

STATE OF NEW YORK
DEPARTMENT OF STATE

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

- by-

CONSENT ORDER
File No. 2014-0035

ULTIMATE VACATION GROUP, LLC
DBA ROYAL BAHAMA CRUISE LINE

1. The New York State Department of State (the "Department") is an executive agency of the State of New York charged with the regulation of the "Do Not Call" law and the enforcement of Article 26 of the General Business Law.
2. This enforcement action and proceeding against ULTIMATE VACATION GROUP, LLC, DBA ROYAL BAHAMA CRUISE LINE ("Company") was initiated based upon a review of 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 alleges that Company has apparently violated New York General Business Law § 399-z and 21 NYCRR Parts 4602 and 4603 by making no less than fifty-four (54) unsolicited telemarketing sales calls to forty-five (45) consumers whose telephone numbers were validly registered on the Do Not Call Registry.
4. The Department's staff conducted an investigation, which investigation resulted in the commencement of the above-captioned administrative proceeding.
5. Company has been advised of its right to be represented by an attorney and is represented in these proceedings by Mitchell N. Roth, Esq., Roth Doner Jackson, PLC, 8200 Greensboro Drive, Suite 820, McLean, VA 22102.
6. By executing this Consent Order, Company affirmatively waives its 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.
7. The parties agree and acknowledge that the Company enters into this agreement in order to resolve a disputed matter. As such, and as inducement for the Department's acceptance of this proposal, Company affirms that with regard to the allegations made 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 the sales practices of the Respondent Company have been reviewed, and amended as necessary, to rectify any aspects of same which support the Department's allegations, and that all issues have been,

or will be rectified, and the matter resolved in accordance with the terms set forth herein. Specifically, in order to resolve the Department's allegations that Company made unsolicited telemarketing sales calls to forty-five (45) consumers whose telephone numbers were validly registered on the National Do Not Call Registry, in violation of New York General Business Law Section 399-z and 21 NYCRR Parts 4602 and 4603 (collectively, "Do-Not-Call Law"), and to avoid the costs associated with additional litigation, Company agrees to a settlement payment in the amount of \$22,500.

NOW, in consideration of the above premises, it is **ORDERED**:

1. That Company shall return the fully executed and notarized Consent Order such that same is received by the Department on or before **May 10, 2016**. The mailing address to send the Consent Order is: NYS Department of State, Division of Licensing Services, Attn: Linda D. Cleary, Senior Attorney, One Commerce Plaza, 99 Washington Avenue, 5th Floor, Albany, NY 12231.
2. That Company shall pay a fine in the amount of **Twenty Two Thousand Five Hundred (\$22,500.00) Dollars, in three (3) equal monthly installments, with the first installment in the amount of \$7500 being due on or before May 31, 2016, the second payment being due on or before June 30, 2016, and the third and final payment being due on or before July 31, 2016**. Said payments must be in the form of a bank check, teller check, or attorney's check, payable to "NYS Department of State". **Business/company or personal checks are NOT permissible form of payment.**
3. That upon execution of this Order by the Secretary of State or her designee, the Notice of Apparent Liability in this matter shall be terminated, withdrawn and discontinued with prejudice with respect to Company in accordance with the terms hereof.
4. That execution of this Consent Order resolves any and all claims and causes of action that the Department has, has had or may have against Company for alleged violations of the Do-Not-Call Law up to and including the date of entry of this Consent Order.
5. That the Consent Order herein expressly depends upon representations made by Company both oral or written, formal or informal which relate to the subject matter of the Consent Order and that such representations have fully, accurately and/ truthfully disclosed all relevant facts to the Department. If any such representation is determined to be limited, inaccurate or untruthful, the Department shall not be bound by the terms herein and shall initiate any action it deems appropriate in the administrative, civil or criminal prosecution of Company.
6. The effective date of this Order shall be the date on which the Secretary of State or her designee signs the same. The Department will provide Company and its counsel with a fully executed copy of this Order as soon as practicable after the Secretary of State signs the same.

7. The failure of Company to comply fully and in timely fashion with any provision of this Order shall constitute a default and a failure to perform an obligation under this Order. Such default shall result in an administrative hearing for the purpose of determining whether additional penalties should be imposed due to Company's default and failure to perform an obligation under this Order.
8. This Order constitutes the entire agreement of the parties and no provision of the agreement shall be deemed waived or otherwise modified except as is specifically set forth in a writing executed by the Secretary of State or her designee indicating an intent to modify this Order.
9. 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, its parents, subsidiaries or affiliates; (2) any right of the Department to enforce administratively or at law or in equity, the terms, provisions and conditions of this Order; or (3) any right of the Department to bring any future action, either administrative or judicial, for any future violations of the applicable laws, the implementing regulations or conditions contained in orders if any, issued by the Department to Company.

Dated: 5/19/2016

New York, New York

NEW YORK STATE
DEPARTMENT OF STATE

By: 

David A. Mossberg, Esq.

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