



Jonathan Mintz
Commissioner

March 24, 2010

[Redacted]
Staff Counsel
[Redacted]

VIA EMAIL

RE: Process Server License Requirement

42 Broadway
9th Floor
New York, NY 10004

Dear Mr. [Redacted]

[Redacted] tel
[Redacted] fax

I am writing in reply to your email request for a letter of interpretation with regard to process servers. You have asked if a process server license from the New York City Department of Consumer Affairs ("the Department") is required for an individual who serves process without compensation on behalf of family members, more than five (5) times within a one year period. The short answer to your question is "yes."

nyc.gov/consumers

Section 20-404(a) of the New York City Administrative Code ("Code") defines a process server as "a person **engaged in the business of serving** or one who purports to serve or one who serves personally or by substituted service upon any person, corporation, governmental or political subdivision or agency, a summons, subpoena, notice, citation or other process, directing an appearance or response to a legal action, legal proceeding or administrative proceedings." Section 20-404(b) of the Code provides that "the service of five or more process in any one year shall be deemed to constitute doing business as a process server."

The Department interprets the term "engaged in the business of serving" to require either that the person serving process receive compensation for the service or that the person has served process in five (5) or more different proceedings in one year. That interpretation is consistent with the definition of process server in section 89-ee of the New York General Business Law, which provides that a process server is "a person, other than an attorney or a party to an action acting on his own behalf, who: (a) derives income from the service of papers in an action; or (b) has effected service of process in five or more actions or proceedings in the twelve month period immediately preceding the service in question."

Based on your representation that you previously served process five (5) times and you intend to serve additional process within a one (1) year period, a process server license from the NYC Department of Consumer Affairs is required.

Sincerely,

[Redacted Signature]

Staff Counsel