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

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| **DEPARTMENT OF CONSUMER AFFAIRS,**<br><br>**Complainant,**<br><br>**-against-**<br><br>**TOP FLIGHT INVESTIGATIONS INC.,**<br><br>**Respondent.** | **DEFAULT DECISION AND ORDER**<br><br>**Violation No.: LL005287530**<br><br>**License No.: 0858544**<br><br>**Date: April 5, 2012** |

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

A hearing was scheduled for March 28, 2012. 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.

## ORDER

The respondent is therefore **ordered to pay to the Department a TOTAL FINE of $1,500,** as follows:

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| 6 RCNY Section 2-234a(b)<br>($500 per count, for 1 count) | $500 |
| 6 RCNY Section 2-234a(c)<br>($500 per count, for 1 count) | $500 |
| 6 RCNY Section 1-14 | $500 |
| TOTAL | $1,500 |

The respondent is **directed** to adopt a written Process Server Agency ("PSA") Compliance Plan in conformance with 6 RCNY Section 2-234a(b) and submit it, together with an affirmation in conformance with 6 RCNY Section 2-234a(c), to the Department within fifteen (15) days of the date of this order.

**Failure to comply with this order within fifteen (15) days shall result in the suspension of the license at issue, and may result in the suspension of any other Department of Consumer Affairs license(s) held by the respondent.**

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

**David Paul**
**Administrative Law Judge**

cc: Top Flight Investigations Inc.
PO Box 847
Farmingdale, NY 11735

Top Flight Investigations Inc.
81 Union Avenue
Amityville, NY 11701

-and-

TOPFLIGHTINVESTIGATIONS@GMAIL.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

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| 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 Compliance and Fitness 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 Compliance and Fitness Division. |

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

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| DEPARTMENT OF CONSUMER AFFAIRS,<br><br>Complainant,<br><br>-against-<br><br>**TOP FLIGHT INVESTIGATIONS INC**<br>PO BOX 847<br>FARMINGDALE, NY 11735<br><br>Licensee/Respondent. | **NOTICE OF HEARING**<br><br>**Violation No. LL 005287530**<br><br>**License # 0858544**<br><br>**(Process Server Agency)** |

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**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, TOP FLIGHT INVESTIGATIONS INC , 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 005287530 to be served on the following:

TOP FLIGHT INVESTIGATIONS INC
PO BOX 847
FARMINGDALE, NY 11735

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