Department of Consumer Affairs

Jonathan Mintz
Commissioner

42 Broadway
9th Floor
New York, NY 10004

[redacted] Esq
Staff Counsel
Legal Services Division

[redacted] tel
[redacted] fax

nyc.gov/consumers

January 27, 2009

VIA ELECTRONIC MAIL TO: [redacted]

[redacted]

RE: Whether A Limited Liability Corporation ("LLC") Needs A Process Server Organization License Although Only the Partners Will Serve Process In Its Behalf.

Dear Mr [redacted]

I write in response to your November 5, 2008 e-mail to the Department of Consumer Affairs inquiring whether your Limited Liability Corporation ("LLC") needs a process server organization license. In short, the LLC must obtain a process server organization license if it will effectuate service of process in the City of New York through any persons, including you, your partner, employees, agents and or subcontractors.

In your e-mail you explain that you and your partner each hold individual process server licenses issued by the Department and that you started an LLC under which you and your partner intend to serve process. You also explain that the LLC will not hire anyone else.

The New York City Process Server Rules, found in Title 6 of the Rules of the City of New York, 6 RCNY 2-231, state that a process server is "a person engaged in the business of serving process upon any person, corporation, governmental or political subdivisions or agency." The rules define "person" as any individual, firm, company, partnership, corporation, association or other organization. Section 2-231 further provides that a "person," an LLC in this case, is "engaged in the business of serving" if it assigns, distributes or delivers process to another for actual service.

Thus, when a limited liability corporation assigns, distributes or delivers process to another person, including a member of the LLC, for actual service, it is "engaged in the business of serving" and must obtain a process server organization license.

Department of
Consumer Affairs

Please feel free to telephone or e-mail me if you have any further questions My telephone number and e-mail address are noted above.

Sincerely,

[redacted]