CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

DEPARTMENT OF CONSUMER AFFAIRS, Complainant, -against- ADVANTAGE PROCESS SERVERS, INC. D/B/A ZELLNER WOOD PROCESS SERVICE AGENCY 1983 MARCUS AVENUE, SUITE C127 NEW HYDE PARK, NY 11042 Respondent.	**CONSENT ORDER** Violation No. LL 5333251 License No. 1451565 (Process Serving Agency)

RECEIVED
COUNSEL
DEPT. OF CONSUMER AFFAIRS
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1. The Department of Consumer Affairs ("DCA" or "the Department") and Advantage Process Servers, Inc. d/b/a Zellner Wood Process Service Agency ("Respondent") enter into this Consent Order ("CO") to resolve charges that Respondent engaged in violations of the following rule: Title 6 of the Rules of the City of New York ("6 RCNY"), Sections 2-236(c)(2).

2. This CO shall apply to Respondent and any other directors, officers, employees, agents, assignees, successors, or other business entities, whose acts, practices, or policies are directed, formulated, or controlled by Respondent.

3. Respondent enters into this CO to resolve these charges without the necessity of a Notice of Violation or a hearing.

4. The acceptance of this Consent Order by the Department shall not be deemed approval by the Department of any of Respondent's business practices, and Respondent shall make no representations to the contrary.

INJUNCTIVE RELIEF

5. Whenever Respondent receives any type of notice, including an oral communication, that a court has scheduled a hearing to determine whether service of process assigned by Respondent to an individual process server was effective, Respondent shall, within two (2) business days, inform in writing the individual process server whose service is being challenged of the scheduling of the hearing, the date and time of the hearing,

the title and index number of the action, and the court and judge before whom the hearing is scheduled.

6. Whenever Respondent receives any type of notice, including an oral communication, that a court has scheduled a hearing to determine whether service of process made or assigned by such licensee was effective, Respondent shall submit a report to the Department, within ten (10) days of receiving such notice, using the "Traverse Report Form for Process Servers/Agencies Who Signed a Consent Order" available at http://nyc.gov/processserver ("the DCA Process Server Website"). Respondent shall submit the completed traverse report form by e-mail to TraverseReports@dca.nyc.gov. Respondent shall include a copy of all written communications made pursuant to this paragraph with the traverse reports it submits to the Department, as well as all responses received from the individual process server.

7. Respondent shall ensure that the agency and the individual process server submit separate traverse reports to the Department for each hearing in which process assigned by Respondent to the individual process server was challenged.

8. Respondent shall learn the final result of each scheduled hearing in which process assigned by Respondent to the individual process server was challenged, including any judicial order, waiver of the hearing or voluntary settlement resolving the challenge to service of process, and obtain a copy of the court's decision on the matter. "Decision reserved" is not a final result.

9. If Respondent fails to learn the final result of the hearing and obtain a copy of the court's decision within 30 days of the scheduled hearing date, Respondent shall send a written inquiry to the plaintiff/petitioner or the plaintiff/petitioner's attorney to learn the final result and for a copy of the court's decision. If Respondent fails to receive a response to that inquiry within 60 days of the scheduled hearing date, Respondent shall search the court records. If Respondent is unable to learn the final result and obtain a copy of the court's decision within 90 days of the scheduled hearing date, Respondent shall (1) within 100 days of the scheduled hearing date, provide a written explanation to DCA that it was unable to learn the final result or obtain a copy of the court's decision and (2) continue to search the court records every 30 days until it learns the final result of the traverse hearing and is able to obtain a copy of the court's decision.

10. Respondent shall submit a report to the Department by email, to TraverseReports@dca.nyc.gov, using the "Traverse Report Form for Process Servers/Agencies Who Signed a Consent Order". Respondent shall submit the report within ten (10) days of learning the result and shall **attach a copy of the court's decision on the matter**, except that if the written decision is not available when Respondent learns of the court's ruling, Respondent shall submit its report to the

Department first and follow the procedures specified in the previous paragraph to obtain a copy of the court's decision. Respondent shall submit a copy of the court's decision to the Department within ten (10) days of obtaining it.

