

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

DECISION AND ORDER

Complainant,

Violation No.: LL005287507

- against -

License No.: 1329856

R.Q. INVESTIGATIONS LTD.,

**Respondent's Address:
246 Mineola Boulevard
Mineola, NY 11501**

Respondent.

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A hearing on the above-captioned matter was held on March 28, 2012.

Appearances: For the Department: Alvin A. Liu, Esq. For the Respondent: Miguel A. Rodriquez, authorized representative.

The Amended Notice of Hearing charged the respondent with violating:

1. Title 6 of the Rules of the City of New York ("6RCNY") Section 2-234(a)(c) by failing to submit an affirmation that it has adopted a Compliance Plan within 60 days of the effective date of the Rule. The effective date of the rule is March 21, 2011.
2. 6 RCNY Section 2-234(a)(b) by failing to develop and implement a Process Server Agency ("PSA") Compliance Plan.
3. The Charter of the City of New York Section 2203(e) by failing to respond to a Departmental subpoena. Title 20 of the Administrative Code of the City of New York Section 20-104(d) by failing to respond to a Departmental subpoena ¹

Based on the evidence in this case, I **RECOMMEND** the following:

Findings of Fact:

The respondent was a licensed process server agency from March 1, 2010 through February 28, 2012. Respondent did not file an affirmation that it had adopted a written Compliance Plan by May 20, 2011 nor did it develop and implement policies and procedures set forth in a written Compliance Plan.

¹ The Department withdrew count 3 at the hearing because there was no proof of service of the subpoena upon the respondent.

Opinion:

There is no dispute that the respondent was licensed as a process server agency from March 1, 2010 through February 28, 2012 and did not comply with the requirement to submit an affirmation that it has adopted a Compliance Plan by May 20, 2011.² Therefore, not having a Compliance Plan, respondent had no policies to develop and implement.

Respondent's claim that it did not comply with the requirements because it never served process is not a meritorious defense. It has been held that licensees must comply with all laws and regulations pertaining to the licenses they currently hold (see *DCA v. Astro Game, Inc.*, LL005282248, Appeal Determination, dated December 30, 2011; *DCA v. West 64th St. LLC*, LL005216705, dated July 20, 2010).

Accordingly, it is determined that respondent has not established a meritorious defense. In light of the foregoing, the charges shall be sustained.

RECOMMENDED DECISION:

The respondent is found **guilty** and is, hereby, **ordered** to pay to the Department a **TOTAL FINE** of **\$1000** as follows:

Charge 1: \$500

Charge 2: \$500

This constitutes the recommendation of the Administrative Law Judge of the Department.

N. Tumelty
Administrative Law Judge

DECISION AND ORDER

The recommendation of the Administrative Law Judge is approved.

This constitutes the Decision and Order of the Department. Failure to comply with this order within thirty (30) days may result in the suspension of any other Department of Consumer Affairs license(s) held by the respondent.

Date: 6 April 2012



James M. Plotkin
Deputy Director of Adjudication

² To date, Respondent has not renewed his license.

cc: **Alvin Liu, Esq.**
Via email: aliu@dca.nyc.gov

Miguel Rodriquez
245 North Ocean Avenue
Patchogue, NY 11772
Via email: Miguel@rqinvestigations.com

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 **30 days** to file an **APPEAL** of this decision. You must include with your appeal **all** of the following: (1) a check or money order payable to DCA for the sum of \$25; and (2) a check or money order payable to DCA for the amount of the fine imposed by the decision, or an application for a waiver of the requirement to pay the fine as a requisite for an appeal, based upon financial hardship. The application must be supported by evidence of financial hardship, including the most recent tax returns you have filed.

BY EMAIL: Send your appeal 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.) You may pay the fine online at www.nyc.gov/consumers, or mail a check or money order to: DCA, Collections Division, 42 Broadway, NY, NY 10004.

