

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

DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

ROBBIE LAWSON,

Respondent.

DEFAULT DECISION AND ORDER

Violation No.: LL005130913

License No.: 1261838

Date: March 3, 2010

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

A hearing was scheduled for February 11, 2009. 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 a TOTAL FINE of \$54,500** as follows:

6 RCNY Section 2-233(a)(6) (\$350 per count, for 10 counts)	\$3,500
6 RCNY Section 2-233(b)(5) (\$500 per count, for 10 counts)	\$5,000
6 RCNY Section 2-233(a)(2)(i) (\$350 per count, for 10 counts)	\$3,500
6 RCNY Section 2-233(a)(2)(iii) (\$350 per count, for 10 counts)	\$3,500
6 RCNY Section 2-233(a)(2)(iv) (\$350 per count, for 10 counts)	\$3,500
6 RCNY Section 2-233(a)(2)(v) (\$350 per count, for 10 counts)	\$3,500
6 RCNY Section 2-233(a)(2)(vi)	\$3,500

(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(a)(2)(vii)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(a)(3)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(a)(4)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(a)(5)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(b)(1)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(b)(2)	\$3,500
(\$ 350 per count, for 10 counts)	
6 RCNY Section 2-233(b)(3)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY Section 2-233(b)(4)	\$3,500
(\$350 per count, for 10 counts)	
6 RCNY §1-14	\$ 500
TOTAL	\$54,500

The respondent's license is **REVOKED effective immediately**. 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 Sections 20-105 and 20-106 (the "Padlock Law").

It is further **DECLARED** that respondent shall not be issued any license by the Department for a period of at least one year.

This constitutes an Order of the Department.

Lee Fawkes
Administrative Law Judge

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.

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.

Cc: rllsupportservices@tmo.blackberry.net
pkimball@dca.nyc.gov



THE CITY OF NEW YORK DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF HEARING LL WH IP OL GL HC WO _____ DATE MAILED: / / 1 OF

THE BELOW ENTITY IS HEREBY CHARGED WITH THE FOLLOWING VIOLATION (S) OF:

TITLE 20 of the N.Y.C. ADMINISTRATIVE CODE (see column 1, 2, & 3) TITLE 1 of the NY CODES RULES and REGULATIONS (see column 4)
 TITLE 6 of the RULES of the CITY OF NEW YORK (see column 4) NEW YORK GENERAL BUSINESS LAW (see column 3)
 NY AGRICULTURE & MARKETS LAW ARTICLE 16 (see column 3) Other _____ (see column 3)

1 CH	2 SUBCH	3 SECTION	4 REG./RULE NO.	NATURE OF VIOLATION	COUNTS
			2-233(a)	See attached PDF	10
			2-233(b)(5)		10
			2-233(a)(2)(F)		10
			2-233(a)(2)(iii)		10
			2-233(a)(2)(iv)		10
			2-233(a)(2)(v)		10
			2-233(a)(2)(vi)		10
			2-233(a)(2)(vii)		10
			2-233(a)(3)		10
			2-233(a)(4)		10
			2-233(a)(5)	10	
			2-233(b)(1)	10	
			2-233(b)(3)	10	
			2-233(b)(3)	10	
			2-233(b)(4)	10	
					TOTAL 157

I/WE AFFIRM UNDER PENALTY OF PERJURY THAT I/WE OBSERVED THE ABOVE AND, ON THE DATE AND TIME LISTED ABOVE, SERVED UPON THE PERSON LISTED BELOW A TRUE COPY OF THIS DOCUMENT

CAMIS ID # _____ TAX ID # _____ LICENSE NO. **1261838** START TIME _____ END/SERVED TIME _____ CERT. # **5131913**

NAME (INDIVIDUAL PARTNERSHIP CORPORATION) **ROB LAWSON** DBA _____ TELEPHONE NO. _____

ADDRESS **1410 EAST AVE, BRONX** BORO _____ ZIP **10462** INSPECTION DATE / / BUS CODE _____

TYPE OF INSPECTION (CHECK ONE)

PATROL (PTL) REQUEST (REQ) SUSPENSION (SUS) REVOCATION (REV) CONSENT JUDGEMENT ORDER (CJO) POSTING ORDER (POO) POSTING ORDER FOLLOW-UP (POF)

