

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

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

JASON ILORI,

Respondent.

DEFAULT DECISION AND ORDER

Violation No.: LL005321088

License No.: 1275120 (PS)

Date: September 5, 2013

The respondent is charged with the violations in the attached Notice of Hearing.

A hearing was scheduled for August 21, 2013. The respondent did not appear.

The respondent is found **guilty upon default**. The respondent is further found guilty of violating 6 RCNY Section 1-14 for failing to appear in person at the Department to answer the Notice of Hearing.

ORDER

The respondent is therefore **ordered to pay to the Department of Consumer Affairs (DCA) a TOTAL FINE of \$2,500., which is immediately due and owing**, as follows:

6 RCNY Section 2-236(c)(2) (\$500. per count, for 2 counts)	\$1,000.
6 RCNY Section 2-236(c)(1) (\$500. per count, for 2 counts)	\$1,000.
6 RCNY Section 1-14	\$ 500.
TOTAL	\$2,500.

The respondent is **further ORDERED** to notify the Department of Consumer Affairs **within TEN (10) DAYS of the date of the order in conformance with 6 RCNY Section 2-236 (c)(2) and 6 RCNY Section 2-236 (c)(1) what attempts the licensee made to obtain the results of the traverse hearings and the results of those hearings.**

The Department will suspend the respondent's DCA license if the respondent fails to comply with this Decision and Order within thirty (30)

days, including payment of the fine. Payment with a check that is dishonored or a credit card transaction that is denied or reversed will not be considered compliance with this Decision and Order. The license will not be reinstated until the respondent has served any suspension period ordered in this Decision and has paid ALL fines owed to the Department.

This constitutes the Decision and Order of the Department.

**M. Mirro
Administrative Law Judge**

cc: Alvin Liu,
Senior Staff Attorney
Legal Division

Jason Ilori
e-mail: heril7@hotmail.com

<p><u>Mail payment of fine in the enclosed envelope addressed to:</u> NYC Department of Consumer Affairs Collections Division 42 Broadway, 9th Floor New York, NY 10004</p>

APPEAL INFORMATION

<p>You have 15 days to file a MOTION TO VACATE this decision. Your motion must include ALL of the following: 1) A check or money order for \$25 payable to the Department of Consumer Affairs; 2) the reason for your failure to appear on the hearing date; <i>and</i> 3) a sworn statement outlining a meritorious defense to the charge(s) in the Notice of Hearing.</p>
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<p>BY EMAIL: Send your motion to myappeal@dca.nyc.gov and, at the same time, mail the \$25 appeal fee to: DCA Administrative Tribunal, 66 John Street, 11th Floor, New York, NY 10038. Make sure to write the violation number(s) on your check or money order. NOTE: The determination on your motion to vacate may be sent to you by email if you choose to submit your motion to us by email.</p>

<p>BY REGULAR MAIL: Mail your motion and the appeal fee to: Director of Adjudication, Department of Consumer Affairs, 66 John Street, 11th Floor, New York, NY 10038. You must also mail a copy of your motion to: Legal Division, Department of Consumer Affairs, 42 Broadway, 9th Floor, New York, NY 10004. Make sure to include in your motion some indication or proof that you have sent a copy of the motion to DCA's Legal Division.</p>
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**CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS**

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DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF HEARING

Complainant,

-against-

Jason Ilori
23216 Hillside Avenue
Queens Village, NY 11427

LL # 5321088

License # 1275120

(Process Server Individual)

Licensee/Respondent.
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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 AT 66 JOHN STREET, 11TH FLOOR, NEW YORK, NEW YORK AT 9:30 A.M. ON WEDNESDAY, AUGUST 21, 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 1275120.

LR Credit 21, LLC v. [REDACTED]

6. On information and belief, in or about 2010, process was distributed to Respondent for service in the matter of LR Credit 21, LLC v. [REDACTED] (085442/10, Queens County Civil Court) (“LR Credit”) and thereafter an affidavit of service executed by Respondent in which he attested that he had served such process in LR Credit was filed with the clerk of the court.
7. The court in LR Credit scheduled a traverse hearing for October 2, 2012 concerning the service of process allegedly made by Respondent.
8. Respondent received notice of the scheduling of the traverse hearing in LR Credit.

9. Respondent did not attempt to learn the result of the traverse hearing in LR Credit in accordance with the procedures specified in 6 RCNY § 2-236(c)(1).
10. Respondent did not report to the Department in writing, by certified mail or e-mail, within one hundred (100) days of the hearing, the result of the traverse hearing or that Respondent made attempts to learn the result of the traverse hearing in LR Credit and was unable to do so.

The National Republic Bank of Chicago v. [REDACTED]

11. On information and belief, in or about 2012, process was distributed to Respondent for service in the matter of The National Republic Bank of Chicago v. [REDACTED] (9552/12, Queens County Supreme Court) (“National Republic Bank”) and thereafter an affidavit of service executed by Respondent in which he attested that he had served such process in National Republic Bank was filed with the clerk of the court.
12. The court in National Republic Bank scheduled a traverse hearing for October 18, 2012 concerning the service of process allegedly made by Respondent.
13. Respondent received notice of the scheduling of the traverse hearing in National Republic Bank.
14. Respondent did not attempt to learn the result of the traverse hearing in National Republic Bank in accordance with the procedures specified in 6 RCNY § 2-236(c)(1).
15. Respondent did not report to the Department in writing, by certified mail or e-mail, within one hundred (100) days of the hearing, the result of the traverse hearing or that Respondent made attempts to learn the result of the traverse hearing in National Republic Bank and was unable to do so.

CHARGES

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

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: June 5, 2013
New York, New York

For: **Jonathan Mintz**
Commissioner

By: *Alvin A. Liu*
Alvin A. Liu
Senior Staff Attorney
Legal Division