NYC Consumer Affairs

MAR 30 2020

SUMMONS • FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 05453254

RECEIVED MAR 27 2020 BY

ENFORCEMENT AGENCY: Department of Consumer Affairs
AGENCY ADDRESS AND WEBSITE: 42 Broadway, New York, NY 10004 • nyc.gov/dca

RESPONDENT: U.S. SUPERMARKET INC. **DBA:**

MAILING ADDRESS: 8266 BROADWAY *Address Line 1*

Address Line 2 (if necessary)

ELMHURST NY 11373 *City / State / ZIP Code*

LICENSE NO.:

EXPIRATION DATE: ___/___/_____

PHONE: ☐ Cell

PLACE OF OCCURRENCE:
☒ Same as Mailing Address
☐ Intersection
☐ Landmark

No. / Direction (NE, SW, etc.) and Street

Street 2 (Intersection only)

City / State / ZIP Code

Borough

DATE OF OCCURRENCE: 03/25/2020

TIME OF INSPECTION: 10:59 ☒ AM ☐ PM to 11:35 ☒ AM ☐ PM

You must respond to this summons. You can appear at the hearing (date and location below) or choose another option. For other options on how to respond, see the back of this summons.

HEARING DATE: 04/30/2020 **AT:** 9:30 (AM) / PM

HEARING LOCATION: Office of Administrative Trials and Hearings (OATH)

BOROUGH: ☐ Bronx ☐ Brooklyn ☐ Manhattan ☒ Queens ☐ Staten Island (See reverse side for address.)

PHONE: (844) 628-4692

Refer to the Summons Number above on all communications.

Warning: If you do not respond, you may be found automatically responsible and you may owe larger penalties. If you do not pay any imposed penalties, you may lose your ability to keep or get a City license, permit, or registration. The City might also take further legal action against you. See the back for more information.

Record ID No.		☐ Cross Reference No.		Business Category	
7033 2020 QRL				819	

Type:	☐ PTL (Patrol)	☐ PRQ (Mediation)	☐ RCS (Consumer Services Request)	☐ REV (License Revoked)	☐ SUS (License Suspended)	☒ Other Price Gouging

☐ Vehicle Seizure Form	☒ No. pages: 2	No. vehicles seized:

Respondent is charged with violating:

Key to Violations

A. TITLE 20 of the NYC ADMINISTRATIVE CODE (*see columns 1, 2, and 3*) **B.** TITLE 6 of the RULES OF THE CITY OF NEW YORK (*see column 3*) **C.** NY AGRICULTURE & MARKETS LAW (*see column 3*)	**D.** TITLE 1 of the NY CODES, RULES, and REGULATIONS (*see column 3*) **E.** NY GENERAL BUSINESS LAW (*see column 3*) **F.** TITLE 10 of the NYC ADMINISTRATIVE CODE, CHAPTER 1 (*see column 3*) **G.** NYC Health Code (*see column 3*) **H.** Other

Start Date of Unlicensed Activity: *(if applicable)* ___/___/___	☐ Date of inspection ☐ Date of prior decision ☐ Date of prior settlement ☐ Date of contract	☐ Date of license expiration ☐ Date of license suspension or revocation ☐ Other:

RECIDIVISM: See all Pages for any recidivist charge(s). A "2nd," "3rd," or "4th" recidivist charge means a second, third, or fourth occurrence of the same or a related violation at the business location. Recidivists are subject to higher penalties, up to and including the maximum penalty. In addition, you may be subject to license suspension or revocation and/or sealing of your business. See Penalties section on back. Also *see* Title 6 of the Rules of the City of New York, beginning at Section 6-10, for a full schedule of potential penalties, which are available at: **nyc.gov/dca**.

