

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

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

GRADE A OF NYC, INC.,

-and-

YVETTE VELASCO, as a principal,

Respondents.

DEFAULT DECISION AND ORDER

Violation Nos.:

PL005287222 (Grade A of NYC)

OL005287223 (Velasco)

Date: March 27, 2012

The respondents are charged with the violations in the attached Notice of Hearing.

A hearing was scheduled for March 22, 2012. The respondent did not appear.

The respondent's license (no. 1256976) was revoked on December 30, 2011.

The respondent is found **guilty upon default**.

ORDER

PL005287222 [Count 288]:

The respondent **Grade A of NYC, Inc.** is found **guilty upon default** of engaging in unlicensed activity from December 30, 2011, the date that the respondent's license was revoked, through March 22, 2012, the date of the scheduled hearing. The respondent is therefore **ordered to pay to the Department a FINE of \$8,400.**, as follows:

\$100 per day of unlicensed activity, for 84 days.

It is further **Ordered**, that the above respondent shall immediately discontinue its unlicensed activity at the above-referenced premises, and

It is further **Ordered**, that the above premises used primarily for the operation of the illegal, unlicensed activity shall be **SEALED** if such illegal activity is not discontinued within 10 days of the posting of this Order; and

It is further **Ordered**, that any devices, items or goods sold, offered for sale, or available for public use or utilized in the operation of a business and relating to such illegal activity shall be removed, sealed or otherwise made inoperable if such illegal activity is not discontinued within 10 days of the posting of this Order. Any perishable goods or food products seized by the Department pursuant to the within Order which cannot be retained without them becoming unwholesome, putrid, decomposed or unfit in any way will be disposed of pursuant to the provisions of New York City Administrative Code Section 17-323.

OL005287223:

Upon the Department's withdrawal of all charges as against respondent **Yvette Velasco**, they are **dismissed** as against her.

The respondent **Grade A of NYC, Inc.** is therefore **ordered to pay to the Department a FINE of \$380,750.**, as follows:

Administrative Code Section 19-169.1(a) [Counts 1-38, 39, and 40] (\$500 per count, for 40 counts)	\$20,000
Administrative Code Section 19-169.1(c) [Counts 41-65] (\$500 per count, for 25 counts)	\$12,500
Administrative Code Sections 19-196.1(a) and 20-509(d)(1) [Counts 66-85] (\$3,000 per count, for 20 counts)	\$60,000
Administrative Code Section 19-169.1(d) [Count 86]	\$500
Administrative Code Section 19-169.1(e) [Counts 87-91] (\$500 per count, for 5 counts)	\$2,500
Administrative Code Section 19-169.1(f) [Counts 92 and 93] (\$500 per count, for 2 counts)	\$1,000
Administrative Code Section 19-169.1(g) [Counts 94-110] (\$500 per count, for 17 counts)	\$8,500
Administrative Code Section 19-169.1(h) [Count 111]	\$500
6 RCNY Section 2-363(m) [Counts 112-125] (\$3,000 per count, for 14 counts)	\$42,000
Administrative Code Section 19-169.1(h) and 6 RCNY Section 2-366(d) [Counts 126-190] (\$2,500 per count, for 65 counts)	\$162,500
6 RCNY Section 2-377(d)(6) [Counts 191-195] (\$2,500 per count, for 5 counts)	\$12,500

Administrative Code Section 20-700 [Counts 196-200] (\$350 per count, for 5 counts)	\$1,750
Administrative Code Section 20-527 [Counts 201-220] (\$3,000 per count, for 20 counts)	\$30,000
6 RCNY Section 1-01.1 [Counts 234-237] (\$500 per count, for 4 counts)	\$2,000
6 RCNY Section 1-14 (failure to comply with subpoenas) [Counts 238 and 241] (\$500 per count, for 2 counts)	\$1,000
Administrative Code Section 20-516 [Counts 239 and 242] (\$2,500 per count, for 2 counts)	\$5,000
Administrative Code Section 20-104(e)(3) [Counts 240 and 243]	\$0
6 RCNY Section 1-13 [Counts 244-280] (\$500 per count, for 37 counts)	\$18,500
6 RCNY Section 1-15 [Counts 281-287] (\$500 per count, for 7 counts)	\$3,500
TOTAL	\$384,250

It is further **declared** that the respondent **Grade A of NYC, Inc.** is **deemed unfit to hold any license issued by the Department, and shall be permanently barred from licensure by the Department.**

The respondent **Grade A of NYC, Inc.** is hereby ordered to pay **RESTITUTION** to the following consumers the indicated amounts:

1. [REDACTED], \$1,959.72
2. [REDACTED] \$4,913.28
3. [REDACTED] \$458.00
4. [REDACTED] \$0.00
5. [REDACTED] \$108.87
6. [REDACTED], \$108.00
7. [REDACTED] \$108.00
8. [REDACTED] \$50.00

9. [REDACTED], \$1,275.00
10. [REDACTED], \$75.00
11. [REDACTED], \$15.00
12. [REDACTED] \$108.00
13. [REDACTED], \$108.87
14. [REDACTED], \$50.00
15. [REDACTED] \$100.00
16. [REDACTED], \$100.00
17. [REDACTED] \$108.00
18. [REDACTED] \$220.00
19. [REDACTED], \$220.00
20. [REDACTED], \$492.00
21. [REDACTED] \$175.00
22. [REDACTED] \$7,985.61
23. [REDACTED], \$54.36
24. [REDACTED] \$110.00
25. [REDACTED], \$50.00
26. [REDACTED], \$188.00
27. [REDACTED] \$200.00
28. [REDACTED], \$100.00
29. [REDACTED] \$55.00
30. [REDACTED], \$68.34

31. [REDACTED] \$116.94

This constitutes the Decision and Order of the Department. If the respondent has obtained a license, its failure to comply with this order within 30 days shall result in the suspension of that license and may result in the suspension of any other Department of Consumer Affairs license(s) held by the respondent.

**Mitchell B. Nisonoff
Administrative Law Judge**

PLEASE TAKE NOTICE that, if you are found guilty of, or plead guilty to, such unlicensed activity in the future, there may be a presumption of continuous unlicensed activity from the date of this decision to the date of the subsequent hearing or settlement agreement.

cc: Mary Park and Jordan Cohen, Esqs., Legal Division

Mail payment of fine in the enclosed envelope addressed to:
NYC Department of Consumer Affairs
Collections Division
42 Broadway, 9th Floor
New York, NY 10004

APPEAL INFORMATION

You have 15 days to file a MOTION TO VACATE this decision. Your motion **must** include ALL of the following: 1) A check or money order for \$25 payable to the Department of Consumer Affairs; 2) the reason for your failure to appear on the hearing date; *and* 3) a sworn statement outlining a meritorious defense to the charge(s) in the Notice of Hearing.

BY EMAIL: Send your motion to myappeal@dca.nyc.gov and, at the same time, mail the \$25 appeal fee to: DCA Administrative Tribunal, 66 John Street, 11th Floor, New York, NY 10038. Make sure to write the violation number(s) on your check or money order. **NOTE:** The determination on your motion to vacate may be sent to you by email if you choose to submit your motion to us by email.

BY REGULAR MAIL: Mail your motion and the appeal fee to: Director of Adjudication, Department of Consumer Affairs, 66 John Street, 11th Floor, New York, NY 10038. You must also mail **a copy** of your motion to: Legal Compliance and Fitness Division, Department of Consumer Affairs, 42 Broadway, 9th Floor, New York, NY 10004. Make sure to include in your motion some indication or proof that you have sent a copy of the motion to DCA's Legal Compliance and Fitness Division