

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

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

JONATHAN TEE HARRIS,

Respondent.

DEFAULT DECISION AND ORDER

Violation No.: LL005312976

License No.: 1383354 (PS)

Date: May 17, 2013

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

A hearing was scheduled for May 8, 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 \$1,500.**, as follows:

6 RCNY Section 2-236(c)(2)	\$ 500.
6 RCNY Section 2-236(c)(1)	\$ 500.
6 RCNY Section 1-14	\$ 500.
TOTAL	\$ 1,500.

The respondent is further ordered to report to DCA, within 10 days, the results of any traverse hearings cited in the Notice of Hearing, that the respondent has not yet reported.

The respondent's license is **suspended for 30** days. The suspension shall take effect five (5) business days from the date of this Default Decision and Order. The respondent is **directed to surrender the license document** within five (5) business days in person or by mail to DCA's Licensing Center which is located at 42 Broadway, New York, NY 10004. The Department may take action to revoke the license if it is not surrendered.

If respondent operates while the license is suspended, the respondent will be subject to criminal prosecution and/or civil penalties of at least \$100 per day as well as the closing of the respondent's business pursuant to Administrative Code Sections 20-105 and 20-106.

The Department may further 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: Jonathan Tee Harris
email: HHARRISJAY@AOL.COM

Alvin A. Liu
Senior Staff Attorney
Legal Division

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

APPEAL INFORMATION

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; *and* 3) a sworn statement outlining a meritorious defense to the charge(s) in the Notice of Hearing.

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.

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.

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

-----X
DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF HEARING

Complainant,

-against-

Jonathan Tee Harris
[REDACTED]
[REDACTED]

LL # 005312976

License # 1383354

(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 9:00 A.M. ON WEDNESDAY, MAY 8, 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, 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 in writing to the Department 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. 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, within one hundred (100) days of the scheduled hearing date, that the process server made attempts to learn the result but were unable to do so.
3. 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

4. Respondent is licensed by the Department as an individual process server under license number 1383354.

US Bank National v. [REDACTED]

5. On information and belief, in or about 2011, process was distributed to Respondent for service in the matter of US Bank National v. [REDACTED] (Index No. 22725/11, Kings County Supreme Court) (“US Bank”) and thereafter an affidavit of service executed by Respondent in which he attested that he had served such process in US Bank was filed with the clerk of the court.
6. The court in US Bank scheduled a traverse hearing for June 25, 2012 concerning the service of process allegedly made by Respondent.
7. Respondent received notice of the scheduling of the traverse hearing in US Bank.
8. Respondent did not attempt to learn the result of the traverse hearing in US Bank in accordance with the procedures specified in 6 RCNY § 2-236(c)(1).

9. Respondent did not report to the Department 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 US Bank.

CHARGES

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

11. Respondent violated 6 RCNY § 2-236(c)(1) by failing to attempt to learn the result of a traverse hearing 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: February 25, 2013
New York, New York

For: **Jonathan Mintz**
Commissioner

By: Alvin A. Liu

Alvin A. Liu
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 March 29, 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.