



# Process Server Open House

**August 21, 2013**

## MISSION OF DCA

Empowering consumers and businesses to ensure a fair and vibrant marketplace.

## STRATEGIC PRIORITIES

- Helping businesses do right by their customers.
- Educating, empowering and protecting consumers.
- Achieving excellence in the delivery of innovative programs and services.

## DCA Overview

Established in 1969 to ensure a fair and vibrant marketplace...

- **LICENSING** 78,000 businesses in 55 industries to maintain high standards of fairness and public accountability.
- **ENFORCING** the City's landmark Consumer Protection Law and other related City and State laws.
- **MEDIATING and RESOLVING** consumer complaints.
- **EDUCATING** New Yorkers about their rights as consumers and responsibilities as businesses.
- **LITIGATING** against businesses that break the law.



Department of  
Consumer Affairs



- GO TO <http://www.nyc.gov/html/dca/html/business/business.shtml>  
APPLY FOR LICENSE ONLINE.  
REPLACE LOST/STOLEN LICENSE.  
RENEW LICENSE ONLINE.  
UPDATE YOUR INFORMATION.  
CHANGE OF NAME AND CHANGE OF OFFICERS.  
HANDLE CONSUMER COMPLAINTS.  
FIND KEY LAWS ENFORCED BY DCA.  
GET FAQ'S, GUIDES AND TIPS.  
LEARN ABOUT OTHER LICENSES YOU MAY NEED.



Department of  
Consumer Affairs

# Useful DCA Emails For Businesses

- [Myappeal@dca.nyc.gov](mailto:Myappeal@dca.nyc.gov) to file an appeal or check on status of appeal.
- [Mycase@dca.nyc.gov](mailto:Mycase@dca.nyc.gov) to get information on the status of case such as when a decision will be reached.
- [Legalinterp@dca.nyc.gov](mailto:Legalinterp@dca.nyc.gov) to request a legal interpretation.
- [AdjournmentRequests@dca.nyc.gov](mailto:AdjournmentRequests@dca.nyc.gov) to request a new hearing date.

## Sources of DCA'S Authority

- New York City Charter
- New York Administrative Code
- Rules of the City of New York
- State Law
- Federal Law
- New York City businesses must comply with all relevant federal, state and City laws and rules.



# Purpose of Today's Presentation

- Give an overview of NYC's process server laws and rules
- Identify information available on DCA's website
- Explain how to report roster updates, traverse hearings and non-compliance with process server rules to DCA.



# Process Server Records

## Affidavits of Service:

- You must maintain your signed copies of the Affidavits of Service for seven (7) years in paper or electronic form.. **6 RCNY § 2-235.**
- You must include in the affidavit your license number (in addition to the state law requirement to include the process serving agency's name and address).



# Process Server Records

## Paper Logbooks:

- You must maintain a **paper logbook**, in which you record specified information about service. *N.Y. General Business Law § 89-cc; 6 RCNY §§ 2-233(a) & (b)*.  
Your logbook must include, where applicable:
  1. Bound, paginated volume – defined in definitions section
  2. Record attempted and completed services separately and in chronological order (no spaces, use every line)
  3. Record name and license number of agency or other person who gave the papers to you in **every** entry
  4. Record type of service (P, S, C, CO)
  5. Date & Time of Service or Attempt
  6. Address (must include city and zip code)
  7. Title of Action
  8. Court Name (must include county and type of court)
  9. Index Number
  10. Name of Person Served
  11. Description of Person Served (gender, hair color, skin color, age, height and weight)

# Process Server Records

## Paper Logbooks – Special Rules:

- If **you** filed the affidavit of service with the court personally, record the date of the filing in your logbook. **6 RCNY § 2-233(a)(5)**.
- If **you** completed service by registered or certified mail in a landlord/tenant case, record the postal receipt number in your logbook. **6 RCNY § 2-233(b)(7)**.
- **Nail and Mail Service**
  - You must describe the area adjacent to the door. What does this mean?
    - Color and composition of hallway wall.
    - Color and composition of hallway floor or doorstep.
    - Location of premises in relation to stairs, elevator or entranceway.

