



Comments Received by the Department of Consumer Affairs

on

Proposed Rule related to Amendment of Consumer Affairs Penalty
Schedule

as made available for public inspection

IMPORTANT: The information in this document is made available solely to inform the public about comments submitted to the agency during a rulemaking proceeding and is not intended to be used for any other purpose



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FIDEL F. DEL VALLE
COMMISSIONER
CHIEF ADMINISTRATIVE LAW JUDGE

SIMONE SALLOUM
ASSISTANT GENERAL COUNSEL
(212) 436-0602

June 26, 2017

Casey Adams
Deputy Director of City Legislative Affairs
New York City Department of Consumer Affairs
42 Broadway
New York, NY 10004

Re: Comment on Proposed Amendments to Chapter 6 of Title 6 of the Rules of the City of New York

Dear Mr. Adams:

We have reviewed DCA's proposed amendments to Chapter 6 of Title 6 of the Rules of the City of New York. We ask that DCA incorporate the following two recommendations into Chapter 6 as they relate to the adjudications at the OATH Hearings Division:

(1) Section 6-10 provides that DCA may apply a penalty that shall not exceed \$500 for a violation of laws or rules within DCA's jurisdiction. If DCA intends to issue summonses for violations that do not have a fixed penalty, OATH Hearing Officers can apply a range penalty up to \$500. However, if a respondent defaults, this rule does not specify the amount of the default penalty. OATH's rules do not specify what the default penalty should be since the enforcement agencies generally promulgate rules for the default penalty amount. We recommend that you add language to this section specifying that if a respondent defaults, a penalty in the maximum amount prescribed under law will be applied.

(2) OATH no longer uses the term "Notice of Violation" and now uses "Summons." As other agencies have promulgated rules concerning penalties, they have also amended their rule language to reflect this change. We recommend that you replace "Notice of Violation" with "Summons."

If you have any questions, please do not hesitate to contact me at the above number or by email at ssalloum@oath.nyc.gov.

Very truly yours,

Simone Salloum
Assistant General Counsel