CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

----------x

DEPARTMENT OF CONSUMER AFFAIRS

Complainant,

-against-

KNIGHTS COLLISION EXPERTS, INC
27 CONWAY ST
BROOKLYN, NY 11207

Licensee/Respondent.

----------x

SUPERSEDING CONSENT ORDER

NOH # 05331912

License # 0833046

KNIGHTS COLLISION EXPERTS, 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 "Assurance of Discontinuance" ("AOD") entered in September 21, 2011 between the Respondent and the Department under LL002532652.

3. 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

4. Respondent 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").

5. For every tow performed under the authority of the following: Directed Accident Response Program ("DARP"), Rotation Tow ("ROTOW"), the Arterial Towing Program, and the authority to remove vehicles improperly parked on private property ("Private Property Tow"), Respondent shall maintain records in accordance with the requirements set forth in 6 RCNY § 2-378, except to the extent that this CO imposes additional requirements. In entering this CO, Respondent understands that it is responsible for all recordkeeping requirements set forth in the Rules that are not explicitly set forth in this CO.

a. Respondent shall comply with 6 RCNY § 2-378(a), by strictly maintaining its electronic records according to the instructions in the Tow Electronic Record Keeping Instructions ("Tow Instructions") attached to this CO as Exhibit A.

b. For DARP and ROTOW tows, Respondent shall comply with 6 RCNY § 2-378(b)(3) (DARP) and § 2-378(c)(3) (ROTOW) by making an electronic record of the same information that it is required to maintain in a bound record book and by entering the information electronically, in English, in the Excel spreadsheet attached as Exhibit B and available on the Department's website http://www.nyc.gov/consumers, no later than one business day after the occurrence of the event it is recording.

COMPLIANCE

6. Respondent shall submit to the Department, along with the executed CO, an executed Electronic Record Keeping Affirmation (the "Affirmation") affirming that it will maintain electronic records in compliance with § 2-378(i). (The Affirmation is attached to this CO as Exhibit C.)

7. Respondent shall submit to the Department on or by June 3, 2014, the following records, required by the Code and Rules, covering a twenty (20) consecutive day period beginning on May 1, 2014 and ending on May 31, 2014:

   a. DARP Tows:

      i. A CD-ROM containing the required electronic records as described in 6 RCNY § 2-378(g)(5). Respondent shall produce records to the Department in the format indicated in the Tow Instructions.

   b. ROTOW Tows:

      i. A CD-ROM containing the required electronic records as described in 6 RCNY § 2-378(g)(5). Respondent shall produce records to the Department in the format indicated in the Tow Instructions.

   c. Arterial Tows:

      i. A CD-ROM containing the required electronic records as described in 6 RCNY § 2-378(g)(5). Respondent shall produce records to the Department in the format indicated in the Tow Instructions.

   d. Private Property Tows:

      i. A scanned PDF copy of the trip record as required by § 19-169.1(f) of the Code; and

ii. A scanned PDF copy of the signed receipt provided to each person who paid removal and storage charges, as required by § 19-169.1(h) of the Code; and

iii. A scanned PDF copy of every written contract between owner of property and Respondent as required by § 19-169.1(c) of the Code for the same thirty (30) day period; and

iv. A CD-ROM containing the required electronic records as described in 6 RCNY § 2-378(g)(5). Respondent shall produce records to the Department in the format indicated in the Tow Instructions.

8. Upon written demand by the Department, Respondent shall provide to the Department, within ten (10) days of the demand, any document or record that the Respondent is required to maintain pursuant to this CO and/or applicable laws and rules.

CONSEQUENCES OF BREACH

9. Respondent shall pay a fine of up to $1000 for any breach of any provision of this CO. If the same conduct constitutes both a breach of this CO and a violation of an applicable law or rule, the Department will seek two separate penalties: a fine of up to $1000 for the breach of the CO; and the maximum statutory penalty for the violation of the applicable law or rule.

10. Respondent will pay a penalty of $1,000 for submitting any false statement in its Electronic Record Keeping Affirmation.

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

12. Respondent's failure to produce any of the documents or records required by this CO and/or applicable laws and rules shall constitute prima facie evidence that Respondent has failed to maintain those records and that Respondent is not in compliance with the terms of the CO and applicable record keeping laws and rules.

FINES

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

WAIVER OF APPEALS

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

MISCELLANEOUS

15. 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: KNIGHTS COLLISION EXPERTS, INC	By:
Joseph K. Robles	[redacted]
Print Name	P[redacted]
President	[redacted] 04/28/14
Title	Signature Date
4/28/14	
Signature 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.