CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

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DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

CAPITAL PROCESS SERVERS, INC.
265 POST AVE STE 150
WESTBURY, NY 11590

Respondent.

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CONSENT ORDER

PROCESS SERVING AGENCY
License No. **1381942**

Violation No. **LL005287599**

RECEIVED
DEPT. OF CONSUMER AFFAIRS
COUNSEL
13 FEB -7 PM 4:41

Capital Process Servers, Inc. ("Respondent") voluntarily consents to this Consent Order ("CO") to settle the above-captioned violation with the Department of Consumer Affairs ("DCA" or "the Department") and agrees as follows:

I. DEFINITIONS

A. Terms are defined in 6 RCNY § 2-231.

B. "Material breach" means the failure to comply with this CO in whole or in part by commission or omission.

II. INJUNCTIVE RELIEF

A. Respondent shall, in accordance with 6 RCNY § 2-234a(b), develop and implement policies and procedures set forth in a written Compliance Plan to ensure that individual process servers to whom it distributes process for service act with integrity and honesty and comply with the recordkeeping requirements applicable to process servers. This includes adopting and implementing the following policies:

Confirmation of Process Servers' License Status

1. Respondent shall check the Department's website at least once each month to ensure that all individuals to whom it assigns or distributes process for service in New York City have an active individual process server license.

Screening of New Process Servers

2. Prior to assigning or distributing process to an individual process server who has not attempted or effected service of process on Respondent's behalf previously, Respondent shall use the Process Server Screening Protocol annexed as Attachment A as a guide to determine whether the process server is fit to serve process in New York City.

3. Respondent shall attach a copy of the completed Process Server Screening Protocol with each updated roster of process servers that it submits to the Department pursuant to Title 6 of the Rules of the City of New York, Section 2-234a(d)(2). The roster and screening protocol shall be mailed to the following address:

   NYC Department of Consumer Affairs
   42 Broadway, 5th Floor
   New York, NY 1000
   Attention: Licensing Division

Confirmation of Integrity of Affidavits of Service

4. Respondent shall ensure that each affidavit of service signed by a process server who attempted or effected service of process on Respondent's behalf in New York City includes the case caption and index number (if they exist), the name and license number of the process server, and the name, license number and address of the process serving agency.

5. Respondent shall ensure that no affidavit of service will be signed by a process server who effected service of process on Respondent's behalf in New York City, notarized, or filed with a court unless the process server has created an electronic record of the location, date and time of service as determined by Global Positioning System ("GPS") technology or Assisted-Global Positioning System ("A-GPS") technology.

6. Respondent shall maintain electronic copies of all signed affidavits of service relating to service of process that Respondent assigned or distributed to an individual process server for service in New York City. Each affidavit of service shall be maintained as a separate electronic file and the electronic files shall be maintained chronologically and named in the following manner:

   Example: smithj-20120101-1

   Process Server Last Name and First Initial (no spaces)-
   Date of Service (YYYYMMDD)-
   Unique Identifying Number (to distinguish between multiple services on the same date).

Conducting of Record Reviews

7. At least once each month, Respondent shall review the records of each individual process server to whom it assigns or distributes process for service in New York City for completeness and accuracy.

8. Respondent shall prepare a monthly report of its review of the records maintained pursuant to 6 RCNY § 2-233 (concerning bound logbooks), 6 RCNY § 2-233a (concerning electronic logbooks), 6 RCNY § 2-233b (concerning GPS), and 6 RCNY § 2-235 (concerning affidavits of service), of each individual process server to whom it assigns or distributes process using the "Monthly Compliance Report" annexed as Attachment B. Respondent shall maintain the monthly report as a Microsoft Excel file. The report is available on the Department's web site and may be updated periodically.

9. Respondent shall answer each and every question contained in the Monthly Compliance Report, including all subsequent updates to the report, truthfully, accurately and completely.

10. Respondent shall maintain each Monthly Compliance Report for at least seven (7) years at the address where Respondent is licensed. The reports must be made 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.

11. Each month, Respondent shall, for each individual process server to whom it assigns or distributes process for service in New York City, prepare a "GPS Investigation Report" using the review instrument annexed as Attachment C. Respondent shall maintain the monthly report as a Microsoft Excel file. The report is available on the Department's web site and may be updated periodically.

12. Respondent shall follow each and every instruction contained in the GPS Investigation Report and shall complete the report, including all subsequent updates to the report, truthfully, accurately and completely.

13. Respondent shall maintain each GPS Investigation Report for at least seven (7) years at the address where Respondent is licensed. The reports must be made 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. Respondent understands that the Department may, from time to time, notify Respondent of GPS records showing that a process server was not at an address that he or she claimed to have attempted or effected service of process. When such a notification is sent to Respondent by the Department, Respondent shall investigate the service in accordance with Instructions 3 and 4 of the "GPS Investigation Report" annexed as Attachment C and submit the completed report to the Department within thirty (30) days of receiving the notification.

