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October 19, 2011

VIA E-MAIL [redacted]

RE: Process Server Logbooks: Recording Certified Mailings and Scanning Records

Dear Ms. [redacted]

The New York City Department of Consumer Affairs (the "Department" or "DCA") is issuing this response to your email inquiry, dated September 20, 2011. You asked two questions:

1. "[H]ow does the DCA expect [process] servers to document mailings that are conducted after the posting of process?"; and
2. "[A]re there additional mailings for which the DCA requires recordation in the server log book?"

As more fully explained below, the Department does not take a position as to any specific methodology a Process Server Agency ("PSA") or Process Server Individual ("PSI") employs to comply with the law. Additionally, the Department is not aware of any recordation requirements concerning mailings, other than the provisions concerning service under N.Y. Real Property Actions and Proceedings Law ("RPAPL") section 735(1).

Section 2-233(b)(7) of Title 6 of the Rules of the City of New York (the "Rules"), as amended, requires process servers to record in their logbooks the postal receipt number of registered or certified mailings that follow service, other than personal service, made pursuant to RPAPL § 735(1), if the process server *personally* conducts the mailing. See 6 RCNY § 2-233(b)(7) (2011) (emphasis added). Sections 2-233(c)(1)(vii), 2-233a(a)(1)(ii) and 2-233a(b)(1) of the Rules, set forth the requirements for, among other things, recordation and scanning of conspicuous and substituted service made pursuant to RPAPL § 735(1). Specifically, section 2-233(c)(1)(vii) requires a PSA to maintain a record of the postal receipt number of certified or registered mailings for service of process pursuant to RPAPL § 735(1) completed by either the PSI or PSA.

Thus, if a PSA completes service under RPAPL § 735(1) by registered or certified mailing, the PSI would not be required to record the postal receipt number after the fact. Moreover, since a PSA is charged with maintaining the records for such service – whether completed by the PSA or the PSI – it may implement its own procedures for scanning and cross-referencing postal receipt numbers with logbook entries to ensure compliance with the Rules.



Additional information about license requirements and a compilation of licensing laws is available on DCA's website at nyc.gov/consumers.

Very truly yours,

A large black rectangular redaction box covering the signature and name of the sender.