A-H	1 CH.	2 SUB CH.	3 SEC.	OATH Code	Recidivist Charge	Nature/Description of Violation	Counts
The number under "Counts" represents the number of individual violations of the Code, Rule, or other law with which you are being charged.							
B			5-42(b)(1)		2nd 3rd 4th	Merchant knowingly increased the price of the following item	25
					2nd 3rd 4th		

☒ continued on Page 2

See additional violation pages, if applicable. If not admitting the charge(s), you MUST APPEAR IN PERSON.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC OATH to hold hearings. For hearing options, see other side of this summons.

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

Method of Service: ☒ I/we affirm under penalty of perjury that on the Date of Occurrence, I/we served a copy of this summons in person on the Respondent by leaving a copy with: ☐ Respondent or Owner ☐ Manager ☒ Person/employee of suitable age/discretion ☐ Owner/Operator of seized vehicle

☐ To be served via United States Postal Service (See Affidavit/Affirmation of Service By Mail.)

DE JESUS, F — **Inspector Name (Print)** | [redacted] — **Inspector Signature** | 829 — **Badge**

I received a copy of this summons on behalf of the Respondent.

Ryan Chen — **Name (Print)** | [redacted] — **Signature** | Manager — **Position/Relationship to Respondent** | 3/25/2020 — **Date**

DEPARTMENT COPY

HOW TO RESPOND TO THIS CIVIL SUMMONS

The Department of Consumer Affairs (DCA) has charged you with the violation(s) listed on this summons. You must respond to this summons. You may send an authorized representative to respond for you. Free language help will be provided, if needed. **If you do not respond, you may automatically be found responsible, and you may owe larger penalties.** If the Environmental Control Board or the Office of Administrative Trials and Hearings orders you to pay a civil penalty, failure to pay that penalty in a timely manner could lead to the denial of an application for a license, permit, or registration, or to the suspension, termination, or revocation of a license, permit, or registration issued to you by a City agency. See the bottom of this page to learn more about penalties.

Option 1: DENY the charge(s)

If you deny the charge(s), you can give an explanation for why you think you are not responsible to a hearing officer, who will make a decision. If you are found responsible, you will still need to pay the penalty and may face higher penalties for future charges. To deny:

- Go to the Hearing Center in the borough checked on the first page of this summons at the date and time listed.
- Bring this summons and any evidence you may have that shows you are not responsible for the charge(s).
- Call 1-844-628-4692 if you have a disability and require a reasonable accommodation for the hearing.

Option 2: ADMIT to the charge(s)

You may get an Offer of Settlement in the mail with information on how to settle and/or cure the charge(s). If you settle or cure by mail, online, or in person, you may no longer need to attend your hearing. If you settle or cure, you are admitting to the charge(s) and may face higher penalties for future charges. See the first page of this summons for your Hearing Date.

Settle: Admit to the charge(s) and pay a penalty

- Your Offer of Settlement will tell you how much you need to pay. If you would like to settle, follow the instructions in the letter. *You must settle before your hearing.*
- If you do not receive an Offer of Settlement in the mail, you may still be able to settle. *Visit DCA's Settlement Unit at 42 Broadway, 5th Floor, New York, NY 10004 or send an email or a text to **LegalSettlements@dca.nyc.gov** before your hearing to see if settlement is an option.*

Cure: Admit to the charge(s) without paying a penalty (only for certain first-time charges)

Not all charges are curable. If you received a charge that is curable, you may be able to correct it without paying a penalty. Follow the steps below.

- Your Offer of Settlement will include information about which charge(s) you can cure and how to admit the charge(s) and submit a certification that you cured the charge(s) by mail, online, or in person. *You must submit the Cure Certification within 30 days from the date the summons is issued and before your hearing.*
- If you do not receive an Offer of Settlement in the mail, you may still be able to cure. *Visit DCA's Settlement Unit at 42 Broadway, 5th Floor, New York, NY 10004 or send an email or a text to **LegalSettlements@dca.nyc.gov** before your hearing to see if curing is an option.*
- Go to **nyc.gov/dca** for more information about curing a DCA charge.