Conducting Trainings

15. At least once a year, Respondent shall meet with each process server to whom it assigns or distributes process for service in New York City to conduct a training on the following process server laws and rules:

Title 6 of the Rules of the City of New York, Section 2-231

Title 6 of the Rules of the City of New York, Section 2-232

Title 6 of the Rules of the City of New York, Section 2-232a

Title 6 of the Rules of the City of New York, Section 2-232b

Title 6 of the Rules of the City of New York, Section 2-232c

Title 6 of the Rules of the City of New York, Section 2-232d

Title 6 of the Rules of the City of New York, Section 2-233

Title 6 of the Rules of the City of New York, Section 2-233a

Title 6 of the Rules of the City of New York, Section 2-233b

Title 6 of the Rules of the City of New York, Section 2-234

Title 6 of the Rules of the City of New York, Section 2-234b

Title 6 of the Rules of the City of New York, Section 2-235

Title 6 of the Rules of the City of New York, Section 2-236

Title 6 of the Rules of the City of New York, Section 2-237

Title 6 of the Rules of the City of New York, Section 2-238

New York General Business Law, Section 89-ff

New York Civil Practice Law and Rules, Section 307

New York Civil Practice Law and Rules, Section 308

New York Civil Practice Law and Rules, Section 309

New York Civil Practice Law and Rules, Section 310

New York Civil Practice Law and Rules, Section 310-a

New York Civil Practice Law and Rules, Section 311

New York Civil Practice Law and Rules, Section 311-a

New York Civil Practice Law and Rules, Section 312

New York Business Corporation Law, Section 306

Respondent shall also conduct a training prior to assigning or distributing process to an individual process server who has not attempted or effected service of process on Respondent's behalf previously.

16. The training shall also consist of a review of the three (3) most recent Monthly Compliance Reports completed for the process server undergoing the training, except with respect to new process servers to whom the Respondent had not previously assigned or distributed service.

17. At the conclusion of each training, Respondent shall ensure that the process server sign the "Process Server Training Acknowledgement Form" annexed as Attachment D.

18. Respondent shall maintain the Process Server Training Acknowledgment Form for each training it conducts for a period of seven (7) years at the address where Respondent is licensed. The acknowledgements must be made 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.

Implementing Disciplinary Actions

19. Respondent shall take appropriate disciplinary action against all individual process servers who fail to comply with the process server rules and laws, including, but not limited to, suspending or terminating his or her employment, agency or other relationship with the individual process server.

20. Respondent shall report to the Department in writing all individual process servers against whom it has taken disciplinary action within ten (10) days of taking the action using the "Disciplinary Actions and Non-Compliance Report" annexed as Attachment E. The term "disciplinary action" includes, but is not limited to, written or oral warnings or reprimands, probation, monetary penalties, suspensions or terminations of employment, and decisions to give a process server less work or no work at all because of their misconduct. The report to the Department shall be sent via e-mail to **process_server@dca.nyc.gov** in Microsoft Excel format.

21. Respondent shall report to the Department in writing the name and license number of each individual licensed process server who does not comply with the rules or law governing process servers within ten (10) days of learning of such non-compliance using the "Disciplinary Actions and Non-Compliance Report" annexed as Attachment E. This includes reporting any failure to comply with the requirements of 6 RCNY § 2-233 (concerning bound logbooks), the requirements of 6 RCNY § 2-233a (concerning electronic logbooks), the requirements of 6 RCNY § 2-233b (concerning GPS), the requirements of 6 RCNY § 2-235 (concerning affidavits of service), or the requirements of 6 RCNY § 2-236 (concerning traverse hearings). The report to the Department shall be sent via e-mail to **process_server@dca.nyc.gov** in Microsoft Excel format.

22. Respondent shall maintain records of any disciplinary actions taken against individual process servers and reports of non-compliance with the process server rules and laws for at least seven (7) years at the address where Respondent is

licensed. Disciplinary actions taken by Respondent must be documented contemporaneously. Disciplinary records shall include:

(i) all underlying records leading to or supporting the disciplinary action;

(ii) all written communications with individual process servers relating or referring to the disciplinary action or the underlying reasons for the discipline;

(iii) notes of any oral communications with individual process servers relating or referring to disciplinary actions or the underlying reasons for the discipline, including the types (interview, phone call, etc.) and dates of the communications.

If no written communications or notes exist relating to a disciplinary action, Respondent shall create a contemporaneous summary of the disciplinary action, its reasons for taking disciplinary action and all communications with the process server relating or referring to the discipline or the underlying reason for the discipline, including the types (interview, phone call, etc.) and dates of the communications. Disciplinary records and reports must be made 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.

Traverse Hearings

23. 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.

24. 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 report form annexed as Attachment F. 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.

25. 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.

26. 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.

27. 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.

28. Respondent shall submit a report to the Department by email, to TraverseReports@dca.nyc.gov, using the report form annexed as Attachment F. 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.

29. Respondent shall conduct an investigation into every traverse hearing scheduled since April 1, 2011, whether or not held, relating to process that was assigned or distributed by Respondent for service in New York City within one (1) month from the Effective Date of this Consent Order. The investigation shall, to the extent possible, be conducted in accordance with the instructions contained in the Service Investigation Report annexed as Attachment G. The report is available on the Department's web site and may be updated periodically.

30. Respondent shall also conduct an investigation into every traverse hearing scheduled in the future, whether or not held, relating to process that was assigned or distributed by Respondent for service in New York City within ten (10) days of learning of such hearing in accordance with the instructions contained in the Service Investigation Report annexed as Attachment G.

31. 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.

32. Respondent shall maintain, for seven (7) years, a single report concerning all traverse hearings that Respondent investigated and copies of all documents

gathered or created pursuant to its investigations into traverse hearings, including all written communications with individual process servers and notes concerning communications with individual process servers. Such documents shall be made 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.

Investigating Default Judgments

33. Respondent understands that the Department may, from time to time, notify Respondent of individual process servers whose assigned service of process resulted in a substantial number of defaults, and will provide Respondent a list of such defaults. When such a notification is sent to Respondent by the Department, Respondent shall investigate the services in accordance with the instructions contained in the Service Investigation Report annexed as Attachment G and submit the completed report to the Department within thirty (30) days of receiving the notification.

Maintaining Electronic Records

34. Respondent shall maintain electronic records in accordance with 6 RCNY § 2-233(c)(1)(i)-(vii) and 6 RCNY § 2-233a(b), including electronic records of daily activity and electronic copies of all affidavits of service, work orders, routing sheets, instructions to individual process servers and notes submitted by individual process servers. Such records shall be maintained at the address where Respondent is licensed and shall be made 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.

