

STATE OF NEW YORK
DEPARTMENT OF STATE

In the Matter of the Alleged Violations of the
Do Not Call Registry

CONSENT ORDER

- by-

File No. 2013 - 1018

HIKO ENERGY LLC

1. The New York State Department of State, Division of Licensing Services (the "Department") is a department of the State of New York charged with administration and enforcement of General Business Law § 399-z and 21 New York Codes, Rules and Regulations (NYCRR) Parts 4602 and 4603.
2. An enforcement action and proceeding against HIKO ENERGY LLC ("Company") was initiated based upon complaints received by the Department alleging violations of the Do Not Call Registry, in violation of General Business Law § 399-z and 21 New York Codes, Rules and Regulations (NYCRR) Parts 4602 and 4603.
3. The Department's investigation confirms that Company has apparently violated New York General Business Law (GBL) Section 399-z and 21 NYCRR Parts 4602 and 4603 by making no less than twenty-nine (29) unsolicited telemarketing sales calls to twenty-eight (28) consumers whose telephone numbers were validly registered on the National Do Not Call Registry.
4. Company has been advised of their right to be represented by counsel, and is represented in these proceedings by Usher Fogel, Esq., 557 Central Avenue, Suite 4A, Cedarhurst, NY 11516.
5. By executing this Consent Order, Company affirmatively waives the right to a hearing in the manner provided by law, consents to the issuance and entry of this Order and agrees to be bound by the terms, provisions and conditions contained herein.
6. Company enters into this agreement in order to resolve a disputed matter. Company affirms that all violations alleged in the Department's Notice of Apparent Liability, regarding a pattern of business practices which allegedly violated the relevant sections of the General Business Law have been, or will be rectified, in accordance with the terms set forth herein:

To resolve the Department's allegations that the Company made no less than twenty-two (22) unsolicited telemarketing sales calls to nineteen (19) consumers whose telephone numbers were validly registered on the National Do Not Call Registry, in violation of New York General Business Law (GBL) Section 399-z and 21 NYCRR Parts 4602 and 4603 the Company agrees to a settlement payment in the amount of \$500 per alleged call, for a total payment due of **\$11,000**.

8. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting (1) any legal, administrative or equitable rights or claims, actions, suits, causes of action or demand whatsoever that the Department may have against anyone other than Company; (2) any right of the Department to enforce administratively or at law or in equity, the terms, provisions and conditions of this Order; (3) any right of the Department to bring any future action, either administrative or judicial for any other violations of the General Business Law or conditions contained in orders if any, issued by the Department to Company.

Dated: 7/24/14
Albany, New York

NEW YORK STATE
DEPARTMENT OF STATE

By: Walter H. Shy
Principal Attorney