11. For every traverse hearing scheduled in the future relating to process that was distributed by Respondent for service in New York City, Respondent shall complete an entry on a "Service Investigation Report" form (available on the DCA Process Server Website) within ten (10) days of learning about the traverse hearing. Respondent shall follow every instruction contained in the Service Investigation Report and shall complete the report, including all subsequent updates to the report, truthfully, accurately and completely. Respondent shall maintain all entries on a single report form for at least seven (7) years.

12. Respondent shall maintain all records that it is required to maintain pursuant to the Department's rules and this Consent Order at the address where Respondent is licensed to conduct business as a process serving agency.

13. Respondent shall make all records that it is required to maintain pursuant to the Department's rules and this Consent Order immediately available to the Department's inspectors, upon request, between the hours of 9 a.m. and 5 p.m., Monday through Friday, excluding holidays.

14. Upon written demand or subpoena by the Department, Respondent shall:

    (i) provide to the Department, within ten (10) days of the demand, any documents or records that the Department deems necessary to ascertain compliance with this Consent Order; and

    (ii) provide a written response to each specific demand for records, including the identification of the records produced in response to each numbered demand and, if no records are submitted in response to a particular numbered demand, a detailed explanation of why such records are not being produced.

15. Upon notification from the Department, a principal of Respondent shall appear at the Department within sixty (60) days for a review of Respondent's compliance with the terms of this Order and such other issues as the Department, in its discretion, deems appropriate.

MISCELLANEOUS

16. Respondent affirms that the address and telephone number listed with the Department are current and correct.

17. Respondent appoints FRANCINE COSTA as its designated agent who may be contacted regarding this CO and any consumer complaints and represents that the following is his/her e-mail address:

FRAN @[redacted].

18. Respondent acknowledges that the Department intends to use this e-mail address to communicate official matters to Respondent and Respondent agrees to accept such communications.

19. Respondent shall notify the Department in writing when its address, telephone number and/or e-mail address change within 10 days of such change.

20. Respondent shall notify the Department within ten (10) days of receipt of any (i) complaints, actions or proceedings filed against Respondent by consumers in any forum, including state and federal courts, the Better Business Bureau, the Office of the Attorney General of the State of New York, or any other agency or association, (ii) actions, proceedings or investigations by any government agency against Respondent; and (iii) results of any actions, proceedings or investigations against Respondent that resulted in the revocation or suspension of a license, the imposition of fines or restitution, a voluntary settlement, a court order, a criminal guilty plea, or a conviction.

FINES

21. Respondent shall pay a fine of **$5,000** in settlement of all the violations to date in the above-referenced matter. Payment is due upon execution of this CO and shall be made by bank cashier's check or money order payable to "NYC Department of Consumer Affairs."

NON-COMPLIANCE WITH THIS ORDER

22. Any violation of federal, city or state process server laws or rules shall constitute a violation of this Consent Order.

23. Specific violations of this Consent Order shall constitute independent and separate violations of any applicable law, regulation or rule.

24. Violations of laws and rules and violations of this Consent Order shall be assessed as separate violations with separate fines, with a maximum penalty of $1,000.00 for each violation.

25. Respondent's breach of the terms of this Consent Order shall be sufficient grounds for the revocation of Respondent's license and for ineligibility to be licensed for a period of five years.

WAIVER OF APPEALS

26. Respondent waives any right to a hearing, appeal of and/or any challenge of the facts alleged by the above-referenced violation under Code § 20-104 or under Article 78 of the New York State Civil Practice Law and Rules (CPLR), §§ 7801–7806, in any forum.

EFFECTIVE DATE OF CONSENT ORDER

27. The Effective Date of this Consent Order shall be the date that it is signed by the Department.

EXPIRATION OF CONSENT ORDER

28. This Consent Order shall expire two (2) years from the Effective Date of this Consent Order.

DEPARTMENT'S AUTHORITY

29. Nothing in this Consent Order shall be construed to limit in any way the authority of the Department to exercise its regulatory or enforcement powers under Code §§ 20-104 or 20-409.

Agreed to by Advantage Process Servers, Inc. d/b/a Zellner Wood Process Service Agency

By: Jason Specter

Signature 6/12/14 Date

Accepted for the Department of Consumer Affairs

By: [redacted]

Title: Settlement Associate

[redacted] 6/13/14

Signature Date

Businesses licensed by the Department of Consumer Affairs (DCA) must comply with all relevant local, state and federal laws. Copies of New York City licensing laws are available in person at DCA's Licensing Center, located at 42 Broadway, 5th Floor, New York, NY, by calling 311, New York City's 24 hour Citizen Service Hotline, or by going online at www.nyc.gov/consumers.

CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

----------x **NOTICE OF HEARING**

DEPARTMENT OF CONSUMER AFFAIRS

Complainant,

-against- Violation # LL 5333251

ADVANTAGE PROCESS SERVERS, INC. D/B/A License # 1451565
ZELLNER WOOD PROCESS SERVICE AGENCY
1983 MARCUS AVENUE, SUITE C127
NEW HYDE PARK, NY 11042

(Process Serving Agency)

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 DEPARTMENT'S ADJUDICATION TRIBUNAL AT 66 JOHN STREET, 11TH FLOOR, NEW YORK, NEW YORK AT 8:30 A.M. ON THURSDAY, JUNE 19, 2014;**

AND SHOW CAUSE why your license to operate as a process serving agency should not be suspended or revoked and why monetary penalties should not be imposed on you:

APPLICABLE LAW

1. Pursuant to Title 6 of the Rules of the City of New York ("6 RCNY") § 2-236(a), whenever a process serving agency receives notice that a court has scheduled a hearing to determine whether service of process assigned by the agency was effective (known as a "traverse hearing"), the agency must submit, by certified mail or e-mail, a written report to the Department within ten (10) days of receiving such notice. The written report must include the title and index number of the action, the court and the

judge before whom the hearing is scheduled, the date(s) of the hearing, and the name and license number of every licensee who effected service or assigned or distributed the process for service.

2. Pursuant to 6 RCNY § 2-236(c)(1), a process serving agency must attempt to learn the results of traverse hearings by following specific procedures, including communicating with the plaintiff or the plaintiff's attorney in writing and searching the court files sixty (60) and ninety (90) days after the hearing.

3. Pursuant to 6 RCNY § 2-236(c)(2), a process serving agency must submit a written report to the Department, by certified mail or e-mail, stating:

   (a) the result of the traverse hearing (including any judicial order or voluntary settlement resolving the challenge to service of process) within ten (10) days of learning the result; or

   (b) that he or she made attempts to learn the result of the traverse hearing but was unable to do so, within one hundred (100) days of the hearing.

FACTS

4. Respondent is licensed by the Department as a process serving agency under license number 1451565.

Case 1: Luigi Locicero v. [redacted]

5. In or about 2013, process was distributed by Respondent to [redacted] for service in the matter of *Luigi Locicero v.* [redacted] (Index Number [redacted] Kings County Civil Court) ("Locicero") and thereafter an affidavit of service executed by Mr. Tantuccio in which he attested that he had served such process in Locicero was filed with the clerk of the court.

6. The court in Locicero scheduled a traverse hearing for April 29, 2013 concerning the service of process allegedly made by Mr. Tantuccio.

7. Respondent received notice of the scheduling of the traverse hearing in Locicero.

8. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Locicero or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 2: Fieldbridge Associates LLC v. [redacted] John Doe and Jane Doe

9. In or about 2013, process was distributed by Respondent to Laquesia Ivory for service in the matter of *Fieldbridge Associates LLC v.* [redacted], *John Doe and Jane Doe* (Index Number [redacted], Kings County Housing Court) ("Fieldbridge Associates") and thereafter an affidavit of service executed by Ms. Ivory in which she attested that she had served such process in Fieldbridge Associates was filed with the clerk of the court.

10. The court in Fieldbridge Associates scheduled a traverse hearing for May 22, 2013 concerning the service of process allegedly made by Ms. Ivory.

11. Respondent received notice of the scheduling of the traverse hearing in Fieldbridge Associates.

12. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Fieldbridge Associates or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 3: Mount Taylor Baptist Church v. [redacted]

13. In or about 2013, process was distributed by Respondent to Cecil Holloway for service in the matter of *Mount Taylor Baptist Church v.* [redacted] (Index Number [redacted], Kings County Housing Court) ("Mount Taylor") and

thereafter an affidavit of service executed by Mr. Holloway in which he attested that he had served such process in Mount Taylor was filed with the clerk of the court.

