

**CITY OF NEW YORK  
DEPARTMENT OF CONSUMER AFFAIRS**

**DEPARTMENT OF CONSUMER AFFAIRS,**

**Complainant,**

**-against-**

**CHRISTOPHER W. DANIELS,**

**Respondent.**

**DEFAULT DECISION AND ORDER**

**Violation No.: LL005321077**

**License No.: 1288432**

**Date: August 21, 2013**

The respondent is charged with the violation(s) in the attached Notice of Hearing.

A hearing was scheduled for August 14, 2013. The respondent did not appear.

The respondent has one or more prior violations (See LL005287202).

The respondent is found **guilty upon default**. The respondent is further found guilty of violating 6 RCNY Section 1-14 for failing to appear in person at the Department to answer the Notice of Hearing.

**ORDER**

The respondent is therefore **ordered to pay to the Department of Consumer Affairs (DCA) a TOTAL FINE of \$25,000 which is immediately due and owing**, as follows:

6 RCNY Section 2-236(a) (\$500 per count, for 3 counts)	<b>\$1,500</b>
6 RCNY Section 2-236(c)(2) (\$500 per count, for 3 counts)	<b>\$1,500</b>
6 RCNY Section 2-236(c)(1) (\$500 per count, for 3 counts)	<b>\$1,500</b>
6 RCNY Section 2-233(b)(6) (\$500 per count, for 10 counts)	<b>\$5,000</b>
6 RCNY Section 2-233(b)(4) (\$500 per count, for 30 counts)	<b>\$15,000</b>
6 RCNY Section 1-14	<b>\$500</b>
<b>TOTAL</b>	<b>\$25,000</b>

The respondent's license is **REVOKED effective immediately**. The respondent is **directed to surrender the license document** immediately in person or by mail to DCA's Licensing Center which is located at 42 Broadway, New York, NY 10004.

If respondent operates while the license is revoked, the respondent will be subject to criminal prosecution and/or civil penalties of at least \$100 per day for each and every day of unlicensed activity, as well as the closing of the respondent's business and/or the removal of items sold, offered for sale, or utilized in the operation of such business, pursuant to Administrative Code Sections 20-105 and 20-106 (the "Padlock Law").

**The Department will suspend the respondent's DCA license(s) if the respondent fails to comply with this Decision and Order within thirty (30) days, including payment of the fine. Payment with a check that is dishonored or a credit card transaction that is denied or reversed will not be considered compliance with this Decision and Order. The license(s) will not be reinstated until the respondent has served any suspension period ordered in this Decision and has paid ALL fines owed to the Department.**

**This constitutes the Decision and Order of the Department.**

**Shanet Viruet  
Administrative Law Judge**

cc: Alvin Liu, Esq.  
DCA Legal Division

**Mail payment of fine in the enclosed  
envelope addressed to:**  
NYC Department of Consumer Affairs  
Collections Division  
42 Broadway, 9<sup>th</sup> Floor  
New York, NY 10004

## APPEAL INFORMATION

You have 15 days to file a MOTION TO VACATE this decision. Your motion **must** include ALL of the following: 1) A check or money order for \$25 payable to the Department of Consumer Affairs; 2) the reason for your failure to appear on the hearing date; *and* 3) a sworn statement outlining a meritorious defense to the charge(s) in the Notice of Hearing.

**BY EMAIL:** Send your motion to [myappeal@dca.nyc.gov](mailto:myappeal@dca.nyc.gov) and, at the same time, mail the \$25 appeal fee to: DCA Administrative Tribunal, 66 John Street, 11<sup>th</sup> Floor, New York, NY 10038. Make sure to write the violation number(s) on your check or money order. **NOTE:** The determination on your motion to vacate may be sent to you by email if you choose to submit your motion to us by email.

**BY REGULAR MAIL:** Mail your motion and the appeal fee to: Director of Adjudication, Department of Consumer Affairs, 66 John Street, 11<sup>th</sup> Floor, New York, NY 10038. You must also mail **a copy** of your motion to: Legal Division, Department of Consumer Affairs, 42 Broadway, 9<sup>th</sup> Floor, New York, NY 10004. Make sure to include in your motion some indication or proof that you have sent a copy of the motion to DCA's Legal Division.

