CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

DEPARTMENT OF CONSUMER AFFAIRS, Complainant, – against – SUCCESSFUL EMPLOYMENT AGENCY 17 ELDRIDGE ST NEW YORK NY 10002, Respondent.	CONSENT JUDGMENT/ORDER Violation Number: PL 001068308

1. SUCCESSFUL EMPLOYMENT AGENCY, ("Respondent") consents to a final Consent Judgment and Order (the "CJO") with the New York City Department of Consumer Affairs (the "Department") in the above matter.

2. MIN FANG ZHENG, as owner of Respondent, represents and warrants that he or she is authorized to settle this action and to enter into a final CJO with the Department on behalf of Respondent.

3. This CJO shall apply to Respondent, whether acting through owner or any other directors, officers, employees, representative agents, assignees, successors, or other business entities, whose acts, practices, or policies are directed, formulated, or controlled by Respondent. For the purposes of this CJO, "employee" means any person employed for hire or permitted to work by Respondent including, but not limited to, any person who manages or oversees the work of another, any person whose principal activity is the selling of any goods or services for Respondent, and any person whose earnings are based in whole or in part on commission for work performed for Respondent.

4. Respondent acknowledges that it was duly served with a Notice of Hearing on Dec 9, 2010 (the "NOH") citing Respondent for operating as an employment agency without a license in violation of the New York State General Business Law ("GBL") Article 11, Section 172.

Injunctive Relief

5. Respondent shall immediately cease unlicensed activity. Respondent shall not act or advertise as an employment agency as defined in Section 171 of the GBL and Section 5-

249 of the Rules of the City of New York (the "Rules") Title 6, at any time without holding a valid license from the Department.

6. Respondent shall comply with this CJO, New York City Administrative Code (the "Code") Sections 20-101 et seq. (the "Licensing Law"), GBL Article 11, Sections 170 et seq. (the "Employment Agencies Law"), Sections 20-700 et seq. of the Code (the "Consumer Protection Law"), and Title 6 of the Rules, Sections 5-241 et seq. (the "Employment Agencies Rules") and Sections 5-01 et seq. (the "Consumer Protection Rules") including, but not limited to, the following:

   a. Respondent shall issue all documents and forms including, but not limited to, applications, contracts and receipts, in English, Spanish, and/or in every language in which Respondent advertises and/or interacts with job applicants over the telephone, via email, and/or in person.

   b. Respondent shall provide every job applicant with a written contract that complies with GBL Sections 181 and 185, and is substantially similar to the Department's "Model Contract" available on the Department's website at http://www.nyc.gov/html/dca/html/licenses/034.shtml.

   c. Respondent shall provide to the Department as part of its license application a copy of the contract it will use going forward with consumers. Respondent shall correct any deficiencies identified by the Department. Respondent understands that Respondent is responsible for ensuring that the contract complies with GBL Sections 181 and 185, notwithstanding submission to the Department and review by the Department and the Department does not waive its authority to proceed against Respondent for non-compliance.

   d. Respondent shall place directly above the space reserved in the contract for the signature of the job applicant, in at least 14-point bold, uncompressed face type or larger, a notice stating:

      NOTICE TO JOB APPLICANT -- READ BEFORE SIGNING
      Do not sign this contract before you have read it or if any spaces are left blank. The employment agency must give you a signed copy of this contract at the time you sign it.

      IMPORTANT: It is against the law for the employment agency to charge a registration or application fee. The agency can only collect a deposit if you are applying for certain types of jobs. YOU ARE ENTITLED TO A REFUND. IF A REFUND IS NOT MADE WITHIN SEVEN (7) DAYS OR YOU HAVE A COMPLAINT OR NEED MORE INFORMATION, CALL 3-1-1.

   e. Respondent shall make any refund required under GBL Article 11 to a job applicant within seven (7) days after a job applicant requests a refund, regardless of whether

the job applicant requests the refund orally or in writing.

f. Respondent shall display conspicuously in the main room of its place of business, a poster provided by the Department ("DCA poster") containing GBL Sections 185 and 186 and consumer tips in place of the law card required by GBL Section 188. Respondent may obtain the poster from the Department's Licensing Center located at 42 Broadway, 5th Floor, New York, NY 10004.

g. Respondent shall display conspicuously in the main room of its place of business the Licensing poster as required by Section 1-03 of the Rules.

Compliance and Training

7. A principal or manager of Respondent shall attend a training conducted by the Department on the Employment Agencies Law, the Employment Agencies Rules, and other provisions enforced by the Department that apply to employment agencies on a future date to be determined.

8. Respondent shall provide all employees with a copy of this CJO and shall ensure that all employees are familiar and in compliance with this CJO, the Employment Agencies Law, the Employment Agencies Rules, and the Consumer Protection Law and its implementing rules.