**6 RCNY § 2-233(b)(4)**.

# Process Server Records

## 233a Records:

- You must also maintain your logbook information in **electronic form**. 6 RCNY § 2-233a(a). Records must be tamper-proof.
- You have **three options** on how to maintain your 233a records:
  - **First Option:** Scan your paper logbook within one business day. You must maintain copies of the records at different locations to avoid accidental loss or damage.
  - **Second Option:** Record the information on a spreadsheet provided by the Department at [nyc.gov/processserver](https://nyc.gov/processserver) (click on “Electronic Records”). You must enter the information within 2 business days. At least once per week, copy the file onto two separate media devices (USB drive, external hard drive, CD-ROM). You must store one of the media devices offsite to avoid accidental loss or damage.
  - **Third Option:** Upload the data to a third party provider on a daily basis. The third party provider must maintain the data as specified in the rule with certain fields and must secure the data so that it cannot be edited once uploaded. **You are responsible for making sure that the third party complies.**

# Process Server Records

## 233a Records – Second Option:

Log onto [nyc.gov/processserver](http://nyc.gov/processserver)  
to download spreadsheet.



**BUSINESS TOOLBOX** Visit the Licensing Center  
Important Information for Process Servers

|  |      |
|--|------|
| Complaint Form for Legal Advocates             | View |
| Compliance Plan Affirmation                    | View |
| Decisions by DCA's Adjudication Tribunal       | View |
| Disciplinary Actions and Non-compliance Report | View |
| Educational Materials for Process Servers      | View |
| Electronic Records                             | Hide |

Process server individuals and process serving agencies must maintain service records in an electronic format that is resistant to tampering. Licensees must maintain records by:

- Entering the required information in a format provided by DCA as an Excel spreadsheet. Click [here](#) to download the spreadsheet.

OR

- Using a third party document management system provided that records contain the fields outlined in [Section 2-233a\(3\)\(i\)-\(xiv\) of Title 6 of the Rules of the City of New York](#).

OR

- Scanning the required written log book into a PDF (*Process Server Individuals ONLY*).

Download recordkeeping certification forms for:

- ▶ [Process Server Individual](#)
- ▶ [Process Serving Agency](#)





# Process Server Records

## GPS Records:

You must carry and operate an electronic device that records Global Positioning System (GPS) locations while serving or attempting to serve process. **NYC Admin. Code § 20-410 and 6 RCNY § 2-233b**

## Key regulations include:

- The device must make an electronic record of the date, time, and location of where process is served or attempted to be served using GPS or Assisted-Global Positioning (A-GPS) technology.
- If a GPS signal is unavailable, the device must use triangulated cellular tower signals to establish the date and time when the record is made.
- The device must transmit a completed record automatically to an independent third party contractor (*i.e.*, no e-mailing, no *Here I am*).
- The contractor must permit DCA access to data upon request and to others by subpoena.
- The contractor must store electronic records for seven years without allowing access for the process server to delete or alter the original records.
- A process serving agency may provide GPS devices and service by a third party to process servers who are employed exclusively by the agency.

# Process Server Records

## GPS Records (cont'd):

### Must Include the following fields:

- A unique file identifier
- Your license number
- The agency's license number
- Plaintiff or petitioner
- Defendant or respondent
- Index/docket number
- Date and time that service was attempted or effected according to the device
- Date and time that service was attempted or effected according to GPS or cellular signals
- Address
- Location according to GPS or cellular signals
- Intended recipient
- Name of person you gave the papers to

**The contractor must maintain this data in a very specific format. Rule 2-233b(a)(4)(vii).**

# Process Server Records

## What records are you required to bring to a traverse hearing?

- Under Section 208.29, Uniform Rules for New York State Trial Courts, you must bring the following to a traverse hearing:
  - Your license.
  - All records in your possession relating to the matter at issue.
    - Logbook
    - 233a Records
    - GPS Records
    - Photographs
- If served with a subpoena for GPS records, you must direct your contractor to provide the requested records. **Legal Interpretation re: Service of Subpoena for Electronic Records of Service (GPS Records), dated Oct. 16, 2012.**

**Failure to bring records to a traverse hearing may be the basis for dismissing the case.**



Department of  
Consumer Affairs

# Process Serving Agencies

You are legally responsible for the failures of process servers to whom you distribute process to act in accordance with the laws and rules governing service of process.

NYC Admin. Code § 20-406.2

# Process Serving Agency Records

You are required to maintain records that directly relate to your obligation to oversee your process servers.

## You Must:

- Maintain a **compliance plan** that details how you will ensure the integrity and honesty of the process servers you hire and ensure that those process servers comply with recordkeeping requirements. 6 RCNY § 2-234a(b).
- Take appropriate disciplinary action and maintain records of any disciplinary actions taken against individual process servers. 6 RCNY §§ 2-234a(b)(1), 2-234a(b)(2)(iv).
- Review **all process server records** for completeness and accuracy at least once a month, and prepare **monthly reports** concerning your reviews. 6 RCNY § 2-234a(b)(2)(ii).
  - Maintain monthly reports for at least seven years.
  - The Department has provided a template for the reports.



