

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

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

RAGONAT KHAN,

Respondent.

DEFAULT DECISION AND ORDER

Violation No.: LL005130991

License No.: 1184166(PS)

Date: May 13, 2011

The respondent is charged with the violation(s) in the attached Notice of Hearing.

A hearing was scheduled for April 20, 2011. 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 at a duly noticed hearing.

ORDER

The respondent is therefore **ordered to pay to the Department of Consumer Affairs a TOTAL FINE of \$11, 500**, as follows:

6 RCNY Section 1-14 (failure to answer subpoena duces tecum)	\$ 500
Admin. Code, Section 20-112	\$ 500
6 RCNY Section 2-233 (a)(6)	\$ 1,000
6 RCNY Section 2-233 (b)(5)	\$ 1,000
6 RCNY Section 2-233 (b)(6)	\$ 1,000
6 RCNY Section 2-233 (a)(2)(i)	\$ 1,000
6 RCNY Section 2-233 (a)(2)(ii)	\$ 1,000
6 RCNY Section 2-233 (a)(2)(iv)	\$ 1,000
6 RCNY Section 2-233 (a)(2)(vi)	\$ 1,000
6 RCNY Section 2-233 (b)(2)	\$ 1,000
6 RCNY Section 2-233 (b)(4)	\$ 1,000

6 RCNY Section 2-236	\$ 1,000
6 RCNY Section 1-14 (failure to appear at duly noticed hearing)	\$ 500
Total	\$11,500

The respondent's license is **REVOKED effective immediately pursuant to violation of Section 20-112 and Section 20-101**. The respondent is directed to surrender the license document to the Licensing Division immediately. Please NOTE that if the respondent continues to operate with a revoked license, the respondent is subject to CRIMINAL PROSECUTION and/or civil penalties of \$100 per day for each day of unlicensed activity, as well as the closing of the respondent's business and/or the removal of items sold, offered for sale, or utilized in the operation of such business, pursuant to the Administrative Code of the City of New York §§ 20-105 and 20-106 (the "Padlock Law").

Failure to comply with this order within thirty (30) days shall result in the further revocation of the license at issue, and may result in the suspension of any other Department of Consumer Affairs license(s) held by the respondent(s).

Additionally, the respondent is prohibited from maintaining a Department of Consumer Affairs issued license for a minimum term of 2 years from the date of this decision.

This constitutes the Decision and Order of the Department of Consumer Affairs.

**Michele Mirro
Administrative Law Judge**

cc: tikster2@gmail.com

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 Compliance and Fitness 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 Compliance and Fitness Division.

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

-----X
DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

RAGONAT KHAN

Licensee/Respondent.
-----X

NOTICE OF HEARING

LL # 5130991

115-08 91st Ave
Richmond Hill, NY 11418

License # 1184166

(Process Server Individual)

TO THE ABOVE NAMED LICENSEE:

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 ADJUDICATION DIVISION OF THE DEPARTMENT OF CONSUMER AFFAIRS, 11TH FLOOR, 66 JOHN STREET, BOROUGH OF MANHATTAN, NEW YORK, NEW YORK 10038 on THURSDAY, DECEMBER 30, 2010 at 8:30am** to: have charges against you heard concerning violations of the Code, found in Chapter 1 of the Code, beginning at Section 20-101 (known as the License Enforcement Law), Chapter 2 of the Code, Subchapter 23, beginning at Section 20-403 (known as the Process Servers Law), Title 6 of the Rules of the City of New York ("6 RCNY"), beginning at Section 1-01 (known as the License Enforcement Rules), Title 6 of the Rules of the City of New York, Chapter 2, Subchapter W, beginning at Section 2-231 (known as the Process Servers Rules);

AND SHOW CAUSE why your license to operate as an Individual Process Server should not be suspended or revoked, why monetary penalties should not be imposed on you and why you should not be prohibited, based on lack of fitness, from holding any license issued by the Department on the grounds specified herein.

