

CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

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DEPARTMENT OF CONSUMER AFFAIRS

CONSENT ORDER

Complainant,

-against-

GERALD K. MURRAY


Violation # LL 5307579

License # 0872285

Licensee/Respondent.

(Process Server Individual)
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1. Gerald K. Murray ("Respondent") acknowledges that the New York City Department of Consumer Affairs ("DCA" or "the Department") duly served Respondent with a Second Amended Notice of Hearing charging Respondent with violations of the following rules: 6 RCNY §§ 2-233(a), 2-233(a)(1), 2-233(a)(2)(i), 2-233(a)(2)(ii), 2-233(a)(2)(iv), 2-233(a)(2)(v), 2-233(a)(2)(vi), 2-233(a)(2)(vii), 2-233(a)(3), 2-233(b)(3), 2-233(b)(4), 2-233(b)(6), 2-233(b)(8), 2-233a(a), 2-234, 2-235, 2-236(a), 2-236(c)(1), 2-236(c)(2).
2. Respondent enters into this Consent Order ("CO") with the Department to resolve these charges without the necessity of a hearing.
3. The acceptance of this Consent Order by the Department shall not be deemed approval by the Department of any of Respondent's business practices, and Respondent shall make no representations to the contrary

INJUNCTIVE RELIEF

4. Respondent agrees to immediately cease serving process in New York City.
5. Respondent agrees to immediately surrender his process server individual license.
6. Respondent agrees that he shall not apply to the Department for a process server license at any time in the future.

BREACH OF THIS AGREEMENT

7. Specific violations of this Agreement shall constitute independent and separate violations of any applicable law, regulation or rule.

8. Future violations of laws and Department rules and violations of this Agreement shall be assessed as separate fines, with a maximum penalty of \$1,000.00 each.

WAIVER OF APPEALS

9. Respondent waives any right to a hearing, appeal of or any challenge of the facts alleged by the above-referenced violation under Section 20-104 of the New York City Administrative Code or under Article 78 of the New York State Civil Practice Law and Rules, Sections 7801-7806, in any forum, and shall not be fined for any of the charges alleged in the Second Amended Notice of Hearing in the above-referenced matter, unless Respondent violates this Agreement.

DEPARTMENT'S AUTHORITY

10. Nothing in this Consent Order shall be construed to limit in any way the authority of the Department to exercise its regulatory or enforcement powers under Sections 20-104 or 20-409 of the Code.

Agreed to by Respondent

Accepted for the NYC Department of
Consumer Affairs

By: Gerald K. Murray

By: Alvin A. Liu
Legal Division

Gerald Murray 12/24/13
Signature Date

Alvin A. Liu 12/24/13
Signature Date

Businesses licensed by the Department of Consumer Affairs (DCA) must comply with all relevant local, state and federal laws. Copies of New York City licensing and consumer protection laws are available in person at DCA's Licensing Center, located at 42 Broadway, 5th Floor, New York, NY, by calling 311, New York City's 24-hour Citizen Service Hotline, or by going online to www.nyc.gov/consumers.



42 Broadway
8th Floor
New York, NY 10004

Dial 311
(212-NEW-YORK)

nyc.gov/consumers

SURRENDER FORM

If you currently hold a license issued by the Department of Consumer Affairs (DCA) and would like to surrender it for a refund and/or request a transfer of your license to another individual/business, please complete the form below and attach your license documents.

Business Name:	
Business Address:	[REDACTED]
DCA License Category	Process Server - Individual
DCA License Issued Date:	2/22/12
DCA License Number:	087 2285
CAMIS Number:	
DCA License Plate Number(s):	N/A
Why are you surrendering your license?	
Will you be vacating the premises as listed on the license document?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If known, please provide the name of the new occupants and their business type.	N/A
Mailing address where a refund will be sent if you qualify.	[REDACTED]

I understand that continued operation without a license may subject me to civil and/or criminal penalties. In addition, I understand that falsification of any statement made herein is an offense punishable by a fine or imprisonment or both.

Gerald Murray
Signature

Title (if any)

Gerald Murray
Print Name

12/23/13
Date

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

-----X
DEPARTMENT OF CONSUMER AFFAIRS,

**SECOND AMENDED
NOTICE OF HEARING**

Complainant,

-against-

Violation # LL 5307579

GERALD K. MURRAY


License # 0872285

Licensee/Respondent.

(Process Server Individual)

-----X

In accordance with the powers of the Commissioner of the New York City Department of Consumer Affairs ("the Department") set forth in Section 2203(f) 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 DEPARTMENT'S ADJUDICATION TRIBUNAL LOCATED AT 66 JOHN STREET, 11TH FLOOR, NEW YORK, NEW YORK 10004 AT 9:30 A.M. ON WEDNESDAY, DECEMBER 18, 2013** to: have charges against you heard concerning violations of Chapter 1 of the Code, beginning at Section 20-101 (known as the License Enforcement Law); Chapter 2 of the Code, 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); and 6 RCNY 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 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.

FACTS

1. Respondent, Gerald K. Murray, is licensed by the Department as an individual process server under license number 0872285.
2. Respondent's current process server license will expire on February 28, 2014.