Department of  
Consumer Affairs

# Process Serving Agency Monthly Compliance Reports

**BUSINESS TOOLBOX** Visit the Licensing Center  
Important Information for Process Servers

|  |      |
|--|------|
| Complaint Form for Legal Advocates                   | View |
| Compliance Plan Affirmation                          | View |
| Decisions by DCA's Adjudication Tribunal             | View |
| Disciplinary Actions and Non-compliance Report       | View |
| Electronic Records                                   | View |
| Global Positioning System (GPS) Devices              | View |
| Global Positioning System (GPS) Investigation Report | View |
| Monthly Compliance Reports                           | Hide |

[Section 2-234a\(b\)\(2\)\(i\)-\(ii\) of Title 6 of the Rules of the City of New York](#) requires licensed process serving agencies each month to review for completeness and accuracy the records of each individual process server to whom it assigns or distributes process. Every process serving agency must prepare a monthly written report of its review of the records maintained by each individual process server to whom it assigns or distributes process during that month.

▶ [Download DCA's Monthly Compliance Report template](#)

**Important:**  
Some licensed process serving agencies agreed to a Department consent order and must use [DCA's Monthly Compliance Report](#) to comply with the review and report requirements. Each month, DCA will post a randomly generated audit date that these process serving agencies should use to answer Questions 30, 31, and 32 for **every** process server who served process on behalf of the agency during the previous month.

**The randomly generated audit date for June is June 19.**

DCA created a template you may use to prepare your Monthly Compliance Reports

Log onto [nyc.gov/processserver](http://nyc.gov/processserver) to download it.



Department of Consumer Affairs

# Process Serving Agency Monthly Compliance Report

| 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? |       |  |  |
| <b>Instructions:</b><br>- Questions 4-19 require the agency to review each entry in the logbook for the month.<br>- Question 29 requires the agency to review each entry in the 233a records for the month.<br>- Questions 40 requires the agency to review each entry in the GPS records for the month. |   |     |    |     |                 |                 |                         |                 |                    |  |       |  |  |
| IF YOUR ANSWER IS "NO" TO ANY OF THESE QUESTIONS, PLEASE PROVIDE THE FOLLOWING INFORMATION FOR EACH RECORD OR ENTRY THAT WAS NON-COMPLIANT:  |   |     |    |     |                 |                 |                         |                 |                    |  |       |  |  |
| Item   | Description   | Yes | No | N/A | 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 Action Taken By The |
| 1  | Does the process server maintain a record of all attempted and effected services for the agency in a bound volume?<br><br><i>"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.</i> |     |    |     |                 |                 |                         |                 |                    |  |       |  |  |
| 2  | Are the process server's logbooks paginated?<br><br><i>"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.</i>  |     |    |     |                 |                 |                         |                 |                    |  |       |  |  |
| 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?<br><br><i>"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.</i>  |     |    |     |                 |                 |                         |                 |                    |  |       |  |  |

# Process Serving Agency Records

You must maintain records of the daily activity of your process servers:

- 1. Electronic Spreadsheet.** You must maintain an electronic spreadsheet detailing each service and attempted service of process that you distributed to an individual process server for service in New York City. The records consist mostly of the same information that is in each process server's log book. 6 RCNY §§ 2-233(c), 2-233a(a).
- 2. Scanned log books.** You must maintain scanned copies of the logbooks maintained by the process servers to whom you assign process. 6 RCNY §§ 2-233(c)(1)(3), 2-233a(b)(3).
- 3. Affidavits of Service.** You must maintain electronic copies of each affidavit of service. 6 RCNY §§ 2-233(c)(1)(3)(vi), 2-233a(a).
- 4. Work orders and routing sheets.** You must maintain electronic copies of work orders or routing sheets given to individual process servers. 6 RCNY §§ 2-233(c)(1)(3)(vi), 2-233a(a).
- 5. Process server notes.** You must maintain electronic copies of any notes, memoranda or other writings submitted by individual process servers containing information related to their services or attempted services (e.g., notes on work orders). 6 RCNY §§ 2-233(c)(1)(3)(v), 2-233a(a).

