

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

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

ROBBIE'S ENTERPRISES INC. AND BREEN  
BROS. TOWING, INC.

Respondents.

**CONSENT ORDER**

**Violation No. LL 5324049  
LL 5324050  
LL 5324051**

Robbie's Enterprises Inc. and Breen Bros. Towing, Inc. ("Respondents") acknowledge receiving the above-captioned Notices of Hearing charging the Respondents with violating NYC Administrative Code ("Code") §§20-101, 20-502, 20-504(f), 20-509(d)(1), 20-516, 20-518(b)(2), 20-518(b)(3) and Title 6 of the Rules of the City of New York ("RCNY"), §1-14 and 2-367(b)(5). Respondents agree to entry of this Consent Order ("CO") to settle the charges contained in the Notice of Hearing ("NOH").

**Background**

1. Respondent Breen Bros. Towing, Inc. maintains two licenses to operate tow truck companies. The license numbers are as follows: 0833070 and 0850093.
2. The listed principal of Respondent Breen Bros. Towing, Inc. is Patricia Breen.
3. Respondent Robbie's Enterprises Inc. maintains tow truck license no. 1224576.
4. The listed principal of Respondent Robbie's Enterprises Inc. is Patrick Breen.
5. Breen Bros. Towing, Inc.'s (0833070) current location, 194 South Avenue in Staten Island, does not have the proper zoning classification to operate a tow truck company.

### **Fines**

6. At or before the execution of this Consent Order, Respondents shall pay a fine of \$30,000.00 to settle the charges contained in the NOH, payable according to the attached payment agreement..

### **License and DARP Suspensions**

7. Effective June 4, 2013, Respondent Breen Bros. Towing Inc.'s license (0833070) shall be immediately suspended until the NYC Department of Buildings ("DOB") issues its approval for the operation of a tow truck company at a specified address and DCA then inspects the premises to ensure compliance with DCA's laws and rules.
8. If Respondent Breen Bros. Towing Inc. (0833070) obtains DOB and DCA approval to operate its tow company within the two months from June 4, 2013, the licensee shall remain suspended from DARP for the balance of the two month period. If the licensee does not obtain the required approval from DOB or DCA within the two month period, the licensee shall remain suspended until it receives such approval.
9. Two months after this CO becomes effective, Respondent Breen Bros. Towing Inc.'s (0850093) participation in DARP shall be suspended for two months. The DARP suspension will become effective regardless of Respondent Breen Bros. Towing Inc.'s (0833070) license status.
10. Four months after this CO becomes effective, Respondent Robbie's Enterprises Inc.'s participation in DARP shall be suspended for two months. The DARP suspension will become effective regardless of Respondent Breen Bros. Inc.'s (0833070) license status.

### **Injunctive Relief and Compliance**

11. Respondents' shall provide electronic records for all tows according to the schedules outlined paragraphs 11-14. The documents shall include:
  - a. The DARP log;
  - b. All completed authorizations to tow;
  - c. All receipts for towing services;
  - d. All credit card receipts for payment of towing services, if any; and
  - e. The roster of drivers.

12. Respondent Breen Bros. Towing, Inc. (0833070): two months from the effective date of the license, the licensee shall submit the required records to the Department from the prior two months.
13. Respondent Breen Bros. Towing, Inc. (0850093): two months from the execution of this CO, the licensee shall submit the required records from the prior two month period to the Department.
14. Respondent Robbie's Towing Inc.: two months from the execution of this CO, the licensee shall submit the required records from the prior two month period to the Department.
15. The documents described in paragraphs 11-14 must be submitted via email to [TowCompliance@dca.nyc.gov](mailto:TowCompliance@dca.nyc.gov).
16. Respondents shall comply with all laws and rules applicable to tow truck companies and tow operators in the City of New York, including, but not limited to, Title 20 of the Code and Title 6 of the RCNY.
17. Respondents shall timely respond to a subpoena or records request issued by the Department and appear in person at the Department on the return date of the subpoena or records request.

#### **Resolution of Consumer Complaints**

18. Respondents shall make all possible efforts in good faith to resolve all consumer complaints filed with the Department within ten (10) business days of Respondents' receipt of copies of said complaints, regardless of whether Respondent was licensed by the Department at the time of the activity about which the consumer complained. Respondents shall respond to subsequent communications from the Department concerning the complaints within five (5) business days.
19. Respondents shall submit to the Department's jurisdiction to adjudicate the merits of every complaint.
20. Respondents shall provide DCA with the name, address, telephone number, email address, if any, and title of the individual responsible for addressing complaints received by DCA, within 10 business days of execution of this CO.

#### **Consequences of Breach of this CO**

21. Any material breach of any provision of this CO either Respondents and/or Respondents' agent, shall be a basis for automatic revocation of license(s) issued to Respondent by the Department.

**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](http://www.nyc.gov/consumers).**