Failure to Comply with the Law Governing Service of Process

3. Respondent falsely affirmed in an affidavit of service that was filed in New York County Civil Court in the matter of *New York City Housing Authority v. [REDACTED]* [REDACTED] Index No. 024623/12, that he had served a Summons and Verified Complaint on the defendant on September 12, 2012 at 3:10 p.m. by delivering the papers to "Mr. [REDACTED] Relative of the Defendant."
4. Respondent falsely affirmed in an affidavit of service that was filed in Kings County Supreme Court in the matter of *Sovereign Bank v. [REDACTED]* [REDACTED] Index No. 20309/10, that he had served a Summons and Complaint on defendant Pinchas Ringel on August 30, 2010 by affixing the papers to the door of 101 Webster Avenue, Brooklyn, NY 11230.
5. Respondent falsely affirmed in an affidavit of service that was filed in Bronx County Supreme Court in the matter of *Yvonne Salaman v. [REDACTED]* Index No. 306431/2011, that he had served a Summons and Verified Complaint on the defendant on July 25, 2011 by delivering the papers to "[REDACTED]"
6. Respondent failed to comply with the law governing service of process in the matter of *Marc Cesarec v. [REDACTED] et al.*, Index No. 653082/12, New York County Supreme Court, by failing to serve the Summons and Complaint at the actual place of business, dwelling place or usual place of abode of defendant [REDACTED]
[REDACTED]

7. Respondent falsely affirmed in an affidavit of service that was filed in New York County Civil Court in the matter of *New York City Housing Authority v. [REDACTED]* [REDACTED] Index No. 28232/2012, that he had served a Summons and Verified Complaint on the defendant on October 18, 2012 at 1:40 p.m. by delivering the papers to “[REDACTED]”
8. Respondent falsely affirmed in an affidavit of service that was filed in Bronx County Supreme Court in the matter of *Erick Carbonell v. [REDACTED]* Index No. 301609/2012, that he had served an Amended Summons and Verified Complaint on defendant Ganesh Boodhoo on May 1, 2012 at 10:17 a.m. by delivering the papers to “[REDACTED]”
9. Respondent falsely affirmed in an affidavit of service that was filed in Kings County Supreme Court in the matter of *H.M. Polash v. [REDACTED]* Index No. 6903/12, that he had served a Summons and Verified Complaint on defendant H.M. Papon on May 1, 2012 at 11:51 a.m. by delivering the papers to “[REDACTED]” [REDACTED]
10. Respondent falsely affirmed in an affidavit of service that was filed in Kings County Civil Court in the matter of *Equable Ascent Financial, LLC v. [REDACTED]* Index No. 013271/12, that he had served a Summons and Complaint on the defendant on May 1, 2012 at 2:32 p.m. by delivering the papers to “[REDACTED]”
11. Respondent falsely affirmed in an affidavit of service that was filed in Kings Civil Court in the matter of *Franklin Hospital Medical Center v. [REDACTED]* Index No. 12664/12, that he had served a Summons and Complaint on the defendant on June 4, 2012 at 6:59 p.m. by delivering the papers to “[REDACTED]”

12. Respondent falsely affirmed in an affidavit of service that was filed in Kings County Supreme Court in the matter of *Shawn T. White v. [REDACTED]* *et al.*, Index No. 6292/12, that he had served a Summons & Verified Complaint on defendant Ronald A. Thomas on June 16, 2012 at 12:47 p.m. by delivering the papers to “[REDACTED]”
13. Respondent falsely affirmed in an affidavit of service that was filed in Kings County Supreme Court in the matter of [REDACTED] Index No. 30325/2000, that he had served an Order to Show Cause and Supporting Papers on [REDACTED] on July 13, 2012 at 5:03 p.m. by personal service.

Electronic Recordkeeping Violations

14. Pursuant to section 20-406.3 of the Code and 6 RCNY § 2-233a, a licensed process server is required to maintain records of service of process in an electronic format (“233a records”).
15. The 233a records must contain the following information in separate fields:
- (i) name of the individual process server to whom service is assigned, which will be entered as last name, first name;
 - (ii) the license number of the individual process server to whom service is assigned, which will be specified as a seven digit number, where the first number shall be zero if the process server's license number is less than seven digits;
 - (iii) the title of the action or proceeding, if any;
 - (iv) the name of the person served, if known, which shall be entered as last name, first name;
 - (v) the date that service was effected, which shall be entered as MM/DD/YYYY;
 - (vi) the time service was effected, which shall be entered as military time;
 - (vii) the address where service was effected, which shall be entered as three different fields such that one field will be for the street address and any apartment number, the second field will be for the city or borough, and the third field will be for zip code;
 - (viii) the nature of the papers served;
 - (ix) the court in which the action has been commenced, which shall be entered as either Civil Court NYC, Civil Supreme, Criminal, Housing(L/T), or District

Court, followed by the county of the court, the judicial department if appellate, or the federal district;

- (x) the full index number, which shall be entered with all information necessary to identify the case, such as XXXXXX/XX, unless the case is a Civil Local matter, in which case, it will include the prefix of CV, CC, LT, MI, NC, RE, SC, or TS;
- (xi) if service was effected pursuant to subdivisions (1) through (3) of CPLR §308, a description of the person served which shall consist of six fields, including sex, hair color, approximate age, height, weight, and any other identifying features provided by the process server;
- (xii) whether service was delivered, as indicated by a Y or N;
- (xiii) the type of service effected, which shall be entered as a P for personal service, an S for substitute service, a C for conspicuous service, or a CO for corporate service; and
- (xiv) if service was effected pursuant to subdivision (4) of CPLR §308 or subdivision one of RPAPL §735, a description of the door and the area adjacent.

16. Respondent failed to include the following information in his 233a records in

accordance with 6 RCNY § 2-233a for the following attempts or services:

- a.
- b.
- c.
- d.
- e.
- f.
- g.
- h.
- i.
- j.



