

CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

FORENSIC PRIVATE INVESTIGATIONS INC.
31 HIGHLAND AVENUE
PORT WASHINGTON, NY 11050

Licensee / Respondent.

X

CONSENT ORDER

Violation No. LL005324905

License No. 1336935

X

1. The Department of Consumer Affairs ("DCA" or "the Department") and Forensic Private Investigations Inc. ("Respondent") enter into this Consent Order ("CO") to resolve charges that Respondent engaged in violations of the following laws and rules: Title 6 of the Rules of the City of New York ("6 RCNY"), Sections 1-16(a), 2-233(c)(1)(iii), 2-234a(b) and New York City Administrative Code, Section 20-101.
2. This CO shall apply to Respondent and any other directors, officers, 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.

DEFINITIONS

5. Terms are defined in 6 RCNY § 2-231.
6. "Report to the Department" means directing a written communication to the New York City Department of Consumer Affairs, Attn.: Legal Division, 42 Broadway, 9th Floor, NY, NY 10004, or as specifically indicated in this CO.

RECEIVED
COUNSEL
DEPT. OF CONSUMER AFFAIRS
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INJUNCTIVE RELIEF

7. Respondent has surrendered its process serving agency license, License No. 1336935.
8. Respondent shall not assign or distribute process to any individual for service in New York City unless it applies for and obtains a new process serving agency license from the Department.
9. Respondent shall not apply for a process serving agency license for at least five (5) years from the date that this Consent Order is executed by the Department.
10. If Respondent applies for and obtains a process server agency license from the Department at any time in the future, it shall adopt a written Compliance Plan which shall require it to:
 - a. at least once each month, review for completeness and accuracy the records of each individual process server to whom it assigns or distributes process;
 - b. prepare a monthly written report of its review of all the records maintained by each individual process server to whom it assigns or distributes process during that month;
 - c. maintain each monthly report for at least seven (7) years;
 - d. maintain records of any disciplinary actions taken against the individual licensed process server;
 - e. report to the Department in writing the name and license number of each individual licensed process server who does not comply with the law governing process servers within ten (10) days of learning of such non-compliance; and
 - f. make available, upon request, to the Department a copy of its record review procedures, any written reports of the reviews it maintains, and copies of any referrals of individual process servers to the Department.
11. If Respondent applies for and obtains a process server agency license from the Department at any time in the future, Respondent shall take appropriate disciplinary action against any individual process server who fails to comply with the law, including, but not limited to, suspending or terminating its employment, agency or other relationship with the individual process server.
12. If Respondent applies for a process server agency license from the Department at any time in the future it shall submit, along with its license application, an

affirmation to the Department that it has developed and implemented a written Compliance Plan.

13. If Respondent applies for and obtains a process server agency license from the Department at any time in the future, 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 documents will constitute a violation of this Order.

FINES

14. Respondent shall pay a fine of **\$1,000** in settlement of all the violations to date before the parties execute this CO, which shall be paid by money order or bank cashier's check payable to "NYC Department of Consumer Affairs."

NON-COMPLIANCE WITH THIS ORDER

15. A finding, after notice and hearing, that Respondent has committed a material breach of the terms of this Order shall establish that Respondent and any person owning 10% or more of the shares of Respondent are unfit to hold any license issued by the Department.
16. Specific violations of this Order shall constitute independent and separate violations of any applicable law, regulation or rule.
17. Violations of law and violations of this Order shall be assessed as separate fines, with a maximum penalty of \$1,000.00 for each violation.

WAIVER OF APPEALS

18. 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.

DEPARTMENT'S AUTHORITY

19. 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 Forensic Private Investigations
Inc.

Accepted for the Department of
Consumer Affairs

By:

By:

Senior Staff Attorney


Signature LWULF

7/8/2014
Date


Signature

7/21/14
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**

DEPARTMENT OF CONSUMER AFFAIRS,

NOTICE OF HEARING

Complainant,

-against-

Violation No. LL005324905

Forensic Private Investigations Inc.
31 Highland Avenue
Port Washington, NY 11050

License No. 1336935

Licensee/Respondent. (Process Serving Agency)

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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 LOCATED AT 66 JOHN STREET, 11TH FLOOR, NEW YORK, NEW YORK 10004 AT 9:30 A.M. ON MONDAY, AUGUST 12, 2013** to have charges against you heard concerning violations of Chapter 1 of the Code, beginning at Section 20-101 (known as the License Enforcement Law); Chapter 2 of the Code, 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); and 6 RCNY beginning at Section 2-231 (known as the Process Servers Rules);

AND SHOW CAUSE why your license to operate as a process serving agency should not be revoked, why monetary penalties should not be imposed on you and why you should not be prohibited, based on lack of fitness, from holding any license issued by the Department on the grounds specified herein.