35. Respondent shall maintain for seven (7) years electronic image files of the logbooks of each individual process server to whom Respondent has assigned or distributed process for service in New York City. Such records shall be maintained at the address where Respondent is licensed and shall be made 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.

B. Respondent shall memorialize in writing the policies and procedures described in paragraphs A(1)-(35) of this Consent Order in Respondent's compliance plan, which shall be made 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.

C. Upon notification from the Department, a principal of Respondent shall appear at the Department within sixty (60) days for a review of Respondent's implementation of its Compliance Plan, compliance with the terms of this Order and such other issues as the Department, in its discretion, deems appropriate. Respondent shall produce such records as the Department may request at the scheduled meeting. Failure to appear at

a scheduled meeting or produce requested records will constitute a violation of this Order.

D. The following conduct shall be grounds for revocation of any license held by Respondent:

   a. Failure to pay any restitution or fine ordered by the Department's Tribunal; or

   b. Failure to pay any consumer restitution awarded by any other court or administrative body of competent jurisdiction within thirty (30) days of Respondent's receipt of the decision of such court or the exhaustion of all appeals therefrom, whichever is later.

III. FINES

1) Respondent shall pay a fine of thirty five thousand dollars ($35,000.00) in settlement of all the violations to date before the parties execute this CO.

IV. MISCELLANEOUS

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

2) Respondent appoints Steven Shurgin 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: [redacted]

3) 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.

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

V. NON-COMPLIANCE WITH THIS ORDER

1) A finding, after notice and hearing, that Respondent has committed a material breach of the terms of this Order shall be sufficient grounds for the revocation of Respondent's license and for ineligibility to be licensed for a period of five years.

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

3) Violations of law and violations of this Order shall be assessed as separate violations with separate fines, with a maximum penalty of $1,000.00 for each violation.

VI. WAIVER OF APPEALS

1) 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.

VII. LICENSURE

1) This Consent Order is being entered into as a condition of licensure. Upon execution of this Consent Order, the Department will issue Respondent a process serving agency license.

VIII. EFFECTIVE DATE

1) The Effective Date of this Consent Order shall be March 1, 2013.

IX. EXPIRATION OF CONSENT ORDER

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

X. DEPARTMENT'S AUTHORITY

1) Nothing in this 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 Capital Process Servers, Inc.

By: Steven Shurgin

Title: President

Signature 2-4-13 Date

Accepted for the Department of Consumer Affairs

By: [redacted]

Title: Senior Staff Attorney

[redacted] 2/7/13

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

ATTACHMENT A

PROCESS SERVER SCREENING PROTOCOL

Name of Process Serving Agency ("PSA"): _____ License #: _____

Name of Process Server Individual ("PSI"): _____ License #: _____

Date(s) That PSI Was Screened By PSA: _____

A. License Status

Instructions:

1. Review the DCA website to check the process server's license status.
2. Make a copy of the process server's license.
3. If the process server does not have a license, ask to see a temporary operating letter from DCA.

What is the process server's license status according to DCA's website?_____

Did the process server give you a copy of his/her license? _____

If the process server did not give you a copy of his/her license, did the process server give you a temporary operating letter from DCA? For what period of time? _____

B. Traverse Hearings and Complaints History

Instructions:

1. Make a Freedom of Information Law ("FOIL") request to DCA (by e-mailing dcafoil@dca.nyc.gov) for:
    - a copy of all traverse reports and decisions relating to the process server
    - a copy of all decisions issued by DCA's Adjudication Tribunal concerning the process server
2. Check DCA's website for consent orders entered into by the process server and to see the terms with which the process server must comply. Consent orders from 2009 to the present are available for viewing in the "Know The Law" section of the website.

To your knowledge, how many times was a hearing scheduled to challenge service allegedly made by the process server in the last two (2) years? [1] _____

How many of those challenges were sustained? _____

To your knowledge, was the process server ever fined or disciplined by DCA? For what reason(s)?

_____

_____

[1] If you do not receive information requested pursuant to a FOIL request within five (5) business days, you may answer questions relating to traverse hearings and consumer complaints without the benefit of that information.

C. Employment History

Instructions:

1. Ask the process server for a list of process serving agencies, law firms or other employers that he or she has worked for over the past three (3) years.
2. Attempt to contact two (2) previous agencies or employers for whom the process server served process. If you receive no response to your first attempted contact, you must make a separate attempt on a different day.
3. Ask the agencies or employers whether the process server was ever disciplined or terminated and the reasons therefor. In addition, ask them whether they stopped giving the process server work and if so, why.
4. Ask the previous employers whether any red flags were ever raised with respect to the process server.
5. Ask the previous employers how many traverse hearings the process server had and how many resulted in a finding of improper service.

Which previous employers did you attempt to contact, how (telephone, e-mail, etc.) and when?

_____

_____

_____

According to the process server's previous employers, was the process server ever disciplined or terminated? If so, why?

_____

_____

_____

According to the process server's previous employers, did any of the previous employers stop giving work to the process server? If so, why?

_____

_____

_____

Did any of the previous employers state that there were red flags raised with respect to the process server? If yes, what were they?

_____

_____

According to the process server's previous employers, how many traverse hearings did the process server have? Did any of them result in findings of improper service? What were the reasons, according to previous employers, for the sustained traverses?

