

**CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS**

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DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

NY BANGLA KACHABAZAR INC. d/b/a
KACHABAZAR

Respondents.

CONSENT ORDER

License No. 1464754-DCA

**Violation Nos. 05334931
05337744**

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NY Bangla Kachabazar, Inc. d/b/a Kachabazar ("Respondent") hereby consents to entry of this Consent Order ("CO") to settle the above-captioned violations with the NYC Department of Consumer Affairs ("DCA") and agrees as follows:

Background

1. On or about November 21, 2013, the Department issued Notice of Hearing ("NOH") No. 05334931 to Respondent charging it with four counts of violating section 20-237(b) of the Administrative Code of the City of New York, ten counts of violating 6 RCNY § 2-70.2(a) and one count of violating 6 RCNY § 2-70.2(g). NOH No. 05334931 scheduled a hearing for January 2, 2014.
2. Respondent did not appear for the hearing on January 2, 2014.
3. On or about January 27, 2014, the Department issued a Default Decision and Order ("D&O") in NOH No. 05334931 finding Respondent guilty of all the charges alleged in the NOH, assessing fines in the amount of \$27,200 and directing Respondent to pay the fines within thirty days.
4. On February 24, 2014, the Department issued a Notice of Suspension notifying Respondent that License No. 14657454-DCA would be suspended if the Department did not receive payment for the fines and late fees on or before March 1, 2014.
5. On or about February 28, 2014, Respondent filed a motion for a waiver of the requirement to deposit the amount of the fine assessed in the D&O in connection with a motion for a stay of enforcement and to vacate the default.
6. On or about March 1, 2014, the Department suspended License No. 1467454-DCA.

7. On or about March 14, 2014, the Department issued NOH No. 05337744 charging Respondent with engaging in unlicensed stoopline stand activity in violation of section 20-237(a) of the Administrative Code of the City of New York. The hearing is scheduled for April 17, 2004
8. The parties now agree to settle both violations.

Injunctive Relief

9. Respondent shall not violate any provision of the laws, regulations, and rules applicable to the operation of stoopline stands in the City of New York.
10. Respondent acknowledges that License No. 1464754-DCA authorized it to maintain four stoopline stands not greater than four (4) feet in width and ten (10) feet in length. Respondent shall not maintain stoopline stands with a width greater than four (4) feet unless it shall apply for and receive a license to maintain a stoopline stand that is five (5) feet in width.
11. Respondent shall only use stoopline stands that satisfy the requirements of RCNY §2-70.2(a) and shall not display items for sale on the sidewalk in crates or boxes.
12. Respondent agrees to bring their business practices into compliance with current requirements in the New York City Administrative Code, the RCNY, the NYCRR, and all other applicable laws and rules and to continue to comply with all laws and rules so long as it is engaged in business at this location or anywhere else within the five boroughs of the City of New York.

Fines

13. Respondent shall pay a fine of \$1,500.00 to settle Violation No. 05334931.
14. Respondent shall pay a fine of \$500.00 to settle Violation No. 05337744.
15. On or before execution of this Consent Order, Respondent shall pay the fines by delivering to the undersigned a money order or bank check payable to the New York City Department of Consumer Affairs in the amount of \$2,000.

Reinstatement of License No. 1464754-DCA

16. Upon payment of the fines and vacatur of the D&O in Violation No. 05334931 in accordance with paragraph of this Consent Order, the Department will reinstate License No. 1464754-DCA.

Waiver of Appeals

17. Respondent waives Respondent's right to a hearing on, appeal of and/or any challenge of, in any forum, the facts alleged by the above-referenced violations under Sections 20-104 of the Code or under Article 78 of the New York State Civil Practice Law and Rules, Sections 7801-7806.

Miscellaneous

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

19. The CO will take effect upon notification from the Director of Adjudication that the Decision and Order in 05334931 has been vacated.

Dated: New York, New York
March 19, 2014

Agreed to for the Respondent by:

Accepted for the NYC Department of
Consumer Affairs by:

X Mohammed Khan 3.19.14.
Mohammed Khan Date

Rafael Gonzalez
Rafael Gonzalez
Attorney for Respondent



Executive Deputy General Counsel

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.