Unlicensed Activity Charges

If you are charged with unlicensed activity, you must deny the charge(s) or admit the charge(s) as described above. You should also:

1. **Stop the unlicensed activity.**
2. Go to 42 Broadway, 5th Floor, New York, NY 10004 and meet with a DCA Settlement Officer or send an email or a text to **LegalSettlements@dca.nyc.gov**.
3. Apply for a license online at **nyc.gov/BusinessToolbox** or in person at the DCA Licensing Center (42 Broadway, Lobby, New York, NY 10004) or the NYC Small Business Support Center (90-27 Sutphin Blvd., 4th Floor, Jamaica, NY 11435).
4. **If your vehicle was seized, be sure to read the back of the Vehicle Seizure Form.**

Penalties

You have the right to be informed of the maximum penalty. If no maximum penalty is shown on the first page of this summons, ask in person at any OATH Hearing Center location below or call 1-844-628-4692. See below for additional information. Higher penalties may be imposed for each repeated violation up to the maximum penalty allowed by law or rule.

- Except for unlicensed activity (described below), maximum penalties for the violation(s) in this summons may include a fine of as much as $15,000 for each violation; revocation or suspension of your DCA license; the sealing of your business premises; and/or the removal of your property. Copies of the laws and rules, which include the maximum penalties for specific violations, are available on the DCA website: **nyc.gov/dca**.

Unlicensed Activity Penalties: In most cases, the penalty for unlicensed activity is $100 per violation per day. See the first page of this summons for the "Start Date of Unlicensed Activity" under the "Key to Violations" section, which is the date this penalty would begin. Pursuant to Section 1-19 of Title 6 of the Rules of the City of New York, you will be presumed to have engaged in the unlicensed activity every day from the "Start Date of Unlicensed Activity" through the Hearing Date. Penalties for unlicensed activity could exceed $15,000.

Sidewalk Café Penalties: Your Sidewalk Café license may be suspended or revoked, and your sidewalk café and restaurant sealed for up to 30 days for a third violation of the Sidewalk Café Law or Rules. Your sidewalk café and restaurant may also be sealed for up to 30 days for a second violation for operating an unlicensed sidewalk café.

Sale of Toy or Imitation Firearms Penalties: If you are found to have offered to sell or sold a toy or imitation firearm on three (3) or more occasions within a two-year period, the premises where the violations occurred may be sealed for up to five (5) days. *See* Administrative Code Section 10-131(g) (1) for more details.

DCA encourages business owners to view the **Business Owner's Bill of Rights**, available at **nyc.gov/bizrights**

Questions?

أسئلة؟ 任何疑问 **Kesyon?**
Вопросы? **¿Preguntas?**
질문 있으세요? **কোনো প্রশ্ন আছে কি?**

www.nyc.gov/oath
844-OATH-NYC (844-628-4692)

OATH Hearing Center Locations

Manhattan: 66 John Street, 11th Floor, New York, NY 10038
Brooklyn: 9 Bond Street, 7th Floor, Brooklyn, NY 11201
Bronx: 3030 3rd Avenue, Room 250, Bronx, NY 10455
Queens: 31-00 47th Avenue, 4th Floor, Long Island City, NY 11101
Staten Island: 350 St. Mark's Place, Staten Island, NY 10301

NYC
Consumer
Affairs

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H. Other

Respondent is charged with violating (continued):