_____

_____

D. Process Server Records

Instructions:

1. Request that the process server provide to you his/her most recent logbook. Review the most recent ten (10) pages of the logbook and answer the questions below.
2. Request that the process server provide to you the records that the process server maintains pursuant to Section 2-233a of Title 6 of the Rules of the City of New York ("233a records") for the past month for which there are records.
    i. If the process server scans logbooks, request that the process server provide you with the portable media device on which the electronic image files are saved. Review the image files for the last week to determine whether the process server has a separate image file for each day that he/she attempted or effected service of process and answer the questions below.
    ii. If the process server maintains 233a records with a third party or on the DCA-created Excel spreadsheet, review the twenty (20) most recent records and answer the questions below.
3. Request that the process server provide to you the GPS records that the process server maintains pursuant to Section 2-233b of Title 6 of the Rules of the City of New York for the past month for which there are records. Review the twenty (20) most recent records and answer the questions below.
4. Request that the process server provide to you his/her fifteen (15) most recent affidavits of service. Review them and answer the questions below.

Did the process server provide you with the following records? (Place a check next to each one that he or she did bring)

☐ Logbook ☐ Affidavits of Service ☐ 233a Records ☐ GPS Records

If there are records that the process server did not provide to you, please identify the records and explain why, according to the process server, they were not provided:

_____

***Logbook Review*:**

What is the date range of the logbook? _____

Is the logbook properly bound? [Properly bound means a book or ledger that at the time of purchase contains a specified number of unfolded sheets of paper or other material that are permanently secured

to covers by stitching, glue, or any other such method that is calculated to make readily discernable the removal or insertion of one or more sheets after the first use of such volume.]

☐ Yes ☐ No

Is the logbook properly paginated? [The page numbers must have been there at the time of purchase]?

☐ Yes ☐ No

Are attempted and effected services of process recorded separately?

☐ Yes ☐ No

Do you have a reason to believe that the entries in the logbook were not made contemporaneously? ["Contemporaneous" in relation to entries in records means at or near the time of the event as to which an entry is recorded, or within a reasonable time thereafter.]

☐ Yes ☐ No

Are the logbook entries in chronological order? ["Chronological" with respect to the notation in a process server record or log means that each notation must be entered sequentially according to the time and date of the activity recorded and without leaving any blank spaces between each entry that would allow for the insertion of any additional notation between any two entries.]

☐ Yes ☐ No

Is the handwriting in the logbook legible?

☐ Yes ☐ No

Were logbook corrections made in the appropriate manner? [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.]

☐ Yes ☐ No

Do the logbook entries include all the information that is required to be recorded pursuant to 6 RCNY § 2-233? [check each one for which the answer is yes]

☐ the name **and** license number of the entity or individual who distributed the papers to the process server
☐ the title of the action or a reasonable abbreviation thereof
☐ the name of the individual, company or organization served, if known
☐ the date and approximate time service was effected
☐ the address where service was effected
☐ the nature of the papers served
☐ the court in which the action has been commenced

- ☐ the index number of the action, if known
- ☐ the description of the individual served, if applicable
- ☐ the type of service effected (personal, substituted, conspicuous, or corporate)
- ☐ for process effected by conspicuous service, the color **and** composition of hallway walls adjacent to the door to which process was affixed
- ☐ for process effected by conspicuous service, the color **and** composition of the hallway floor or doorstep
- ☐ for process effected by conspicuous service, the location of the premises in relation to stairs, elevators or entranceways
- ☐ for process effected by conspicuous service, the postal receipt number of registered or certified mail

Affidavits of Service Review:

Does the process server appear to maintain copies of the affidavits of service signed by him/her, as required by Title 6 of the Rules of the City of New York, Section 2-235? _____

Do the affidavits of service provided to you include the process server's name and license number?

☐ Yes ☐ No

Do the affidavits of service provided to you include the process serving agency's name and address?

☐ Yes ☐ No

Do the affidavits of service provided to you include the case name and index number?

☐ Yes ☐ No

233a Records Review:

According to the process server, what is the method by which the process server maintains 233a records?

- ☐ Scans logbooks into image files and backs up to a portable media device
- ☐ Inputs information into DCA-created Excel spreadsheet and backs up to portable media devices
- ☐ Uploads data to a third party contractor
- ☐ The process server does not maintain 233a records.

If the process server maintains 233a records by scanning logbooks, does the portable media device provided by the process server contain separate image files for each day that the process server attempted or effected service of process? _____

If the process server states that he or she maintains 233a records by inputting the information into the DCA-created Excel spreadsheet or uploading the data to a third party, do the process server's records

include **all** the information that is required to be recorded pursuant to 6 RCNY § 2-233a? [check each one for which the answer is yes]

- ☐ the name of the individual process server to whom service was assigned, entered in two fields (last name, first name)
- ☐ the license number of the individual process server to whom service was assigned, entered as a seven digit number, where the first number is zero if the process server's license number is less than seven digits
- ☐ the title of the action or proceeding, if any
- ☐ the name of the individual, company or organization served, if known
- ☐ the date that service was effected, entered as MM/DD/YYYY
- ☐ the time that service was effected, entered as military time
- ☐ the address where service was effected, entered as three different fields such that one field will be for the street address and any apartment number, the second field will be for the city or borough, and the third field will be for zip code
- ☐ the nature of the papers served
- ☐ the court in which the action was commenced, entered as either Civil Court NYC, Civil Supreme, Criminal, Housing(L/T), or District Court, followed by the county of the court, the judicial department if appellate, or the federal district
- ☐ the full index number, entered with all information necessary to identify the case, such as XXXXX/XX, unless the case is a Civil Local matter, in which case, it will include the prefix of CV, CC, LT, MI, NC, RE, SC, or TS
- ☐ if service was effected pursuant to subdivisions (1) through (3) of CPLR §308, a description of the person served, consisting of six fields, including sex, hair color, approximate age, height, weight, and any other identifying features provided by the process server
- ☐ whether service was delivered, as indicated by a Y or N
- ☐ the type of service effected, entered as a P for personal service, an S for substitute service, a C for conspicuous service, or a CO for corporate service
- ☐ if service was effected pursuant to subdivision (4) of CPLR §308 or subdivision one of RPAPL §735, a description of the door and the area adjacent