14. The court in Mount Taylor scheduled a traverse hearing for May 30, 2013 concerning the service of process allegedly made by Mr. Holloway.
15. Respondent received notice of the scheduling of the traverse hearing in Mount Taylor.
16. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Mount Taylor or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 4: Elizabeth Mathew v. [redacted]

17. In or about 2013, process was distributed by Respondent to Aubrey Mitchell for service in the matter of *Elizabeth Mathew v.* [redacted] (Index Number [redacted] Queens County Civil Court) ("Mathew") and thereafter an affidavit of service executed by Mr. Mitchell in which he attested that he had served such process in Mathew was filed with the clerk of the court.
18. The court in Mathew scheduled a traverse hearing for June 12, 2013 concerning the service of process allegedly made by Mr. Mitchell.
19. Respondent received notice of the scheduling of the traverse hearing in Mathew.
20. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Mathew or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 5: Thessaloneki Properties v. [redacted]

21. In or about 2013, process was distributed by Respondent to Aubrey Mitchell for service in the matter of *Thessaloneki Properties v.* [redacted] (Index Number [redacted] Queens County Civil Court) ("Thessaloneki") and thereafter an affidavit of service executed by Mr. Mitchell in which he attested that he had served such process in Thessaloneki was filed with the clerk of the court.
22. The court in Thessaloneki scheduled a traverse hearing for June 18, 2013 concerning the service of process allegedly made by Mr. Mitchell.
23. Respondent received notice of the scheduling of the traverse hearing in Thessaloneki.
24. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Thessaloneki or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 6: 4605 Fifth Ave, LLC v. [redacted]

25. In or about 2013, process was distributed by Respondent to Irick Lassiter for service in the matter of *4605 Fifth Ave, LLC v.* [redacted] (Index Number [redacted], Kings County Civil Court) ("4[redacted]") and thereafter an affidavit of service executed by Mr. Lassiter in which he attested that he had served such process in 4605 was filed with the clerk of the court.
26. The court in 4605 scheduled a traverse hearing for July 2, 2013 concerning the service of process allegedly made by Mr. Lassiter.
27. Respondent received notice of the scheduling of the traverse hearing in 4605.
28. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in 4605 or that Respondent made

attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 7: Slope on 4th, LLC v. [redacted]

29. In or about 2013, process was distributed by Respondent to Peter Stoute for service in the matter of *Slope on 4th, LLC v.* [redacted] (Index Number [redacted], Kings County Civil Court) ("Slope on 4th") and thereafter an affidavit of service executed by Mr. Stoute in which he attested that he had served such process in Slope on 4th was filed with the clerk of the court.
30. The court in Slope on 4th scheduled a traverse hearing for July 8, 2013 concerning the service of process allegedly made by Mr. Stoute.
31. Respondent received notice of the scheduling of the traverse hearing in Slope on 4th.
32. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Slope on 4th or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 8: New York City Housing Authority (Ocean Bay Apartments) v. [redacted]

33. In or about 2013, process was distributed by Respondent to John Tantuccio for service in the matter of *New York City Housing Authority (Ocean Bay Apartments) v.* [redacted] (Index Number [redacted] Kings County Supreme Court) ("Ocean Bay") and thereafter an affidavit of service executed by Mr. Tantuccio in which he attested that he had served such process in Ocean Bay was filed with the clerk of the court.
34. The court in Ocean Bay scheduled a traverse hearing for July 22, 2013 concerning the service of process allegedly made by Mr. Tantuccio.
35. Respondent received notice of the scheduling of the traverse hearing in Ocean Bay.

36. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Ocean Bay or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 9: 196A-198 Flatbush Ave, Inc. v. [redacted]

37. In or about 2013, process was distributed by Respondent to Tarrance Jackson for service in the matter of *196A-198 Flatbush Ave, Inc. v.* [redacted] (Index Number [redacted], Kings County Civil Court) ("Flatbush") and thereafter an affidavit of service executed by Mr. Jackson in which he attested that he had served such process in Flatbush was filed with the clerk of the court.
38. The court in Flatbush scheduled a traverse hearing for July 29, 2013 concerning the service of process allegedly made by Mr. Jackson.
39. Respondent received notice of the scheduling of the traverse hearing in Flatbush.
40. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Flatbush or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 10: Soho Associates, LLC v. [redacted]

41. In or about 2013, process was distributed by Respondent to Rebecca Roth for service in the matter of *Soho Associates, LLC v.* [redacted] (Index Number [redacted] Kings County Civil Court) ("Soho") and thereafter an affidavit of service executed by Ms. Roth in which she attested that she had served such process in Soho was filed with the clerk of the court.

