

CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

-----X
DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

– against –

ALL ACCESS SERVICES

1150 6TH Avenue

New York, NY 10036

Respondent.
-----X

CONSENT ORDER

Violation Number: PL PL005293624

Violation Number: OL _____

1. Respondent acknowledges that the New York City Department of Consumer Affairs (the “Department”) duly served Respondent with a Notice of Hearing on Apr 3, 2012 (“NOH”) citing Respondent for operating as an employment agency without a license in violation of the New York State General Business Law Section 170, et seq. (the “Employment Agency Law”), and New York City Administrative Code (“Code”) Section 20-101, et seq. (the “License Enforcement Law”), Code Section 20-700, et seq. (the “Consumer Protection Law”), and Title 6 of the Rules of the City of New York (“Rules”).

2. ALL ACCESS SERVICES (“Respondent”) consents to this final Consent Order (the “CO”) to settle the above violation.

3. Nathaniel Scott, as owner of Respondent, represents and certifies that s/he is duly authorized to settle this violation and to enter into this CO with the Department on behalf of Respondent.

4. This CO shall apply to Respondent and any directors, officers, employees, agents, assignees, successors, or other business entities, whose acts, practices, or policies are directed, formulated, or controlled by Respondent. For the purposes of this CO, “employee” means any person employed for hire or permitted to work by Respondent including, but not limited to, any person who manages or oversees the work of another, any person whose main activity is the selling of goods or services for Respondent, and any person whose earnings are based in whole or in part on work performed for Respondent.

5. Respondent acknowledges that it is operating as an employment agency as defined by Section 171 of the GBL and Section 5-249 of the Rules.

C. Documents Generally

13. Respondent shall provide all documents and forms to job applicants including, but not limited to, applications, contracts and receipts, in English and in every language in which Respondent advertises or conducts business with consumers in any way, whether by telephone, email, text message, social media, or in person.

14. Respondent shall clearly and conspicuously include the license number assigned by the Department on any advertisement, letterhead, receipt, contract, or other printed matter. Such license number must be clearly identified as a New York City Department of Consumer Affairs license number in compliance with Section 1-05 of the Rules.

D. Contracts

15. Respondent shall provide every job applicant with the Department's Model Contract.¹

E. Fees and Refunds

16. Respondent shall charge a job applicant a fee only for job placement. Except as described in Section 185 of the GBL, Respondent shall not charge a job applicant a fee for any other goods or services including, but not limited to: (i) referring or promising to refer a job applicant to interviews or meetings with employers or prospective employers; (ii) training job applicants; or (iii) photographing job applicants.

17. Respondent shall not charge a job applicant a registration or application fee.

18. Respondent shall not charge a job applicant a fee higher than the maximum fee permitted in Section 185 of the GBL.

19. Respondent shall not collect an advance fee or deposit from any job applicant except for job applicants who seek work as domestic workers, household employees, manual workers, agricultural workers, non-professional skilled or trained industrial workers, mechanics, or other Class A or Class A1 workers, as defined in Section 185 of the GBL.

20. Respondent shall make any refund required under Section 186 of the GBL to a job applicant within seven (7) days after a job applicant requests a refund, regardless of whether the job applicant requests the refund orally or in writing. Refunds shall be issued in cases of excessive fees, failure of a job applicant to report to accepted employment, termination of employment without the employee's fault, and termination under all other circumstances, as set forth in Section 186 of the GBL.

21. Respondent shall maintain on its premises a register (log book), in the English

¹ Available at: http://www.nyc.gov/html/dca/downloads/pdf/ea_model_contract_english.pdf and http://www.nyc.gov/html/dca/downloads/pdf/ea_model_contract_spanish.pdf.

- c. state the name and address of the employment agency;
- d. state the date and amount of the fee;
- e. state the reason for the fee;
- f. include the DCA license number;
- g. contain a written confirmation that any and all fees that the employment agency requires job applicants to pay are consistent with the law; and
- h. include the signature, printed name, and title of the person receiving the deposit, fee, or other charge on behalf of the employment agency.

H. Signs

25. Respondent shall display conspicuously in the main room (*i.e.*, the reception or waiting area) of its place of business: (i) the poster provided by the Department (the “DCA Law Card”) containing Sections 178, 181, 185 and 186 of the GBL; (ii) the U.S. Anti-Discrimination Poster; (iii) and the New York State Anti-Discrimination Poster Respondent. Respondent may obtain these posters from the Department’s Licensing Center located at 42 Broadway, 5th Floor, New York, NY 10004.

26. Respondent shall display conspicuously in the main room of its place of business the License provided by the Department, as required by Section 1-03 of the Rules.

27. Respondent shall display conspicuously in the main room of its place of business a “complaint sign,” as required by Section 1-03 of the Rules.

I. Advertisements

28. Respondent shall not publish, or cause to be published, any false, fraudulent or misleading information, representation, promise, notice, or advertisement.

J. Statement of Employee Rights Regarding Employment Agencies

29. Before any discussion with job applicants seeking employment as domestic or household workers, Respondent shall give to the job applicants a readable copy of the Department’s “Domestic or Household Employees: Statement of Employee Rights and Employer Responsibilities.”³

K. Compliance and Training

30. Respondent shall maintain a record of all employees including their name, address, phone number, employment responsibilities, and employment start date.

31. Respondent shall train all new employees on the requirements of this CO, and all applicable laws and regulations (*i.e.*, the License Enforcement Law, the Employment

³ Available at: http://www.nyc.gov/html/dca/downloads/pdf/employmentagency_english.pdf and http://www.nyc.gov/html/dca/downloads/pdf/employmentagency_spanish.pdf.

honesty, and fair dealing required to hold a license issued by the Department; and (vi) require payment by Respondent of all costs and expenses associated with the Department's investigation and prosecution of the new violation.

45. Upon the termination of a license by revocation, expiration, denial, or surrender, Respondent shall immediately cease employment agency activities.

46. The acceptance of this CO by the Department shall not be deemed approval of any of Respondent's business practices, and Respondent shall make no representation to the contrary.

47. This matter will be considered settled upon execution of this CO and payment of the settlement sum as set forth above.

DATE: Apr 2, 2012

Accepted for Respondent

ALL ACCESS SERVICES by:

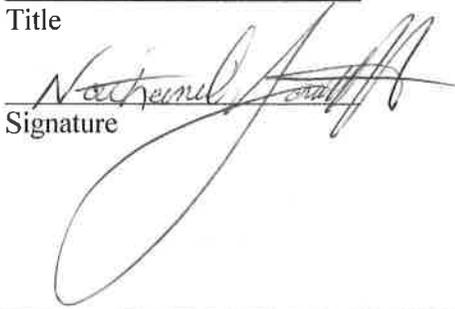
Nathaniel Scott

Name

owner

Title

Signature



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

[REDACTED] SETTLEMENT OFFICER

Name and Title

Signature



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. License application requirements for employment agencies are available at www.nyc.gov/html/dca/html/licenses/034.shtml.