

CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

NYC DCA

DEPARTMENT OF CONSUMER AFFAIRS,

CONSENT ORDER

Complainant,

-against-

INSYNC LITIGATION SUPPORT, LLC,

Violation No. 05401655

License No. 1460692

License No. 1370807

Respondent.

(Process Serving Agency)

1. Insync Litigation Support, LLC ("Respondent") enters into this Consent Order ("CO") with the New York City Department of Consumer Affairs ("DCA" or "the Department") to resolve allegations and/or charges that Respondent violated sections 2-234a(b), 2-233a(b), and 2-236(c)(2) of Title 6 of the Rules of the City of New York ("6 RCNY" or the "Rules"), and waives any right to a hearing, appeal of or challenge of the allegations, facts or charges alleged by the Department in any forum.
2. 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. In addition, 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 Sections 20-104 or 20-409 of the Administrative Code of the City of New York (the "Code").
3. This Consent Order shall constitute an Order of the Commissioner pursuant to Code §§ 20-104, 20-409(a) and shall apply to Respondent and all directors, officers, employees, agents, assignees, successors, subsidiaries, affiliates, or other business entities, whose acts, practices, or policies are directed, formulated, or controlled by Respondent. In addition, Respondent shall continue to be bound by the terms of prior Consent Orders it entered into with the Department. To the extent that there is a conflict between this Consent Order and a prior Consent Order, the terms of this Consent Order shall apply.

INJUNCTIVE RELIEF

4. Respondent shall ensure that its process servers serve process in compliance with all laws, rules, regulations and requirements of the federal, state and municipal authorities pertaining to process servers and the service of process, including Code §§ 20-403 through 20-410 and 6 RCNY §§ 2-233 through 2-238
5. Respondent shall not assign, distribute, or deliver process for service in New York City to any individual process server that does not maintain an active DCA process server license.
6. Respondent shall, in accordance with 6 RCNY § 2-234a(b), develop and implement policies and procedures to ensure that individual process servers to whom it assigns, distributes or delivers process

for service in New York City act with integrity and honesty, and comply with the recordkeeping requirements applicable to process servers and any applicable Consent Orders. Such policies and procedures shall be memorialized in a written Compliance Plan.

Monthly 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, including records that each process server maintains pursuant to 6 RCNY § 2-233 (“log book records”), 6 RCNY § 2-233a (“233a records”), and 6 RCNY § 2-233b (“GPS records”).
8. Respondent shall prepare a monthly report of its review of the records maintained pursuant to 6 RCNY §§ 2-233, 2-233a, 2-233b by each individual process server to whom it assigns or distributes process using the “Monthly Compliance Report” available on the DCA Process Server Website (nyc.gov/ProcessServers).
9. Respondent shall answer each and every question contained in the Monthly Compliance Report, truthfully, accurately and completely. This shall include identifying all record entries that are non-compliant. Respondent shall maintain its Monthly Compliance Reports as Microsoft Excel files for at least seven (7) years.

Disciplinary Actions

10. Respondent shall report to the Department in writing all process servers against whom it has taken disciplinary action within ten (10) days of taking such action using the current “Disciplinary Actions and Non-Compliance Report” available on the DCA Process Server Website. “Disciplinary actions” include, but are 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 conduct or performance. The report to the Department shall be sent via e-mail to **Process_Server@dca.nyc.gov** in Microsoft Excel format.
11. 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 current “Disciplinary Actions and Non-Compliance Report.” 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), 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.
12. Respondent shall immediately terminate its relationship with and cease distributing process to any process server who fails to make his or her log book (or a copy of his or log book) available to Respondent for the Respondent’s monthly record review within forty-five (45) days of Respondent’s request to review the log book, unless the process server represents to Respondent that the log book was stolen or destroyed.