Affidavit of Service Violations

17. Pursuant to 6 RCNY § 2-235, an individual process server must maintain a copy of every affidavit of service for at least seven (7) years in electronic form or as a paper copy.
18. During the period May 1, 2012 through July 31, 2012, Respondent served process on over five hundred (500) occasions in New York City.
19. Respondent failed to maintain for at least seven (7) years copies of any affidavits of service that he signed for the services he made during the period May 1, 2012 through July 31, 2012.

Traverse Hearing Reporting Violations

20. Pursuant to Title 6 of the Rules of the City of New York (“6 RCNY”) § 2-236(a), whenever an individual process server receives notice that a court has scheduled a hearing to determine whether service of process made by the process server was effective (known as a “traverse hearing”), the process server must submit, by certified mail or e-mail, a written report to the Department within ten (10) days of receiving such notice. The written report must include the title and index number of the action, the court and the judge before whom the hearing is scheduled, the date(s) of the hearing, and the name and license number of every licensee who effected service or assigned or distributed the process for service.
21. Pursuant to 6 RCNY § 2-236(c)(1), an individual process server must attempt to learn the results of his or her traverse hearings by following specific procedures, including searching court files sixty (60) and ninety (90) days after the hearing.
22. Pursuant to 6 RCNY § 2-236(c)(2), an individual process server must submit a written report to the Department, by certified mail or e-mail, stating:

- (a) the result of the traverse hearing (including any judicial order or voluntary settlement resolving the challenge to service of process), within ten (10) days of learning the result; or
- (b) that he or she made attempts to learn the result of the traverse hearing but was unable to do so, within one hundred (100) days of the hearing.

23. On information and belief, in or about the dates of service indicated in Chart 2 below, process was distributed to Respondent for service in the respective cases and thereafter an affidavit of service executed by Respondent in which he attested that he had served such process in said cases was filed with the court:

Chart 1: Failed to Report Scheduling of Traverse Hearings

Date of Service	Case Title	Index No.	County	Court	Traverse Hearing Date
6/5/2010	Based Anesthesia v. [REDACTED]	50803/10	Kings	Civil	3/13/2012
7/5/2005	Empire Portfolios, Inc. v. [REDACTED]	30479/05	New York	Civil	3/20/2012
1/12/2011	Capital One v. [REDACTED]	65299/10	New York	Civil	5/14/2012
2/29/2012	Barbara Levin v. [REDACTED]	64209/12	Kings	Housing	8/9/2012
7/22/2010	NYU Hospital Center v. [REDACTED]	17790/10	Kings	Supreme	8/2/2012
4/2/2011	Security Credit Services v. [REDACTED]	30507/11	Queens	Civil	10/15/2012
6/30/2012	First National Bank of Omaha v. [REDACTED]	12091/12	Bronx	Civil	12/4/2012
8/30/10	Sovereign Bank v. [REDACTED]	20309/10	Kings	Supreme	4/16/13
7/25/11	Yvonne Salaman v. [REDACTED]	306431/11	Bronx	Supreme	4/22/13
9/12/12	NYC Housing Authority v. [REDACTED]	24623/12	New York	Civil	5/13/13

9/7/12	Lai Szun Harrison v. Errol C. [REDACTED]	12807/12	Kings	Supreme	8/2/13
9/15/12	Millenium HVACR, Inc. v. [REDACTED]	021017/12	New York	Civil	8/19/13
9/18/12	Marc Cesarec v. [REDACTED]	653082/12	New York	Supreme	9/18/13
4/29/12	Banco Popular North America v. [REDACTED]	302832/12	Bronx	Supreme	10/21/13
9/23/10	Citizens Automobile Finance, Inc. v. [REDACTED]	21557/10	Kings	Supreme	12/9/13

24. In each case listed in Chart 1, the court scheduled a traverse hearing concerning the service of process allegedly made by Respondent.

25. Respondent received notice of the scheduling of the traverse hearing in each case listed in Chart 1.

26. Respondent did not report to the Department, within ten (10) days of receiving notice, that a traverse hearing had been scheduled in each case listed in Chart 1.

Chart 2: Failed to Report Results of Traverse Hearings

Date of Service	Case Title	Index No.	County	Court	Traverse Hearing Date
6/5/2010	Based Anesthesia v. [REDACTED]	50803/10	Kings	Civil	3/13/2012
7/5/2005	Empire Portfolios, Inc. v. [REDACTED]	30479/05	New York	Civil	3/20/2012
1/12/2011	Capital One v. [REDACTED]	65299/10	New York	Civil	5/14/2012
2/29/2012	Barbara Levin v. [REDACTED]	64209/12	Kings	Housing	8/9/2012
7/22/2010	NYU Hospital Center v. [REDACTED]	17790/10	Kings	Supreme	8/2/2012
4/2/2011	Security Credit Services v. [REDACTED]	30507/11	Queens	Civil	10/15/2012

6/30/2012	First National Bank of Omaha v. [REDACTED]	12091/12	Bronx	Civil	12/4/2012
12/24/10	Citibank v. [REDACTED]	92213/2010	Kings	Civil	12/18/2012
8/30/10	Sovereign Bank v. Hi Tech 2000, Inc.	20309/10	Kings	Supreme	4/16/13
7/25/11	Yvonne Salaman v. [REDACTED]	306431/11	Bronx	Supreme	4/22/13
9/12/12	NYC Housing Authority v. [REDACTED]	24623/12	New York	Civil	5/13/13
9/7/12	Lai Szun Harrison v. Errol C. [REDACTED]	12807/12	Kings	Supreme	8/2/13
9/15/12	Millenium HVACR, Inc. v. [REDACTED]	021017/12	New York	Civil	8/19/13
9/18/12	Marc Cesarec v. [REDACTED]	653082/12	New York	Supreme	9/18/13
4/29/12	Banco Popular North America v. [REDACTED]	302832/12	Bronx	Supreme	10/21/13

