§ 389. Penalty for violations. 1. Except as hereinafter provided, any person, corporation, agency, society, institution or other organization, wilfully violating this title, other than section three hundred ninety-g of this title, or failing to comply with any order which the department is authorized under this title to make, shall be guilty of a misdemeanor.

2. (a) Any person, corporation, society, institution or other organization who or which violates the provisions of subdivision six of section three hundred seventy-four of this chapter shall be guilty of a misdemeanor, for the first such offense. Any person, corporation, society, institution or other organization who or which violates the provisions of subdivision six of section three hundred seventy-four of this chapter, after having been once convicted of violating such provisions, shall be guilty of a felony.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, any person, corporation, society, institution or other organization who or which violates subdivision six of section three hundred seventy-four of this title, where such unlawful compensation or thing of value accepted or received exceeds five thousand dollars in value, shall be guilty of a class E felony as defined in the penal law. Any person, corporation, society, institution, or other organization who or which violates subdivision six of section three hundred seventy-four of this title, where such unlawful compensation or thing of value accepted or received exceeds five thousand dollars in value, after having been previously convicted of violating subdivision six of section three hundred seventy-four of this title, shall be guilty of a class D felony as defined in the penal law.