42. The court in Soho scheduled a traverse hearing for August 6, 2013 concerning the service of process allegedly made by Ms. Roth.

43. Respondent received notice of the scheduling of the traverse hearing in Soho.

44. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Soho or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 11: Contact Holding Corp. v. [redacted]

45. In or about 2013, process was distributed by Respondent to Tarrance Jackson for service in the matter of *Contact Holding Corp. v.* [redacted] (Index Number [redacted] Kings County Civil Court) ("Contact Holding") and thereafter an affidavit of service executed by Mr. Jackson in which he attested that he had served such process in Contact Holding was filed with the clerk of the court.

46. The court in Contact Holding scheduled a traverse hearing for August 15, 2013 concerning the service of process allegedly made by Mr. Jackson.

47. Respondent received notice of the scheduling of the traverse hearing in Contact Holding.

48. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Contact Holding or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 12: Berger 3324 Holdings, LLC v. [redacted]

49. In or about 2013, process was distributed by Respondent to Jesse Perez for service in the matter of *Berger 3324 Holdings, LLC v.* [redacted] (Index Number

[redacted], Kings County Civil Court) ("Cabral") and thereafter an affidavit of service executed by Mr. Perez in which he attested that he had served such process in Cabral was filed with the clerk of the court.

50. The court in Cabral scheduled a traverse hearing for August 20, 2013 concerning the service of process allegedly made by Mr. Perez.

51. Respondent received notice of the scheduling of the traverse hearing in Cabral.

52. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Cabral or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 13: Berger 3324 Holdings, LLC v. [redacted]

53. In or about 2013, process was distributed by Respondent to Jesse Perez for service in the matter of *Berger 3324 Holdings, LLC v.* [redacted] (Index Number [redacted], Kings County Civil Court) ("Pelzosse") and thereafter an affidavit of service executed by Mr. Perez in which he attested that he had served such process in Pelzosse was filed with the clerk of the court.

54. The court in Pelzosse scheduled a traverse hearing for August 20, 2013 concerning the service of process allegedly made by Mr. Perez.

55. Respondent received notice of the scheduling of the traverse hearing in Pelzosse.

56. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Pelzosse or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 14: Fynsk-Christopher v. [redacted]

57. In or about 2013, process was distributed by Respondent to Tarrance Jackson for service in the matter of *Fynsk-Christopher v.* [redacted] (Index Number [redacted] Kings County Civil Court) ("Fynsk-Christopher") and thereafter an affidavit of service executed by Mr. Jackson in which he attested that he had served such process in Fynsk-Christopher was filed with the clerk of the court.
58. The court in Fynsk-Christopher scheduled a traverse hearing for September 9, 2013 concerning the service of process allegedly made by Mr. Jackson.
59. Respondent received notice of the scheduling of the traverse hearing in Fynsk-Christopher.
60. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Fynsk-Christopher or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 15: Spring Creek v. [redacted]

61. In or about 2013, process was distributed by Respondent to Peter Stoute for service in the matter of *Spring Creek v.* [redacted] (Index Number [redacted], Kings County Civil Court) ("Spring Creek") and thereafter an affidavit of service executed by Mr. Stoute in which he attested that he had served such process in Spring Creek was filed with the clerk of the court.
62. The court in Spring Creek scheduled a traverse hearing for September 12, 2013 concerning the service of process allegedly made by Mr. Stoute.
63. Respondent received notice of the scheduling of the traverse hearing in Spring Creek.

64. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Spring Creek or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 16: Kurt O. Kitt v. [redacted]

65. In or about 2013, process was distributed by Respondent to Tarrance Jackson for service in the matter of *Kurt O. Kitt v.* [redacted] (Index Number [redacted] Kings County Civil Court) ("Kitt") and thereafter an affidavit of service executed by Mr. Jackson in which he attested that he had served such process in Kitt was filed with the clerk of the court.

66. The court in Kitt scheduled a traverse hearing for September 16, 2013 concerning the service of process allegedly made by Mr. Jackson.

