

CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

-----x CONSENT ORDER
DEPARTMENT OF CONSUMER AFFAIRS

Complainant,

-against-

NOH # 5331964

RAYMOND ALLENDE
d/b/a EAST COAST TOWING
10001 LIBERTY AVENUE
QUEENS, NY 11417

License # 1099492

Licensee/Respondent,
-----x

RAYMOND ALLENDE d/b/a EAST COAST TOWING (“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) 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. Respondent was licensed by the Department to operate Tow Truck Company, East Coast Towing under License Number 1099492, from March 6, 2012 to December 18, 2013. Respondent acknowledges that it surrendered License Number 1099492 to the Department on December 18, 2013.
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 will not engage in any non-consensual tows for two (2) years beginning on the effective date of this CO.
5. Respondent will not advertise the availability of non-consensual tow services without first having obtained permission to engage in such towing from the Department.
6. If after the expiration of two (2) years from the date of execution of this Consent Order, Respondent seeks to engage in non-consensual tows, it shall submit to the Department, a copy of this Consent Order.
7. If Respondent engages in non-consensual tows after the two (2) year period, it 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”) and 6 RCNY § 2-361, *et seq.*

CONSEQUENCES OF BREACH

8. Respondent shall pay a fine of \$500 for any breach of any provision of this CO.
9. Specific breaches of this CO shall, in addition to a breach of this CO, constitute independent and separate violations of any applicable laws and rules. If the same conduct gives rise to both a breach of this CO and a breach of the applicable laws and rules, Respondent shall pay two (2) penalties: a \$500 fine for breach of the CO and the maximum penalty for violation of the applicable law or rule.
10. Non-payment or untimely payment of the settlement fine shall constitute a breach and violation of this CO.
11. If at any time Respondent engages in any unlicensed activity, fails to maintain its license(s) for the duration of its business practice, or files a license application (including an application for renewal) that is denied, the Department, without further notice to Respondent, shall be entitled to: (i) seal Respondent's business premises; and (ii) impose fines of one hundred dollars (\$100.00) per day for each day of unlicensed activity.
12. In the event Respondent is found to be operating without a license at any time after the execution of this CO, Respondent agrees that there shall be a presumption of continuous unlicensed activity from the date of execution of this CO. Respondent also shall be liable for the maximum penalties allowed by law.

FINES

13. Respondent shall pay a fine of \$500 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 and 20-105 of the New York City Administrative Code or under Article 78 of the New York State Civil Practice Law and Rules, §§ 7801-7806, in any forum.

MISCELLANEOUS

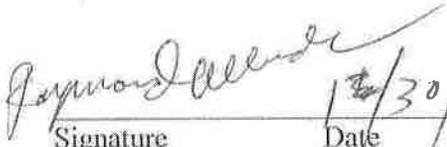
15. Nothing in this CO shall be construed to limit in any way the authority of the Department to exercise its enforcement powers under Chapter 1, Title 20 or under Chapter 2, Title 20 of the Code.

Agreed to by Respondent

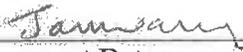
Accepted for the NYC Department of
Consumer Affairs

By: RAYMOND ALLENDE d/b/a
EAST COAST TOWING

By: 
Legal Division


Signature Date 1/30/14


Signature Date 1/30/14

 30, 2014
Agreement 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.