INSPECTION RESULT

VIOLATION ISSUED LICENSED NO EVIDENCE OF ACTIVITY RESULT PENDING REINSPECTION BUSINESS PADLOCKED OBT. EVIDENCE OF ACTIVITY
 NO VIOLATION OOB NO LICENSE REQUIRED WARNING CONFISCATION W & M ORDER

INSPECTOR'S NAME **F. GUNON** INSPECTOR'S SIGNATURE _____ DIV / / UNIT / / ID / / BADGE / /

INSPECTOR'S NAME _____ INSPECTOR'S SIGNATURE _____ DIV / / UNIT / / ID / / BADGE / /

YOU ARE HEREBY ORDERED TO APPEAR FOR A HEARING ON THE ABOVE CHARGES ON THIS DATE AND TIME AT EITHER: THE ADJUDICATION DIVISION 66 JOHN STREET, 11TH FLOOR, NEW YORK, NY 10038 OR LITIGATION & MEDIATION DIVISION, 42 BROADWAY, 9TH FLOOR, NEW YORK, NY 10004

Sept. 17, 2009 AT **9:30** **A.M.** OR **P.M.**

READ THE BACK OF THIS FORM FOR IMPORTANT INFORMATION

A COPY OF THIS NOTICE WAS RECEIVED BY ME

VENDOR'S NAME (PRINT) _____ VENDOR'S SIGNATURE _____ POSITION _____ DATE / /

PRE-HEARING DISPOSITION

RECIVIST Y N PLEADING LETTER \$ / / DATE SENT / / BY: / / DATE SETTLED / / FINE \$ / / PAID PAR DNP SETTLEMENT OFFICER _____

WHITE - ADJUDICATION YELLOW - VENDOR PINK - ENFORCEMENT

PLEASE BRING THIS NOTICE WITH YOU

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

-----X
DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

Robbie Lawson

Licensee/Respondent
-----X

NOTICE OF HEARING

LL # 5130913

Robbie Lawson
1410 East Avenue, Bronx
NY 10462

License # 1261838

(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 September 17, 2009 at 9:30 am** 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, Fred Cantor, Esq., as and for its complaint upon information and belief alleges the following:

LICENSE STATUS

- 1 Respondent, Robbie Lawson, has held an Individual Process Server license issued by the Department since on or about July 27, 2007
- 2 A process server license is renewable in two-year intervals.
- 3 Respondent's last process server license expired on February 28, 2008.
- 4 Respondent's application for a renewal license, to commence on February 29, 2008 and expire on February 28, 2010, has been held in pending status until the conclusion of the Department's investigation of his process server business practices
- 5 The Department has issued to Respondent temporary permission to operate until October 31, 2009

FACTS

Respondent Served with Subpoena

- 6 On or about January 25, 2008 the Department issued to Respondent a subpoena duces tecum.
- 7 The subpoena called for Respondent's appearance and for certain of Respondent's books and records, including production of process serving logbooks for the period between January 25, 2006 and January 25, 2008.

FAILURE TO COMPLY WITH RECORD-KEEPING REQUIREMENTS

Failure to Keep Record Service of Process in Properly Paginated Volumes

8. In response to the subpoena duces tecum, Respondent produced, in pertinent part, one (1) 6"x 9" steno book containing some entries for process he served during an unknown period.

9. Respondent's records are not kept in a paginated logbook.

Failure to Keep Records in Chronological Order

10 Respondent failed to record entries throughout the logbook in chronological order by date of service or left blank spaces and blank pages between entries.

11. Blank spaces and pages are not permitted as Respondent cannot show that entries in the logbook were entered chronologically

Failure to Record the Title of the Action

12. Respondent regularly failed to record the title of the action for service of process effectuated by him.

Failure to Record the Date and Time That Service was Effectuated

13. Respondent regularly failed to record the date and time that service of process was effectuated.

Failure to Record the Address Where Service was Effectuated.

14. Respondent regularly failed to record in the logbook the address where service of process was effectuated.

Failure to Record of the Nature of the Papers Served

15. Respondent regularly failed to set forth in the logbook the nature of the papers served.

Failure to Record the Name of the Court in Which the Action Was Commenced

16 Respondent regularly failed to set forth in the logbook the name of the court in which the action was commenced.

Failure to Record the Index Number of the Action

17. Respondent regularly failed to consistently set forth in his logbook the index number of the action for which he effectuated service.