67. Respondent received notice of the scheduling of the traverse hearing in Kitt.

68. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Kitt or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 17: Saniar Schmool v. [redacted]

69. In or about 2013, process was distributed by Respondent to John Tantuccio for service in the matter of *Saniar Schmool v.* [redacted] (Index Number [redacted] Kings County Civil Court) ("Schmool") and thereafter an affidavit of service executed by Mr. Tantuccio in which he attested that he had served such process in Schmool was filed with the clerk of the court.

70. The court in Schmool scheduled a traverse hearing for September 16, 2013 concerning the service of process allegedly made by Mr. Tantuccio.

71. Respondent received notice of the scheduling of the traverse hearing in Schmool.

72. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Schmool or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 18: Chris Palladino, LLC v. [redacted]

73. In or about 2013, process was distributed by Respondent to Wladimir Chassedin for service in the matter of *Chris Palladino, LLC v.* [redacted] (Index Number [redacted], Bronx County Civil Court) ("Palladino") and thereafter an affidavit of service executed by Mr. Chassedin in which he attested that he had served such process in Palladino was filed with the clerk of the court.

74. The court in Palladino scheduled a traverse hearing for September 16, 2013 concerning the service of process allegedly made by Mr. Chassedin.

75. Respondent received notice of the scheduling of the traverse hearing in Palladino.

76. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Palladino or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 19: Barkai Foundations, Inc. v. [redacted]

77. In or about 2013, process was distributed by Respondent to John Tantuccio for service in the matter of *Barkai Foundations, Inc. v.* [redacted] (Index Number [redacted], Kings County Civil Court) ("Barkai") and thereafter an affidavit of service

executed by Mr. Tantuccio in which he attested that he had served such process in Barkai was filed with the clerk of the court.

78. The court in Barkai scheduled a traverse hearing for October 3, 2013 concerning the service of process allegedly made by Mr. Tantuccio.

79. Respondent received notice of the scheduling of the traverse hearing in Barkai.

80. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Barkai or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Case 20: Beverly v. [redacted]

81. In or about 2013, process was distributed by Respondent to John Tantuccio for service in the matter of *Beverly v.* [redacted] (Index Number [redacted], Kings County Civil Court) ("Beverly") and thereafter an affidavit of service executed by Mr. Tantuccio in which he attested that he had served such process in Beverly was filed with the clerk of the court.

82. The court in Beverly scheduled a traverse hearing for October 30, 2013 concerning the service of process allegedly made by Mr. Tantuccio.

83. Respondent received notice of the scheduling of the traverse hearing in Beverly.

84. Respondent did not submit a written report to the Department, by certified mail or e-mail, stating the result of the traverse hearing in Beverly or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

CHARGES

1. Respondent violated 6 RCNY § 2-236(c)(2) by failing to, within one hundred (100) days after the scheduled date of a traverse hearing, report to the Department either: (a) the final result of the hearing; or (b) that Respondent made attempts to learn the final result of the hearing but was unable to do so. [20 counts]

WHEREFORE, the Department demands that an order issue: 1) imposing maximum fines on Respondent for each and every charge set forth herein; 2) suspending or revoking Respondent's license; 3) ordering Respondent to report to the Department, within 10 days, the results of any traverse hearings cited in this Notice of Hearing that Respondent has not reported to the Department; and 4) granting such other relief as is deemed just and proper.

Dated: April 4, 2014
New York, New York

By: [redacted]

Alvin A. Liu
Senior Staff Attorney
Legal Division

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 at the DCA Adjudication Tribunal on the scheduled hearing date, you will be found guilty of the charges, you will be 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)** or by mail to DCA Adjudication 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 process_server@dca.nyc.gov or by mail to Shannon Bermingham, 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.

REASONABLE ACCOMMODATION: If you have a disability and require a reasonable accommodation on the day of the hearing, you must send a request, with proof, before the hearing date to the Adjudication Tribunal at **mycase@dca.nyc.gov** or call 311 (212-NEW-YORK outside NYC) and ask for "Consumer Affairs Hearing - Reasonable Accommodation."

SETTLEMENTS: If you wish to settle the charges in this Notice of Hearing, you **must sign** the enclosed Consent Order and mail it to Shannon Bermingham, NYC Department of Consumer Affairs, 42 Broadway, 9th Floor, New York, New York 10004 by **May 30, 2014**. You must enclose, with the signed Consent Order, a bank check or money order made payable to the "NYC Department of Consumer Affairs" for **$5,000**.

For additional information, visit DCA's website at www.nyc.gov/consumers or call 311.