.S.A. 2C:21-25 (money laundering and illegal investment), N.J.S.A. 2C:27-2 (bribery in official and political matters), N.J.S.A. 2C:27-3 (threats and other improper influence in official and political matters), N.J.S.A. 2C:27-4 (compensation for past official action), N.J.S.A. 2C:27-5 (retaliation for past official action), N.J.S.A. 2C:27-6 (gifts to public servants), N.J.S.A. 2C:27-9 (public servant transacting business with certain persons), N.J.S.A. 2C:28-1 (perjury), N.J.S.A. 2C:28-2 (false swearing), N.J.S.A. 2C:28-3 (unsworn falsification to authorities), N.J.S.A. 2C:28-4 (false reports to law enforcement officials), N.J.S.A. 2C:28-5 (tampering with witnesses and informants; retaliation against them), N.J.S.A. 2C:28-6 (tampering with or fabricating physical evidence), N.J.S.A. 2C:28-7 (tampering with public records or information), N.J.S.A. 2C:28-8 (impersonating a public servant or law enforcement officer), N.J.S.A. 2C:30-2 (official misconduct), or N.J.S.A. 2C:30-3 (speculating or wagering on official action or information).

(b) The disclosure statement required to be filed pursuant to this section may be used by the Director as grounds for denying, suspending or revoking registration. An applicant whose registration is denied or a telemarketer whose registration is suspended or revoked pursuant to this section shall be afforded an opportunity to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, upon written request to the Director within 30 days of the notice of denial, suspension or revocation. In any matter in which the provisions of the Rehabilitated Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq., apply, the Director shall comply with the requirements of that Act.

13:45D-3.4 Duty to update information

Whenever any information required to be included in the disclosure statement changes, or if additional information should be added after the filing of the statement, the applicant shall provide that information to the Director, in writing, within 30 calendar days of the change or addition. Whenever any other information filed with the Director pursuant to the Act or this chapter has changed, the appli-

cant shall provide that information to the Director, in writing, within 30 business days of the change or addition.

13:45D-3.5 Registration fee

A telemarketer shall submit with its annual registration application the fee specified in N.J.A.C. 13:45D-1.4(a).

13:45D-3.6 Requirement to cooperate

A telemarketer applicant seeking to register with the Division shall have the continuing duty to provide any assistance or information, and to produce any records requested by the Director, and to cooperate in any inquiry, investigation or hearing conducted by the Director.

13:45D-3.7 Refusal to issue, suspension or revocation of registration; hearing; other sanctions

(a) The Director may refuse to issue or renew, or suspend or revoke any registration issued by the Division for:

1. Failure to comply with, or for a violation of, N.J.S.A. 56:8-119 et seq. or any provision of this chapter; or

2. Any entity, officer, director, principal or owner of a telemarketing business having been adjudged liable in an administrative or civil action involving theft, fraud or deceptive business practices. For the purposes of this paragraph, a judgment of liability in an administrative or civil action shall include, but not be limited to, any finding or admission that the entity, officer, director, principal or owner engaged in an unlawful practice or practices related to fraud, deceptive trade practices, relating to the license to do business or practice an occupation or trade regardless of whether that finding was made in the context of an injunction, a proceeding resulting in the denial, suspension or revocation of an organization's registration, consented to in an assurance of voluntary compliance or any similar order or legal agreement with any State or Federal agency.

(b) Prior to refusing to issue or renew or suspending or revoking a telemarketing registration or assessing a penalty, the Director shall notify the applicant or registrant and provide an opportunity to be heard.

(c) The Director may, in lieu of revoking a registration, suspend the registration for a reasonable period of time dependent upon the seriousness of the violation, or assess a penalty in lieu of suspension, or both.

(d) Notwithstanding the revocation of a registration, the Director may issue a new registration upon submission of a new application and compliance with this chapter.

13:45D-3.8 Registration number property of State

Each registration number issued by the Director to a telemarketer remains the property of the State of New Jersey. If the Director suspends, fails to renew, or revokes a registration, the telemarketer shall immediately return the registration number to the Director.

13:45D-3.9 Telemarketer specific no telemarketing call list

(a) Each telemarketer shall maintain a list of the names and telephone numbers of existing customers who have requested not to receive telemarketing sales calls from that telemarketer which notes the date the customer made the request.

(b) A telemarketer that receives a request from an existing customer not to receive telemarketing sales calls shall remove the customer from its calling list and take other necessary affirmative steps to cease telemarketing sales calls to the customer within 30 days of the customer's request.

(c) A telemarketer shall maintain a list of a specific seller's existing customers who have requested not to receive calls from the seller and provide this list to the seller at least once every quarter.

(d) Sellers shall maintain a list of names and telephone numbers of customers who have requested not to receive telemarketing sales calls. A seller that receives, either directly from the customer or indirectly from a telemarketer or other source, a request from an existing customer not to receive telemarketing sales calls from that seller, shall remove the customer from its calling list and take other necessary affirmative steps to cease telemarketing sales calls to the customer by or on behalf of the seller within 30 days of the customer's request.

(e) A seller who contracts with a telemarketer to make telemarketing sales calls on its behalf shall provide the telemarketer with the list of existing customers who have requested not to receive telemarketing sales calls from the seller.

13:45D-3.10 Recordkeeping requirements

(a) Each registered telemarketer shall maintain the following information:

1. The no telemarketing call list;
2. Documentation attesting to the date of receipt of the no telemarketing call list;
3. Sales scripts and written materials used for telemarketing purposes;
4. Name, any fictitious name used, last known home address and telephone number, and job title of all current and former individuals making telemarketing sales calls on behalf of the applicant;