



Jonathan Mintz
Commissioner

January 31, 2013

VIA E-MAIL [REDACTED]

[REDACTED]
Staff Attorney
Legal Division

[REDACTED]
[REDACTED]
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42 Broadway
9th Floor
New York, NY 10004

RE: Requirement to Enter All Information in Process Server Recordkeeping

[REDACTED] tel
[REDACTED] fax

Dear [REDACTED]:

nyc.gov/consumers

The New York City Department of Consumer Affairs (the "Department") issues this letter in response to your e-mail asking whether process servers can forego entering all required information in logbooks if they instead use "ditto marks" when information would otherwise be repeated. The short answer to your inquiry is that they cannot.

Section 2-233(a) of Title 6 of the Rules of the City of New York ("6 RCNY") requires that each process server "keep records in compliance with the provisions of 89-cc of the [N.Y.] General Business Law ["GBL"]."¹ Consistently with GBL § 89-cc, 6 RCNY § 2-233 sets forth in great detail, the specific information a process server must record for each service attempted or effected. In addition to specifying the information that must be included, the rules also specify how a process server shall make corrections to the records. Section 2-233(b)(8) provides:

Corrections in records shall be made only by drawing a straight line through the inaccurate entry and clearly printing the accurate information directly above the inaccurate entry. All other methods of correction, including but not limited to, erasing, opaquing, obliterating, or redacting, are prohibited.

"Ditto marks" are generally understood to be a symbolic notation utilizing quotation marks (" ") to mean "the same as above." In the Department's view, the use of "ditto marks" is inconsistent with the objectives of Section 89-cc and 6 RCNY § 2-233 to ensure the accuracy and completeness of the process server's records. The use of "ditto marks" would leave an abundance of blank space in the records that could be improperly exploited by the unscrupulous or neglectful process server to insert data *post hoc* and thereby falsify records.

Accordingly, the Department prohibits the use of "ditto marks" in process server records and log books.

Sincerely,

[REDACTED SIGNATURE]

¹ N.Y. GBL § 89-cc(1) provides that "[e]ach process server shall maintain a legible record of all service made by him as prescribed in this section. Such records shall be kept in chronological order in a bound, paginated volume. Corrections in records shall be made only by drawing a straight line through the inaccurate entry and clearly printing the accurate information directly above the inaccurate entry. All other methods of correction, including but not limited to erasing, opaquing, obliterating or redacting, are prohibited."