Complainant, The City of New York Department of Consumer Affairs, by its attorney, Megan Roberts, Esq., as and for its complaint upon information and belief alleges the following:

LICENSE STATUS

1. Respondent, Ragonat Khan, has held an Individual Process Server license issued by the Department since on or about December 14, 2004.
2. A process server license is renewable in two-year intervals.
3. Respondent's process server license will expire on February 28, 2012.

FACTS

Respondent Served with Subpoena

4. On or about August 18, 2010 the Department issued to Respondent a subpoena duces tecum. The subpoena was returnable on September 3, 2010.
5. The subpoena called for certain of Respondent's appearance and for certain of books and records, including production of process serving logbooks that Respondent is required to maintain pursuant to 6 RCNY 2-233.

FAILURE TO RESPOND TO SUBPOENA

6. Respondent failed to appear on September 3, 2010, the date that his subpoena was returnable.
7. Respondent has not contacted the Department regarding his subpoena.

FAILURE TO COMPLY WITH REPORTING REQUIREMENTS

Failure to Report Traverse Hearings

8. The Respondent failed to report to the Department the time, date, court, name of judge, index number, title and finding of a traverse hearing where service by him was contested in writing within ten days of the disposition of such hearing.
9. In the last two years, Respondent's service of process was contested on at least seven (7) occasions.
10. Although mandated by law to do so, Respondent failed to report to the Department traverse hearings in the following matters:
 - a. 125 East 57th St v. [REDACTED], (L/T), Index # 75940/08, (County of New York);
 - b. Roxana Farrell v. [REDACTED] (L/T), Index # 58494/09, (County of New York)
 - c. One Hand Realty LLC v. [REDACTED] (L/T), Index # 59064/09, (County of New York);
 - d. 21-23-25 West 8th St v [REDACTED] (L/T), Index # 50589/10, (County of New York);
 - e. 587 Riverside Assoc. v. [REDACTED] (L/T), Index # 63724/10, (County of New York);
 - f. Lucky Jab v [REDACTED] (L/T), Index # 61010/10, (County of New York).;
 - and
 - g. Beacon v. [REDACTED] (L/T), Index # 50859/10, (County of New York), and said hearing was sustained.

CHARGES

FAILURE TO RESPOND TO SUBPOENA

Count 1

1. The allegations of paragraphs **4 - 7** above are incorporated by reference as though fully realleged herein.
2. Respondent failed to answer a subpoena duces tecum in violation of the Rules of City of New York, Title 6, § 1-14.

FAILURE TO COMPLY WITH REPORTING REQUIREMENTS

Failure to Report Traverse Hearings

Counts 2-8

3. The allegations of paragraphs **8 - 10** above are incorporated by reference as though fully realleged herein.
4. The Respondent failed to report to the Department in writing within ten days of the time/date/court/name of judge/index number/title and finding of a traverse hearing where service by him/her was contested in violation of the Rules of City of New York, Title 6, § 2-236.

LACK OF FITNESS

5. The allegations of paragraphs **4 - 10** above are incorporated by reference as though fully realleged herein.

6. By virtue of the activities described above Respondent violated § 20-101 of the Code by failing to maintain the standards of integrity, honesty and fair dealing required of licensees.

WHEREFORE, the Department demands that an order issue: 1) finding Respondent unfit to hold future Department licenses for a period of no less than two (2) years; 2) imposing maximum fines on Respondent for each and every charge set forth herein; and 3) granting such other relief as is deemed just and proper.

YOU HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL

IF, AFTER THE HEARING ON THESE CHARGES, YOU ARE FOUND TO HAVE VIOLATED THE LICENSING LAWS OR REGULATIONS AS CHARGED HEREINABOVE, YOU MAY BE SUBJECT TO A FINE, YOUR LICENSE MAY BE REVOKED, AND/OR OTHER PENALTIES MAY BE IMPOSED, AS AUTHORIZED BY LAW.

