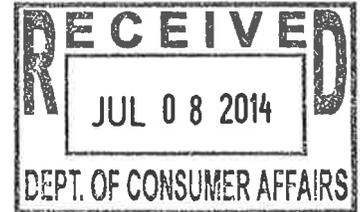


CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

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DEPARTMENT OF CONSUMER AFFAIRS,



Complainant,

CONSENT ORDER

License No. 1319793
(Newsstand)

-against-

Violation Nos.
LL005301089
PL005306544
PL005317548

VIPUL PATEL,

License No. 1303123
(Cigarette Retail Dealer)

Respondent.

Violation Nos.
PL005301088
PL005305028
PL005306543
PL005317547
PL005321550

-----X

Vipul Patel ("Respondent") agrees to the entry of this Consent Order to settle the charges contained in the above-captioned Notices of Hearing.

Relevant Factual Background

1. Respondent is licensed as an operator of a newsstand on the northeast corner of 42nd Street and Madison Avenue under suspended License No. 1319793 (the "Newsstand"). Respondent has a pending application to renew the license.
2. Respondent was licensed as a Cigarette Retail Dealer under License No. 1303123. Respondent's license expired on December 31, 2011 and was not renewed.
 - a. Newsstand Violations
 - i. LL005301089
3. On or about August 6, 2012, the Department issued Notice of Hearing ("NOH") under Violation No. LL005301089, returnable in the Department's Administrative Tribunal on

August 28, 2012, alleging that Respondent displayed merchandise for sale on boxes from a portion exterior to the newsstand in violation of 6 RCNY § 2-66(a)(two counts).

4. On or about August 28, 2012, Respondent failed to appear for the scheduled hearing.
5. On or about August 31, 2012, the Department issued a Default Decision and Order finding Respondent guilty of the charges alleged in the NOH and guilty of failing to appear for the hearing in violation of 6 RCNY § 1-14, and fining Respondent \$1,500.
6. Respondent did not pay the fine in LL005301089 and, on or about October 16, 2012; the Department suspended License No. 1319793.

ii. PL005306544

7. On or about December 10, 2012, the Department issued Notice of Hearing (“NOH”) under Violation No. PL005306544, returnable in the Department’s Administrative Tribunal on January 8, 2013, alleging that Respondent engaged in unlicensed operation of a newsstand in violation of section 20-224 of the Administrative Code of the City of New York.
8. On or about January 8, 2013, Respondent failed to appear for the scheduled hearing.
9. On or about January 14, 2013, the Department issued a Default Decision and Order finding Respondent guilty of the charges alleged in the NOH and guilty of failing to appear for the hearing in violation of 6 RCNY § 1-14, and fining Respondent \$9,000.

iii. PL005317548

10. On or about July 30, 2013, the Department issued Notice of Hearing (“NOH”) under Violation No. PL005317548, returnable in the Department’s Administrative Tribunal on August 22, 2013, alleging that Respondent engaged in unlicensed operation of a newsstand in violation of section 20-224 of the Administrative Code of the City of New York.
11. On or about August 22, 2013, Respondent failed to appear for the scheduled hearing.
12. On or about August 30, 2013, the Department issued a Default Decision and Order finding Respondent guilty of the charges alleged in the NOH and guilty of failing to appear for the hearing in violation of 6 RCNY § 1-14, and fining Respondent \$23,100.

b. Cigarette Retail Dealer Violations

i. PL005301088

13. On or about August 6, 2012, the Department issued Notice of Hearing (“NOH”) under Violation No. PL005301088, returnable in the Department’s Administrative Tribunal on

August 28, 2012, alleging that Respondent engaged in unlicensed activity as a cigarette retail dealer in violation of section 20-202(a)(1) of the Administrative Code of the City of New York.

14. On or about August 28, 2012, Respondent failed to appear for the scheduled hearing.
15. On or about September 4, 2012, the Department issued a Default Decision and Order finding Respondent guilty of the charges alleged in the NOH and guilty of failing to appear for the hearing in violation of 6 RCNY § 1-14, and fining Respondent \$26,600.

ii. PL005305028

16. On or about September 25, 2012, the Department issued Notice of Hearing (“NOH”) under Violation No. PL00535028, returnable in the Department’s Administrative Tribunal on October 23, 2012, alleging that Respondent engaged in unlicensed activity as a cigarette retail dealer in violation of section 20-202(a)(1) of the Administrative Code of the City of New York.
17. On or about October 23, 2012, Respondent failed to appear for the scheduled hearing.
18. On or about December 26, 2012, the Department issued a Default Decision and Order finding Respondent guilty of the charges alleged in the NOH and fining Respondent \$7,000.