Failure to Record the Description of the Person Served

18. Respondent regularly failed to set forth in his logbook the description of the person served after effecting service on the person to be served, pursuant to CPLR § 308 (1), or after effecting service on a person of suitable age and discretion, pursuant to § 308 (2) or after effecting service on the designated agent for service of the person to be served, pursuant to § 308 (3).

Failure to Record the Dates, Addresses and Times Service of Process Was Attempted

19. Respondent regularly failed to set forth in his logbook the dates, addresses and times service of process was attempted.

Failure to Record the Date An Affidavit of Service Was Filed With a Court

20 Respondent regularly failed to record in his logbook the date on which proof of service was filed with a court in those instances in which an affidavit of services was required to be filed by law

Failure to Record the Description of the Area Adjacent to the Door

21. Respondent regularly failed to record in his logbook the description of the area adjacent to the door, including the color and composition of the hallway walls, color and composition of the hallway floor or doorstep and location of premises in relation to stairs, elevator or entranceway where service was affixed, although required by law to do so.

Failure to Record the Person or Firm from Which Process for Service Was Received

22. Respondent regularly failed to record in his logbooks the name of the person or firm from which Respondent received the process for service.

Failure to Record the Type of Service Effectuated

23. Respondent regularly failed to set forth in his logbook the type of service effectuated.

Failure to Record the Postal Receipt Numbers of Registered or Certified Mail

24. Under section 735 (1) of the RPAPL, where service of process is by delivery to a person of suitable age and discretion or by conspicuous place service, service is not complete unless the legal papers are also delivered no later than a day later by regular and registered or certified mail.

25. The receipt numbers must be recorded in the process server's log pursuant to 6 RCNY 2-233(b) (4)

26 Respondent regularly failed to record in his logbook the postal receipt number of the registered or certified mail when he alleged service of the Notice of Petition and Petition by delivery to a person of suitable age and discretion or by conspicuous place service.

CHARGES

FAILURE TO COMPLY WITH RECORD-KEEPING REQUIREMENTS

Failure to Keep Record Service of Process in Properly Paginated Volumes

Counts 1 - 10

1. The allegations of paragraphs **8 - 9** above are incorporated by reference as though fully realleged herein
2. Respondent failed to keep records required to be kept under §2-233 (a) for two years from the date of service in violation of the Rules of City of New York, Title 6, § 2-233 (a) (6).

Failure to Keep Records in Chronological Order

Counts 11 - 20

3. The allegations of paragraphs **10 - 11** above are incorporated by reference as though fully realleged herein.
4. Respondent failed keep records in chronological order within the meaning of and in violation of the Rules of City of New York, Title 6, § 2-233 (b) (5).

Failure to Record the Title Of The Action

Counts 21 - 30

5. The allegations of paragraph 12 above are incorporated by reference as though fully realleged herein.
6. Respondent failed to maintain records showing the title of the action/name of the person served/date and approximate time service was effected/nature of the papers served/the court in which the action was commenced/the index number of the action in violation of the Rules of City of New York, Title 6, § 2-233 (a) (2) (i).

Failure to Record the Date and Time That Service was Effectuated

Counts 31 - 40

7. The allegations of paragraphs 13 above are incorporated by reference as though fully realleged herein.
8. Respondent failed to maintain records showing the date and approximate time service was effected in violation of the Rules of City of New York, Title 6, § 2-233 (a) (2) (iii)

Failure to Record the Address Where Service was Effectuated.

Counts 41 - 50

9. The allegations of paragraphs 14 above are incorporated by reference as though fully realleged herein
10. Respondent failed to maintain records showing the address where service was served, in violation of the Rules of City of New York, Title 6, § 2-233 (a) (2) (iv).

Failure to Record of the Nature of the Papers Served

Counts 51 - 60

11. The allegations of paragraphs 15 above are incorporated by reference as though fully realleged herein.

12. Respondent failed to maintain records showing the nature of the papers served, in violation of the Rules of City of New York, Title 6, § 2-233 (a) (2) (v).

