

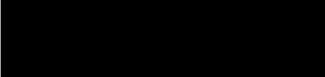
**CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS**

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DEPARTMENT OF CONSUMER AFFAIRS

CONSENT ORDER

Complainant,

-against-

LATTANINA DRUCKER


LL # 5321080

License # 1354803

(Process Server Individual)

Licensee/Respondent.
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1. Lattanina Drucker (“Respondent”) acknowledges that the New York City Department of Consumer Affairs (“DCA” or “the Department”) duly served Respondent with a Notice of Hearing charging Respondent with violations of the following rules: 6 RCNY §§ 2-236(c)(1), 2-236(c)(2).
2. Respondent enters into this Consent Order (“CO”) with the Department to resolve these charges without the necessity of a hearing.
3. 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

INJUNCTIVE RELIEF

4. Respondent agrees to immediately cease serving process in New York City.
5. Respondent agrees to immediately surrender her process server individual license.
6. Respondent agrees that she shall not apply to the Department for a process server license at any time in the future.

BREACH OF THIS AGREEMENT

7. Specific violations of this Agreement shall constitute independent and separate violations of any applicable law, regulation or rule.
8. Violations of laws, violations of Department rules and violations of this Agreement shall be assessed as separate fines, with a maximum penalty of \$1,000.00 each.

WAIVER OF APPEALS

9. Respondent waives any right to a hearing, appeal of or any challenge of the facts alleged by the above-referenced violation under Section 20-104 of the New York City Administrative Code or under Article 78 of the New York State Civil Practice Law and Rules, Sections 7801-7806, in any forum.

DEPARTMENT'S AUTHORITY

10. 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 Code.

Agreed to by Respondent

Accepted for the NYC Department of
Consumer Affairs

By: Lattanina Drucker

By: 

Legal Division

 7/22/13
Signature Date

 7/23/13
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 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 to www.nyc.gov/consumers.

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

-----x
DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF HEARING

Complainant,

-against-

LATTANINA DRUCKER


LL # 5321080

License # 1354803

(Process Server Individual)

Licensee/Respondent.
-----x

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 AT 66 JOHN STREET, 11TH FLOOR, NEW YORK, NEW YORK AT 9:30 A.M. ON WEDNESDAY, JULY 24, 2013;**

AND SHOW CAUSE why your license to operate as an individual process server should not be suspended or revoked and why monetary penalties should not be imposed on you:

APPLICABLE LAW

1. Pursuant to Title 6 of the Rules of the City of New York ("6 RCNY") § 2-236(a), an individual process server must report to the Department in writing, by certified mail or e-mail, when a court schedules a hearing to determine whether service of process made by the process server was effective (known as a "traverse hearing") within ten (10) days of receiving notice of the scheduled hearing.

2. Pursuant to 6 RCNY § 2-236(c)(2), an individual process server must report to the Department in writing, by certified mail or e-mail, the result of the traverse hearing (including any judicial order or voluntary settlement resolving the challenge to service of process) within ten (10) days of learning the result.
3. If the process server is unable to learn the result within ninety (90) days of the scheduled hearing date, the process server must report to the Department in writing within one hundred (100) days of the scheduled hearing date, by certified mail or e-mail, that the process server made attempts to learn the result but were unable to do so.
4. Pursuant to 6 RCNY § 2-236(c)(1), individual process servers must follow specific procedures to attempt to learn the results of traverse hearings.

FACTS

5. Respondent is licensed by the Department as an individual process server under license number 1354803.

American Express Bank v. [REDACTED]

6. On information and belief, in or about 2010, process was distributed to Respondent for service in the matter of American Express Bank v. [REDACTED] (Index Number 27490/10, Queens County Supreme Court) (“Amex”) and thereafter an affidavit of service executed by Respondent in which she attested that she had served such process in Amex was filed with the clerk of the court.
7. The court in Amex scheduled a traverse hearing for February 28, 2012 concerning the service of process allegedly made by Respondent.
8. Respondent received notice of the scheduling of the traverse hearing in Amex.

9. Respondent reported to the Department by facsimile that a traverse hearing had been scheduled in Amex.
10. Respondent did not report to the Department in writing, by certified mail or e-mail, the result of the traverse hearing or that Respondent made attempts to learn the result of the traverse hearing and was unable to do so in Amex.
11. Respondent did not attempt to learn the result of the traverse hearing in Amex in accordance with the procedures specified in 6 RCNY § 2-236(c)(1).

CHARGES

12. Respondent violated 6 RCNY § 2-236(c)(2) by failing to, within one hundred (100) days after the scheduled date of a traverse hearing(s), report to the Department either:
(a) the final result(s) of the traverse hearing(s); or (b) that Respondent made attempts to learn the final result(s) of the traverse hearing(s) but was unable to do so. (1 count)
13. Respondent violated 6 RCNY § 2-236(c)(1) by failing to attempt to learn the result(s) of a traverse hearing(s) in accordance with the procedures specified in 6 RCNY § 2-236(c)(1). (1 count)

WHEREFORE, the Department demands that an order issue: 1) imposing maximum fines on Respondent for each and every charge set forth herein; 2) suspending or revoking Respondent's license; 3) ordering Respondent to report to the Department, within 10 days, the results of any traverse hearings cited in this Notice of Hearing that Respondent has not reported to the Department; and 4) granting such other relief as is deemed just and proper.

Dated: May 21, 2013
New York, New York

For: **Jonathan Mintz**
Commissioner

By:



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);** by fax to 212-361-7766; 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 aliu@dca.nyc.gov; or by mail to Alvin A. Liu, DCA Legal Division, 42 Broadway, 9th Floor, New York, NY 10004.

SETTLEMENTS: If you wish to settle the charges in this Notice of Hearing, you **must sign** the enclosed Consent Order and mail it to Shannon Bermingham, NYC Department of Consumer Affairs, 42 Broadway, 9th Floor, New York, New York 10004 by **June 26, 2013**. You must enclose, with the signed Consent Order, a bank check or money order made payable to the “NYC Department of Consumer Affairs” for **\$500**.

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.