A-H	1 CH.	2 SUB CH.	3 SEC.	OATH Code	Recidivist Charge	Nature/Description of Violation	Counts
The number under "Counts" represents the number of individual violations of the Code, Rule, or other law with which you are being charged.							
					☐ 2nd ☐ 3rd ☐ 4th	Safe Hands Alcohol Free	
					☐ 2nd ☐ 3rd ☐ 4th	Hand Sanitizer 1.75 oz for	
					☐ 2nd ☐ 3rd ☐ 4th	$5.99 EACh.	
					☐ 2nd ☐ 3rd ☐ 4th	There is A Box of hand	
					☐ 2nd ☐ 3rd ☐ 4th	Sanitizer at EACh register	
					☐ 2nd ☐ 3rd ☐ 4th	Counter.	
					☐ 2nd ☐ 3rd ☐ 4th		
					☐ 2nd ☐ 3rd ☐ 4th		
					☐ 2nd ☐ 3rd ☐ 4th		
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					☐ 2nd ☐ 3rd ☐ 4th		
					☐ 2nd ☐ 3rd ☐ 4th		

☐ *continued on Page 3*

U.S. SUPERMARKET INC.
8266 BROADWAY
ELMHURST NY 11373-3353

New York State Department of Taxation and Finance

Certificate of Authority

Identification number

90-0762716

(Use this number on all returns and correspondence)

VALIDATED

1/16/2013

Dept of Tax and Finance

U.S. SUPERMARKET INC.
8266 BROADWAY
ELMHURST NY 11373-3353

is authorized to collect sales and use taxes under Articles 28 and 29 of the New York State Tax Law.

Nontransferable

This certificate must be prominently displayed at your place of business.
Fraudulent or other improper use of this certificate will cause it to be revoked.
The certificate may not be photocopied or reproduced.

4020109100098 1DB8 - 0170635 P0000301-01

Location Address: 82-66 Broadway
Elmhurst, NY 11373

Owner/Officer Name(s): Jian Wu Chen; Xian Shu

This permit certifies that the owner(s)/officer(s) ar
Supplemental Nutrition Assistance Program (SN
shall be in accordance with the rules and regula

THIS PERMIT IS VALID ONLY FOR THE

Any changes in the ownership, location, or na
business licenses due to violations may void
RESULT IN SUBSTANTIAL FINES AND AD

Keep this permit for your records; **do not po**
SNAP, contact USDA at 1-877-823-4369.

Date Time
MAR 25/20 10:08a

GOVERN

ADDRESS FOR PROCESS:

THE CORPORATION
82-66 BROADWAY
ELMHURST, NY 11373

REGISTERED AGENT:

STOCK: 200 NPV

STATE OF NEW YORK
DEPARTMENT OF STATE

HIGHPOINT - 59 SERVICE CODE: 59 *

PAYMENTS	160.00
CASH	0.00
CHECK	0.00
CHARGE	0.00

New York State Department of Taxation and Finance

Certificate of Authority

Identification number

90-0762716

(Use this number on all returns and correspondence)

VALIDATED

1/16/2013

Dept of Tax and Finance

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4020109100098

Any changes
business licen
RESULT IN S

Keep this perm
SNAP, contac

Time
8:08a

Stay
Away
Chime
Reset
Exit

TEST SYSTEM
WEEKLY

SafeHands
ALCOHOL FREE
HAND SANITIZER
Kills 99.99% of germs
• Non-toxic
• Moisturizing
Clean Linen

可乐娜啤
CORONA EXTR

GOVERN
WARN
ACCORDING TO
GENERAL,WOMEN
DRINK ALCOHO
DURING PREGNA
THE RISK OF

ELMHURST, NY 11373

ADDRESS FOR PROCESS:

THE CORPORATION
82-66 BROADWAY
ELMHURST, NY 11373

REGISTERED AGENT:

STOCK: 200 NPV

STATE OF NEW YORK * DEPARTMENT OF STATE *

HIGHPOINT - 59 SERVICE CODE: 59 *

PAYMENTS

125.00 CASH
10.00 CHECK
0.00 CHARGE

New York State Department of Taxation and Finance

Certificate of Authority

Identification number

90-0762716

(Use this number on all returns and correspondence)

VALIDATED

1/16/2013

Dept of Tax and Finance

U.S. SUPERMARKET INC.
8266 BROADWAY
ELMHURST NY 11373-3353

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Nontransferable

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The certificate may not be photocopied or reproduced.