Failure to Record the Name of the Court In Which The Action Was Commenced

Counts 61 - 70

13. The allegations of paragraphs 16 above are incorporated by reference as though fully realleged herein.

14. Respondent failed to maintain records showing the court in which the action was commenced/the index number of the action in violation of the Rules of City of New York, Title 6, § 2-233 (a) (2) (vi).

Failure to Record the Index Number of the Action

Counts 71 - 80

15. The allegations of paragraphs 17 above are incorporated by reference as though fully realleged herein.

16. Respondent failed to maintain records showing the index number of the action in violation of the Rules of City of New York, Title 6, § 2-233 (a) (2) (vii).

Failure to Record the Description of the Person Served

Counts 81 - 90

17. The allegations of paragraphs 18 above are incorporated by reference as though fully realleged herein.

18 Respondent failed to maintain records showing the description of the person served, in violation of the Rules of City of New York, Title 6, § 2-233 (a) (3).

Failure to Record the Dates, Addresses and Times Service Attempted

Counts 91 - 100

19. The allegations of paragraphs 19 above are incorporated by reference as though fully realleged herein.

20 Respondent failed to maintain records showing the dates, addresses and times of attempted service, after effecting service by affixing summons to the door pursuant to CPLR § 308 (4), in violation of the Rules of City of New York, Title 6, § 2-233 (a) (4).

Failure to Record the Date An Affidavit of Service Was Filed With a Court

Counts 101 - 110

21 The allegations of paragraphs 20 above are incorporated by reference as though fully realleged herein.

22 Respondent failed to maintain records showing the dates that affidavits of service were filed with a court, in violation of the Rules of City of New York, Title 6, § 2-233 (a) (5).

Failure to Record the Description of the Area Adjacent to the Door

Counts 111 - 120

23 The allegations of paragraphs 21 above are incorporated by reference as though fully realleged herein.

24. Respondent failed to maintain records describing the area adjacent to the door to which he /she affixed the service, after effecting service pursuant to CPLR § 308 (4) or RPAPL §735 (1), in violation of the Rules of City of New York, Title 6, § 2-233 (b) (1).

Failure to Record the Person or Firm From Which Process for Service Was Received

Counts 121 - 130

25. The allegations of paragraphs 22 above are incorporated by reference as though fully realleged herein.

26. Respondent failed to maintain records of the person or law firm from whom he received the process to be served, in violation of the Rules of City of New York, Title 6, § 2-233 (b) (2)

Failure to Record the Type of Service

Counts 131 - 140

27. The allegations of paragraphs 23 above are incorporated by reference as though fully realleged herein.

28. Respondent failed to maintain records describing whether personal, substituted or conspicuous service was effected in violation of the Rules of City of New York, Title 6, § 2-233 (b) (3)

Failure to Record the Postal Receipt Numbers of Registered or Certified Mail

Counts 141 - 150

29. The allegations of paragraphs 24 - 26 above are incorporated by reference as though fully realleged herein.

30. Respondent failed to include the postal receipt number of registered or certified mail after service pursuant to RPAPL §735 (1), in violation of the Rules of City of New York, Title 6, § 2-233 (b) (4)

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 3 (THREE) 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 3 (THREE) 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.

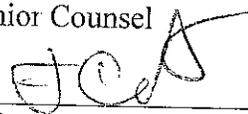
IF YOU DO NOT SPEAK FLUENT ENGLISH, YOU MAY USE THE TRANSLATION SERVICES PROVIDED BY DCA.

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: September 1, 2009
New York, New York

For: Jonathan Mintz
Commissioner

By: Fred Cantor, Esq.
Senior Counsel


Department of Consumer Affairs
Legal Compliance & Fitness Division
42 Broadway, 9th Floor
New York, NY 10004
Phone: (212) 361-7717

CERTIFICATE OF MAILING

Department of Consumer Affairs

I, Maleenee Kaisaram, do hereby declare that on

September 3, 2009 I mailed the attached:

Notice of Hearing PL _____

Notice of Violation LL 5130913

Notice of Violation CL _____

Copy of Notice No. _____

Other documents as described below:

By enclosing it/them in an envelope addressed to:

Name: Robbie Lawson

Address: 1410 East Avenue

Brook, NY 10462

and placed in the Legal Compliance and Fitness Division outgoing mail box.

Maleenee Kaisaram
Signature

Maleenee Kaisaram
Print Name

Date: September 3, 2009