27. In each case listed in Chart 2, the court scheduled a traverse hearing concerning the service of process allegedly made by Respondent.
28. Respondent received notice of the scheduling of the traverse hearing in each case listed in Chart 2.
29. In each case listed in Chart 2, Respondent did not attempt to learn the result of the traverse hearing in accordance with the procedures specified in 6 RCNY § 2-236(c)(1).
30. In each case listed in Chart 2, Respondent did not submit a written report to the Department, by certified mail or e-mail, of the result of the traverse hearing or that Respondent made attempts to learn the result of the hearing but was unable to do so, within one hundred (100) days of the hearing.

Logbook Violations

31. Pursuant to 6 RCNY § 2-233(a)(6), an individual process server must maintain a copy of his log book for at least three (3) years.
32. Respondent failed to maintain for at least three (3) years copies of a log book that contained records of his services and attempted services during the period May 1, 2012 through July 31, 2012.
33. Respondent recorded false and inaccurate entries in his log books, including the following:
 - (i) Respondent's log book record reports that he performed thirty-seven (37) consecutive conspicuous services in seventeen (17) different buildings between 7:00 p.m. and 8:57 p.m. on March 1, 2012, which is impossible;
 - (ii) Respondent's log book record reports that he was in both Bronx and Brooklyn on April 30, 2012 at 11:32 a.m., which is impossible;
 - (iii) Respondent's log book record reports that he was in both Bronx and Brooklyn on April 30, 2012 at 12:13 p.m., which is impossible;
 - (iv) Respondent's log book record reports that he was in both Bronx and Brooklyn on April 30, 2012 at 1:04 p.m., which is impossible;
 - (v) Respondent's log book record reports that he was in both Bronx and Brooklyn on April 30, 2012 at 1:35 p.m., which is impossible;
 - (vi) Respondent's log book record reports that he was at two different addresses in the Bronx on April 30, 2012 at 3:56 p.m., which is impossible;
 - (vii) Respondent's log book record reports that he was in both Bronx and Brooklyn on April 30, 2012 at 4:36 p.m., which is impossible;
 - (viii) Respondent's log book record reports that on May 2, 2012, he was in Bronx at 2:51 p.m. and Brooklyn at 2:54 p.m., which is impossible;
 - (ix) Respondent's log book record reports that that on May 7, 2012, he was in Bronx at 11:06 a.m. and Brooklyn at 11:13 a.m., which is impossible;
 - (x) Respondent's log book record reports that on May 7, 2012, he was in Brooklyn at 11:35 a.m. and Bronx at 11:39 a.m., which is impossible;

- (xi) Respondent's log book record reports that on May 7, 2012, he was in Brooklyn at 12:06 p.m. and Bronx at 12:10 p.m., which is impossible;
- (xii) Respondent's log book record reports that on May 7, 2012, he was in Brooklyn at 12:27 p.m. and Bronx at 12:28 p.m., which is impossible;
- (xiii) Respondent's log book record reports that on May 22, 2012, he was in Bronx at 12:24 p.m. and Brooklyn at 12:30 p.m., which is impossible.
- (xiv) Respondent's log book record reports that on July 3, 2012, he made a service in Brooklyn at 11:32 a.m. and made a service in Bronx at 11:41 a.m., which is impossible.
- (xv) Respondent's log book record reports that on July 3, 2012, he made an attempted service in Brooklyn at 12:13 p.m. and made a service in Bronx at 12:14 p.m., which is impossible.
- (xvi) Respondent's log book record reports that on July 9, 2012, he made a service at 12:10 p.m. in Brooklyn and made a service at 12:13 in Bronx, which is impossible.
- (xvii) Respondent's log book record reports that on July 9, 2012, he made a service at 1:50 p.m. in Brooklyn and made a service at 1:55 p.m. in Bronx, which is impossible.
- (xviii) Respondent's log book record reports that on July 9, 2012, he made a service at 2:14 p.m. in Bronx and made a service at 2:15 p.m. in Brooklyn, which is impossible.
- (xix) Respondent's log book record reports that on July 9, 2012, he made a service at 2:37 p.m. in Brooklyn and made a service at 2:41 p.m. in Bronx, which is impossible.
- (xx) Respondent's log book record reports that on July 9, 2012, he made a service at 2:43 p.m. in Bronx and made a service at 2:55 p.m. in Brooklyn, which is impossible.
- (xxi) Respondent's log book record reports that on July 9, 2012, he made a service at 3:20 p.m. in Bronx and made a service at 3:28 p.m. in Brooklyn, which is impossible.
- (xxii) Respondent's log book record reports that on July 9, 2012, he made a service at 3:48 p.m. in Brooklyn and made a service at 3:51 p.m. in Bronx, which is impossible.
- (xxiii) Respondent's log book record reports that on July 9, 2012, he made a service at 3:57 p.m. in Brooklyn and made a service at 4:10 p.m. in Bronx, which is impossible.

(xxiv) Respondent's log book record reports that on July 9, 2012, he made a service at 4:38 p.m. in Bronx and made a service at 4:39 p.m. in Brooklyn, which is impossible.