GPS Records Review:

Who is the process server's third party GPS contractor? _____

Do the process server's GPS records include all of the following information for **every** entry? [check each one for which the answer is yes]

- ☐ plaintiff or petitioner
- ☐ defendant or respondent
- ☐ docket number (if there is one)
- ☐ the date that service was attempted or effected **according to the device**, entered as MM/DD/YYYY
- ☐ the time that service was attempted or effected **according to the device**, entered as military time
- ☐ the date that service was attempted or effected **according to GPS or cellular signals**, entered as MM/DD/YYYY

- ☐ the time that service was attempted or effected **according to GPS or cellular signals**, entered as military time
- ☐ the address where service was attempted or effected
- ☐ the location **according to GPS or cellular signals**
- ☐ the name of the individual, company or organization that is the intended recipient of the process
- ☐ the name of the individual, company or organization to whom process was Delivered (if service was completed)

E. Hiring and Monitoring

State the agency's basis for hiring the process server (BE SPECIFIC):

_____

_____

_____

_____

_____

For each problem identified using this screening protocol, state what the agency will do to make sure that the problem does not occur again? (BE SPECIFIC)

_____

_____

_____

_____

_____

State all other measures by which the agency will ensure that the process server acts with integrity and honesty and complies with DCA's recordkeeping rules? (BE SPECIFIC)

_____

_____

_____

_____

_____

CERTIFICATION BY PROCESS SERVING AGENCY

I, _____, certify that I conducted the foregoing screening of
(name of person conducting screening)

the applicant, _____, prior to _____
(name of process server) (name of process serving agency)

assigning or distributing process to the applicant for service in New York City.

Signature: _____

Title: _____

Date: _____

ATTACHMENT B

PROCESS SERVING AGENCY MONTHLY COMPLIANCE REPORT

Process Serving Agency Name (the "Agency"):

Process Serving Agency's DCA License Number

Business Address:

Name of Process Server Whose Records Were Reviewed: | **Does This Individual Serve Process Exclusively For The Agency?**

Instructions:
- **Questions 4-19 require the agency to review each entry in the logbook for the month.**
- **Question 29 requires the agency to review each entry in the 233a records for the month.**
- **Questions 40 requires the agency to review each entry in the GPS records for the month.**

Item	Description	Yes	No	N/A	IF YOUR ANSWER IS "NO" TO ANY OF THESE QUESTIONS, PLEASE PROVIDE THE FOLLOWING INFORMATION FOR EACH RECORD OR ENTRY THAT WAS NON-COMPLIANT:								
					Time of Service	Date of Service	Person or Entity Served	Type of Service	Address of Service	Title of Action	Court	For Each Entry, Record or Event Listed Below, State Specifically Why The Answer To This Question is No	State Any Corrective/ Disciplinary Action Taken By The Agency
1	Does the process server maintain a record of all attempted and effected services for the agency in a bound volume? *"Bound volume" means a book or ledger that* ***at the time of purchase*** *contains a specified number of unfolded sheets of paper or other material that are permanently secured to covers by stitching, glue, or any other such method that is calculated to make readily discernable the removal or insertion of one or more sheets after the first use of such volume.*												
2	Are the process server's logbooks paginated? *"Paginated" means that each page in a volume or log,* ***at the time of purchase****, is sequentially numbered starting with the number "1" or contains an indelible label stating the number of pages the volume originally contained.*												
3	Does the process server record attempted and effected services in separate entries? *(i.e., entries for attempted and effected services cannot be combined into one line or record)*												
4	Are all logbook entries in chronological order? *"Chronological" with respect to the notation in a process server record or log means that each notation shall be entered sequentially according to the time and date of the activity recorded and* ***without leaving any blank spaces*** *between each entry that would allow for the insertion of any additional notation between any two entries.*												
5	Are all logbook entries legible? *"Legible" with respect to the handwriting in the record kept by process servers and in the scanned or copied images of such record means easily read and discernable in all of its details, and in no way obscured.*												

6	Were corrections in the logbook made appropriately? *Corrections may 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.*												
7	Does every logbook entry contain the name of the entity or individual from whom the process served was received?												
8	Does every logbook entry concerning process distributed by a process serving agency contain the license number of the process serving agency?												
9	Does every logbook entry contain the title of the action (if there is one) or a reasonable abbreviation thereof?												
10	Does every logbook entry recording a completed service contain the name of the person or entity served?												

11	Does every logbook entry contain the date and time of service or attempted service?												
12	Does every logbook entry contain the address of service or attempted service?												
13	Does every logbook entry recording a completed service contain the nature of the papers served?												
14	Does every logbook entry contain the court name (if there is one)?												
15	Does every lobgook entry contain the the index number of the action (if there is one)?												
16	For service effected by personal or substituted service, does every logbook entry include a description of the person served, including sex, skin color, hair color, approximate age, height and weight?												
17	Does every logbook entry recording a completed service contain the type of service effected (i e personal, substituted, conspicuous, or corporate)?												

18	Does every logbook entry recording a conspicuous service include a description of the area adjacent to the door to which process was affixed (including the color and composition of hallway walls, color and composition of hallway floor or doorstep, and location of premises in relation to stairs, elevator or entranceway)?			
19	For all service completed by the process server pursuant to RPAPL § 735(1) using registered or certified mail, does every logbook entry include the postal receipt number of registered or certified mail?			
20	Did the process server scan his or her logbook entries for the month into electronic image files?			
21	Is there a separate electronic image file of the logbook for every date that process was served? **For questions 21-26, check the N/A box if, instead of scanning logbooks, the process server chose to enter records into an electronic record-keeping system or upload service data to a third party.*			
22	Is every electronic image file named with the date of the service recorded in the logbook and the process server's license number?			

