

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

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DEPARTMENT OF CONSUMER AFFAIRS

**CONSENT ORDER**

Complainant,

-against-

MOHAMMED CHOUM  


Violation # LL 5332096

License # 1420702

Licensee/Respondent.

(Process Server Individual))

- x
1. The Department of Consumer Affairs (“DCA” or “the Department”) and Mohammed Choum (“Respondent”) enter into this Consent Order (“CO”) to resolve charges that Respondent violated the following rules and laws: 6 RCNY §§ 1-16(a), 2-233(a), 2-233a(a), 2-233b(a), 2-235 and Section 20-101 of the New York City Administrative Code.
  2. Respondent enters into this CO to resolve these charges without the necessity of a Notice of Violation or 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.

**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: Mohammed Choum

By:   
Legal Division

  
Signature

4/9/14  
Date

  
Signature

4/11/14  
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](http://www.nyc.gov/consumers).



42 Broadway  
5th Floor  
New York, NY 10004

Dial 311  
(212-NEW-YORK)

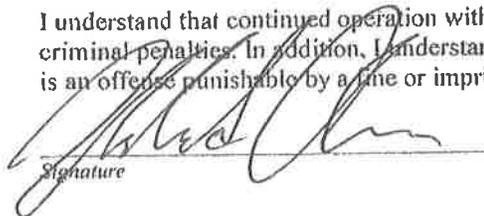
nyc.gov/consumers

## 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:   |   |
| DCA License Category  | PROCESS-SERVER (INDIVIDUAL)                                       |
| DCA License Issued Date:  | 3/12/2012   |
| DCA License Number:   | 1420702   |
| CAMIS Number:   |   |
| DCA License Plate Number(s):  |   |
| Why are you surrendering your license?  | As a part of a settlement with the Department of Consumer Affairs |
| 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. |   |
| Mailing address where a refund will be sent if you qualify.                     |   |

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.

  
Signature

Mohammed Choum  
Print Name

4/9/2014  
Date

Title (if any)

RECEIVED  
COUNSEL  
DEPT. OF CONSUMER AFFAIRS  
14 APR 11 PM 3:24

CITY OF NEW YORK  
DEPARTMENT OF CONSUMER AFFAIRS

-----x NOTICE OF HEARING  
DEPARTMENT OF CONSUMER AFFAIRS,

Complainant,

-against-

Violation No. LL 5332096

MOHAMMED CHOUM

License No. 1420702



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 8:30 A.M. ON MONDAY, APRIL 14, 2014** 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, 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); and 6 RCNY, 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.

## FACTS

1. Respondent, Mohammed Choum is licensed by the Department as an individual process server under license number 1420702.
2. Respondent's current process server license will expire on March 31, 2014.
3. On September 3, 2013, the Department served on Respondent a subpoena *duces tecum* ordering Respondent to produce certain required records (the "Subpoena") by October 1, 2013.
4. The Subpoena ordered Respondent to produce the following records:
  - a. For the period October 1, 2012 through December 31, 2012, Respondent's bound logbook(s);
  - b. For the period October 1, 2012 through December 31, 2012, copies of all electronic records that Respondent maintains pursuant to Title 6 of the Rules of the City of New York, Section 2-233a;
  - c. For the period October 1, 2012 through December 31, 2012, all affidavits of service signed by Respondent, prepared by Respondent, or filed by Respondent with a court concerning service of process that Respondent performed;
  - d. E-mails, letters, faxes or other documents showing when Respondent entered into an agreement or signed up with an independent third party (the "Contractor") pursuant to section 2-233b(a)(3) of Title 6 of the Rules of the City of New York for the storage and retrieval of GPS-related electronic records.
  - e. For the period October 1, 2012 through December 31, 2012, all electronic records of the GPS location, time and date of attempted or effected service of process made by Respondent pursuant to section 2-233b(a)(3) of Title 6 of the Rules of the City of New York;
  - f. A certification from the Contractor that the GPS records produced in response to the Subpoena are true and accurate copies of the records maintained by the Contractor;
  - g. Documents sufficient to provide the Department with access to interactive electronic street maps that display the locations where Respondent's digital GPS records were recorded for the period October 1, 2012 through December 31, 2012;
  - h. For the period January 1, 2012 through the date that Respondent responds to the Subpoena, documents sufficient to identify all traverse hearings scheduled, whether or not held, concerning service of process by Respondent, and the result(s) of the hearing(s); and
  - i. All documents, including communications, work orders/routing sheets, notes, affidavits of service, deposition transcripts and subpoenas, relating to court proceedings in which service of process performed by Respondent was

contested (including traverse hearings held or scheduled outside of New York City) during the period January 1, 2012 through the date that Respondent responds to the Subpoena.

5. As of the present date, Respondent has not produced any records in response to the Subpoena.

## CHARGES

### Charges 1-5: Failure to Comply With Subpoena

1. Respondent violated NYC Admin Code § 20-101 by failing to respond to the Subpoena. [1 count]
2. Respondent violated RCNY § 1-16(a) by failing to make available for inspection by the Department the log book for the period October 1, 2012 through December 31, 2012 that Respondent is required to maintain under 6 RCNY § 2-233. [1 count]
3. Respondent violated RCNY § 1-16(a) by failing to make available for inspection by the Department the electronic records for the period October 1, 2012 through December 31, 2012 that Respondent is required to maintain under 6 RCNY § 2-233a. [1 count]
4. Respondent violated RCNY § 1-16(a) by failing to make available for inspection by the Department the affidavits of service for the period October 1, 2012 through December 31, 2012 that Respondent is required to maintain under 6 RCNY § 2-235. [1 count]
5. Respondent violated RCNY § 1-16(a) by failing to make available for inspection by the Department the GPS records for the period October 1, 2012 through December 31, 2012 that Respondent is required to maintain under 6 RCNY § 2-233b. [1 count]

**Charges 6-9: Failure to Maintain Records**

6. Respondent violated 6 RCNY § 2-233(a) by failing to maintain a logbook for the period of for the period October 1, 2012 through December 31, 2012. [1 count]
7. Respondent violated 6 RCNY § 2-233a(a) by failing to maintain electronic records for the period of for the period October 1, 2012 through December 31, 2012. [1 count]
8. Respondent violated 6 RCNY § 2-233b(a) by failing to create a GPS record for each service or attempted service during the period of for the period October 1, 2012 through December 31, 2012. [1 count]
9. Respondent violated 6 RCNY § 2-235 by failing to maintain copies of signed affidavits of service for the period of for the period October 1, 2012 through December 31, 2012. [1 count]

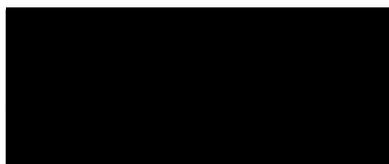
**LACK OF FITNESS**

10. 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: February 28, 2014  
New York, New York

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](mailto:adjournmentrequests@dca.nyc.gov) (preferred method);** or by mail to: DCA Administrative Tribunal, 66 John Street, 11<sup>th</sup> 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 [process\\_server@dca.nyc.gov](mailto:process_server@dca.nyc.gov); or by mail to Alvin A. Liu, DCA Legal Division, 42 Broadway, 9<sup>th</sup> Floor, New York, NY 10004.

**SETTLEMENTS:** If you wish to discuss a possible settlement of the charges in this Notice of Hearing, contact Alvin A. Liu at [process\\_server@dca.nyc.gov](mailto:process_server@dca.nyc.gov) at least 5 business days prior to the hearing date.

**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](mailto: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](http://www.nyc.gov/consumers) or call 311.