

STATE OF NEW YORK  
LAKE GEORGE PARK COMMISSION

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IN THE MATTER OF THE APPLICATION OF  
THE LAKE GEORGE PARK COMMISSION,

Petitioner,

**ORDER ON CONSENT**

-against-

JDQ ENTERPRISES, INC., d/b/a LAKE GEORGE  
PARASAILING ADVENTURES

LE – 011-16

Respondent.

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WHEREAS:

1. JDQ Enterprises, Inc. d/b/a Lake George Parasailing Adventures (“Respondent”), having a principal place of business at 2 Kurosaka Lane, Lake George, New York, operates a commercial parasail business on the waters of Lake George pursuant to a permit issued by the Lake George Park Commission (the “Commission”) pursuant to Article 43 of the Environmental Conservation Law and 6 NYCRR Parts 645 and 646 (the “Permit”).
2. Respondent’s Permit was issued on March 12, 1993 and was renewed most recently on April 14, 2015.
3. Respondent’s Permit number is 5222-06-13.
4. On or about December 11, 2015, the Commission notified Respondent that it was in violation of certain provisions of its permit and the Navigation Law. The Commission notified Respondent that it was in violation of
  - a. Navigation Law § 49-c (May 16, 2015) for operating in the area of the Power Boat Regatta and ignoring the directions of Commission’s Marine Patrol Officers;

- b. Navigation Law §§ 41, 73 (June 22, 2015) for operating dangerously close to a sailboat;
  - c. Commission Regulation 6 NYCRR § 646-1.4; Lake George Village Code 143-1 and Navigation Law § 73 (June 30, 2015) for exceeding the 5 mph speed limit in the Lake George Village zone;
  - d. Permit Condition 15 and Commission Regulation 6 NYCRR § 646-1.4(c)(4)(v) (June 30, 2015) for flying too close to the shore in the Dark Bay area;
  - e. Permit Condition 15 and Commission Regulation 6 NYCRR § 646-1.4(c)(4)(v) (July 23, 2015) for flying too close to shore over the Beach Road;
  - f. Permit Condition 18 and 6 NYCRR§ 646-1.4 (c)(7) (July 29, 2015) for failing to report an accident with parasail passengers within 48 hours.
  - g. Permit Condition 20 and 6 NYCRR § 646-1.4 (c)(4)(iii) (several times during the summer 2015) for operating outside Respondent's coverage area.
5. Respondent denies some of these allegations, specifically those listed in paragraphs 4(c); 4 (d); 4 (f); and 4 (g) above. Respondent acknowledges that there are factual bases supporting the allegations listed in paragraphs 4 (a); 4 (b) and 4 (e) above. Respondent now seeks to resolve this matter by executing this Consent Order.
  6. Respondent stipulates that the Commission has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent. Respondent waives any defenses it might have as to jurisdiction and venue.
  7. Respondent has waived its right to a hearing in this matter as provided by law, and, has, of its own volition, and/or with the advice of counsel, consented to the issuing and

entering of this Order on Consent pursuant to the provisions of the Environmental Conservation Law and 6 NYCRR §645-4.8.

NOW, having considered this matter and having been duly advised,

IT IS HEREBY:

ORDERED, that the Respondent shall pay to the Commission a penalty in the amount of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000) with TWO THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS (\$2,500) of said penalty suspended provided the Respondent complies with the terms of this Order on Consent and commits no further violations for a period of 3 years; and it is further

ORDERED, that the TWO THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS (\$2500) payable portion of the penalty as provided for herein shall be immediately due and payable upon the effective date of this Order on Consent; and it is further

ORDERED that the TWO THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS (\$2500) payable portion of the penalty shall be paid by certified funds or money order to the “Lake George Park Commission” and delivered to the Commission at its address – 75 Fort George Road, P.O. Box 749, Lake George, New York 12845; and it is further

ORDERED, that Respondent shall not knowingly commit any further violations of its Permit, this Order on Consent, the Environmental Conservation Law, the Navigation Law or the Commission’s regulations; and it is further

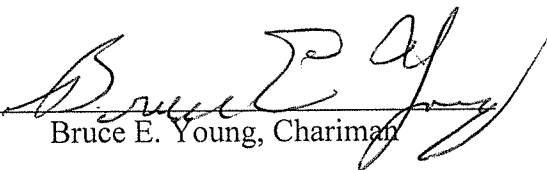
ORDERED, that Respondent shall permit any duly designated officer, employee, consultant or agent of the Commission to inspect Respondent’s commercial parasail operation for the purpose of monitoring Respondent’s compliance with the terms of this Order on Consent; and it is further

ORDERED, that Respondent shall indemnify and hold the Commission, the State of New York, and their representatives and employees harmless of, for and from all claims, suits, actions, damages, and costs of every name, nature and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order on Consent by Respondent, or any of Respondent's respective servants, agents, successors or assigns; and it is further

ORDERED, that the effective date of this Order on Consent shall be the date of execution by the Chairman of the Commission.

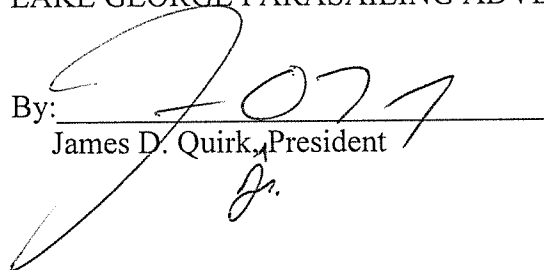
Dated: 11<sup>th</sup>, 2016

LAKE GEORGE PARK COMMISSION

By:   
Bruce E. Young, Chairman

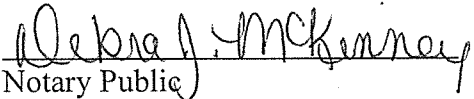
I am the President of JDQ Enterprises, Inc. d/b/a Lake George Parasailing Adventures and I am authorized to enter into this Order on Consent. I have read and stipulate to all of the contents of this Order on Consent.

J D Q ENTERPRISES, INC. d/b/a  
LAKE GEORGE PARASAILING ADVENTURES

By:   
James D. Quirk, President

STATE OF NEW YORK    )  
  )ss:  
COUNTY OF Warren    )

On the 11th day of October in the year 2016 before me, the undersigned personally appeared James D. Quirk, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

Doc # 446414

DEBRA J. MCKINNEY  
Notary Public, State of New York  
Warren County #01MC6006190  
Commission Expires 4-27-2018