

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

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

MICHAEL SKEETE,

Respondent.

DEFAULT DECISION AND ORDER

Violation No.: LL005324062

License No.: 1204186

Date: July 18, 2013

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

A hearing was scheduled for July 11, 2013. The respondent did not appear.

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.¹

ORDER

The respondent is therefore **ordered to pay to the Department a TOTAL FINE of \$1,000**, as follows:

6 RCNY Section 2-234 (\$500 per count, for 1 count)	\$500
6 RCNY Section 1-14	\$500
TOTAL	\$1,000

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

¹ The respondent has a current Process Server license that was issued on April 27, 2012 (Lic. No. 1204186).

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.

**E. DeFontes
Administrative Law Judge**

**Mail payment of fine in the enclosed
envelope addressed to:**

NYC Department of Consumer Affairs
Collections Division
42 Broadway, 9th 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 and, at the same time, mail the \$25 appeal fee to: DCA Administrative Tribunal, 66 John Street, 11th 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, 11th Floor, New York, NY 10038. You must also mail **a copy** of your motion to: Legal Division, Department of Consumer Affairs, 42 Broadway, 9th 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

NOTICE OF HEARING

Complainant,

-against-

Violation # LL5324062

MICHAEL SKEETE
1172 ANDERSON AVE APT 3F
BRONX, NY 10452

License # 1204186

(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 ADJUDICATION TRIBUNAL OF THE DEPARTMENT OF CONSUMER AFFAIRS, 11TH FLOOR, 66 JOHN STREET, NEW YORK, NEW YORK 10038 AT 9:30 A.M. ON THURSDAY, JULY 11, 2013** to have charges against you heard concerning violations of Chapter 1 of the Code, beginning at Section 20-101 (known as the License Enforcement Law); Chapter 2 of the Code, Subchapter 23, beginning at Section 20-403 (known as the Process Servers Law); Title 6 of the Rules of the City of New York ("6 RCNY"), beginning at Section 1-01 (known as the License Enforcement Rules); and Title 6 of the Rules of the City of New York, Chapter 2, Subchapter W, beginning at Section 2-231 (known as the Process Servers Rules);

AND SHOW CAUSE why your license to operate as an individual process server should not be suspended or revoked, why monetary penalties should not be imposed on you and why you should not be prohibited, based on lack of fitness, from holding any license issued by the Department on the grounds specified herein.

FACTS AND APPLICABLE LAW

1. Respondent, Michael Skeete, has been licensed by the Department as an individual process server under license number 1204186 since on or about July 28, 2008.
2. A process server license is renewable in two-year intervals.
3. Respondent's current process server license will expire on February 28, 2014.

Filing False Affidavit of Service with a Court

4. On or about April 18, 2013, the Department received a consumer complaint filed by Glicerda Coranado, CD # 500135119.
5. Respondent falsely affirmed in an affidavit of service that was filed in Bronx County Housing Court that he had attempted to serve a 30-day Notice of Termination on [REDACTED] at 921 Neill Avenue, Bronx, NY 10462 on December 20, 2012 at 8:30 P.M.
6. Respondent admits that he recorded this date incorrectly on his signed affidavit of service.

CHARGES

Filing False Affidavit of Service with a Court

7. Respondent violated 6 RCNY § 2-234 by falsely affirming in an affidavit of service that was filed in Bronx County Housing Court that he had attempted to serve a 30-day Notice of Termination on [REDACTED] at 921 Neill Avenue, Bronx, NY 10462 on December 20, 2012 at 8:30 P.M. [1 count]

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 (preferred method);** by fax to 212-361-7766; or by mail to: DCA Administrative Tribunal, 66 John Street, 11th 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; or by mail to Alvin A. Liu, DCA Legal Division, 42 Broadway, 9th Floor, New York, NY 10004.

SETTLEMENTS: If you wish to discuss a possible settlement of the charges in this Notice of Hearing, contact Alvin A. Liu at aliu@dca.nyc.gov at least five (5) business days prior to the hearing date.

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 or call 311.

WHEREFORE, the Department demands that an order issue: 1) imposing maximum fines on Respondent for each and every charge set forth herein; and 2) granting such other relief as is deemed just and proper.

Dated: June 11, 2013
New York, New York

For: **Jonathan Mintz**
Commissioner

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