Reporting of Traverse Hearings and Results

13. 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 a licensed individual process server was effective (a.k.a. a “traverse hearing”), Respondent shall:
 - (i) inform in writing (an e-mail shall constitute a writing), within ten (10) business days, 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; and
 - (ii) submit a report to the Department, within ten (10) days of receiving such notice, using the current “Traverse Report Form for Process Servers/Agencies Who Signed a Consent Order” available on 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.
14. Respondent shall learn the final result of each scheduled traverse hearing that concerns service of process by Respondent, including any judicial order, cancellation of the hearing, or settlement resolving the challenge to service of process. Respondent shall also obtain a copy of the court’s decision on any traverse hearings that actually occur, including any stipulation or court file jacket setting forth the court’s decision.
15. Within ten days of learning of the final result of a traverse hearing, Respondent shall notify the Department of the result by submitting a traverse report to the Department using the current traverse report form titled “Traverse Report Form For Process Servers/Agencies Who Signed A Consent Order,” available on the DCA Process Server Website. Respondent shall submit the completed traverse report form by e-mail to TraverseReports@dca.nyc.gov and shall append a copy of the court’s decision for any traverse hearings that actually occur.
16. If Respondent fails to learn the final result of a traverse hearing and obtain a copy of the court’s traverse decision within thirty (30) days of the scheduled hearing date, Respondent shall send a written communication to the plaintiff/petitioner or the plaintiff/petitioner’s attorney to obtain the final result and a copy of the court’s decision. If Respondent fails to learn the final result and obtain a copy of the court’s traverse decision within sixty (60) days of the scheduled hearing date, Respondent shall search the court file for such information. If Respondent fails to learn the final result and obtain a copy of the court’s decision within ninety (90) days of the scheduled hearing date, Respondent shall search the court file again for such information.
17. Within 100 days of the scheduled hearing date, Respondent must submit to the Department, by e-mail to TraverseReports@dca.nyc.gov either (a) the final result of the hearing and a copy of the court’s decision; or (b) a written explanation of why Respondent was unable to learn the final result of the hearing or obtain a copy of the court’s decision.
18. Respondent shall continue to search the court file every thirty (30) days until it learns the final result of the traverse hearing and is able to obtain a copy of the court’s decision.
19. Respondent and the individual process server whose service is being challenged must each submit a completed Traverse Report Form upon learning of the scheduling of a traverse hearing and learning the result of a traverse hearing. Process serving agencies may not submit traverse reports on an individual process server’s behalf.

FINES

20. Respondent shall pay a fine of \$4,000 in settlement of all the violations to date in the above-referenced matter by bank cashier's check or money order payable to "NYC Department of Consumer Affairs." Payment is due upon execution of this Consent Order.

MISCELLANEOUS

21. If the Department conducts a training on process server laws/regulations in the future and requests in writing that Respondent attend such training, an employee of Respondent with management responsibility shall attend the training, on a date and time set forth by the Department.
22. Upon request from the Department, Respondent shall produce, within thirty (30) days, any records that it is required to maintain pursuant to this Consent Order, the Code, or the Rules.

BREACH OF THIS CONSENT ORDER

23. Respondent's failure to produce any of the documents required by this Consent Order, the Code, or the Rules shall constitute prima facie evidence that Respondent has failed to maintain those records and is not in compliance with the underlying terms of the Consent Order, law, or rule for which such documents are required to be maintained.
24. Specific violations of this Consent Order shall, in addition to a breach of this Consent Order, constitute independent and separate violations of any applicable law, regulation or rule.
25. Nothing in this Consent Order shall prevent or otherwise affect the Department's authority to seek any and all available remedies for a breach of this Consent Order, or for a violation of a law or rule, as permitted by the New York City Charter, the Code, or the Rules, including the Department's authority to deny a license application or license renewal application without a hearing.

Agreed to by Insync Litigation Support, LLC

Accepted for the Department of Consumer Affairs

By: *David Glasse, President*

By: [Redacted]
Title: [Redacted]

[Redacted Signature]

7/27/16
Date

[Redacted Signature] [Redacted Date]