402010910009B

Photographs - copyright of NYS Empire State Development

THIS PERMIT IS VALID

Any changes in the ownership
business licenses due to viola
RESULT IN SUBSTANTIAL

Keep this permit for your reco
SNAP, contact USDA at 1-87

safeHands

ALCOHOL FREE

HAND SANITIZER

Kills 99.99% of germs

• Non-toxic
• Moisturizing

Clean Linen

1.75 fl oz (52 ml)

Time
/20 10:09a

1 2 3 Stay
4 5 6 Away
7 8 9 Chime
* 0 # Reset
Exit

TEST SYSTEM WEEKLY

可乐娜

CORONA EXTR

GOVERNM
WARNIN

ACCORDING TO TH
GENERAL, WOMEN S
DRINK ALCOHOLIC
DURING PREGNANCY
THE RISK OF BIRT

US SUPERMARKET INC.
82-66 Broadway
Elmhurst, NY 11373

1	SAFE GUARD-XL Taxable @ 8.875%	7.99
1	Taxable Taxable @ 8.875%	5.99

Item Count: 2
Subtotal($): 13.98
Tax($): 1.24
ax Exempt($): 0.00
Total($): 15.22
Cash($):
Change($): 0.00

$13.98
Tax $1.24
$15.22

MoleQ Inc.
www.MoleQ.com

MoleQ Inc.
Supply Chain Solutions
www.MoleQ.com

因最近信用卡盜用猖獗,為了保護你的權益和本公司的利益。本公司決定凡使用信用卡付款者需出示ID！ 如造成不便，盡請原諒!!!!!!!

Recently,there are a lot card frauds! In order to protect you and us. Please show your ID when you use your credit card. Tank you for your understanding!!!!!!!

尊敬的顧客:
透明或紅色包裝袋只用於打包現買物品，如果你們需要詳細分類的袋子，我們2號用品有有出售！
或者需要多餘的包裝袋，請以$2.99/LB 購買！謝謝大家的理解和支持！

Dear customer:
Our shopping bag and package bag is only for packaging your stuffs that you purchase in our store, and let you to carry those stuff back home. We are not responsible for providing extra bag for your personal use! If you need, you can purchase from our household stuff. Or you can pay $2.99/lb for those bags! Thank you!

超市规则

1. 本店只接受 Visa, Master, Discover 卡和粮食券.(信用卡$10.00 以上才接受). 使用信用卡時, 請出示 ID.
2. 本店内所购物品, 除以下特别列出的商品外, 从所购之日起 7 天内非人为损坏均可持购物收据在本店退换货, 没有收据的概不退换.
   a. 新鲜食品 (水果, 蔬菜, 海鲜, 肉类) 和冷冻食品等, 若非质量问题不可退换.
   b. 饮料和包装商品若已开包或包装有损坏的不可退换.
   c. 一元海鲜蔬果及杂货概不退换
   *a 和 b 两条若质量有问题, 顾客需承担证明商品质量问题的责任, 所退商品需由所属部门主管确认方可退换.
3. 顾客离柜前请点好自己的钱和物品, 如有遗漏物品导致丢失, 本店不付任何责任.

Store Policy

1. We only accept **Visa, Master, Discover** card and **food stamp**. (Minimum $10 for credit card purchase). Please show your ID when you use your cards!
2. All merchandise purchased from **US Supermarket** may be returned or exchanged at the store within 7 days from the purchasing day if no damage, with receipt only. Except noted below.
   a. **Perishables** (Fruits, vegetables, seafood, meat) and **Frozen Products** cannot be returned, if customer cannot prove that there was a quality problem in the items before they have been purchased.
   b. **Beverages and packaged products** cannot be returned or replaced if they have been opened or used.
   c. **One-dollar seafood, vegetable, fruit, and grocery products** cannot be returned or replaced.
3. Please **DO** make sure you get everything purchased before leaving, we do not assume any responsibilities if items you left behind are lost.