**CITY OF NEW YORK  
DEPARTMENT OF CONSUMER AFFAIRS**

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DEPARTMENT OF CONSUMER AFFAIRS

**AMENDED NOTICE OF  
HEARING**

Complainant,

-against-

Christopher Daniels  
3410 Glenwood Rd  
Brooklyn, NY 11210

**LL # 5321077**

**License # 1288432**

**(Process Server Individual)**

Licensee/Respondent.  
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In accordance with the powers of the Commissioner of the New York City Department of Consumer Affairs ("the Department") set forth in Section 2203(e) of Chapter 64 of the Charter of the City of New York and Section 20-104 of the Administrative Code of the City of New York ("the Code"), **YOU ARE HEREBY ORDERED TO APPEAR FOR A HEARING AT THE DEPARTMENT'S ADJUDICATION TRIBUNAL AT 66 JOHN STREET, 11TH FLOOR, NEW YORK, NEW YORK AT 9:30 A.M. ON WEDNESDAY, AUGUST 14, 2013;**

**AND SHOW CAUSE** why your license to operate as an individual process server should not be suspended or revoked and why monetary penalties should not be imposed on you:

**FACTS**

1. Respondent is licensed by the Department as an individual process server under license number 1288432.

**Logbook Violations**

2. Respondent failed to include in his logbook the name of the entity or individual from whom the process served was received for the following attempts or services:

3/1/12 @ 6:50 [REDACTED];  
3/1/12 @ 7:09 ([REDACTED]);

3/1/12 @ 8:42 ( [REDACTED] );  
3/1/12 @ 9:55 ( [REDACTED] );  
3/1/12 @ 11:43 ( [REDACTED] );  
3/1/12 @ 13:13 ( [REDACTED] );  
3/2/12 @ 14:34 ( [REDACTED] );  
3/3/12 @ 9:42 ( [REDACTED] );  
3/3/12 @ 10:25 ( [REDACTED] ); and  
3/3/12 @ 11:43 ( [REDACTED] ).

3. Respondent failed to include in his/her logbook the color and composition of hallway walls adjacent to the door to which process was affixed for the following services:

3/1/12 @ 7:09 ( [REDACTED] );  
3/2/12 @ 13:06 ( [REDACTED] );  
3/8/12 @ 21:40 ( [REDACTED] );  
3/9/12 @ 9:21 ( [REDACTED] );  
3/9/12 @ 9:45 ( [REDACTED] );  
3/15/12 @ 14:25 ( [REDACTED] );  
3/28/12 @ 21:02 ( [REDACTED] );  
4/3/12 @ 13:20 ( [REDACTED] );  
4/10/12 @ 12:33 ( [REDACTED] ); and  
4/19/12 @ 21:08 ( [REDACTED] ).

4. Respondent failed to include in his/her logbook the color and composition of hallway floors or doorsteps adjacent to the door to which process was affixed for the following services:

3/1/12 @ 7:09 ( [REDACTED] );  
3/2/12 @ 13:06 ( [REDACTED] );  
3/8/12 @ 21:40 ( [REDACTED] );  
3/9/12 @ 9:21 ( [REDACTED] );  
3/9/12 @ 9:45 ( [REDACTED] );  
3/15/12 @ 14:25 ( [REDACTED] );  
3/28/12 @ 21:02 ( [REDACTED] );  
4/3/12 @ 13:20 ( [REDACTED] );  
4/10/12 @ 12:33 ( [REDACTED] ); and  
4/19/12 @ 21:08 ( [REDACTED] ).

5. Respondent failed to include in his/her logbook the location of the premises in relation to stairs, elevators or entranceways for the following services:

3/1/12 @ 7:09 ( [REDACTED] );  
3/2/12 @ 13:06 ( [REDACTED] );  
3/8/12 @ 21:40 ( [REDACTED] );

3/9/12 @ 9:21 ( [REDACTED] );  
3/9/12 @ 9:45 ( [REDACTED] );  
3/15/12 @ 14:25 ( [REDACTED] );  
3/28/12 @ 21:02 ( [REDACTED] );  
4/3/12 @ 13:20 ( [REDACTED] );  
4/10/12 @ 12:33 ( [REDACTED] ); and  
4/19/12 @ 21:08 ( [REDACTED] ).