23	Was every scan of the logbooks completed within one business day?			
24	Are all of the process server's scanned image files saved to a portable media device?			
25	According to the process server, is the process server's portable media device kept in a separate location from the original image files?			
What did the process server say?				
26	Is each portable media device labeled with the process server's last name, license number, and the date range of the records?			
27	Does the process server maintain electronic records pursuant to Section 2-233a of Title 6 of the Rules of the City of New York ("233a records") by inputting service information into a DCA-created Excel spreadsheet?			
28	Does the process server maintain electronic records pursuant to Section 2-233a of Title 6 of the Rules of the City of New York ("233a records") by uploading service information to a third party?			

29	For process servers that maintain 233a records by inputting service information into the DCA-created Excel spreadsheet or uploading the information to a third party, does every entry in the electronic records include the following information: a) the name of the individual process server to whom service was assigned; b) the license number of the individual process server to whom service was assigned; c) the title of the action or proceeding, if any; d) the name of the individual, company or organization served, if known; e) the date that service was attempted or effected; f) the time that service was attempted or effected; g) the address where service was attempted or effected; h) the nature of the papers served or attempted to be served; i) the court in which the action was commenced, if any; j) the full index number, if any; k) if service was effected pursuant to subdivisions (1) through (3) of CPLR §308, a description of the person served, consisting of six fields, including sex, hair color, approximate age, height, weight, and any other identifying features provided by the process server; l) whether service was delivered, as indicated by a Y or N m) if service was effected, the type of service effected; and n) if service was effected pursuant to subdivision (4) of CPLR §308 or subdivision one of RPAPL §735, a description of the door and the area adjacent **Check the N/A box if the process server maintains 233a records by scanning logbooks.*													
30	On the Department's randomly-selected audit date, is the information contained in the process server's affidavits of service consistent with the GPS data maintained by the process server's data storage contractor? ** The Department's randomly-selected audit date will be posted on the Department's web site in the first week of the following month. Questions 30-32 only apply to process that you distributed to the process server.*													
31	On the Department's randomly-selected audit date, is the information contained in the process server's affidavits of service consistent with the process server's logbook entries?													

32	On the Department's randomly-selected audit date, is the information contained in the process server's logbooks consistent with the GPS data maintained by the process server's data storage contractor?													
33	Please list all traverse hearings involving this process server which the Agency became aware of during the month		→											
34	For all traverse hearings listed in response to Question 33, is the information contained in the process server's logbooks consistent with the GPS data provided by the process server's data storage contractor?													
35	For all traverse hearings listed in response to Question 33, is the information contained in the process server's affidavits of service consistent with the GPS data provided by the process server's data storage contractor?													
36	For all traverse hearings listed in response to Question 33, is the information contained in the process server's affidavits of service consistent with the process server's logbook entries?													
37	Does the process server maintain copies of all the affidavits of service that he or she signed during the month relating to process performed on the agency's behalf?													

38	Do the process server's affidavits of service relating to process performed on the agency' behalf include the process server's name and license number and the process serving agency's name and address (if there is one)?												
39	Was a GPS record created for every instance in which the process server attempted or effected service of process in New York City on the agency's behalf?												
40	Does every entry in the process server's GPS records include the following information: a) a unique file identifier; b) the process server's license number; c) the process serving agency's license number, if any; d) plaintiff or petitioner; e) defendant or respondent; f) docket number; g) the date that service was attempted or effected according to the device, entered as MM/DD/YYYY; h) the time that service was attempted or effected according to the device, entered as military time; i) the date that service was attempted or effected according to GPS or cellular signals, entered as MM/DD/YYYY; j) the time that service was attempted or effected according to GPS or cellular signals, entered as military time; k) the address where service was attempted or effected l) the name of the individual, company or organization that is the intended recipient of the process; and m) if service was effected, the name of the individual, company or organization to whom process was delivered												

REMINDER: ALL INSTANCES OF NON-COMPLIANCE WITH ANY OF THE PROCESS SERVER RULES OR LAWS MUST BE REPORTED IN WRITING TO THE NYC DEPARTMENT OF CONSUMER AFFAIRS. PLEASE COMPLETE THE DISCIPLINARY ACTIONS AND NON-COMPLIANCE REPORT AVAILABLE ON THE DEPARTMENT'S WEBSITE AND SEND IT AS AN E-MAIL ATTACHMENT TO PROCESS_SERVER@DCA.NYC.GOV.

ATTACHMENT C

MONTHLY GPS INVESTIGATION REPORT

Name of Process Serving Agency:

Address:

License Number:

Date of Review:

Name of Person(s) Conducting Review:

***This document must be maintained by the process serving agency as a Microsoft Excel file for a minimum of seven years and shall be made available to the NYC Department of Consumer Affairs ("DCA") upon request.**

Instructions:

1. For each process server that you assigned process to, select 25 or more GPS records recording completed services (not attempts) on DCA's random audit date (nyc.gov/processserver) to investigate. If there are fewer than 25 GPS records for effected services on the random audit date, select the GPS records mmediately before or after the records on the random audit date.

2. Record information relating to all 25 services in Columns 1-11.

3. For each service:

• Open an electronic mapping program such as GoogleMaps. Compare the address where the process server claimed he effected process with the location where the GPS data shows the process server actually was. [Note: GoogleMaps is able to map latitude and longitude, as well as map coordinates.] Note the walking or driving distance between the two points (whichever one is smaller) in Column 12.