# Process Serving Agency Records

## Electronic Recordkeeping Requirements

- You must use an **electronic records management system** that:
  - Ensures the **authenticity, reliability** and **integrity** of the electronic records;
  - Permits **efficient retrieval** of electronic records;
  - Contains a **backup support system** such that the electronic records shall be capable of being reconstructed in the event of an electronic or computer malfunction or unforeseen accident resulting in the destruction of the system or the information contained therein.

6 RCNY § 2-233a(b)(2)

- The Rules provide detailed requirements for **maintenance of electronic records** and **preservation** of records.

6 RCNY §§ 2-233a(b)(3), 2-233a(b)(4) and (5)



Department of  
Consumer Affairs

# Process Serving Agencies – Reporting Non-Compliance with Process Server Laws

You are required to report all non-compliance with the process server laws by the process servers to whom you assign or distribute process. 6 RCNY § 2-234a(b)(2)(v).

Includes:

1. All recordkeeping violations you discover in your monthly record reviews relating to logbooks, 233a records, and GPS records.
2. False affidavits of service you discover.

Send reports to [process\\_server@dca.nyc.gov](mailto:process_server@dca.nyc.gov).









# Process Servers: Reporting Who You Serve For

- You must report to DCA the name and license number of the process serving agency for whom you serve **exclusively as an employee** within 5 days. [6 RCNY § 2-234b\(a\) & \(b\)](#).
- You must report to DCA when you stop serving **exclusively as an employee** for an agency within 5 days. [6 RCNY § 2-234b\(b\)](#).
  - You must also maintain a list of the name and address of each process serving agency that assigns service to you. You must keep the list must for 7 years. [6 RCNY § 2-234b\(e\)](#).
- On renewal applications, you must report all agencies that have distributed process to you in the previous 2 years and all agencies you believe will assign you process in the future. [6 RCNY §§ 2-234b\(c\) & \(d\)](#).



Department of Consumer Affairs

# Roster Of Process Serving Agencies

**NYC**  
Department of Consumer Affairs

42 Broadway  
9th Floor  
New York, NY 10004

Dial 311  
(212-NYC-311)

[nyc.gov/assessent](http://nyc.gov/assessent)

Template available on [nyc.gov/processserver](http://nyc.gov/processserver)

### ROSTER OF PROCESS SERVING AGENCIES

New York City law requires that you report to the Department of Consumer Affairs (DCA) ALL process serving agencies for whom you served process within the past two years and ALL process serving agencies for whom you currently serve process. (Rules of the City of New York, Title 6, Chapter 2, Subchapter II, § 2-234b)

You cannot renew your Process Server Individual license if you do not report this information.

|   |  |
|---|--|
| Process Server Individual's Name:               |  |
| Process Server Individual's DCA License Number: |  |

| Roster of Process Serving Agencies for Whom You Served Process Within the Past Two Years |                    |
|--|--------------------|
| Process Serving Agency's Name  | DCA License Number |
|  |                    |
|  |                    |
|  |                    |
|  |                    |
|  |                    |
|  |                    |
|  |                    |
|  |                    |
|  |                    |
|  |                    |

Continued on Next Page →

**NYC**  
Department of Consumer Affairs

Please select the statement that describes your current employment status:

A. I do not currently serve process for a process serving agency.

B. I serve process exclusively as an employee for one process serving agency.

C. I serve process for process serving agency(ies) but not exclusively as an employee.

If you selected statement B or C, you must list below the name(s) and DCA license number(s) of the process serving agencies that assign process for service to you. Attach additional papers as necessary.

| Roster of Process Serving Agencies for Whom You Serve Process Currently |                    |
|---|--------------------|
| Process Serving Agency's Name   | DCA License Number |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |
|   |                    |

**Important Requirements about Updating Information**

- If you cease to serve process exclusively for the agency as an employee, you must notify DCA within five (5) days of the change in writing.
- If you begin to serve process exclusively for a new process serving agency as an employee, you must notify DCA within five (5) days of the change in writing.
- You must maintain a copy of this Roster of Process Serving Agencies for seven (7) years.

I understand that fabrication of any statement made herein is an offense punishable by a fine or imprisonment or both.

Signature \_\_\_\_\_ Date \_\_\_\_\_

# Process Serving Agencies – Reporting Who Serves For You

- You must report to DCA the assignment of process to a new process server within 5 days. **6 RCNY § 2-234b(d)(2)**.
- You must report to DCA if a process server stops serving process **exclusively as your employee** within 5 days.
  - You are also required to maintain a roster (name and DCA license number) of every individual process server to whom you distributes process. **6 RCNY § 2-233(c)(1)(i)**.



