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[nyc.gov/consumers](http://nyc.gov/consumers)

October 19, 2011

VIA U.S. MAIL

██████████  
██████████  
**RE: Process Server Agency and Process Server Individual Traverse Hearing Reporting Requirements**

Dear Ms. ██████████

The New York City Department of Consumer Affairs (the "Department" or "DCA") is issuing this response to your email inquiry, dated September 28, 2011. You asked the following question concerning traverse hearing reports: "[W]hether one [report] from the licensed agency will cover the reporting of a hearing, as well as the reporting of results [of the traverse hearing] if the notice [i.e., report] has the license number of both on same."

As explained below, based on the facts described in your inquiry, both the Process Serving Agency ("PSA") and the individual process server ("PSI") are required to separately report to the Department information concerning any traverse hearing, including the final disposition of such hearing.

Section 2-236(a), title 6 of the Rules of the City of New York ("6 RCNY") provide that

Whenever a process server or process serving agency receives any type of notice, including an oral communication, that a court has scheduled a hearing to determine whether service of process made or assigned by such licensee was effective, *the licensee shall submit a report* to the Department (attention of Counsel's Office), in writing, by certified mail, or by e-mail to an address designated by the Department,<sup>1</sup> within ten days of receiving such notice. . . .

6 RCNY § 2-236(a) (emphasis added). According to the text of this rule, each licensee (the PSA and the PSI) has an *independent* duty to report to the Department the scheduling of a traverse hearing and the final disposition of such hearing. Indeed, "the amended rule clarifies that both the process serving agency and the individual process server to whom process was assigned or distributed for service have an obligation to notify the Department of the scheduling of a hearing . . . ." Statement of Basis and Purpose to Amended Rules, 138 THE CITY RECORD 34 at p. 384 (Feb. 18, 2011). Thus, merely adding both the PSA and PSI license numbers to the same traverse hearing report would not comply with the Rule whereby each licensee shall independently submit a report to the Department.

<sup>1</sup> The Department has designated the following e-mail address for traverse reports: [TraverseReports@dca.nyc.gov](mailto:TraverseReports@dca.nyc.gov).



Additional information about license requirements and a compilation of licensing laws is available on DCA's website at [nyc.gov/consumers](http://nyc.gov/consumers).

Sincerely,

A black rectangular redaction box covering the signature area. Above the box, there are faint, handwritten scribbles in pencil or light ink, which appear to be the initials or a signature that has been obscured.