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COUNSEL
DEPT. OF CONSUMER AFFAIRS

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CITY OF NEW YORK
DEPARTMENT OF CONSUMER AFFAIRS

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DEPARTMENT OF CONSUMER AFFAIRS,

CONSENT ORDER

Complainant,

PROCESS SERVER AGENCY

License No. **0808275**

-against-

**SAV-ON PROCESS INC
401 BROADWAY ROOM 1201
NEW YORK, NY 10013**

Violation No. **LL 005287517**

Respondent.

-----X
SAV-ON PROCESS INC ("Respondent") consents to this Consent Order ("CO") to settle the above-captioned violation with the Department of Consumer Affairs ("DCA" or "the Department") and agrees as follows:

ACKNOWLEDGMENT OF SERVICE

Respondent acknowledges receipt of the Notice of Hearing in the above-captioned matter, which charged it with violating Sections 2-234a(b) and 2-234a(c) of Title 6 of the Rules of the City of New York.

I. DEFINITIONS

- A. Terms are defined in 6 RCNY § 2-231.
- B. "Material breach" means the failure to comply with this CO in whole or in part by commission or omission.
- C. "Report to the Department" means directing a written communication to the New York City Department of Consumer Affairs, Attn.: Legal Division, 42 Broadway, 9th Floor, NY, NY 10004, or as specifically indicated in this CO.

II. INJUNCTIVE RELIEF

- 1) Respondent shall, in accordance with 6 RCNY § 2-234a(b), develop and implement policies and procedures set forth in a written Compliance Plan to ensure that individual process servers to whom it distributes process for service act with integrity and honesty and comply with the recordkeeping requirements applicable to process servers.
- 2) Respondent's written Compliance Plan shall require that it:
 - a. at least once each month, review for completeness and accuracy the records of each individual process server to whom it assigns or distributes process;
 - b. prepare a monthly written report of its review of the records maintained pursuant to 6 RCNY § 2-233 of each individual process server to whom it assigns or distributes process during that month using the review instrument annexed as Attachment A;
 - c. maintain each monthly report for at least seven (7) years;
 - d. maintain records of any disciplinary actions taken against the individual licensed process server;
 - e. report to the Department in writing the name and license number of each individual licensed process server who does not comply with the law governing process servers within ten (10) days of learning of such non-compliance; and
 - f. make available, upon request, to the Department a copy of its record review procedures, any written reports of the reviews it maintains, and copies of any referrals of individual process servers to the Department.
- 3) Respondent shall take appropriate disciplinary action against an individual process server who fails to comply with the law, including, but not limited to, suspending or terminating its employment, agency or other relationship with the individual process server.
- 4) Respondent shall submit an affirmation to the Department that it has developed and implemented a written Compliance Plan within fourteen (14) days of the execution of this CO. Respondent acknowledges and agrees that its license will not be renewed unless it submits an affirmation to the Department that it has adopted a written Compliance Plan. The affirmation should be sent to:

Legal Division
New York City Department of Consumer Affairs
42 Broadway, 9th Floor
New York, NY 10004

- 5) Upon notification from the Department, a principal of Respondent shall appear at the Department within sixty (60) days for a review of Respondent's implementation of its Compliance Plan, compliance with the terms of this Order and such other issues as the Department, in its discretion, deems appropriate. Respondent shall produce such records as the Department may request at the scheduled meeting. Failure to appear at a scheduled meeting or produce requested documents will constitute a violation of this Order.

III. MISCELLANEOUS

- 1) Respondent affirms that the address and telephone number listed with the Department are current and correct.
- 2) Respondent appoints Wendy Resnick as its designated agent who may be contacted regarding this CO and any consumer complaints and represents that the following is his/her e-mail address:

- 3) Respondent acknowledges that the Department intends to use this e-mail address to communicate official matters to Respondent and Respondent agrees to accept such communications.
- 4) Respondent shall notify the Department in writing when its address, telephone number and/or e-mail address change within 10 days of such change.

IV. NON-COMPLIANCE WITH THIS ORDER

- 1) A finding, after notice and hearing, that Respondent has committed a material breach of the terms of this Order shall be sufficient grounds for the revocation of Respondent's license and for ineligibility to be licensed for a period of five years.
- 2) Specific violations of this Order shall constitute independent and separate violations of any applicable law, regulation or rule.
- 3) Violations of law and violations of this Order shall be assessed as separate fines, with a maximum penalty of \$1,000.00 for each violation.