IF YOU DO NOT APPEAR FOR THE HEARING AS ORDERED, A DECISION MAY BE RENDERED ON DEFAULT, YOU MAY BE SUBJECT TO A FINE AND LICENSE REVOCATION, AND AN ADDITIONAL PENALTY FOR FAILING TO APPEAR MAY BE IMPOSED.

THE DATE OF THIS HEARING WILL NOT BE CHANGED UNLESS A WRITTEN REQUEST FOR AN ADJOURNMENT IS RECEIVED BY THE DIRECTOR OF ADJUDICATION OF THE DEPARTMENT, A COPY OF THAT REQUEST IS DELIVERED TO THE COUNSEL'S OFFICE OF THE DEPARTMENT AND TO ALL OTHER OPPOSING PARTIES, IF ANY, AT LEAST THREE (3) BUSINESS DAYS PRIOR TO THE HEARING, AND UNLESS THE REQUEST IS APPROVED. THE REQUEST WILL BE APPROVED ONLY IF THERE IS PROOF OF THE NECESSITY FOR THE ADJOURNMENT. A HEARING MAY BE ADJOURNED IF REQUESTED

FEWER THAN THREE (3) BUSINESS DAYS BEFORE THE HEARING ONLY UPON PROOF OF AN EMERGENCY AND AFTER EVERY OPPOSING PARTY HAS BEEN NOTIFIED.

IN ORDER TO DEFEND AGAINST THESE CHARGES, YOU MUST APPEAR EITHER PERSONALLY OR THROUGH AN AGENT FAMILIAR WITH THE CASE. IF AN AGENT APPEARS WITHOUT YOU, WHAT HE OR SHE SAYS WILL BE DEEMED YOUR OWN TESTIMONY.

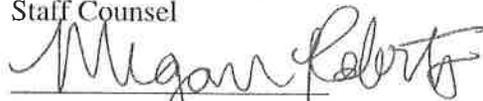
IF YOU DO NOT SPEAK FLUENT ENGLISH, YOU MAY USE THE TRANSLATION SERVICES PROVIDED BY DCA.

A BOOKLET ENTITLED "ADMINISTRATIVE HEARING GUIDE" WHICH EXPLAINS THE HEARING REGULATIONS OF THE DEPARTMENT IS AVAILABLE ONLINE ON THE DCA WEBSITE www.nyc.gov/consumers, OR CAN BE OBTAINED FOR FREE BY CALLING 311, OR BY COMING TO THE DEPARTMENT IN PERSON.

Dated: December 3, 2010
New York, New York

For: Jonathan Mintz
Commissioner

By: Megan Roberts, Esq.
Staff Counsel



Department of Consumer Affairs
Legal Services Division
42 Broadway, 9th Floor
New York, NY 10004
Phone: (212) 361-2273

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

-----X

THE DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

RAGONAT KHAN,

Respondent.

-----X

**DETERMINATION OF
MOTION TO VACATE**

**Violation Number:
LL005130991**

**License Number:
1184166**

Date: August 1, 2011

The respondent moves to vacate the Decision dated May 13, 2011.

The respondent's motion to vacate is **denied**. The motion does not include any defenses to the charges.

However, in the interest of justice, the finding that the respondent violated 6 RCNY Section 1-14 for failing to appear at a duly noticed hearing is **reversed**. Therefore, the total fine imposed is reduced from \$11,500 to **\$11,000**.

The Decision, as **modified, remains in effect**.

SO ORDERED:

Bruce M. Dennis
Director of Adjudication

This is the final agency action in this matter. There will be no further agency action in this matter. Should the respondents wish to pursue the matter, they may attempt to do so pursuant to Article 78 of the Civil Practice Law and Rules. If the respondents decide to proceed, it may find it useful to consult with the Clerk of the New York State Supreme Court or its attorney. The Department of Consumer Affairs cannot render assistance to persons who are contemplating suit against it.