iii. PL005306543

19. On or about December 10, 2012, the Department issued Notice of Hearing (“NOH”) under Violation No. PL005306543, returnable in the Department’s Administrative Tribunal on January 8, 2013, alleging that Respondent engaged in unlicensed activity as a cigarette retail dealer in violation of section 20-202(a)(1) of the Administrative Code of the City of New York.
20. On or about January 8, 2013, Respondent failed to appear for the scheduled hearing.
21. On or about January 14, 2013, the Department issued a Default Decision and Order finding Respondent guilty of the charges alleged in the NOH and guilty of failing to appear for the hearing in violation of 6 RCNY § 1-14, and fining Respondent and fining Respondent \$5,500.

iv. PL005317547

22. On or about July 30, 2013, the Department issued Notice of Hearing (“NOH”) under Violation No. PL005317547, returnable in the Department’s Administrative Tribunal on August 27, 2013, alleging that Respondent engaged in unlicensed activity as a cigarette

retail dealer in violation of section 20-202(a)(1) of the Administrative Code of the City of New York.

23. On or about August 27, 2013, Respondent failed to appear for the scheduled hearing.
24. On or about September 20, 2013, the Department issued a Default Decision and Order finding Respondent guilty of the charges alleged in the NOH and fining Respondent and fining Respondent \$8,500.

v. PL005321550

25. On or about July 19, 2013, the Department issued Notice of Hearing (“NOH”) under Violation No. PL005321550, returnable in the Department’s Administrative Tribunal on July 23, 2013, alleging that Respondent engaged in unlicensed activity as a cigarette retail dealer in violation of section 20-202(a)(1) of the Administrative Code of the City of New York.
26. On or about July 23, 2013, Respondent failed to appear for the scheduled hearing.
27. On or about August 30, 2013, the Department issued a Default Decision and Order finding Respondent guilty of the charges alleged in the NOH and fining Respondent and fining Respondent \$23,900.
28. The parties, now seeking to resolve these disputes amicably and without further litigation, agree as follows:

Fines

29. In full settlement of all fines set forth above, Respondent shall pay the Department \$66,000, half of which shall be applied to satisfy the fines for License No. 1319793(Newsstand) and half shall be applied to satisfy the fines for License No. 1303123.
30. At or before execution of this Consent Order, Respondent shall pay the Department \$33,000 in the form of a certified check or money order payable to the New York City Department of Consumer Affairs and delivered to the undersigned attorney for the Department.
31. Respondent shall pay the balance of the \$33,000 in twelve monthly installments of \$2,750. The first such payment shall be due on or before July 15, 2014 and each payment thereafter shall be due on or before the 15th day of the month for each month from August 2014 through June 2015.
32. If Respondent fails to make any payment required by paragraph 31 in a timely manner, the entire amount remaining to be paid shall become immediately due and payable.

Reinstatement of Licenses

33. Upon the Department's receipt of the payment required by paragraph 30 of this Consent Order, and the Tribunal's issuance of an order in accordance with paragraph 38 of this Consent Order, vacating the default decisions and orders set forth in paragraphs 3 through 24 of this Consent Order, the Department shall reinstate License No. 1319793 and License No. 1303123.
34. If Respondent defaults in any payment required by paragraph 31, in addition to the acceleration of the outstanding amount as set forth in paragraph 32 of this Consent Order, Respondent's licenses shall be immediately suspended. If Respondent fails to pay the remaining in full within fifteen days of the Department's written demand therefor, the Department may revoke both licenses without any further notice to the Respondent.

Injunctive Relief

35. Respondent shall comply with all federal, state and local laws and rules applicable to licensed Newsstand licensees and Cigarette Retail Dealers, including, but not limited to, all laws and rules set forth in the Administrative Code of the City of New York and the Rules of the City of New York.

Waiver of Appeal

36. 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 or 20-105 of the Code or under Article 78 of the New York State Civil Practice Law and Rules, Sections 7801-7806.

Miscellaneous

37. Nothing in this agreement 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.

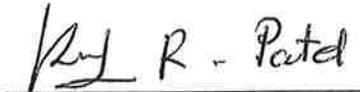
38. This Consent Order will take effect with respect to upon notification from the Director of Adjudication that the default decisions and orders identified in ¶¶ 5, 9, 12, 15, 18, 21, 24 and 27 of this Consent Order have been vacated:

Dated: New York, New York

~~June, 2014~~

July 8, 2014

Agreed to by the Respondent:



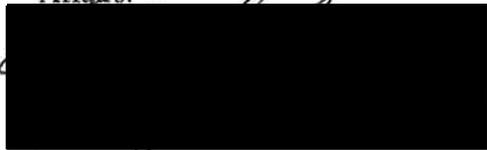
Vipul Patel



Robert Bookman

Attorney for Respondent

Accepted by the Department of Consumer Affairs:



Executive Deputy General Counsel