**Department of  
Consumer Affairs**

# Roster Of Process Servers



Template available on  
[nyc.gov/processserver](http://nyc.gov/processserver)

42 Broadway  
5th Floor  
New York, NY 10004  
  
Dial 311  
(212-NEWYORK)  
  
[nyc.gov/consumers](http://nyc.gov/consumers)

## ROSTER OF PROCESS SERVERS

|  |  |
|--|--|
| Process Serving Agency Name:                                 |  |
| Process Serving Agency's DCA License Number (if applicable): |  |
| Business Address:  |  |

Process serving agencies must submit a list of all process server individuals who will serve process on behalf of the agency. Please provide required information below. Attach additional papers as necessary.

| Process Server Individual's Name | Process Server Individual's Address | DCA License Number | Does this individual serve process exclusively as an employee of the agency? |
|----------------------------------|-------------------------------------|--------------------|--|
|                                  |                                     |                    | <input type="checkbox"/> Yes <input type="checkbox"/> No                     |
|                                  |                                     |                    | <input type="checkbox"/> Yes <input type="checkbox"/> No                     |
|                                  |                                     |                    | <input type="checkbox"/> Yes <input type="checkbox"/> No                     |
|                                  |                                     |                    | <input type="checkbox"/> Yes <input type="checkbox"/> No                     |

### IMPORTANT REQUIREMENTS ABOUT UPDATING INFORMATION:

- Process serving agencies must submit an updated Roster of Process Servers to the Department of Consumer Affairs (DCA) within five (5) days of assigning service to new process server individuals.
- If a process server ceases to serve process exclusively for the agency as an employee, the agency must notify DCA within five (5) days of the change in writing. The notification must include the process server's name, address, and DCA license number.
- Agencies that do not provide updated information are subject to fines or other sanctions.

I understand that falsification of any statement made herein is an offense punishable by a fine or imprisonment or both.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Title (if any) \_\_\_\_\_

Date \_\_\_\_\_

# Traverse Hearings

Process serving agencies and process servers are required to report hearings contesting service (“traverse hearings”). 6 RCNY § 2-236.

- Requires you to **report to DCA** whenever notified in writing or orally of a **scheduled traverse hearing**.
- Requires you to **submit related documents** upon request by DCA.
- Imposes an affirmative obligation on you to **find out result of the challenge and report it to DCA**.
- **The reporting obligations for process servers and agencies are separate and independent.** That means if you are an agency, you cannot send in reports on behalf of a process server and vice versa.
- E-mail reports to [traversereports@dca.nyc.gov](mailto:traversereports@dca.nyc.gov).



Department of Consumer Affairs

# Traverse Report Forms

## For Process Servers and Process Serving Agencies

### Part I

### Part II



#### TRAVERSE REPORT FORM FOR PROCESS SERVERS/AGENCIES

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](mailto: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   |   |
| County  | County  |
| File No.  | 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:   |   |
| <input type="checkbox"/> A process server/individual                                |   |
| <input type="checkbox"/> An authorized representative of 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.



#### TRAVERSE REPORT FORM FOR PROCESS SERVERS/AGENCIES

#### PART II – REPORT OF FINAL RESULT

You must attempt to contact the petitioner/plaintiff or the petitioner/plaintiff's attorney by U.S. mail or e-mail to learn the final result of the traverse hearing. If you do not receive a response from the petitioner/plaintiff or the petitioner/plaintiff's attorney within 60 days of the scheduled hearing date, you must search the court records for the final result of the traverse hearing. If you have not learned the final result within 90 days of the scheduled hearing date, you must search the court records again. Within 100 days of the hearing date, you must report to DCA either (1) the final result of the traverse hearing OR (2) that you made a diligent attempt to learn the final result without success.

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 above.

Submit this form along with any attachments to DCA by e-mailing [TraverseReports@dca.nyc.gov](mailto:TraverseReports@dca.nyc.gov). You are encouraged to attach a copy of the court's decision to the report.

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

Traverse was:

Sustained (improper service)

Overruled (proper service)

Settled (Please provide details below.)

I affirm that I attempted to contact plaintiff/ or plaintiff's attorney to learn the final result, diligently searched the court file 60 and 90 days from the date of the scheduled hearing, but was unable to learn final result.

Other (Provide details below, including any reason(s) that the traverse hearing was not held.)