(xxv) Respondent's log book record reports that on July 10, 2012, he made a service at 11:08 a.m. in Bronx and made a service at 11:16 a.m. in Brooklyn, which is impossible.

34. Respondent failed to create a logbook entry for the following attempts or services:

- a. 5/2/2012 @ 13:55 [REDACTED]
- b. 5/3/2012 @ 11:24 [REDACTED]
- c. 5/7/2012 @ 11:11 [REDACTED]

35. Respondent created illegible logbook entries for the following attempts or services:

- a. 3/1/2012 @ 19:56 [REDACTED]
- b. 3/1/2012 @ 20:20 [REDACTED]
- c. 3/1/2012 @ 21:50 [REDACTED]
- d. 3/2/2012 @ 11:58 [REDACTED]
- e. 3/5/2012 @ 9:27 [REDACTED]
- f. 3/5/2012 @ 13:31 [REDACTED]
- g. 3/5/2012 @ 16:30 [REDACTED]
- h. 3/6/2012 @ 12:04 [REDACTED]
- i. 3/6/2012 @ 14:07 [REDACTED]
- j. 3/8/2012 @ 11:10 [REDACTED]

36. Respondent made improper corrections to the following entries in his logbooks:

- a. 3/1/2012 @ 19:56 [REDACTED]
- b. 3/1/2012 @ 20:20 [REDACTED]
- c. 3/1/2012 @ 21:50 [REDACTED]
- d. 3/2/2012 @ 11:58 [REDACTED]
- e. 3/5/2012 @ 7:04 [REDACTED]
- f. 3/5/2012 @ 13:31 [REDACTED]
- g. 3/5/2012 @ 16:30 [REDACTED]
- h. 3/6/2012 @ 12:04 [REDACTED]
- i. 3/6/2012 @ 14:07 [REDACTED]
- j. 3/8/2012 @ 11:10 [REDACTED]

37. Respondent failed to include in his logbook the name of the entity or individual from whom the process served was received for the following attempts or services:

- a. 3/7/2012 @ 12:07 [REDACTED]
- b. 6/5/2012 @ 13:21 [REDACTED]
- c. 6/6/2012 @ 9:27 [REDACTED]

- d. 6/6/2012 @ 9:45 [REDACTED]
- e. 6/6/2012 @ 9:45 [REDACTED]
- f. 6/28/2012 @ 11:21 [REDACTED]
- g. 6/28/2012 @ 11:43 [REDACTED]
- h. 7/2/2012 @ 11:23 [REDACTED]
- i. 7/12/2012 @ 11:39 [REDACTED]
- j. 7/12/2012 @ 11:53 [REDACTED]

38. Respondent failed to include in his logbook the process serving agency's license number for the following attempts or services:

- a. 3/7/2012 @ 12:07 [REDACTED]
- b. 6/5/2012 @ 13:21 [REDACTED]
- c. 6/6/2012 @ 9:27 [REDACTED]
- d. 6/6/2012 @ 9:45 [REDACTED]
- e. 6/6/2012 @ 9:45 [REDACTED]
- f. 6/28/2012 @ 11:21 [REDACTED]
- g. 6/28/2012 @ 11:43 [REDACTED]
- h. 7/2/2012 @ 11:23 [REDACTED]
- i. 7/12/2012 @ 11:39 [REDACTED]
- j. 7/12/2012 @ 11:53 [REDACTED]

39. Respondent failed to include in his logbook the title of the action or a reasonable abbreviation thereof for the following attempts or services:

- a. 3/7/2012 @ 12:07 ([REDACTED]).

40. Respondent failed to include in his logbook the name of the entity or individual served for the following services:

- a. 3/3/2012 @ 15:56 [REDACTED]
- b. 3/6/2012 @ 15:45 [REDACTED]
- c. 3/7/2012 @ 13:19 [REDACTED]
- d. 3/24/2012 @ 15:59 (No Name).

41. Respondent failed to include in his logbook the complete address where service was attempted or effected for the following attempts or services:

- a. 5/16/2012 @ 15:44 [REDACTED]
- b. 5/17/2012 @ 14:54 [REDACTED]
- c. 5/29/2012 @ 10:37 [REDACTED]
- d. 5/29/2012 @ 11:49 [REDACTED]
- e. 5/29/2012 @ 13:45 [REDACTED]
- f. 5/30/2012 @ 12:20 [REDACTED]

- g. 5/31/2012 @ 12:13
- h. 6/2/2012 @ 12:11
- i. 6/2/2012 @ 12:22
- j. 6/2/2012 @ 18:22

42. Respondent failed to include in his logbook the nature of the papers served for the following services:

- a. 3/2/2012 @ 14:34
- b. 3/13/2012 @ 9:14
- c. 3/14/2012 @ 21:21
- d. 4/19/2012 @ 11:53
- e. 4/19/2012 @ 16:29
- f. 5/7/2012 @ 14:59
- g. 5/16/2012 @ 17:32
- h. 5/16/2012 @ 17:44
- i. 5/16/2012 @ 17:48
- j. 7/17/2012 @ 12:48

43. Respondent failed to include in his logbook the court in which the action was commenced for the following attempts or services:

- a. 2/29/2012 @ 13:30
- b. 3/6/2012 @ 13:41
- c. 3/6/2012 @ 15:36
- d. 3/6/2012 @ 15:43
- e. 3/6/2012 @ 15:45
- f. 3/7/2012 @ 17:06
- g. 3/9/2012 @ 13:02
- h. 3/12/2012 @ 10:26
- i. 3/12/2012 @ 13:04
- j. 3/14/2012 @ 14:00

44. Respondent failed to include in his logbook the index number of the action for the following attempts or services:

- a. 2/29/2012 @ 13:30
- b. 3/6/2012 @ 13:41
- c. 3/6/2012 @ 15:36
- d. 3/6/2012 @ 15:43
- e. 3/6/2012 @ 15:45
- f. 3/7/2012 @ 11:50
- g. 3/7/2012 @ 17:06
- h. 3/9/2012 @ 13:02
- i. 3/9/2012 @ 9:46

j. 3/9/2012 @ 13:26 (Methodist Hospital).