4. For each record in which the electronic street map show that the process server was more than 0.5 miles away from the location that he/she claimed to have effected service:

• Using the electronic mapping program, compare the process server's home address with the location where the GPS data shows the process server actually was. Answer the question in Column 13.
• Using the electronic mapping program, compare the GPS location for the process server for the service or attempt immediately before the service and immediately after the service. Answer the question in Column 14.
• Review the photo taken by the process server and the GoogleMaps "streetview" feature to assist you in identifying the location where the GPS record was created. Answer the questions in Column 15.
• Review the information in the process server's logbook relating to the challenged service to make sure that there actually is an entry, that no inappropriate corrections were made and that the information is consistent with the information contained in the process server's affidavit of service and notes regarding the service. Answer the questions in Columns 16-19.
• Using the electronic mapping program, map the directions for 3 points to see if it was possible to travel from Point A to Point B to Point C in the time that the process server wrote down in his/her electronic records (233a records):
  - Point A: the address contained in the 233a records immediately prior to the entry you are investigating
  - Point B: the address contained in the 233a records for the entry you are investigating
  - Point C: the address contained in the 233a records immediately after the entry you are investigating

Answer the question in Column 20.
• Interview the process server and ask what he/she remembers about the service. Cover the following topics:
  - description of the building
  - description of the front yard or area immediately outside the building
  - description of the person served

Answer the question in Column 21.
• Ask the process server to explain why the GPS record indicates that the server was more than 0.5 miles from where service was supposedly effected.
• Fill in Column 22 and Column 23(if relevant).

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Process Server Name	Process Server License Number	Title of Action	Building Number, Street Name, and Apartment/Floor	City	Zip	GPS Latitude	GPS Longitude	Date of Service According to GPS or Cellular Signals	Time of Service According to GPS or Cellular Signals	Date That Agency Reviewed Electronic Street Map	Distance Between GPS Location and Address Where Service Was Supposedly Effected (In Miles)	Does The GPS Data Show The Process Server Was Within 0.5 Miles of the Server's Home?	What Does The GPS Data For the Service or Attempt Immediately Prior and Immediately After Indicate?	Does The Photo Provide Evidence Of Where The Process Server Created The GPS Record? If So, What Does It Show?	Did The Process Server Create A Logbook Entry For The Service?	Were Any Corrections Made To The Logbook Entry? If So, What Was Corrected?	Is The Information In The Logbook Consistent With The Affidavit Of Service?	Is The Information In The Logbook Consistent With The Process Server's Notes Regarding The Service?	Was It Possible To Go From Point A To Point B To Point C In The Time Specified In The Process Server's Electronic Records (233a Records)?	What Does The Process Server Remember About The Service?	Based On All The Evidence, State The Agency's Belief As To Whether Service Was Effected Properly And The Basis For That Belief	Corrective or Disciplinary Action Taken (If Any)

REMINDER: ALL INSTANCES OF NON-COMPLIANCE WITH ANY OF THE PROCESS SERVER RULES OR LAWS MUST BE REPORTED IN WRITING TO THE NYC DEPARTMENT OF CONSUMER AFFAIRS. PLEASE COMPLETE THE DISCIPLINARY ACTIONS AND NON-COMPLIANCE REPORT AVAILABLE ON THE DEPARTMENT'S WEBSITE AND SEND IT AS AN E-MAIL ATTACHMENT TO PROCESS_SERVER@DCA.NYC.GOV.

ATTACHMENT D

TRAINING ACKNOWLEDGEMENT FORM

I, _____, acknowledge that I attended a training
(name of process server)

conducted by _____ on _____.
(process serving agency) *(date)*

During the training, I reviewed the "Process Server Records Review Checklist" that was completed with respect to the agency's review of my records for the following period: _____. I also discussed with the agency every item on the Process Server Records Review Checklist.

_____ _____
Signature of Process Server **Date**

_____
Print Name of Process Server

_____
License Number of Process Server

_____
Signature of Trainer

_____
Name of Trainer

ATTACHMENT E

DISCIPLINARY ACTIONS AND NON-COMPLIANCE REPORT

Name of Process Serving Agency:

Address:

License Number:

Principal Owner(s):

Name of Person Completing This Report:

Date of Report:

Process Server Name	Process Server License Number	Rule or Law Violated By Process Server	Description of Non-Compliant Acts or Omissions or Other Misconduct	How did the Process Serving Agency Learn of the Misconduct?	Date that Process Serving Agency Learned of the Misconduct?	Summary of Communications With Process Server Concerning the Misconduct	What disciplinary or corrective action was taken, if any, and when?

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ATTACHMENT F

Department of Consumer Affairs

TRAVERSE REPORT FORM FOR PROCESS SERVERS/AGENCIES WHO SIGNED A CONSENT ORDER

Process servers and process serving agencies both must report a scheduled traverse hearing (hearing contesting service) to the Department of Consumer Affairs (DCA) within 10 days of receiving oral or written notice that such a hearing has been scheduled. See Title 6, Rules of the City of New York § 2-236(a). Use **Part I** of this form to report the scheduled hearing. Submit this form and any attachments to DCA by e-mailing TraverseReports@dca.nyc.gov.

***Note**: Both the process server and the process serving agency must each submit a completed Traverse Report Form.*

PART I – REPORT OF HEARING

Date of Hearing	
Court	County
Part	Index No.
Judge	
Petitioner/Plaintiff	Petitioner/Plaintiff's Attorney (*include firm's name*)
Respondent/Defendant	Respondent/Defendant's Attorney (*include firm's name*)
Date of Service	
Process Server Name	DCA License No.
Process Serving Agency Name/DCA License No.	
I am submitting this form as:	☐ A process server individual ☐ An authorized representative for the process serving agency

Signature _____ Date _____

IMPORTANT: Process servers and process serving agencies both must report the final result of the traverse hearing to DCA within 10 days of learning the final result. See Title 6, Rules of the City of New York § 2-236(c). Use **Part II** of this form to report the final result of the traverse hearing.