Comments

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_



Department of Consumer Affairs

# Traverse Report Forms

For Process Servers and Process Serving Agencies Who Signed a Consent Order

Part I

Part II

**NYC** 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](mailto: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   |
| File  | Index No.  |
| Judge                                       |  |
| Plaintiff/Petitioner                        | Plaintiff/Petitioner'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:               | <input type="checkbox"/> A process server individual<br><input type="checkbox"/> 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(a). Use **Part II** of this form to report the final result of the traverse hearing.

**NYC** 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](mailto: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: \_\_\_\_\_

# Additional Information Available on DCA's Website

The screenshot displays the NYC Department of Consumer Affairs website. At the top, there is a search bar and navigation links for Residents, Business, Visitors, Government, and Office of the Mayor. The main header includes the NYC logo and the text 'Department of Consumer Affairs'. Below the header, there are utility links for translating the page, printing, emailing a friend, and signing up for a newsletter. A search bar is also present.

The left sidebar contains a navigation menu with the following items: Home, About DCA, Career Opportunities, Consumer Resources, Business Toolbox, Publications, News from DCA, Event Calendar, DCA Advocacy, Know the Law, and Contact DCA. Below the menu are social media links for Facebook, Twitter, and YouTube.

The main content area features a prominent article titled 'DCA Charges Nine Used Car Dealers with Deceptive Advertising and Illegal Sales Tactics'. The article text states: 'Responding to over 200 car complaints, DCA charged nine dealerships in Brooklyn and Queens with violations for forcing customers to pay more than advertised prices, sign incomplete contracts, and only use financing provided by the dealership. DCA seeks more than \$950,000 in consumer restitution and fines and license revocation for dealers' licenses.' Below the text are links for 'Consumers: Watch the video Tips on Buying a Used Car (English/Spanish)', 'Used Car Dealers: Read Inspection Checklist to comply with the law', and 'Read press release and get tips'.

Other visible elements include a 'Get Post-Storm Information' button, a 'File a Complaint' button, an 'Instant License Check' button, a 'New! BUSINESS TOOLBOX' banner, a 'DCA Right Now' section with a 'DCA Reminds Debt Collection Industry that Collecting on Payday Loans in New York is Illegal' article, a 'Hiring a home improvement contractor? Get important information' link, and a 'Protect your Money' section with a 'Harvard University Names DCA's Office of Financial Empowerment (OFE) an Innovations in American Government Award Finalist' article. The bottom right corner features a 'Top 25 Finalists' section and a 'FREE Financial Counseling' video link.

# DCA's Instant License Check

- Process servers that serve process **five or more times** in NYC in a calendar year must be licensed by DCA. **NYC Admin. Code § 20-403(a)**.
- Process serving agencies must also be licensed by DCA. **NYC Admin. Code § 20-403(b)**.
- To determine whether a process server or process serving agency is currently licensed, go to DCA's Instant License Check. Be sure you have the correct name.
- In some cases, DCA gives businesses or individuals temporary permission to operate. These businesses or individuals will not appear in Instant License Check.
- Make a FOIL request or call 311 to see if the process server or agency has been issued temporary permission to operate.



License status available on DCA's website through "Instant License Check".



# Educational Materials, Settlement Agreements, Tribunal Decisions and Legal Interpretations

|  |                      |
|--|----------------------|
| <a href="#">Complaint Form for Legal Advocates</a>                   | <a href="#">View</a> |
| <a href="#">Compliance Plan Affirmation</a>                          | <a href="#">View</a> |
| <a href="#">Decisions by DCA's Adjudication Tribunal</a>             | <a href="#">View</a> |
| <a href="#">Disciplinary Actions and Non-compliance Report</a>       | <a href="#">View</a> |
| <a href="#">Educational Materials for Process Servers</a>            | <a href="#">View</a> |
| <a href="#">Electronic Records</a>                                   | <a href="#">View</a> |
| <a href="#">Global Positioning System (GPS) Devices</a>              | <a href="#">View</a> |
| <a href="#">Global Positioning System (GPS) Investigation Report</a> | <a href="#">View</a> |
| <a href="#">Legal Interpretations</a>                                | <a href="#">View</a> |
| <a href="#">Monthly Compliance Reports</a>                           | <a href="#">View</a> |
| <a href="#">Process Server Screening Protocol</a>                    | <a href="#">View</a> |
| <a href="#">Rosters</a>  | <a href="#">View</a> |
| <a href="#">Service Investigation Report</a>                         | <a href="#">View</a> |
| <a href="#">Settlement Agreements</a>                                | <a href="#">View</a> |





**42 Broadway, New York, NY 10004**  
**[www.nyc.gov/consumers](http://www.nyc.gov/consumers)**