45. Respondent failed to include in his logbook the full description of the person served

for the following services:

- a. 3/2/2012 @ 20:20 [REDACTED]
- b. 3/3/2012 @ 14:10 [REDACTED]
- c. 3/5/2012 @ 6:51 [REDACTED]
- d. 3/5/2012 @ 14:36 [REDACTED]
- e. 3/6/2012 @ 15:45 [REDACTED]
- f. 3/7/2012 @ 13:19 [REDACTED]
- g. 3/7/2012 @ 16:16 [REDACTED]
- h. 3/12/2012 @ 10:52 [REDACTED]
- i. 3/12/2012 @ 10:59 [REDACTED]
- j. 3/12/2012 @ 11:09 [REDACTED]

46. Respondent failed to include in his logbook the type of service of effected for the

following services:

- a. 3/1/2012 @ 7:57 [REDACTED]
- b. 3/6/2012 @ 20:08 [REDACTED]
- c. 3/14/2012 @ 13:35 [REDACTED]
- d. 3/19/2012 @ 14:41 [REDACTED]
- e. 4/20/2012 @ 10:17 [REDACTED]
- f. 4/30/2012 @ 11:32 [REDACTED]
- g. 7/7/2012 @ 14:39 [REDACTED]
- h. 7/10/2012 @ 17:28 [REDACTED]
- i. 7/14/2012 @ 10:39 [REDACTED]
- j. 7/21/2012 @ 13:24 [REDACTED]

47. Respondent failed to include in his logbook the color and composition of hallway walls

adjacent to the door to which process was affixed for the following conspicuous services:

- a. 2/29/2012 @ 17:02 [REDACTED]
- b. 3/1/2012 @ 7:50 [REDACTED]
- c. 3/1/2012 @ 7:57 [REDACTED]
- d. 3/1/2012 @ 10:40 [REDACTED]
- e. 3/1/2012 @ 10:40 [REDACTED]
- f. 3/1/2012 @ 18:09 [REDACTED]
- g. 3/1/2012 @ 19:00 [REDACTED]
- h. 3/1/2012 @ 19:05 [REDACTED]
- i. 3/1/2012 @ 19:11 [REDACTED]
- j. 3/1/2012 @ 19:16 [REDACTED]

48. Respondent failed to include in his logbook the color and composition of hallway floors or doorsteps adjacent to the door to which process was affixed for the following services:

- a. 2/29/2012 @ 17:02
- b. 3/1/2012 @ 7:50
- c. 3/1/2012 @ 7:57
- d. 3/1/2012 @ 10:40
- e. 3/1/2012 @ 10:40
- f. 3/1/2012 @ 18:09
- g. 3/1/2012 @ 19:00
- h. 3/1/2012 @ 19:05
- i. 3/1/2012 @ 19:11
- j. 3/1/2012 @ 19:16

49. Respondent failed to include in his logbook the location of the premises in relation to stairs, elevators or entranceways for the following services:

- a. 2/29/2012 @ 17:02
- b. 3/1/2012 @ 7:50 (Lori Andrade);
- c. 3/1/2012 @ 7:57 (Anselmo Coutas);
- d. 3/1/2012 @ 10:40
- e. 3/1/2012 @ 10:40
- f. 3/1/2012 @ 18:09
- g. 3/1/2012 @ 19:00
- h. 3/1/2012 @ 19:05
- i. 3/1/2012 @ 19:11
- j. 3/1/2012 @ 19:16

CHARGES

Charges 1-11: Failure to Comply with the Law Governing Service of Process

1. Respondent violated 6 RCNY § 2-234 by falsely affirming in an affidavit of service that was filed in New York County Civil Court in the matter of *New York City Housing Authority v. [REDACTED]* Index No. 024623/12, that he had served a Summons and Verified Complaint on the defendant on September 12, 2012 at 3:10 p.m. by delivering the papers to “[REDACTED] Relative of the Defendant.” [1 count]
2. Respondent violated 6 RCNY § 2-234 by falsely affirming in an affidavit of service that was filed in Kings County Supreme Court in the matter of *Sovereign Bank v. [REDACTED] [REDACTED] and [REDACTED]* Index No. 20309/10, that he had served a Summons and Complaint on defendant [REDACTED] on August 30, 2010 by affixing the papers to the door of 101 Webster Avenue, Brooklyn, NY 11230. [1 count]
3. Respondent violated 6 RCNY § 2-234 by falsely affirming in an affidavit of service that was filed in Bronx County Supreme Court in the matter of *Yvonne Salaman v. [REDACTED]* Index No. 306431/2011, that he had served a Summons and Verified Complaint on the defendant on July 25, 2011 by delivering the papers to “[REDACTED] [REDACTED] [1 count]
4. Respondent violated 6 RCNY § 2-234 by failing to comply with the law governing service of process in the matter of *Marc Cesarec v. [REDACTED]* Index No. 653082/12, New York County Supreme Court, by failing to serve the Summons and Complaint at the actual place of business, dwelling place or usual place of abode of defendant [REDACTED] [1 count]