Alcohol Free
safeHands®
sanitizer

• Kills 99.99% of Germs •
• Non-Toxic •
Moisturizing •
Foaming •
tions of Gel •

1.7 oz FOAMER

ALCOHOL-FREE

MADE IN USA

Starting March 1, 2020

Plastic Bag Ban
(New York State)

Paper Bag Fee
(New York City)

safeHands®
sanitizer

DISPOSABLE
FACE MASK
ITEM NO. ES-901
Made in China
50pcs PER BOX
Design of three-layer folder structure
kinder
kinder
kinder
368
DISPOSABLE
FACE MASK
ITEM NO. ES-901
Made in China
50pcs PER BOX
Design of three-layer folder structure
DISPOSABLE
FACE MASK
ITEM NO. ES-901
Made in China
Design of three-layer folder structure
SafeHands
ALCOHOL FREE
HAND SANITIZER
Kills 99.99% of germs
• Non-toxic
• Moisturizing
Unscented
1.75 fl oz (52 mL)
Hands
ALCOHOL FREE
HAND SANITIZER
Nescafé
THE ORIGINAL


Nestlé
MILO
CHOOSE YOUR
CHAMPION MIX
Energize your day
Alcohol Free
safeHands
sanitizer
• Kills 99.99% of Germs •
• Non-Toxic •
• Moisturizing •
• Foaming •
• 2x Applications of Gel •
1.75 oz FOAMER
ALCOHOL-FREE
MADE IN USA
TOTAL NET WT 21.6 OZ (624g)
DISPOSABLE
FACE MASK
为了避免引起不必要的
未买单前，请不要把东西放在自己
我们将有权利对您的袋子进行检
谢谢您的理解和配
PLEASE,
DO NOT PUTOUR STUFF IN YOU BAG BEFF
OTHER WISE,
WE WILL HAVE RIGHTS TO CHECK YOU
THANK YOU!!!!!!
$2.99
Art.-Nr.
4422
Inhalt: 18 x 44 g
hanuta

EGG CANDY

2/3.00

Original 1.99 EACH

20 GM

UNIT PRICE

$0.08

Kinder Joy

with surprise

Kills 99.99% of Germs

KitKat

CRISP WAFERS IN MILK CHOCOLATE

210 CALORIES PER PACK

NET WT 1.5 OZ (42 g)

HAVE A BREAK, HAVE A KitKat

Consumer
Affairs

Lorelei Salas
Commissioner

42 Broadway
New York, NY 10004

Dial 311
(212-NEW-YORK)

nyc.gov/dca

March 31, 2020

[redacted]

Re: Your Complaint against: US SUPERMARKET
Case Number: 7053-2020-CMPL
Investigation Result: No Violation

Dear Consumer:

Thank you again for contacting the NYC Department of Consumer Affairs (DCA). Above is the result of our investigation of the business.

If the result is “In Violation,” DCA issued violations to the business.

If the result is “No Violation,” DCA did not issue violations to the business. We will continue to monitor the business and its practices.

Sincerely,

Consumer Services Division

7053-2020-CMPL

Consumer
Affairs

Lorelei Salas
Commissioner

42 Broadway
New York, NY 10004

Dial 311
(212-NEW-YORK)

nyc.gov/dca

March 24, 2020

[redacted]

Re: Case Number: 7053-2020-CMPL - US SUPERMARKET

Regarding your complaint against US SUPERMARKET

Thank you for contacting the NYC Department of Consumer Affairs (DCA). We have carefully reviewed your complaint against US SUPERMARKET and are investigating further. We will notify you of the results. Please allow up to six weeks.

If you do not hear from us after that time, you can call the Consumer Services Division at +1 212 487-4110.

7053-2020-CMPL