V. WAIVER OF APPEALS

- 1) Respondent waives any right to a hearing, appeal of and/or any challenge of the facts alleged by the above-referenced violation under Code § 20-104 or under Article 78 of the New York State Civil Practice Law and Rules (CPLR), §§ 7801-7806, in any forum.

VI. DEPARTMENT'S AUTHORITY

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

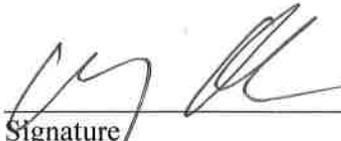
Agreed to for
SAV-ON PROCESS INC

Accepted for the Department of
Consumer Affairs

By:

By:


Staff Counsel


Signature

12/7/11
Date


Signature

12/16/11
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 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 at www.nyc.gov/consumers.



Legal Division
42 Broadway
5th Floor
New York, NY 10004

Dial 311
(212-NEW-YORK)

nyc.gov/consumers

PROCESS SERVING AGENCY COMPLIANCE PLAN AFFIRMATION

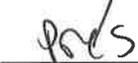
Process Serving Agency Name:	SAU-ON PROES INC.
Process Serving Agency's DCA License Number (if applicable):	808275
Business Address:	401 Broadway Suite 1201 New York NY 10013

I affirm the following:

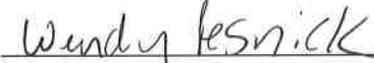
1. I am authorized to complete and submit this affirmation on behalf of the Process Serving Agency named above.
2. The Process Serving Agency named above has adopted a written Compliance Plan to ensure that each individual serving process on behalf of the Agency acts with integrity and honesty and complies with the record-keeping requirements applicable to process servers. *(Section 2-234a (c) of Title 6 of the Rules of the City of New York)*
3. I understand that falsification of any statement made herein is an offense punishable by a fine or imprisonment or both.



Signature



Title (if any)



Print Name

12/7/11

Date

11	Does every logbook entry contain the date of filing of the affidavit of service when the process server filed an affidavit of service with a court ?																												
12	Is there a separate and contemporaneous entry for every attempted and effected service?																												
13	Is every record of attempted and effected service contained in a bound, paginated volume?																												
14	Was every record of attempted or effected service entered in only one volume at a time until all of the available space in the volume was filled?																												
15	Does every logbook entry recording a completed service contain the type of service effected (i.e. personal, substituted, conspicuous, or corporate)?																												

16	For all service not made in-person, does every record of that service include a description of the area adjacent to the door to which process was affixed (including the color and composition of hallway walls, color and composition of hallway floor or doorstep, and location of premises in relation to stairs, elevator or entranceway)?																								
17	Does every logbook entry contain the name and license number of the process server organization from whom the process served was received or such other person or firm from whom the process served was received?																								
19	Were corrections only made by drawing a straight line through the inaccurate entry and clearly printing the accurate information directly above the inaccurate entry?																								

20	<p>Did the process server scan all of their logbooks into electronic image files?</p> <p><i>*Please write N/A in the Yes column if, instead of scanning logbooks, the process server chose to enter records into an electronic record-keeping system.</i></p>														
21	<p>Is there a separate electronic image file for every date that process was served?</p> <p><i>*For questions 21-26, please write "N/A" in the Yes column if, instead of scanning logbooks, the process server chose to enter records into an electronic record-keeping system.</i></p>														
22	<p>Is every electronic image file named with the date of the service recorded in the logbook and the process server's license number?</p>														
23	<p>Was every scan of the logbooks completed within one business day?</p>														
25	<p>Is the process server's portable media device kept in a separate location from the original image files?</p>														

30	<p>On the Department's randomly-selected audit date, is the information contained in the process server's affidavits of service consistent with the GPS data provided by the process server's data storage contractor?</p> <p><i>*Agencies will be notified of the Department's randomly-selected audit date in the first week of the following month.</i></p>																
31	<p>On the Department's randomly-selected audit date, is the information contained in the process server's affidavits of service consistent with the process server's logbook entries?</p>																
32	<p>On the Department's randomly-selected audit date, is the information contained in the process server's logbooks consistent with the GPS data provided by the process server's data storage contractor?</p>																
33	<p>Please list all traverse hearings involving this process server which the Agency became aware of this month.</p>		→														
34	<p>For all traverse hearings listed in response to Question 30, is the information contained in the process server's logbooks consistent with the GPS data provided by the process server's data storage contractor?</p>																