5. Respondent violated 6 RCNY § 2-234 by falsely affirming in an affidavit of service that was filed in New York County Civil Court in the matter of *New York City Housing Authority v. [REDACTED]* Index No. 28232/2012, that he had served a Summons and Verified Complaint on the defendant on October 18, 2012 at 1:40 p.m. by delivering the papers to “[REDACTED].” [1 count]
6. Respondent violated 6 RCNY § 2-234 by falsely affirming in an affidavit of service that was filed in Bronx County Supreme Court in the matter of *Erick Carbonell v. [REDACTED]* Index No. 301609/2012, that he had served an Amended Summons and Verified Complaint on defendant Ganesh Boodhoo on May 1, 2012 at 10:17 a.m. by delivering the papers to “[REDACTED].” [1 count]
7. Respondent violated 6 RCNY § 2-234 by falsely affirming in an affidavit of service that was filed in Kings County Supreme Court in the matter of *H.M. Polash v. [REDACTED]* [REDACTED] Index No. 6903/12, that he had served a Summons and Verified Complaint on defendant H.M. Papon on May 1, 2012 at 11:51 a.m. by delivering the papers to “[REDACTED].” [1 count]
8. Respondent violated 6 RCNY § 2-234 by falsely affirming in an affidavit of service that was filed in Kings County Civil Court in the matter of *Equable Ascent Financial, LLC v. [REDACTED]* Index No. 013271/12, that he had served a Summons and Complaint on the defendant on May 1, 2012 at 2:32 p.m. by delivering the papers to “[REDACTED].” [1 count]
9. Respondent violated 6 RCNY § 2-234 by falsely affirming in an affidavit of service that was filed in Kings Civil Court in the matter of *Franklin Hospital Medical Center v. [REDACTED]* Index No. 12664/12, that he had served a Summons and

Complaint on the defendant on June 4, 2012 at 6:59 p.m. by delivering the papers to
“[REDACTED]” [1 count]

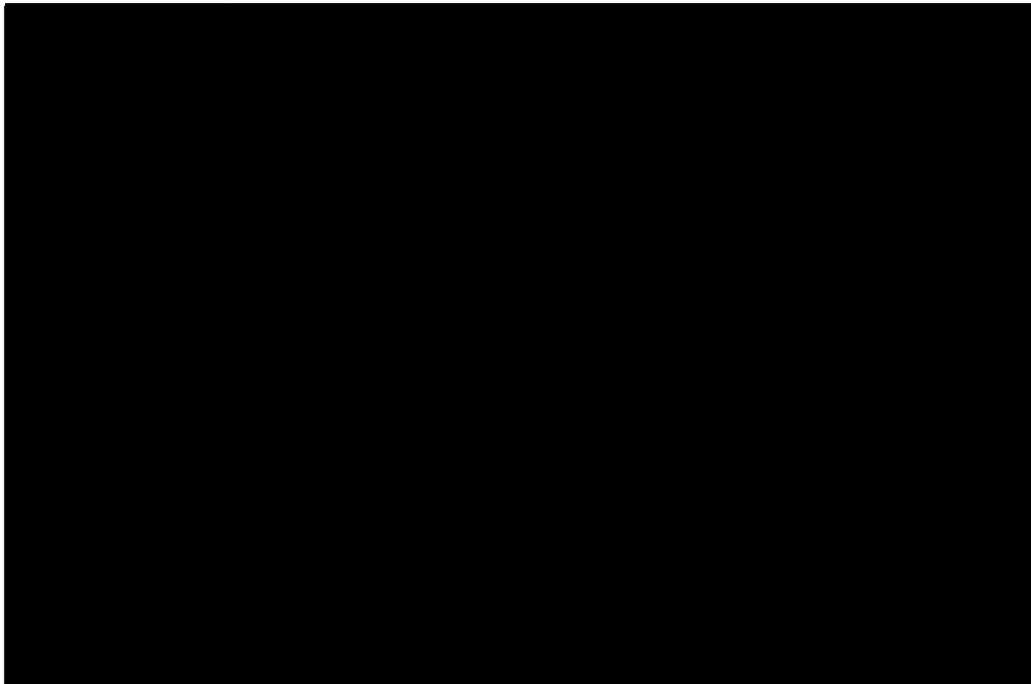
10. Respondent violated 6 RCNY § 2-234 by falsely affirming in an affidavit of service that was filed in Kings County Supreme Court in the matter of *Shawn T. White v. [REDACTED]*, [REDACTED], Index No. 6292/12, that he had served a Summons & Verified Complaint on defendant Ronald A. Thomas on June 16, 2012 at 12:47 p.m. by delivering the papers to “[REDACTED]” [1 count]

11. Respondent violated 6 RCNY § 2-234 by falsely affirming in an affidavit of service that was filed in Kings County Supreme Court in the matter of *Novoa v. [REDACTED]* Index No. 30325/2000, that he had served an Order to Show Cause and Supporting Papers on [REDACTED] on July 13, 2012 at 5:03 p.m. by personal service. [1 count]

Charge 12: Electronic Recordkeeping Violations

12. Respondent violated 6 RCNY § 2-233a(a) by failing to record the following information in his 233a records:

- a.
- b.
- c.
- d.
- e.
- f.
- g.
- h.



i.

j.

