



STATE OF NEW YORK
DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES
84 HOLLAND AVENUE
ALBANY, NY 12208-3490

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

January 3, 2005

Ms LaLa Wang
401 E. 84th Street, Apt 20A
New York NY 10028

re: Administrative Appeal (1031 DOS 04)

Dear Ms. Wang:

In accordance with the rules of the Department of State, I am providing you with a copy of the Memorandum of Appeal in the matter of your application for a license as an apartment information vendor.

In accordance with standard practice, this letter and the memorandum are being mailed to you twice. Once by certified mail and, again, by regular mail.

If you should have any questions regarding this notice, please call me at 518-473-2728.

Sincerely,

Bruce Stuart
Associate Counsel

cc: William Sharp, Esq.
Hon. Felix Neals
Richard Drew

STATE OF NEW YORK
DEPARTMENT OF STATE
OFFICE OF THE SECRETARY OF STATE

In the Matter of

Division of Licensing Services,

Appellant,

-against-

Memorandum of Appeal
(1031 DOS 04)

La La Wang, applicant for license as an apartment
information vendor,

Respondent

This memorandum is submitted on behalf of the Division of Licensing Services to appeal the Administrative Law Judge's decision and order in the matter of the application of La La Wang for a license as an apartment information vendor.

(1) The hearing on this matter was held on October 26 and December 7, 2004, at the offices of the Department of State, 123 William Street, New York, New York. The respondent appeared *pro se* on both dates.

(2) By letters dated March 16, 2004, and March 20, 2004, the Appellant notified the Respondent that it proposed to deny her application for a license as an apartment information vendor for the following reasons:

“1) You have not proven, subsequent to the Department of State, Division of Licensing Services administrative hearing determination (23 DOS 00) dated January 31, 2000, that you have fully complied with Judge Schneier's order set forth therein

2) Pursuant to an investigation conducted by the Department of State, Division of Licensing Services (Case #2003-2838), it was determined that applicant continues to engage in the business of apartment information vendor without benefit of a license; thereby indicating a lack of good character and trustworthiness required for licensure.”

See State's Exhibit 1.

(3) As the person who requested a hearing, the Respondent had the burden of proving that she is trustworthy and bears a reputation for good and fair dealing. See State Administrative Procedure Act, § 306(1), and General Business Law, §446-b(1).

(4) The record of the hearing establishes by substantial evidence that the Respondent conducts business under the name MLX.com. The Respondent admits to being president of MLX.com. See Transcript, page 23, lines 10-11. The Respondent attended a meeting at the offices of the Division of Licensing Services on or about January 20, 2004, in which she presented herself as the managing principal of MLX.com. See the testimony of Ernita Gantt and Bernard Friend. See also the direct examination of Respondent's witness, Pia Chon, at Transcript, pages 69-74, wherein the Respondent uses the terms "we" and "our" in her questions when referring to MLX.com.

(5) The record of the hearing establishes by substantial evidence that, although the Respondent's business offers some free apartment information, customers must pay a fee of \$149 for access to apartment information that includes a specific address and contact information. See testimony of LaLa Wang, page 120, line 6, through page 126, line 14.

(6) The record of the hearing establishes by substantial evidence that, although some customers may choose not use the Respondent's apartment information, those customers who wish to have access to both apartment information and contact information must pay a fee of \$149. See testimony of LaLa Wang, page 125, line 5, through page 126, line 11.

(7) The Respondent's explanation that access to apartment information and contact information is free while the entire \$149 fee is for the other services offered by the respondent is specious but not otherwise credible. See testimony of LaLa Wang, page 123, line 4, through page 124, line 7.

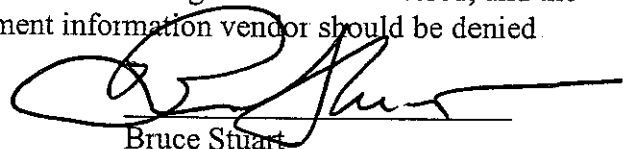
(8) The record of the hearing establishes by substantial evidence that the Respondent's business is, in part, selling access to apartment information despite her attempts to characterize it otherwise. See testimony of LaLa Wang, page 125, line 5 through page 126, line 14.

(9) The record of the hearing establishes by substantial evidence that the Respondent operates her business as an unlicensed apartment information vendor.

(10) By engaging in the business of an apartment information vendor without having first obtained a license to do so, the Respondent has demonstrated that she lacks the trustworthiness and reputation for good and fair dealing required of an applicant for a license as an apartment information vendor.

Accordingly, the decision of the Administrative Law Judge should be reversed, and the Respondent's application for a license as an apartment information vendor should be denied.

Date: 1/3/04



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Department of State
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To: LaLa Wang
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cc: Hon. Felix Neals
Richard Drew