

CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

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CONSENT JUDGMENT/ORDER

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

Violation Number: LL5082574

– against –

License Number 0933423

DALIA'S SERVICE AGENCY, INC.
1670 East 17th Street, Room 3D
Brooklyn, New York 11229,

-and-

DALIA HEN, individually and
as President,

-and-

NISSIM HEN, individually,

Respondents.

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Dalia's Service Agency, Dalia Hen, and Nissim Hen ("Respondents") hereby consent to the terms of this Consent Judgment/Order ("CJO") with the New York City Department of Consumer Affairs ("DCA" or "Department") to settle violations.

1. The Department served Respondents with the above referenced Notice of Hearing ("NOH"), dated November 6, 2008 and amended May 18, 2009, which gave notice that Respondents were operating an employment agency in violation of New York City Administrative Code Sections 20-101 et seq. ("License Enforcement Law"), New York State General Business Law ("GBL") Sections 170 et seq. ("Article 11"), New York City Administrative Code Sections 20-770 et seq. ("Consumer Protection Law"), and Title 6 of the Rules of the City of New York ("Rules").
2. Dalia Hen, represented by Pelton & Associates, PC (Brent Pelton, Esq.), is authorized to enter into this CJO on behalf of Dalia's Service Agency.
3. On July 15, 2009, Respondents entered into a Consent Judgment/Order ("July 2009 CJO") with the Department (Appendix 1).
4. Respondents shall comply fully with the terms of this CJO and the terms of the July 2009 CJO except as amended below.

AMENDMENTS TO THE JULY 2009 CJO

5. Respondents have paid to the Disbursement Agent (Brent Pelton, Esq.), at the time of execution of the July 2009 CJO, \$7,000 for the administration of consumer restitution (Administration Fund). The Disbursement Agent shall hold the Administration Fund in escrow until February 28, 2010. Any excess amount in the account after February 28, 2010 shall be refunded to Respondents.
6. Administration of restitution shall be implemented as follows:
 - a. Disbursement Agent shall obtain, subject to the approval of the Department, a third party ("Administrator") to administer restitution. The Administrator shall not be a family member of Respondents. Respondents shall have no direct or indirect beneficial interest in or with the Administrator. The Administrator must be willing to execute an affidavit attesting to said facts;
 - b. Disbursement Agent shall pay Administrator as required from the Administration Fund up to the amount in the Administration Fund;
 - c. The Department shall oversee the Administrator's services, including provision and/or approval of all documents used in conjunction with the administration of restitution;
 - d. The Administrator shall provide weekly reports to the Department outlining the progress of and plans for the administration of restitution;
 - e. The Administrator's services shall be provided for a period not to exceed four months from the date the Administrator sends out the notice to job applicants in paragraph 7; and
 - f. The Administrator shall not disclose to any person or entity, including Respondents, any information related to the administration of restitution without written permission from the Department and shall take all necessary steps to dispose properly of all personally identifying information.
7. The Department, through the Administrator's services, shall notify job applicants in writing that they may be entitled to a refund of fees, including any application fee, upon filing a complaint with the Department or responding to the Department's notice as described in paragraph 7(a).
 - a. The Department's notice shall offer each job applicant, restitution not to exceed \$101.00 for a period of three months (Appendix 2).
 - b. The Department shall require job applicants to respond within three months of the date of mailing and to sign a release (Appendix 3) prior to obtaining restitution.
 - c. The Department shall forward by email to Respondents' counsel each release

executed by job applicants.

8. The Department shall contact Respondents' counsel, Pelton & Associates, PC, if the Department seeks information to resolve questions related to any application for restitution from job applicants. Respondents' counsel, Pelton & Associates, PC, shall respond to the Department within 10 days of any inquiry from the Department.

Agreed to for Respondents
Dalia's Service Agency, Dalia
Hen, President, and Nissim Hen:

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

By: Dalia Hen
President

Signature

Date

[Redacted], Esq.
Staff Counsel

Signature

Date

Nissim Hen

Signature

Date

Brent Pelton, Esq.
Attorney for Respondents

Signature

Date

Please send a signed copy of this CJO to: New York City Department of Consumer Affairs, Research and Investigations Division, 42 Broadway, 8th Floor, New York, New York 10004

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 at www.nyc.gov/consumers.