

DEPARTMENT OF CONSUMER AFFAIRS  
CITY OF NEW YORK

NYC DEPARTMENT OF CONSUMER AFFAIRS,

CONSENT ORDER

-against-

Complainant,

LL # 5333231

Kayacycle, LLC  
39 Commerce Street  
New York, NY 10014

License # 1395512

Respondent(s).

Kayacycle, LLC (“Respondent”) is licensed by the New York City Department of Consumer Affairs (“DCA” or “the Department”) and was served with a Notice of Hearing in connection with Respondent’s pedicab business activity. Respondent consents to this Consent Order (“CO”) with the New York City Department of Consumer Affairs (“DCA” or “the Department”) to settle the violations of laws and rules in that Notice of Hearing and agrees as follows:

**I. ACKNOWLEDGMENT OF SERVICE AND VIOLATIONS**

1. Respondent acknowledges receipt of the Notice of Hearing of the above-referenced matter, which charged Respondents with violating provisions of the New York Administrative Code (“Code”) and/or Title 6 of the Rules of the City of New York (“RCNY”).
2. Respondent admits that it Code Section 20-257(b) by permitting a pedicab driver to operate one of its pedicabs without a current pedicab driver’s license, as alleged in the Notice of Hearing.

**II. INJUNCTIVE RELIEF**

**A. Duty to Comply with Law**

3. In the conduct of Respondent’s pedicab business, Respondent and its agents shall strictly and promptly comply with Chapter 1 of the Code, beginning at Section 20-101 (known as the License Enforcement Law); Chapter 2, Subchapter 9, Section 20-249 et seq. of the Code (known as the Pedicab Licensing Law); Chapter 5, Subchapter 1, Section 20-700 et seq. of the Code (known as the Consumer Protection Law); 6 RCNY Section 5-01 et seq. (known as the Consumer Protection Law Rules); Chapter 2, Subchapter GG of 6 RCNY (known as the Pedicab License Rules); and this Assurance.

**B. Additional Duties**

4. Respondent shall inspect every DCA Pedicab Driver's License and Motor Vehicle Drivers License each and every day that a pedicab bicycle is leased. Said inspection shall be recorded on the Pedicab Daily Operational Log and Respondent shall record the expiration date for the DCA Pedicab License thereon.

**C. Respondent's duty to provide proof of compliance with this CO**

5. No later than thirty (30) days from the date of this CO, Respondent shall maintain a list of names for each driver that leases a pedicab from Respondent, with proof of the driver's identity, such as copies of a valid photo ID.
6. Upon request, Respondent shall hand deliver or mail the above report and other documents to the **Legal Division located at 42 Broadway, 9<sup>th</sup> Floor, New York, NY 10004** or e-mail them to: **pedicabs@dca.nyc.gov**.

**III. FINES & RESTITUTION**

7. Respondent shall pay a fine of **\$200** in settlement of the violations charged in the Notice of Hearing in the form of a bank check or money order made payable to the "NYC Department of Consumer Affairs."

**IV. CONSEQUENCES OF BREACH OF CO**

8. Any material breach of any provision of this CO, including sections II(A)(1), II(B)(1), and II(C)(1)-(7) by either Respondent and/or Respondent's agent, shall be a basis for automatic revocation of license(s) issued to Respondent by the Department. Respondent's failure to pay any restitution or fine ordered by the Department's administrative tribunal or any consumer restitution awarded by any other court of competent jurisdiction within thirty days of Respondent's receipt of the decision of such court shall be deemed a material breach of this CO. Prior to automatically revoking a license pursuant to this paragraph, the Department shall provide written notice to Respondent of any acts or failures to act DCA believes may be, or determines are, "material breaches" of this CO and a pre-revocation opportunity to be heard by DCA within fourteen days of the mailing of the written notice.

**V. MISCELLANEOUS**

9. Nothing in this CO shall be construed to limit in any way the authority of the Department to exercise its enforcement powers under the Code.

Dated: 2/7/14

Agreed to for the Respondents by:

  
\_\_\_\_\_  
Signature

KATACYCLE LLC  
Print Name

Accepted for the Department of Consumer Affairs by:



Staff Attorney  
Legal Division

Attorney for Respondents:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**Businesses licensed by the Department of Consumer Affairs (DCA) are required to 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](http://www.nyc.gov/consumers).**