BY REGULAR MAIL: Mail your appeal 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 appeal to: DCA, Legal Compliance and Fitness Division, 42 Broadway, 9th Floor, New York, NY 10004. Make sure to include in your appeal some indication or proof that you have sent a copy of the appeal to DCA's Legal Compliance and Fitness Division. You may pay the fine online at www.nyc.gov/consumers, or mail a check or money order to: DCA, Collections Division, 42 Broadway, NY, NY 10004.

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

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DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

R.Q. INVESTIGATIONS LTD.

246 MINEOLA BOULEVARD

MINEOLA, NY 11501

Licensee/Respondent.
-----X

NOTICE OF HEARING

Violation No. LL 005287507

License # 1329856

(Process Server Agency)

TO THE ABOVE NAMED LICENSEE:

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 DIVISION OF THE DEPARTMENT OF CONSUMER AFFAIRS, 11TH FLOOR, 66 JOHN STREET, BOROUGH OF MANHATTAN, NEW YORK, NEW YORK 10038 ON WEDNESDAY, JANUARY 11, 2012 AT 8:30 AM** to: have charges against you heard concerning violations of the Code, found in 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, beginning at Section 2-231 (known as the Process Servers Rules);

AND SHOW CAUSE why your license to operate as a Process Server Agency (“PSA”) 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.

Complainant, The City of New York Department of Consumer Affairs, by its attorney, Alvin A. Liu, Esq., as and for its complaint upon information and belief alleges the following:

APPLICABLE LAW

1. 6 RCNY Section 2-234a became effective on March 21, 2011.
2. Pursuant to 6 RCNY Section 2-234a(b), a Process Server Agency (“PSA”) licensed by the Department must develop and implement policies and procedures set forth in a written Compliance Plan to ensure that an individual process server acts with integrity and honesty and complies with the recordkeeping requirements applicable to process servers.
3. Pursuant to 6 RCNY Section 2-234a(c), every PSA licensed by the Department on the effective date of the rule was required to submit to the Department within sixty (60) days of the effective date of the rule (i.e., by May 20, 2011) an affirmation that it has adopted a written Compliance Plan.

FACTS

1. Respondent, R.Q. INVESTIGATIONS LTD. , holds a current PSA license issued by the Department and was licensed by the Department prior to March 21, 2011.
4. Respondent has not submitted to the Department an affirmation that it has adopted a written Compliance Plan.

5. Upon information and belief, Respondent has not developed and implemented policies and procedures set forth in a written Compliance Plan as required by 6 RCNY Section 2-234a(b).

CHARGES

FAILURE TO SUBMIT COMPLIANCE PLAN AFFIRMATION

Count #1

1. Respondent failed to submit an affirmation that it has adopted a Compliance Plan within 60 days of the effective date of the Rule, in violation of 6 RCNY § 2-234a(c).

FAILURE TO DEVELOP AND IMPLEMENT PSA COMPLIANCE PLAN

Count #2

2. Respondent has failed to develop and implement a PSA Compliance Plan in violation of the 6 RCNY § 2-234a(b).

WHEREFORE, the Department demands that an order issue: (1) imposing maximum fines on Respondent for each and every charge set forth herein; (2) directing Respondent to adopt a written Compliance Plan in conformance with 6 RCNY § 2-234a(b) and submit it, together with an affirmation in conformance with 6 RCNY § 2-234a(c), to the Department within fifteen (15) days of the date of the order; and (3) granting such other relief as is deemed just and proper.

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; by fax to (212) 487-4390; or by mail to Alvin A. Liu, Esq., DCA Legal Division, 42 Broadway, 9th Floor, New York, NY 10004.

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.

Dated: November 2, 2011
New York, New York

For: **Jonathan Mintz**
Commissioner

By: *Alvin A. Liu*
Alvin A. Liu, Esq.
Staff Counsel
Legal Division

CERTIFICATE OF MAILING

I, David Cho, do hereby declare that on Wednesday, November 2, 2011, I caused the attached Notice of Hearing LL 005287507 to be served on the following:

R.Q. INVESTIGATIONS LTD.
246 MINEOLA BOULEVARD
MINEOLA, NY 11501

by providing it to the NYC Department of Consumer Affairs' Mailroom and directing that it be placed into an envelope and mailed first-class.



Signature

David Cho

Print