9. Respondent shall train all new employees on the requirements of this CJO, the Employment Agencies Law, the Employment Agencies Rules, and the Consumer Protection Law and its implementing rules within two (2) days of the employees' start dates.

10. This CJO does not resolve any Consumer complaints against Respondent that are filed with or otherwise brought to the attention of the Department and does not waive the Department's right to seek relief for aggrieved Consumers.

11. Respondents shall make all possible efforts in good faith to resolve all consumer complaints filed with the Department within twenty (20) days of receipt of copies of said complaints, but in all instances, they shall respond in writing to the Department regarding such consumer complaints within twenty (20) days of receipt of any complaints as required by Section 1-13 of the Rules.

12. Respondents shall maintain for inspection by the Department files of all consumer complaints it receives from any state or local agency, including the Department, in a manner that is organized and readily accessible.

Identity Theft and Privacy

13. Respondent shall dispose of records containing personal identifying information such as social security numbers, driver's license numbers, non-driver identification card

a. Shredding the records before disposal;

b. Destroying the personal identifying information contained in the record; and/or

c. Modifying the record to make the personal identifying information unreadable.

14. Respondent shall immediately notify the Department, the job applicant and the police of any breach of security or unauthorized possession of personal identifying information that compromises the security, confidentiality, or integrity of such information.

15. Respondent shall shorten (truncate) the account information on electronically printed credit and debit card receipts given to job applicants. Respondent shall not include more than the last five digits of the credit card number and shall delete the card's expiration date.

16. Nothing in this CJO shall be construed as waiving or abrogating Respondent's responsibilities under federal, state or local law concerning record-keeping or record maintenance.

Fines and Other Penalties

17. Any future violations by Respondent of the Licensing Law, the Employment Agencies Law, the Consumer Protection Law, the Employment Agencies Rules, and the Consumer Protection Rules shall be treated by the Department as knowing violations.

18. Respondent agrees to pay a fine of _____500.00_____ by certified check, bank check, or money order made payable to the New York City Department of Consumer Affairs no later than __Dec 24, 2010__. Respondent shall deliver the amount specified to: New York City Department of Consumer Affairs, 42 Broadway – 9th Floor, New York, New York 10004, Attn: Collections Division.

19. Respondent will incur a late fee in the amount of $100.00 if Respondent does not pay the above-referenced amount by the above-referenced date.

20. Respondent agrees to waive any further right to a hearing and/or appeal on the above-referenced citation under Section 20–104 of the Code or under Article 78 of the New York State Civil Practice Law and Rules, Sections 7801-7806.

21. If at any time Respondent engages in any future unlicensed activity, fails to maintain its license for the duration of its business practice, or files a license application, including for renewal, and it is denied, the Department, upon five (5) days' notice, shall be entitled to seal Respondent's business premises, impose fines of up to one hundred dollars ($100.00) per day for each day of unlicensed activity, and to remove, seal, or make inoperable any items or goods sold, offered for sale, available for public use, or utilized in the operation of the unlicensed activity. Respondent agrees, for the purposes of imposing fines, that there shall be a presumption of continuous unlicensed activity from the date Respondent's license expired, May 1, 2010, in the event Respondent is found to be operating without a license at any time after the execution of this CJO. Respondent shall also be liable for maximum fines for violations of the Consumer Protection Law.

22. Respondent acknowledges that any and each material breach of a provision of this CJO by Respondent or its agents shall, if proven (i) be deemed grounds for automatic revocation of Respondent's license, (ii) be assessed at the maximum penalties allowed by law as knowing violations of the law pursuant to the License Enforcement Law, the Employment Agencies Law, the Consumer Protection Law, and the Rules, (iii) be deemed a separate, knowing violation of the Consumer Protection Law, subject to the maximum fines delineated therein, (iv) and be deemed proof that any person with an equity interest of 10 percent or more, or with significant managerial responsibility for the operation of Respondent's business, is not possessed of the integrity, honesty, and fair dealing required to hold a license issued by the Department.

23. Upon the termination of a license by revocation, expiration, denial, or surrender, Respondent shall immediately cease employment agency activities.

24. The acceptance of this CJO by the Department shall not be deemed approval by the Department of any of Respondent's business practices, and Respondent shall make no representation to the contrary.

25. This matter will be considered settled upon execution of this CJO and payment of the settlement sum as set forth in Paragraph 18 above.

001068308

DATE: Dec 14, 2010

Agreed to by:

MIN FANG ZHENG
Print name

owner
Title

Signature

Accepted for Jonathan Mintz,
Commissioner of Consumer Affairs
for the City of New York by:

G.TORRES,SETTLEMENT OFFICER
Name and Title

Signature

Langauge Line id# 5204

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.