CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

[redacted]

and

THE DEPARTMENT OF CONSUMER AFFAIRS,

Complainants,

-against-

ASAP TOWING INC.

Respondent

CONSENT ORDER

Complaint Nos.
C0247913

License Nos.
 # 1450400 (TTC)

ASAP Towig Inc., ("Respondent") (acknowledges receipt of the above captioned Notice of Hearing which charging violations of the New York City Administrative Code, Title 20, Chapter 1 ("License Enforcement Law") and Chapter 2, Subchapter ("Towing Vehicle Laws") and rules promulgated thereunder. The Department of Consumer Affairs ("DCA" or "Department"), [redacted] ("Consumer(s)"), and Respondent enter into, and agree to the terms of, this Consent Order to settle the above-captioned Complaints as follows:

1. Respondent shall pay to Consumer(s) the total sum of $405.02, in full and final settlement of all claims asserted in the above-referenced complaints. Respondent shall make payment in one installment as set forth in this paragraph. Every payment shall be made by certified check, money order or attorney trust account check made payable to [redacted] and mailed to the Consumer(s) by certified mail, return receipt requested, or by any other mail which has a tracking system, to [redacted] to be received by the Consumer(s) according to the following schedule:

    a. $405.02 on or before May 1, 2014.

2. Within thirty (30) days after making any payment to the Consumer(s) required by this Order, Respondent(s) shall send proof of such payment (copy of the certified check, money order or attorney trust account check), to the Department's Collections Division. This proof may be mailed by first class mail or by email to either of the following addresses:

    By email: ConsumerRestitution@dca.nyc.gov

    By regular mail: Department of Consumer Affairs
    Collections Division
    42 Broadway
    New York, NY 10004

3. Upon Respondent(s)' full compliance with the terms set forth above, the Consumer(s) and Respondent(s) shall be deemed to have released each other from any and all claims arising out of the above-captioned matter, in this or in any other jurisdiction.

Injunctive Relief

4. Respondent agrees to bring its business practices into compliance with current requirements stated in the Code and/or the RCNY and to continue to comply with these rules so long as engaged in business at this location or anywhere else within the five boroughs of the City of New York.

Resolution of Outstanding and Future Consumer Complaints

5. Respondent(s) shall make all possible efforts in good faith to resolve all consumer complaints filed with the Department within ten (10) business days of Respondent's receipt of copies of said complaints, regardless of whether Respondent(s) were licensed by the Department at the time of the activity about which the consumer complained. Respondent(s) shall respond to subsequent communications from the Department concerning the complaints within five (5) business days of receipt.

6. Respondent(s) shall submit to the Department's jurisdiction to adjudicate the merits of every complaint which may be filed against Respondent(s) concerning contracts entered into at any time including during any period of unlicensed activity.

7. The name, address, telephone number, email address, if any, and title of the individual responsible for addressing complaints received by DCA concerning Respondent(s) is as noted below and Respondent(s) agrees update the name, email address and title of the individual responsible for addressing complaints received by DCA within 10 days of any change of the information provided below.

Consequences of Breach of CO

8. In the event Respondent fails to comply with the payment and proof of payment terms set forth in paragraphs 1 and 2 of this Consent Order, the Department, without any further hearing, may issue Orders as follows:

   a. On C0247913, finding Respondent guilty of the charges set forth in the Notice of Hearing, ordering payment of a total fine of $2,250.00 to the Department; and, revoking its Tow Truck Company License.

   b. On C0247913 Ordering Respondent to pay the restitution agreed to hereunder to the Consumer(s), less any payments already made.

9. Respondent's breach of any provision of this Consent Order by Respondent shall be sufficient ground for the Department to impose maximum fines and to revoke any license(s) issued to the Respondent by the Department.

10. Any breach of any provision of this Consent Order shall be deemed to be proof that no person who has an equity interest of 10% or more in Respondent's business and/or significant managerial responsibility for the operation of Respondent's business, is possessed of the characteristics, including integrity, honesty, and fair dealing, required of persons who or which hold any license issued by the Department.

11. Any of the following shall be the basis for automatic revocation of licenses(s) issued to Respondent by the Department, and Respondent shall return any and all licenses issued by the Department:

    a. Respondent's failure to pay any restitution or fine provided for herein, or within thirty (30) days for any fine or restitution that may otherwise be ordered by the Department's administrative tribunal in the future; or

    b. Respondent's failure to pay any consumer restitution awarded by any other court of competent jurisdiction within thirty (30) days of Respondent's receipt of the decision of such court; or

    c. Respondent's failure to present proof of payment (via certified mail, money order or trust account check only) to the Department of any restitution agreed under this Consent Order within thirty (30) days of the due date for said payment as required herein.

Waiver of Appeals

12. Respondent hereby agrees to waive any further right to a hearing and appeal of any of the matters herein, under Title 20, Chapters 1 and 2, of the Administrative Code and before any court of law or equity.

Miscellaneous

13. Nothing in this Consent Order shall be construed to limit in any way the authority of the Department to exercise its enforcement powers under Chapter 1, Title 20 or Chapter 2, Title 20 of the Code.

14. The Consumer(s) and Respondent shall mail or email all notices, other than those required by paragraph 2, above, to DCA's Collection Division at Consumer Restitution@dca.nyc.gov and email copies of all notices sent to each other's email address and to the Department as follows:

    Department of Consumer Affairs
    Attn: Susan Kassapian, Esq
    42 Broadway
    New York, NY 10004
    kassapians@dca.nyc.gov

Consumer(s):
Name:
Street Address:
City, State & Zip:
Email:

[redacted]

Respondent(s):
Name: ASAP Towing Inc.
Street Address: 5609 Terrace
City, State & Zip: Maspeth, NY 11378
E-mail: asaptowingnyc@gmail.com

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

16. This Consent Order may be executed in one or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Signed signature pages may be transmitted by facsimile, and any such signature shall have the same legal effect as an original.

17. The Consumer(s) and Respondent(s) agree and affirm that: they have read and understand this Consent Order, that it accurately states the agreement between themselves and with the Department, and enter into and are bound by the terms and conditions stated herein.

THIS CONSTITUTES AN ORDER OF THE DEPARTMENT.

Date: April 17, 2014

Accepted & Agreed for Respondent by:
Alicia Vaichunas

Alicia Vaichunas 4/16/14
Signature Date

Accepted & Agreed for Consumer(s) by:

[redacted]

Signature Date

Accepted and Agreed for the Department by:
[redacted] Senior Counsel

[redacted] 4-17-14
Signature Date

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.