[10 counts]

Charge 13: Affidavit of Service Violations

13. Respondent violated 6 RCNY § 2-235 by failing to maintain for seven (7) years copies of any affidavits of service that he signed for the period May 1, 2012 through July 31, 2012. [10 counts]

Charges 14-16: Traverse Hearing Reporting Violations

14. Respondent violated 6 RCNY § 2-236(a) by failing to report to the Department the scheduling of a traverse hearing within ten (10) days of receiving notice of the scheduled hearing. [15 counts]
15. Respondent violated 6 RCNY § 2-236(c)(1) by failing to attempt to learn the result of a traverse hearing in accordance with the procedures specified in 6 RCNY § 2-236(c)(1). [15 counts]
16. Respondent violated 6 RCNY § 2-236(c)(2) by failing to, within one hundred (100) days after the scheduled date of a traverse hearing, report to the Department either: (a) the final result of the hearing; or (b) that Respondent made attempts to learn the final result of the hearing but was unable to do so. [15 counts]

Charges 17-33: Logbook Violations

17. Respondent violated 6 RCNY § 2-233(a) by recording false and inaccurate entries in his log book. [25 counts]
18. Respondent violated 6 RCNY § 2-233(a)(1) by failing to create a logbook entry for each service or attempted service that he made. [3 counts]

19. Respondent violated 6 RCNY § 2-233(a)(1) by making entries in his logbook that are not “legible.” [10 counts]
20. Respondent violated 6 RCNY § 2-233(b)(8) by making improper corrections in his logbook. [10 counts]
21. Respondent violated 6 RCNY § 2-233(b)(6) by failing to include the name of the entity or individual from whom the process served was received in his logbook entries. [10 counts]
22. Respondent violated 6 RCNY § 2-233(b)(6) by failing to include the process serving agency’s license number in his logbook entries. [10 counts]
23. Respondent violated 6 RCNY § 2-233(a)(2)(i) by failing to include the title of the action or a reasonable abbreviation thereof in his logbook entries. [1 count]
24. Respondent violated 6 RCNY § 2-233(a)(2)(ii) by failing to include the name of the entity or individual served in his logbook entries. [4 counts]
25. Respondent violated 6 RCNY § 2-233(a)(2)(iv) by failing to include the complete address where service was attempted or effected in his logbook entries. [10 counts]
26. Respondent violated 6 RCNY § 2-233(a)(2)(v) by failing to include the nature of the papers served in his logbook entries. [10 counts]
27. Respondent violated 6 RCNY § 2-233(a)(2)(vi) by failing to include the court in which the action was commenced in his logbook entries. [10 counts]
28. Respondent violated 6 RCNY § 2-233(a)(2)(vii) by failing to include the index number of the action in his logbook entries. [10 counts]
29. Respondent violated 6 RCNY § 2-233(a)(3) by failing to include the full description of the person served in his logbook entries. [10 counts]

30. Respondent violated 6 RCNY § 2-233(b)(3) by failing to include the type of service of effected in his logbook entries. [10 counts]
31. Respondent violated 6 RCNY § 2-233(b)(4) by failing to include the color and composition of hallway walls adjacent to the door to which process was affixed in his logbook entries. [10 counts]
32. Respondent violated 6 RCNY § 2-233(b)(4) by failing to include the color and composition of hallway floors or doorsteps adjacent to the door to which process was affixed in his logbook entries. [10 counts]
33. Respondent violated 6 RCNY § 2-233(b)(4) by failing to include a description of the location of the premises in relation to stairs, elevators or entranceways in his logbook entries. [10 counts]

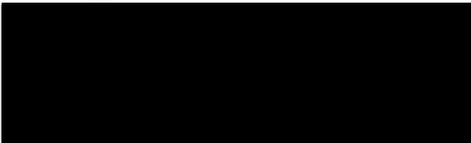
LACK OF FITNESS

34. 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) revoking Respondent's process server license; 2) finding Respondent unfit to hold any Department licenses; 3) imposing maximum fines on Respondent for each and every charge set forth herein; and 4) granting such other relief as is deemed just and proper.

Dated: December 10, 2013
New York, New York

For: **Jonathan Mintz**
Commissioner

By: 

Senior Staff Attorney
Legal Division

IMPORTANT INFORMATION FOR RESPONDENTS

You have been charged with violating Laws and Rules of the New York City Department of Consumer Affairs.

FAILURE TO APPEAR AT THE HEARING: If you do not appear on the scheduled hearing date, a default decision will be issued in which you will be found guilty of the charges and ordered to pay a fine, and your DCA license(s) may be revoked.

ADJOURNMENTS: Requests for adjournments must be received at least three (3) business days prior to the hearing date. **You may submit your request by e-mail to adjournmentrequests@dca.nyc.gov (preferred method);** by fax to 212-361-7766; or by mail to: DCA Administrative Tribunal, 66 John Street, 11th Floor, New York, NY 10038. Make sure to include the violation number in your request. In addition, you must send a copy of your request to nminella@dca.nyc.gov; or by mail to Nicholas Minella, DCA Legal Division, 42 Broadway, 9th Floor, New York, NY 10004.

REPRESENTATION: Although it is not required, you may choose to bring a lawyer or authorized representative to the hearing.

TRANSLATION SERVICES: DCA will provide translation services at the hearing for you and your witnesses. You may not use your own interpreter at the hearing.

REASONABLE ACCOMMODATION: If you have a disability and require a reasonable accommodation on the day of the hearing, you must send a request, with proof, before the hearing date to the Adjudication Tribunal at mycase@dca.nyc.gov or call 311 (212-NEW-YORK outside NYC) and ask for “Consumer Affairs Hearing - Reasonable Accommodation.”

For additional information, visit DCA’s website at www.nyc.gov/consumers or call 311.