

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

DEPARTMENT OF CONSUMER AFFAIRS,

**Complainant,**

**-against-**

**ANDREW LINDAUER**  
[REDACTED]  
[REDACTED]

**Respondent.**

**ASSURANCE OF  
DISCONTINUANCE**

**PROCESS SERVER  
INDIVIDUAL**

**Violation No. LL # 5084162**

**License # 0724538**

**Andrew Lindauer** ("Respondent") consents to this Assurance of Discontinuance ("AOD" or "Agreement") to settle the above captioned violation with the Department of Consumer Affairs ("DCA" or "the Department") and agrees as follows:

**ACKNOWLEDGMENT OF SERVICE**

Respondent acknowledges receipt of the Notice of Hearing in the above captioned matter, which charged him with violating provisions of Title 20 of the Administrative Code of the City of New York (the "Code"), found in: Chapter 1 of the Code, beginning at Section 20-101 (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); Title 6 of the Rules of the City of New York, Chapter 2, Subchapter W, beginning at Section 2-231 (the "Process Servers Rules") in connection with his Process Server license.

**PROHIBITION AGAINST APPLYING OR HOLDING ANY PROCESS SERVER  
LICENSE IN THE CITY OF NEW YORK**

- 1 Respondent's Process Server License # 0872214 is revoked effective the date of the execution of this Agreement.
- 2 Respondent agrees to be permanently barred from applying or filing an individual or an organization process server license application with the Department beginning with the date of the execution of this Agreement and agrees that no such license or license application shall be granted or approved.
- 3 Respondent shall be prohibited from engaging in process serving activity in the City of New York including, but not limited to, serving, assigning, distributing or delivering process for service to anyone to serve on his behalf or on behalf of any third party or company in which Respondent owns a ten (10) or more percent share or interest nor may Respondent conduct any process server business whatsoever in the City of New York.

**FINES**

- 4 Respondent shall pay a fine of \$1,000.00 in settlement of the above-referenced citation, payable by official bank check or money order only.
- 5 Official bank checks or money orders shall be made payable to "NYC Department of Consumer Affairs."
- 6 The fine amount shall be paid according to the following payment schedule:
  - i. an initial payment of \$500.00 due on or before execution of this Agreement; and
  - ii. a payment of \$500.00 due 30 days after the date of the execution of this Agreement
- 7 Upon Respondent's default in the payment of the second installment within five (5) days of the due date, Respondent agrees to pay a \$50 late charge per day.
- 8 The Department shall, without further notice, assess and add such late fee to the balance of the unpaid installment payment and such balance and fees shall be due from Respondent immediately.

9. The Department shall continue to assess such late fees per day until the installment payment and all late fees have been paid in full.

**Waiver of Appeals**

10. Respondent hereby agrees to waive any further right to a hearing and appeal on any of the matters referred to herein, under Title 20, Chapter 1 and Section 20-104 of the Code or under Article 78 of the New York State Civil Practice Law and Rules, §§7801-7806.

**MISCELLANEOUS**

11. Nothing in this AOD shall be construed to limit in any way the authority of the Department to exercise its enforcement powers under Sections 20-101 or 20-320 of the Code.

Agreed to by Respondent

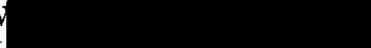
Andrew Lindauer

  
\_\_\_\_\_  
Signature

8/27/09  
\_\_\_\_\_  
Date

Accepted for

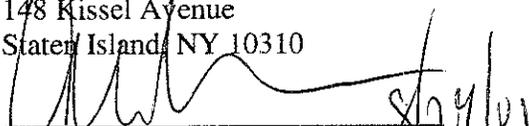
Department of Consumer Affairs

By:   
Staff Counsel  
Legal Compliance & Fitness

  
\_\_\_\_\_  
Signature

8/25/09  
\_\_\_\_\_  
Date

Allen Cappelli, Esq.  
Attorney for Respondent  
148 Kissel Avenue  
Staten Island, NY 10310

  
\_\_\_\_\_  
Signature

8/27/09  
\_\_\_\_\_  
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 and consumer protection 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](http://www.nyc.gov/consumers).