Department of Consumer Affairs

TRAVERSE REPORT FORM FOR PROCESS SERVERS/AGENCIES WHO SIGNED A CONSENT ORDER

PART II – REPORT OF FINAL RESULT

Pursuant to the Consent Order that you signed with DCA, you shall learn the final result of each **scheduled** traverse hearing involving any challenge to service of process made or assigned by you and obtain a copy of the court's decision/order, including any stipulation or court file jacket setting forth the final disposition of the matter. The final result shall include any judicial order, waiver of the hearing, or voluntary settlement resolving the challenge to service of process. *Note:* "Decision reserved" is not a final result and you must continue to search for the final court decision in accordance with the procedure summarized below.

Within 10 days of learning the final result of a traverse hearing, you shall notify DCA by submitting this traverse report and a copy of the court's decision/order, by e-mail, to TraverseReports@dca.nyc.gov.

If you fail to learn the final result of the hearing and obtain a copy of the court's decision/order within 30 days of the scheduled hearing date, you must 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 you fail to receive a response to that inquiry within 60 days of the scheduled hearing date, you must search the court records. If you are unable to learn the final result and obtain a copy of the court's decision within 90 days of the scheduled hearing date, you must (1) within 100 days of the scheduled hearing date, provide a written explanation to DCA of why you were unable to do so and (2) continue to search the court records every 30 days until you learn the final result of the traverse hearing and are able to obtain a copy of the court's decision.

Final Result ***(Check ONE box only.)***

Traverse was:

☐ Sustained (improper service)
☐ Overruled (proper service)
☐ Settled (Provide details below.)
☐ Other (Provide details below, including any reason(s) that the traverse hearing was not held.)

Comments

Signature _____ Date _____

Print Name _____

ATTACHMENT G

SERVICE INVESTIGATION REPORT

Name of Process Serving Agency:

Address:

License Number:

***This document must be maintained by the process serving agency as a Microsoft Excel file for a minimum of seven years and shall be made available to the NYC Department of Consumer Affairs ("DCA") upon request.**

Instructions:
1. For each such service:

- Fill in Columns 1-11.
- Open an electronic mapping program such as GoogleMaps. Compare the address where the process server claimed he effected process with the location where the GPS data shows the process server actually was. [Note: GoogleMaps is able to map latitude and longitude, as well as map coordinates.] Note the walking or driving distance (whichever is smaller) between the two points in Column 12.
- Using the electronic mapping program, compare the process server's home address with the location where the GPS data shows the process server actually was. Answer the question in Column 13.
- Using the electronic mapping program, compare the GPS location for the process server for the service or attempt immediately before the service and immediately after the service. Answer the question in Column 14.
- Review the photo taken by the process server and the GoogleMaps "streetview" feature to assist you in identifying the location where the GPS record was created. Answer the questions in Column 15.
- Review the information in the process server's logbook relating to the challenged service to make sure that there actually is an entry, that no inappropriate corrections were made and that the information is consistent with the information contained in the process server's affidavit of service and notes regarding the service. Answer the questions in Columns 16-19.
- Using the electronic mapping program, map the directions for 3 points to see if it was possible to travel from Point A to Point B to Point C in the time that the process server wrote down in his/her electronic records (233a records):
  - Point A: the address contained in the 233a records immediately prior to the entry you are investigating
  - Point B: the address contained in the 233a records for the entry you are investigating
  - Point C: the address contained in the 233a records immediately after the entry you are investigating

Answer the question in Column 20.
- Interview the process server and ask what he/she remembers about the service. Cover the following topics:
  - description of the building
  - description of the front yard or area immediately outside the building
  - description of the person served

Answer the question in Column 21.
- If the GPS record shows that the process server was more than 0.5 miles from where service was supposedly effected, ask the process server to explain why.
- Fill in Columns 22-25.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Process Server Name	Process Server License Number	Title of Action	Building Number, Street Name, and Apartment/Floor	City	Zip	GPS Latitude	GPS Longitude	Date of Service According to GPS or Cellular Signals	Time of Service According to GPS or Cellular Signals	Date That Agency Reviewed Electronic Street Map	Distance Between GPS Location and Address Where Service Was Supposedly Effected (in Miles)	Does The GPS Data Show The Process Server Was Within 0.5 Miles of His/Her Home?	What Does The GPS Data For the Service or Attempt Immediately Prior and Immediately After Indicate?	Does The Photo Provide Evidence Of Where The Process Server Created The GPS Record? If So, What Does It Show?	Did The Process Server Create A Logbook Entry For The Service?	Were Any Corrections Made To The Logbook Entry? If So, What Was Corrected?	Is The Information In The Logbook Consistent With The Affidavit Of Service?	Is The Information In The Logbook Consistent With The Process Server's Notes Regarding The Service?	Was It Possible To Go From Point A To Point B To Point C In The Time Specified In The Process Server's Electronic Records (233a Records)?	What Does The Process Server Remember About The Service?	Based On All The Evidence, State The Agency's Belief As To Whether Service Was Effected Properly And The Basis For That Belief	Corrective or Disciplinary Action Taken (If Any)	Name of Person Conducting Investigation	Date Investigation Completed

REMINDER: ALL INSTANCES OF NON-COMPLIANCE WITH ANY OF THE PROCESS SERVER RULES OR LAWS MUST BE REPORTED TO THE NYC DEPARTMENT OF CONSUMER AFFAIRS. PLEASE COMPLETE THE DISCIPLINARY ACTIONS AND NON-COMPLIANCE REPORT AVAILABLE ON THE DEPARTMENT'S WEBSITE AND SEND IT AS AN E-MAIL ATTACHMENT TO PROCESS_SERVER@DCA.NYC.GOV.