**Failure to Report Traverse Hearings**

6. Pursuant to Title 6 of the Rules of the City of New York (“6 RCNY”) § 2-236(a), an individual process server must report to the Department in writing, by certified mail or e-mail, when a court schedules a hearing to determine whether service of process made by the process server was effective (known as a “traverse hearing”) within ten (10) days of receiving notice of the scheduled hearing.
7. Pursuant to 6 RCNY § 2-236(c)(2), an individual process server must report to the Department in writing, by certified mail or e-mail, the result of the traverse hearing (including any judicial order or voluntary settlement resolving the challenge to service of process) within ten (10) days of learning the result.
8. If the process server is unable to learn the result within ninety (90) days of the scheduled hearing date, the process server must report to the Department in writing within one hundred (100) days of the scheduled hearing date, by certified mail or e-mail, that the process server made attempts to learn the result but were unable to do so.
9. Pursuant to 6 RCNY § 2-236(c)(1), individual process servers must follow specific procedures to attempt to learn the results of traverse hearings.

*Mesulam & Garin v. [REDACTED]*

10. On information and belief, process was distributed to Respondent for service in the matter of Mesulam & Garin v. Jane Laser Wenglin Herard (King County Civil Court)

("Mesulam & Garin") and thereafter an affidavit of service executed by Respondent in which he attested that he had served such process in Mesulam & Garin was filed with the clerk of the court.

11. The court in Mesulam & Garin scheduled a traverse hearing for March 14, 2012 concerning the service of process allegedly made by Respondent.
12. Respondent received notice of the scheduling of the traverse hearing in Mesulam & Garin.
13. Respondent did not report to the Department in writing, by certified mail or e-mail, that a traverse hearing had been scheduled in Mesulam & Garin.
14. Respondent did not attempt to learn the result of the traverse hearing in Mesulam & Garin in accordance with the procedures specified in 6 RCNY § 2-236(c)(1).
15. Respondent did not report to the Department in writing, by certified mail or e-mail, the result of the traverse hearing or that Respondent made attempts to learn the result of the traverse hearing and was unable to do so in Mesulam & Garin.

*Naomi Yhalkborich v. [REDACTED]*

16. On information and belief, in or about 2012, process was distributed to Respondent for service in the matter of Naomi Yhalkborich v. Cohen (56308/12, Kings County Housing Court) ("Naomi") and thereafter an affidavit of service executed by Respondent in which he attested that he had served such process in Naomi was filed with the clerk of the court.
17. The court in Naomi scheduled a traverse hearing for March 30, 2012 concerning the service of process allegedly made by Respondent.
18. Respondent received notice of the scheduling of the traverse hearing in Naomi.

19. Respondent did not report to the Department in writing, by certified mail or e-mail that a traverse hearing had been scheduled in Naomi.
20. Respondent did not attempt to learn the result of the traverse hearing in Naomi in accordance with the procedures specified in 6 RCNY § 2-236(c)(1).
21. Respondent did not report to the Department in writing, by certified mail or e-mail, the result of the traverse hearing or that Respondent made attempts to learn the result of the traverse hearing and was unable to do so in Naomi.

*Fei Hang Chen v.* [REDACTED]

22. On information and belief, in or about 2012, process was distributed to Respondent for service in the matter of Fei Hang Chen v. Lesley Alvarez (87670/12, Kings County Civil Court) (“Fei Hang”) and thereafter an affidavit of service executed by Respondent in which he attested that he had served such process in Fei Hang was filed with the clerk of the court.
23. The court in Fei Hang scheduled a traverse hearing for November 13, 2012 concerning the service of process allegedly made by Respondent.
24. Respondent received notice of the scheduling of the traverse hearing in Fei Hang
25. Respondent did not report to the Department in writing, by certified mail or e-mail that a traverse hearing had been scheduled in Fei Hang.
26. Respondent did not attempt to learn the result of the traverse hearing in Fei Hang in accordance with the procedures specified in 6 RCNY § 2-236(c)(1).
27. Respondent did not report to the Department in writing, by certified mail or e-mail, the result of the traverse hearing or that Respondent made attempts to learn the result of the traverse hearing and was unable to do so in Fei Hang.

