

CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

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DEPARTMENT OF CONSUMER AFFAIRS

Complainant,

SUPERSEDING
CONSENT ORDER

-against-

C AND L BODY WORKS, INC
2233 UTICA AVE
BROOKLYN, NY 11234

NOH # 05332005

License # 1280234

Licensee/Respondent.
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C AND L BODY WORKS, INC (“Respondent”) acknowledges that the New York City Department of Consumer Affairs (“the Department”) duly served Respondent with a Notice of Hearing charging Respondent with violating § 2-378(i) and § 6-42(c) of Title 6 of the Rules of the City of New York (“6 RCNY” or “the Rules”).

1. Respondent enters into this Consent Order (“CO”) with the Department to resolve this matter without the necessity of a hearing.
2. This CO supersedes the “Settlement Agreement” or “Consent Order” (“the Agreement”) entered on September 22, 2011 between the Respondent and the Department for violation number LL002532612.
3. Respondent was licensed by the Department to operate Tow Truck Company, C and L Body Works, Inc. under License Number 1280234 from March 19, 2012 to April 30, 2014. Respondent acknowledges that it did not apply for renewal of its license and surrendered the license to the Department on May 28, 2014.
4. The acceptance of this CO by the Department shall not be deemed approval by the Department of any of Respondent’s business practices, and Respondent shall make no representations to the contrary.

INJUNCTIVE RELIEF

5. Respondent will not engage in any non-consensual tows for two (2) years beginning on the effective date of this CO.
6. Respondent will not advertise the availability of non-consensual tow services without first having obtained permission to engage in such towing from the Department.
7. If after the expiration of two (2) years from the date of execution of this Consent Order, Respondent seeks to engage in non-consensual tows, it shall submit to the Department, a copy of this Consent Order.
8. If Respondent engages in non-consensual tows after the two (2) year period, it shall comply with all laws and rules applicable to tow company licensees in the City of New York, including, but not limited to Titles 19 and 20 of the New York City Administrative Code (“the Code”) and 6 RCNY § 2-361, *et seq.*

CONSEQUENCES OF BREACH

9. Respondent shall pay a fine of \$500 for any breach of any provision of this CO.
10. Specific breaches of this CO shall, in addition to a breach of this CO, constitute independent and separate violations of any applicable laws and rules. If the same conduct gives rise to both a breach of this CO and a breach of the applicable laws and rules, Respondent shall pay two (2) penalties: a \$500 fine for breach of the CO and the maximum penalty for violation of the applicable law or rule.
11. Non-payment or untimely payment of the settlement fine shall constitute a breach and violation of this CO.
12. If at any time Respondent engages in any unlicensed activity, fails to maintain its license(s) for the duration of its business practice, or files a license application (including an application for renewal) that is denied, the Department, without further notice to Respondent, shall be entitled to: (i) seal Respondent's business premises; and (ii) impose fines of one hundred dollars (\$100.00) per day for each day of unlicensed activity.
13. In the event Respondent is found to be operating without a license at any time after the execution of this CO, Respondent agrees that there shall be a presumption of continuous unlicensed activity from the date of execution of this CO. Respondent also shall be liable for the maximum penalties allowed by law.

FINES

14. Respondent shall pay a fine of \$750 due upon execution of this CO.

WAIVER OF APPEALS

15. Respondent waives any right to a hearing, appeal of or any challenge of the facts alleged by the above-referenced violation under §§ 20-104 and 20-105 of the New York City Administrative Code or under Article 78 of the New York State Civil Practice Law and Rules, §§ 7801-7806, in any forum.

MISCELLANEOUS

16. Nothing in this CO shall be construed to limit in any way the authority of the Department to exercise its enforcement powers under Chapter 1, Title 20 or under Chapter 2, Title 20 of the Code.

Agreed to by Respondent

Accepted for the NYC Department of
Consumer Affairs

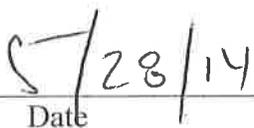
By: C and L Body Works, Inc.

By:


Legal Division



Signature

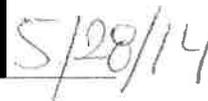


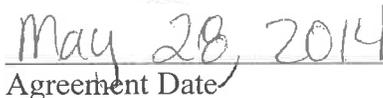
Date



Signature

Date





Agreement Date

Businesses licensed by the Department of Consumer Affairs (DCA) must comply with all relevant local, state and federal laws. Copies of New York City licensing and consumer protection laws are available in person at DCA's Licensing Center, located at 42 Broadway, 5th Floor, New York, NY, by calling 311, New York City's 24-hour Citizen Service Hotline, or by going online to www.nyc.gov/consumers.