

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

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DEPARTMENT OF CONSUMER AFFAIRS

**AMENDED NOTICE OF  
HEARING**

Petitioner,

-against-

Violation No. 05349592

RON BLACK

License No. 0970422

Respondent.

(Process Server Individual)

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In accordance with the powers of the Commissioner of the New York City Department of Consumer Affairs ("the Department") set forth in Sections 2203(f) and 2203(h) of Chapter 64 of the Charter of the City of New York and Sections 20-104 and 20-409 of the Administrative Code of the City of New York ("the Code"), **you are hereby ordered to appear for a hearing** at the Tribunal located at 66 John Street, 11th Floor, New York, New York, on:

**MONDAY, MAY 16, 2016 AT 9:30 A.M.**

**RELEVANT LAW**

***False Affidavits of Service***

1. Pursuant to section 2-234 of Title 6 of the Rules of the City of New York ("6 RCNY");

[Licensed process servers and process serving agencies] shall at all times strictly and promptly conform to all laws, rules, regulations and requirements of the federal, state and municipal authorities relating to the conduct of licensees and the service of process in the State of New York and the preparation, notarization and filing of affidavits of service and other documents now in force or hereafter adopted during any license period.

***Recordkeeping Requirements***

2. 6 RCNY § 2-233(b)(1) requires process servers to "make a separate and contemporaneous entry of the date, time and address of every attempted and effected service of process in chronological order in a bound, paginated volume."<sup>1</sup>
3. 6 RCNY § 2-233(a)(2)(vi) requires process servers to record in their log book entries "the court in which the action has been commenced."
4. 6 RCNY § 2-233(a)(3) requires process servers to record the following information in their log book entries:

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<sup>1</sup> The bound volume is commonly referred to as the process server's log book.

If service is effected pursuant to subdivisions one, two, or three of section three hundred eight of the civil practice law and rules, the record shall also include the description of the person served, including, but not limited to, sex, color of skin, hair color, approximate age, height and weight and other identifying features.

5. 6 RCNY § 2-233a(a) requires process servers to maintain records of services and attempted services of process in electronic format.

### ***Penalties***

6. Pursuant to Code § 20-409.1:

Any person who, after notice and hearing shall be found guilty of violating any provision of this subchapter, shall be punished in accordance with the provisions of chapter one of [Title 20] and shall be subject to a penalty of not less than seven hundred dollars nor more than one thousand dollars for each violation.

### **FACTS**

7. Respondent, Ron Black, is licensed by the Department as an individual process server under license number 0970422.
8. Respondent swore in an affidavit of service that was filed in New York County Housing Court in the matter of [REDACTED] that he attempted to serve [REDACTED] on March 9, 2015, March 11, 2015 at 1:31 p.m. and March 11, 2015 at 8:36 p.m. Respondent did not attempt to make service at [REDACTED] at that time.
9. Respondent failed to create a log book entry for a service he allegedly made on February 24, 2015 at 12:55 p.m. in the matter of *SOH Freedom LLC v. Colon*.
10. Respondent failed to record full court names in his log book entries for the period January 20, 2015 through May 26, 2015.
11. Respondent failed to record the skin color of the person served in his log book entry for a service that he allegedly made on March 2, 2015 at 10:01 a.m. in the matter of *CF E 86 LLC, et al. v. Linda L. Gerlach*.
12. Respondent failed to create an electronic record, as required by 6 RCNY § 2-233a(a), for a service that he allegedly made on March 24, 2015 at 3:23 p.m. in the matter of *Elizabeth Assets v. Cedeno*.

**CHARGES**

1. Respondent violated 6 RCNY § 2-234 by swearing falsely in an affidavit of service. [1 violation]
2. Respondent violated 6 RCNY § 2-233(b)(1) by failing to create a log book entry for each service or attempted service. [1 violation]
3. Respondent violated 6 RCNY § 2-233(a)(2)(vi) by failing to record the court in which the action was commenced in his log book entries. [1 violation]
4. Respondent violated 6 RCNY § 2-233(a)(3) by failing to record the skin color of the person to whom he delivered papers in his logbook entries. [1 violation]
5. Respondent violated 6 RCNY § 2-233a(a) by failing to maintain an electronic record for each service or attempted service that he made. [1 violation]

**RELIEF SOUGHT**

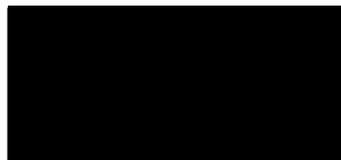
**WHEREFORE**, the Department demands that an order issue:

- (1) imposing fines for the above violations; and
- (2) granting such other relief as is deemed just and proper.

Dated: February 4, 2016  
New York, New York

For: Julie Menin, Commissioner

By:



Senior Staff Attorney

## 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 at the Tribunal on the scheduled hearing date, you will be found guilty of the charges, you will be ordered to pay a fine, and your DCA license(s) may be revoked.

**ADJOURNMENTS:** Requests for adjournments may be submitted by e-mail to [adjournmentrequests@dca.nyc.gov](mailto:adjournmentrequests@dca.nyc.gov) (preferred method) or by mail to 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 [process\\_server@dca.nyc.gov](mailto:process_server@dca.nyc.gov) or by mail to Alvin A. Liu, New York City Department of Consumer Affairs, 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:** If you require assistance with English, free language assistance will be provided.

**REASONABLE ACCOMMODATION:** To request a disability-related accommodation in order to participate in a hearing, please call 311 (212-NEW-YORK outside NYC) and ask for “Hearing – Reasonable Accommodation.”

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

For additional information, visit DCA’s website at [www.nyc.gov/consumers](http://www.nyc.gov/consumers) or call 311.