## CHARGES

### Charges 1-4: Logbook Violations

1. Respondent violated 6 RCNY § 2-233(b)(6) by failing to include the name of the entity or individual from whom the process served was received in his/her logbook entries. [10 counts]
2. Respondent violated 6 RCNY § 2-233(b)(4) by failing to include the color and composition of hallway walls adjacent to the door to which process was affixed in his/her logbook entries. [10 counts]
3. Respondent violated 6 RCNY § 2-233(b)(4) by failing to include the color and composition of hallway floors or doorsteps adjacent to the door to which process was affixed in his/her logbook entries. [10 counts]
4. Respondent violated 6 RCNY § 2-233(b)(4) by failing to include a description of the location of the premises in relation to stairs, elevators or entranceways in his/her logbook entries. [10 counts]

### Charges 5-7: Failure to Report Traverse Hearings

5. Respondent violated 6 RCNY § 2-236(a) by failing to report to the Department the scheduling of 3 traverse hearings within ten (10) days of receiving notice of the scheduled hearings. [3 counts]
6. Respondent violated 6 RCNY § 2-236(c)(2) by failing to, within one hundred (100) days after the scheduled date of 3 traverse hearings, report to the Department either:  
(a) the final results of the traverse hearings; or (b) that Respondent made attempts to learn the final results of the traverse hearings but was unable to do so. [3 counts]

7. Respondent violated 6 RCNY § 2-236(c)(1) by failing to attempt to learn the results of 3 traverse hearings in accordance with the procedures specified in 6 RCNY § 2-236(c)(1). [3 counts]

**WHEREFORE**, the Department demands that an order issue: 1) imposing maximum fines on Respondent for each and every charge set forth herein; 2) suspending or revoking Respondent's license; 3) ordering Respondent to report to the Department, within 10 days, the results of any traverse hearings cited in this Notice of Hearing that Respondent has not reported to the Department; and 4) granting such other relief as is deemed just and proper.

Dated: July 9, 2013  
New York, New York

For: **Jonathan Mintz**  
Commissioner

By: *Alvin A. Liu*  
Alvin A. Liu  
Senior Staff Attorney  
Legal Division

## IMPORTANT INFORMATION FOR RESPONDENTS

**You have been charged with violating Laws and Rules of the New York City Department of Consumer Affairs.**

**FAILURE TO APPEAR AT THE HEARING:** If you do not appear on the scheduled hearing date, a default decision will be issued in which you will be found guilty of the charges and ordered to pay a fine, and your DCA license(s) may be revoked.

**ADJOURNMENTS:** Requests for adjournments must be received at least three (3) business days prior to the hearing date. **You may submit your request by e-mail to [adjournmentrequests@dca.nyc.gov](mailto:adjournmentrequests@dca.nyc.gov) (preferred method);** by fax to 212-361-7766; or by mail to: DCA Administrative Tribunal, 66 John Street, 11<sup>th</sup> Floor, New York, NY 10038. Make sure to include the violation number in your request. In addition, you must send a copy of your request to [aliu@dca.nyc.gov](mailto:aliu@dca.nyc.gov); or by mail to Alvin A. Liu, DCA Legal Division, 42 Broadway, 9<sup>th</sup> Floor, New York, NY 10004.

**SETTLEMENTS:** If you wish to settle the charges in this Notice of Hearing, you **must sign** the enclosed Consent Order and mail it to Shannon Bermingham, NYC Department of Consumer Affairs, 42 Broadway, 9<sup>th</sup> Floor, New York, New York 10004 by **July 31, 2013**. You must enclose, with the signed Consent Order, a bank check or money order made payable to the “NYC Department of Consumer Affairs” for **\$1500.00**.

**REPRESENTATION:** Although it is not required, you may choose to bring a lawyer or authorized representative to the hearing.

**TRANSLATION SERVICES:** DCA will provide translation services at the hearing for you and your witnesses. You may not use your own interpreter at the hearing.

For additional information, visit DCA’s website at [www.nyc.gov/consumers](http://www.nyc.gov/consumers) or call 311.