

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

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**DEPARTMENT OF CONSUMER AFFAIRS,**

**Complainant,**

**-against-**

**Gene Gagliardi**  
[REDACTED]  
[REDACTED]

**Respondent.**

**ASSURANCE OF  
DISCONTINUANCE**

**PROCESS SERVER  
INDIVIDUAL**

**Violation No. LL # 5084174**

**Process Server License  
0872214**

-----X  
**Gene Gagliardi** ("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 A 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 a 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;
  - ii. a payment of \$500.00 due on or before August 20, 2009.
7. Respondent agrees to pay a bounced check charge at 100% of the bank charge assessed to DCA, if any such charge is assessed by a bank against any payment by Respondent.
8. Upon Respondent's failure to pay the second installment payment within five (5) days of the due date, the Department shall be entitled to, and Respondent shall pay, a \$50 late charge, the entire balance which shall be due immediately.

**Waiver of Appeals**

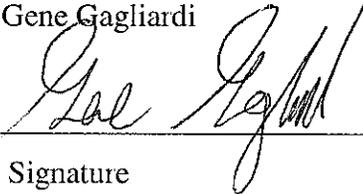
9. Respondent hereby agrees to waive any further right to a hearing and appeal on any of the matters referred to herein, under Title 20, Chapter 1 and Section 20-104 of the Code or under Article 78 of the New York State Civil Practice Law and Rules, §§7801-7806.

**Miscellaneous**

10. 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

Gene Gagliardi

 7-21

Signature

Date

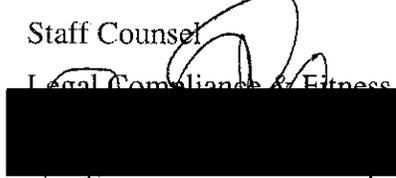
Accepted for

The Department of Consumer Affairs

By:  Day, Esq.

Staff Counsel

Legal Compliance & Fitness

 7/21/09

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 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).