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**NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS COMMISSIONER
JONATHAN MINTZ ANNOUNCES TOP VIOLATIONS FOR 2009**

***DCA Teams Blitz Every Borough to Issue Advice—but Not Violations—to Small
Businesses in Its 7th Annual Business Education Day***

As part of the New York City Department of Consumer Affairs (DCA) 7th Annual Business Education Day, Commissioner Jonathan Mintz today dispatched DCA staffers to educate businesses about key consumer protection laws—but not write any violations—in retail districts across all five boroughs. Mintz announced the most common violations of consumer rights in New York City over the last year are:

1. Illegal sale of tobacco to minors
2. Deceptive advertising of goods or services
3. Incomplete or missing purchase receipts
4. False product weight information
5. Inadequate product weight labels
6. Lack of quantity information on product labeling
7. Parking garage overcapacity
8. Overcrowding sidewalk stands with packages
9. Failure to post "garage full" signs
10. Failure to post parking garage rates

"One of the best ways to protect consumers is to ensure that businesses know and understand the laws in the first place," said Commissioner Jonathan Mintz. "On Business Education Day, DCA teams spend the entire day writing no violations, but instead answering business' questions and providing them with the information they need to do right by their customers and the law."

DCA hosts Business Education Day annually to share compliance tips with New York City businesses instead of issuing fines or violations. Each year, DCA inspectors joined by dozens of DCA outreach staff, representatives from the Department of Small Business Services (SBS), community organizations, business associations and elected officials blitz more than 1,000 businesses in high-traffic retail areas across the City. Business Education Day teams visit local businesses to point out what could be potential violations, but do not issue violations or fines. Instead, the Department advises owners on how to comply with New York City consumer protection laws and answers any questions business owners and managers may have.

DCA visited more than 30 New York City neighborhoods this year in all five boroughs including:

- Manhattan-East Village, TriBeCa, SoHo, Morningside Heights, Harlem, Gramercy Park and Chelsea
- Queens-Sunnyside, Woodhaven, Ozone Park and Richmond Hill, Rockaway Beach, Laurelton and Springfield Gardens
- Brooklyn-Greenpoint, Midwood, Kensington, Flatbush, Crown Heights, East Flatbush, Prospect Lefferts Gardens
- Bronx-Kingsbridge, Wakefield, Williamsbridge, Melrose and Morrisania
- Staten Island-Eltingville, Annadale, Pleasant Plains, Tompkinsville, Stapleton

and Clifton

Routine inspections conducted Citywide over the past year show an overall 94 percent compliance rate with Consumer Protection Laws for businesses. Moreover, in fiscal year 2009, DCA fielded nearly 184,000 311 requests for information. The Department also successfully resolved more than 7,600 consumer complaints and secured more than \$8.4 million in consumer restitution—a nearly 60 percent increase from the Department's previous fiscal year work.

Business Education Day teams also distributed relevant compliance materials in multiple languages, including DCA's [*10 Things Every Business Should Know*](#). Free copies are available by calling 311 or going online to www.nyc.gov/consumers.

DCA enforces the Consumer Protection Law and other related business laws throughout New York City. Ensuring a fair and vibrant marketplace for consumers and businesses, DCA licenses more than 71,000 businesses in 57 different industries. Through targeted outreach, partnerships with community and trade organizations, and informational materials, DCA educates consumers and businesses alike about their rights and responsibilities. DCA's Office of Financial Empowerment is the first municipal office of its kind in the nation with a mission to educate, empower and protect New Yorkers with low incomes. DCA's OFE administers a citywide network of Financial Empowerment Centers and other products and services that help these New Yorkers make the best use of their financial resources to move forward economically. For more information, call 311 or visit DCA online at www.nyc.gov/consumers.

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10 THINGS EVERY BUSINESS SHOULD KNOW

1. **Laws.** DCA enforces the City's Licensing, Consumer Protection, and Weights and Measures Laws, as well as many state laws. The Department provides free business guides and other information about these laws on www.nyc.gov/consumers, giving local businesses easy access to the rules they need to know. Many materials can also be requested by calling 311.
2. **Licensing.** DCA licenses 57 industries in New York City including debt collectors, home improvement contractors and used car dealers. Always contact DCA to see if your business requires a license. If so, the license must be posted in a place that is visible to customers. Businesses can download license applications at www.nyc.gov/consumers.
3. **Enforcement.** DCA inspects thousands of local businesses every year to ensure compliance with City laws and regulations. The Department also responds to consumer complaints and investigates deceptive advertisements.
4. **Refund rules.** All New York City businesses must post their refund policies at the cash register where customers can read them without difficulty. The refund policy should explain the details that limit the return such as time limits, required photo ID, or other special conditions. When a refund policy is not posted, the business must give a full refund on demand by law.
5. **Receipts.** All receipts in New York City must include business name, address, license number (where applicable), a list of itemized purchases and a separate statement of tax. Businesses must provide a receipt for any sale of \$20 or

more, and upon request for any sale from \$5 up to \$20.

6. **Posting prices.** A business with annual volume of \$2 million or more must post the prices of their goods and services, as described in the City's Consumer Protection Law. Pricing items differently based on gender, such as haircuts or dry cleaning, is illegal.
7. **Weights and measures.** DCA inspects store scales to make sure they are balanced. Scales must be positioned so consumers can view weight information regarding the price per pound. The weight of the item, or "tare," must be subtracted from the cost of the weighed item.
8. **Selling tobacco products.** All stores selling tobacco must be licensed by DCA. Merchants caught selling to children under the age of 18 on more than two occasions within a 2-year period risk high fines and losing their City license, state registration and lottery license.
9. **Violations and penalties.** When DCA finds that a business has violated the law, the business can be fined. In some cases of repeat or egregious violations, the Department can revoke the business' license or padlock the premises. Businesses may have the right to a hearing before an administrative law judge when issued a violation. The violation notice will include a date of that hearing, and how to proceed if you choose to settle before the hearing.
10. **Resolving complaints.** DCA always contacts businesses when a consumer files a complaint against them. Often complaints are settled right away through mediation. If mediation is unsuccessful or a business is unresponsive, charges may be brought to obtain consumer restitution and fines.