

CITY OF NEW YORK  
DEPARTMENT OF CONSUMER AFFAIRS

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DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

- against -

El Mundo Agency  
36-26 Union Street, 2nd Floor  
Flushing, NY 11354

Respondent.  
-----X

CONSENT ORDER

Violation Number: LL 006000028 ]

License Number: 1183080

1. Respondent acknowledges that the New York City Department of Consumer Affairs (the "Department") duly served Respondent with a Notice of Hearing on \_\_\_\_\_ ("NOH") citing Respondent for a violation of the New York State General Business Law Section 170 et seq ("Employment Agency Law"), New York City Administrative Code ("Code") Section 20-101 et seq. (the "License Enforcement Law"), Code Section 20-700 et seq. (the "Consumer Protection Law"), and Title 6 of the Rules of the City of New York ("Rules").

2. El Mundo Agency ], license number 1183080 ("Respondent") consents to this final Consent Order (the "CO") to settle the above violation.

3. Kean Ku Lee, as Owner of Respondent, represents and certifies that [s/he] is duly authorized to settle this violation and to enter into this CO with the Department on behalf of Respondent.

4. This CO shall apply to Respondent and any other directors, officers, employees, agents, assignees, successors, or other business entities, whose acts, practices, or policies are directed, formulated, or controlled by Respondent. For the purposes of this CO, "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 main activity is the selling of any goods or services for Respondent, and any person whose earnings are based in whole or in part on work performed for Respondent.

5. Respondent shall maintain a list identifying each employee by name, address, phone number and email address for three years. The list shall include the language each employee speaks.

13. Respondent shall not charge a job applicant a fee prior to job placement unless the applicant is referred to an employer to apply for a position as a domestic, household employee, unskilled or untrained manual workers and laborers (including agricultural workers), non-professional trained or skilled industrial workers, or mechanics. No other job applicants shall be charged a fee until job placement has occurred.

14. Respondent shall not charge a job applicant a registration fee.

15. Except as described in Section 185 of the GBL, Respondent shall not charge a job applicant a fee for any other goods or services including, but not limited to: (i) referring or promising to refer a job applicant to interviews or meetings with employers or prospective employers; (ii) training job applicants; or (iii) photographing job applicants.

16. In addition to the logs required by Section 179 of the GBL, Respondent shall maintain on its premises a separate log book, in the English language, of all requests for refunds. Respondent shall maintain such log book on its premises for three years. Respondent shall make such records available for inspection upon Department's demand. Each entry in the log book shall include all the following:

- a. the name of the job applicant requesting a refund;
- b. the date of such request;
- c. the fee originally paid by the job applicant;
- d. refunds paid;
- e. amount of refund paid;
- f. the date refund was paid;
- g. the reason for refund; and
- h. method refund paid, whether cash, check, or credit.

#### **F. Job Orders**

17. Respondent shall maintain on its premises a register, in the English language that includes all of the following:

- a. the name and address of every employer who pays a fee;
- b. the name and address of every employer to whom an applicant paying a fee is referred;
- c. the date each employer requested or assented to the furnishing of applicants;
- d. the kind of positions for which applicants are requested;
- e. the names of the applicants paying a fee who were sent to the employer, including a designation of the applicant hired;
- f. the amount of the fee charged; and
- g. the rate of wages or compensation agreed upon.

18. Respondent shall maintain on its premises a register, in the English language, of all fees, deposits and other money charged and/or collected. Each entry in the register shall

185 and 186 of the GBL; and (ii) the New York State Anti-Discrimination Poster Respondent. These posters are available at the Department's Licensing Center located at 42 Broadway, 5th Floor, New York, NY 10004.

23. Respondent shall display conspicuously in the reception or waiting area a sign in English and in every language in which Respondent advertises or conducts business with consumers in any way, that states the following:

**NOTICE:** It is against the law for an employment agency to charge a registration or application fee. The agency can only collect a deposit if you are applying for certain types of jobs. If an agency charges you an improper fee, you are entitled to a refund. If you are not given a refund or you have a complaint or need more information call 3-1-1.

#### **I. Advertisements**

24. Respondent shall not publish, or cause to be published, any false, fraudulent or misleading information, representation, promise, notice or advertisement.

25. Respondent shall not advertise that it can "guarantee" jobs or placement.

26. Respondent shall not advertise that it is "no fee," unless it is an employer fee paid employment agency, as defined in Section 191 of the GBL.

27. Respondent shall include its Department issued license number and the word "agency" in all advertising.

28. Respondent shall maintain records of the dates and location of each advertisement that Respondent publishes, distributes or causes to be published or distributed for three years.

#### **J. Compliance and Training**

29. If the Department conducts a training in the future, an employee of Respondent with management responsibility shall attend the training, on a date and time set forth by the Department.

30. Respondent shall comply with Department instructions on submitting proof of attendance.

31. Respondent shall notify the Department within ten (10) days of receipt of any (i) complaints, actions or proceedings filed against you by consumers in any forum, including state and federal courts, the Better Business Bureau, the Office of the Attorney General of the State of New York, the New York State Division of Human Rights, the New York City Commission on Human Rights, the New York State Workers' Compensation Board, the New York State Department of Labor, the Equal Employment Opportunity Commission, or

Respondent of all costs and expenses associated with the Department's investigation and prosecution of the new violation.

40. Non-payment or untimely payment of the settlement fine shall constitute a breach and violation of this CO.

41. Respondent shall incur a late fee of \$100 if Respondent does not pay the above fine by the date specified above, and the entire balance (including the late fee) due under this CO shall be due immediately.

42. If Respondent does not pay the above fine by the date specified above, the entire balance (including the late fee) will incur an interest rate of x% per day until time of payment.

43. Failure to utilize documents submitted to the Department as part of any license application or license renewal shall result in an additional fine of \$1,000.

44. Upon the termination of a license by revocation, expiration, denial, or surrender, Respondent shall immediately cease employment agency activities.

45. 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 representation to the contrary.

46. This matter will be considered settled upon execution of this CO and payment of the settlement sum as set forth above.

Accepted for Respondent  
\_\_\_\_\_, by:

X Keon Ku Lee  
Print name

Owner  
Title

X [Signature]  
Signature

04/12/2012  
Date

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

[Redacted]  
Print name

Settlement Officer  
Title

[Redacted]  
Signature

04/12/2012  
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**

**Exhibit A**