FACTS

1. Respondent Forensic Private Investigations Inc. is licensed by the Department as a process serving agency under license number 1336935.
2. On or about December 23, 2011, Respondent entered into a Consent Order with the Department, agreeing to certain injunctive relief and penalty provisions in exchange for resolving the pending charges in Notice of Hearing LL 005287452 (the "Consent Order").
3. On March 8, 2013, the Department served Respondent with a subpoena *duces tecum* ordering it to produce certain records to the Department by June 12, 2013 (the "Subpoena").
4. The Subpoena ordered Respondent to produce the following records:
 - All documents demonstrating compliance with the Consent Order Respondent entered into with the Department, including but not limited to:
 - a. The compliance plan required by Section II of the Consent Order.
 - b. The reports detailing Respondent's monthly review of the records of each individual process server to whom it assigned, distributed or delivered process to be served in New York City for the period April 1, 2012 through September 30, 2012, as required by Section II of the Consent Order.
 - c. The records of disciplinary actions taken against process servers to whom Respondent assigned, distributed or delivered process to be served in New York City during the period January 2012 through the date that Respondent responds to the Subpoena, as required by Section II of the Consent Order.
 - d. All documents concerning any determinations that Respondent made not to assign or distribute process for service to an individual process server for any reason during the period January 2012 through the date that Respondent responds to the Subpoena, as required by Section II of the Consent Order.
 - For the period May 1, 2012 through July 31, 2012, scanned image files of the logbooks of each individual process server to whom Respondent assigned, distributed or delivered process to be served in New York City.
 - All GPS records regarding process that Respondent assigned or distributed for service in New York City and that a process server

served or attempted to serve during the period May 1, 2012 through July 31, 2012.

- For the period January 2012 through the date that Respondent responds to the Subpoena, documents sufficient to identify all traverse hearings scheduled, whether or not held, concerning service of process that Respondent assigned or distributed to a licensed process server.
 - All documents, including but not limited to e-mails, faxes, letters and memoranda, regarding investigations Respondent conducted or that were conducted on its behalf concerning the process underlying any traverse hearing Respondent identifies in response to the previous request.
 - Documents sufficient to identify every process server that Respondent distributed or assigned process to during the period March 1, 2012 through the date that Respondent responds to the Subpoena, and specifying the date that the process server began serving for Respondent.
5. As of the present date, Respondent has not produced any records to the Department or responded to the Subpoena in any manner.

CHARGES

Charge 1: Failure to Respond to Department Subpoena

1. Respondent violated 20-101 by failing to respond to a Department subpoena. [1 count]

Charges 2-5: Failure to Make Records Available for Inspection

2. Respondent violated RCNY § 1-16(a) by failing to make its compliance plan available for inspection by the Department. [1 count]
3. Respondent violated RCNY § 1-16(a) by failing to make its monthly record review reports available for inspection by the Department. [1 count]
4. Respondent violated RCNY § 1-16(a) by failing to make its records of disciplinary actions available for inspection by the Department. [1 count]
5. Respondent violated RCNY § 1-16(a) by failing to make its scanned images files of the logbooks of each individual process server to whom Respondent distributed

process for service in New York City available for inspection by the Department. [1 count]

Charges 6-12: Failure to Create or Maintain Records

6. Respondent violated 6 RCNY § 2-234a(b) by failing to create a written compliance plan setting forth its policies and procedures for ensuring that individual process servers act with integrity and honesty and comply with the recordkeeping requirements applicable to process servers. [1 count]
7. Respondent violated Section II(1) of the Consent Order by failing to create a written compliance plan setting forth its policies and procedures for ensuring that individual process servers act with integrity and honesty and comply with the recordkeeping requirements applicable to process servers. [1 count]
8. Respondent violated 6 RCNY § 2-234a(b) by failing to, at least once a month, review for completeness and accuracy the records of each individual process server to whom it assigned or distributed process for service in New York City. [1 count]
9. Respondent violated Sections II(1) and II(2)(a) of the Consent Order by failing to, at least once a month, review for completeness and accuracy the records of each individual process server to whom it assigned or distributed process for service in New York City. [1 count]
10. Respondent violated 6 RCNY § 2-234a(b) by failing to, at least once a month, prepare monthly written reports regarding its review of the records maintained by individual process servers to whom it assigned or distributed process for service in New York City. [1 count]
11. Respondent violated Sections II(1) and II(2)(b) of the Consent Order by failing to, at least once a month, prepare monthly written reports regarding its review of the

records maintained by individual process servers to whom it assigned or distributed process for service in New York City. [1 count]

12. Respondent violated 6 RCNY § 2-233(c)(1)(iii) by failing to maintain electronic copies of the logbooks of the process servers to whom it distributed process for service in New York City. [1 count]

Charge 13: Lack of Fitness

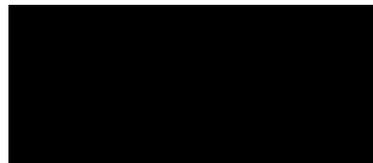
13. By virtue of the activities described above, Respondent violated § 20-101 of the Code by failing to maintain the standards of integrity, honesty and fair dealing required of licensees. [1 count]

WHEREFORE, the Department demands that an order issue: 1) revoking Respondent's process serving agency license; 2) finding Respondent unfit to hold any Department licenses; 3) imposing maximum fines on Respondent for each and every charge set forth herein; and 4) granting such other relief as is deemed just and proper.

Dated: July 10, 2013
New York, New York

For: **Jonathan Mintz**
Commissioner

By:

A large black rectangular redaction box covering the signature of the Senior Staff Attorney.

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 on the scheduled hearing date, a default decision will be issued in which you will be found guilty of the charges and 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 Administrative 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 David Cho, DCA Legal Division, 42 Broadway, 9th Floor, New York, NY 10004.

SETTLEMENTS: If you wish to discuss a possible settlement of the charges in this Notice of Hearing, contact David Cho at process_server@dca.nyc.gov at least 5 business days prior to the hearing date.

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.

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