DEPARTMENT OF CONSUMER AFFAIRS
OF THE CITY OF NEW YORK

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NYC DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

Allied National Inc

_____,

Respondent-Licensee.

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CONSENT JUDGMENT/ORDER

Violation No. PL 106/446

1. Allied National Inc ("Respondent") consents to a final Judgment/Order (the "CJO") with the New York City Department of Consumer Affairs (the "Department") in the above matter.

2. Michael T. David, as Owner of Respondent, represents and warrants that he or she is authorized to settle this action and to enter into a final CJO with the Department on behalf of Respondent.

3. This CJO shall apply to Respondent, whether acting through Owner or any other directors, officers, employees, representative agents, assignees, successors, or other business entities, whose acts, practices, or policies are directed, formulated, or controlled by Respondent. For the purposes of this CJO, "employee" means any person employed for hire or permitted to work by Respondent including, but not limited to, any person who manages or oversees the work of another, any person whose principal activity is the selling of any goods or services for Respondent, and any person whose earnings are based in whole or in part on commission for work performed for Respondent.

4. Respondent acknowledges that it was duly served with a Notice of Hearing on 11-5-09 (the "NOH") citing Respondent for operating its business in violation of New York City Administrative Code (the "Code") Sections 20-101 *et seq.* (the "Licensing Law"), 20-488 *et seq.* (the "Debt Collection Agencies Law"), 20-700 *et seq.* (the "Consumer Protection Law"), and/or the Rules of the City of New York (the "Rules") Title 6, Section 5-76 *et seq.* (the "Debt Collection Rules").

5. Respondent shall not act as a debt collection agency as defined in Section 20-489 of the Code at any time without holding a valid license from the Department.

6. Respondent agrees to comply with all relevant laws and rules related to debt collection in New York City including, but not limited to, the Licensing Law, the Debt Collection Agencies Law, the Consumer Protection Law, and the Debt Collection Rules.

7. Any future violations by Respondent of the Licensing Law, Debt Collection Agencies Law and/or the Rules, including the Debt Collection Rules, shall be treated by the Department as knowing violations.

8. Respondent agrees to pay a fine of 3700.00 by certified check or money order made payable to the New York City Department of Consumer Affairs no later than 12-21-09. Respondent shall deliver the amount specified to: New York City Department of Consumer Affairs, 42 Broadway – 9th Floor, New York, New York 10004, Attn: Collections Division.

9. Respondent agrees to waive any further right to a hearing and/or appeal of the above-reference citation under Section 20-104 of the Code or under Article 78 of the New York State Civil Practice Law and Rules, Sections 7801-7806.

10. If at any time Respondent engages in any future unlicensed activity, fails to maintain its license for the duration of its business practice, or files a license application, including for renewal, and it is denied, the Department, upon five (5) days' notice, shall be entitled to seal Respondent's business premises, impose fines of up to one hundred dollars ($100.00) per day for each day of unlicensed activity, and to remove, seal, or make inoperable any items or goods sold, offered for sale, available for public use, or utilized in the operation of the unlicensed activity. Respondent agrees, for the purposes of imposing fines, that there shall be a presumption of continuous unlicensed activity from the date alleged in the NOH in the event Respondent is found to be operating without a license at any time after the execution of this CJO. Respondent shall also be liable for maximum fines for violations of the Consumer Protection Law.

11. In the event of any material breach on the part of Respondent with regard to any of the terms of this CJO, such breach shall be the basis for the Department to reset this matter for a hearing and to seek maximum fines and penalties in addition to any other remedies provided for herein, including suspension or revocation of Respondent's license for a lack of fitness.

12. Upon the termination of a license by revocation, expiration, denial, or surrender, Respondent shall immediately cease debt collection activities. Respondent shall return all creditor accounts to the creditor(s) within thirty (30) days with a copy of this CJO.

13. This matter will be considered settled upon execution of this CJO and payment of the settlement sum as set forth in Paragraph 8 above.

14. Respondent agrees to resolve, promptly and in good faith, any and all outstanding consumer complaints filed with the Department or which may be filed by consumers. In the event such complaints cannot be resolved between the parties with or without the assistance of the Department, Respondent agrees to submit to the Department's jurisdiction to adjudicate such complaints and abide by any Department determination made on the merits of said complaint.

Agreed to by:

12-10-09
Date

Accepted for Jonathan Mintz,
Commissioner of Consumer Affairs
for the City of New ~~York~~ by:

[redacted]

12-10-09
Date

All businesses must comply with all relevant local, state and federal laws. Copies of New York City's laws and rules pertaining to debt collection agencies are available in person at DCA's Licensing Center, located at 42 Broadway, 5th Floor, New York, NY 10004; by calling 311, New York City's 24-hour Citizen Service Hotline; or by going online at www.nyc.gov/consumers.