

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

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NYC DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

CONSENT ORDER

WOODS OVIATT GILMAN LLP
700 Crossroads Building
2 State Street
Rochester, NY 14614

Lic. No. 1329065

Respondent.
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WHEREAS, Woods Oviatt Gilman LLP (“Respondent”) is a New York limited liability partnership and is licensed by the New York City Department of Consumer Affairs (“Department”) as a debt collection agency (License Number 1329065) pursuant to the New York City Administrative Code (“the Code”) Title 20, Sections 20-101 *et seq.* (“License Enforcement Law”) and Sections 20-488 *et seq.* (“Debt Collection Agencies Law”). Respondent’s premises address is 700 Crossroads Building, 2 State Street, Rochester, NY 14614. Respondent has been licensed by the Department as a debt collection agency since September 24, 2009. Respondent’s license expired on January 31, 2011, and since that time, the Department has granted Respondent temporary permission to operate as a debt collection agency pending resolution of the issues addressed in this Consent Order; and

WHEREAS, Respondent is licensed by the Department as a debt collection agency and the Department contends that Respondent is required to disclose its debt collection license number on any advertisement, letterhead, receipt or other printed matter pursuant to Section 1-05 of Title 6 of the Rules of the City of New York (the “Rules”); and

WHEREAS, Respondent denies liability for allegedly failing to include its license number on its communications with consumers; and

WHEREAS, the Department and Respondent stipulate to the entry of this Consent Order to avoid protracted litigation and its costs;

NOW THEREFORE, it is stipulated and agreed by the Department and Respondent as follows:

1. Respondent stipulates to this Consent Order with the Department, and the Department accepts this Consent Order in lieu of instituting a proceeding against Respondent for its alleged failure to include its license number on letterhead and other printed material sent to New York City Consumers.

2. Respondent stipulates that it is acting in the capacity of a debt collection agency pursuant to Section 20-489 of the Code when it sends a dunning letter, collection notice or other demand for payment to a consumer residing in the City of New York.

I. COMPLIANCE

3. Respondent shall comply with Sections 1-05 and 1-16 of the Rules by disclosing on any dunning letter, demand letter, collection notice or other letter typically used by or associated with a debt collection agency provided such communication is sent prior to the commencement of a legal action or proceeding against a consumer residing in New York City. Nothing contained herein shall obligate Respondent to disclose its license number in communications in which Respondent is not engaged in activities requiring a license pursuant to Section 20-490 of the Code.

4. Respondent shall produce, within ten (10) days of a request by the Department, copies of the form letters it uses for communications to New York City consumers and copies of actual communications with New York City consumers.

5. Respondent shall produce copies of any complaints Respondent receives regarding Respondent's debt collection practices directed at New York City consumers within ten (10) days of a request by the Department.

6. Respondent 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, Respondent shall respond in writing to the Department regarding such consumer complaints within twenty (20) days of receipt of any complaints.

7. Nothing in this section shall be construed to obviate Respondent's responsibilities pursuant to Sections 1-14, 1-16, or 2-193 of the Rules.

II. SETTLEMENT AMOUNT AND OTHER TERMS AND CONDITIONS

8. Respondent shall provide to the Department, upon execution of this Consent Order, a bank check, certified check, or money order in the amount of \$7,500.00 made payable to the New York City Department of Consumer Affairs, and delivered to the New York City Department of Consumer Affairs, Legal Division, Attn: Zachary W. Biesanz, Esq., 42 Broadway, 9th Floor, New York, New York 10004.

9. This Consent Order shall constitute the final disposition of the above-captioned matter only if this Consent Order is fully executed and the Settlement Amount is received by the Department by October 4, 2012.

10. Respondent agrees that if it obtains a debt collection agency license from the Department for another location, it shall be bound by the terms of this Consent Order under that license as well.

11. This Consent Order shall constitute a final order pursuant to Section 6-42(c) of the Rules. If Respondent breaches this Consent Order, the Department shall seek not less than \$500.00 per count for each breach of each term of the Consent Order.

III. MISCELLANEOUS

12. Respondent hereby agrees to waive any further right to a hearing and appeal on any of the matters referred to herein under Section 20-104 of the Code or under Article 78 of the New York State Civil Practice Law and Rules.

13. The Department agrees to waive its right to institute a proceeding against Respondent for violations of Section 1-05 of the Rules through the date of execution of this Consent Order upon Respondent's execution of this Consent Order and payment of the Settlement Amount due pursuant to Paragraph 8.

14. The acceptance of this Consent Order 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. Respondent's stipulation to this Consent Order shall not be deemed an admission or finding of liability, fault, or wrongdoing on the part of Respondent, and the Department shall make no representation to the contrary.

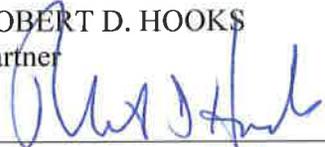
15. Upon execution of this Consent Order by the Department and Respondent and payment of the Settlement Amount, the Department shall renew Respondent's debt collection license number 1329065 for the period from the date of renewal through January 31, 2013.

Agreed to for Woods Oviatt Gilman
LLP by:

ROBERT D. HOOKS
Partner

Signature

Date:



10/1/12

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

Staff Attorney

Signature

Date:



10/2/12