

**SUMMONS • FOR CIVIL PENALTIES ONLY****SUMMONS NUMBER: 190071HR**

**ENFORCEMENT AGENCY:** Department of Consumer Affairs  
**AGENCY ADDRESS AND WEBSITE:** 42 Broadway, New York, NY 10004 • [nyc.gov/dca](http://nyc.gov/dca)

<b>RESPONDENTS:</b>	PAUL S. NEIGER	<b>DBA:</b>	OLYMPIC PROCESS SERVING, LLC, OLYMPIC PROCESS SERVING & INVESTIGATION and OLYMPIC PROCESS SERVING & INVESTIGATIONS
<b>MAILING ADDRESSES:</b>	895 Sheridan Ave. Bronx, NY 10451  20 Chestnut Ln. Woodbury, NY 11797-1909	<b>LICENSE NO.:</b>	0919386-DCA (expired)
		<b>REVOCATION DATE:</b>	
		<b>PHONE:</b>	917-733-7444

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<b>PLACES OF OCCURRENCE:</b>	895 Sheridan Ave. Bronx, NY 10451	<b>DATES OF OCCURRENCE:</b>	March 1, 2014 to first hearing date
<input type="checkbox"/> Same as mailing address	<input type="checkbox"/> Intersection	<b>TIME OF INSPECTION:</b>	N/A
<input type="checkbox"/> Landmark			

You must respond to this Summons by appearing at the hearing (date and location below).

**HEARING DATE:** June 4, 2019 **AT:** 9:30 am  
**HEARING LOCATION:** Office of Administrative Trials and Hearings  
66 John Street, 11th Floor, New York, NY 10038  
**PHONE:** (844) 628-4692

**Refer to the Summons Number above on all communications.**

**Warning:** If you do not respond, the City of New York will decide the Summons against you and impose penalties. If you do not pay any imposed civil penalty, the City could deny an application for, suspend, terminate, or revoke any City license, permit, or registration that you have. The City may also enter a judgment against you in court.

**Details of Violation(s)**

VIOLATION(S)	NUMBER OF VIOLATIONS	MAXIMUM PENALTY PER VIOLATION
NYC Administrative Code § 20-403	1,921	\$100

**SEE SUPPLEMENT FOR ADDITIONAL DETAILS OF VIOLATION(S).**

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see the last page of this Summons.

**SUPPLEMENT: DETAILS OF VIOLATIONS**

**FACTS**

1. Paul S. Neiger d/b/a Olympic Process Serving, LLC, Olympic Process Serving & Investigation, and Olympic Process Serving & Investigations (“Respondent”), is an individual residing at [REDACTED]; he operates his business from 895 Sheridan Ave., Bronx, NY 10451.

2. Respondent maintained a process server individual license (no. 0919386-DCA) from on or about March 24, 1995 until February 28, 2014, when it expired.

3. By its decision dated February 11, 2014 (affirmed on appeal by determination dated October 22, 2014), the Department’s prior administrative tribunal found Respondent guilty of many violations of the Department’s process server rules and imposed a fine of \$36,700.00. This fine remains unpaid.

4. After February 28, 2014, Respondent was not licensed as a process server.

5. Respondent is not an attorney admitted to practice law in the state of New York.

6. Respondent is not an employee of any city, state or federal department or agency.

7. Since March 1, 2014, Respondent advertised that he was doing business as or performed the services of a process server.

8. Upon information and belief, from March 1, 2014 through the first hearing date, Respondent was doing business as or performed the services of a process server without a license therefor.

**APPLICABLE LAW**

1. New York City Administrative Code (“Code”) Section 20-404(a) defines “process server” as “a person engaged in the business of serving or one who purports to serve or one who serves personally or by substituted service upon any person, corporation, governmental or political subdivision or agency,

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a summons, subpoena, notice, citation or other process, directing an appearance or response to a legal action, legal proceeding or administrative proceedings.” Section 20-404(c) states that “the service of five or more process in any one year shall be deemed to constitute doing business as a process server.”

2. Section 20-403(a) provides: “It shall be unlawful for any person to do business as, be employed as or perform the services of a process server without a license therefor.”

3. Code Section 20-409.1 states: “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 provision of chapter one of this title and shall be subject to a penalty of not less than seven hundred dollars nor more than one thousand dollars for each violation.”

4. Code Section 20-105(a) states: “It shall be unlawful for any person required to be licensed pursuant to the provisions of chapter two or pursuant to provisions of state law enforced by the department to engage in any trade, business or activity for which a license is required without such license.”

5. Code Section 20-105(b) states: “[T]he commissioner after notice and a hearing shall be authorized: (1) to impose fines upon any person in violation of subdivision [20-105(a)] of one hundred dollars per violation per day for each and every day during which such person violates such subdivision. . .” *See also* the Department’s Process Servers Penalty Schedule, Section 6-30 of the Title 6 of the Rules of the City of New York (“RCNY” or the “Rules”) (\$100 per day penalty for violations of Code Section 20-403).

6. Section 1-19 of the Rules provides, in part:

- (a) Unless otherwise specified in the notice, if the Department, on notice, charges a business or individual with engaging in activity without a license required under Chapter 2 of Title 20 of the . . . Code . . ., there shall be a rebuttable presumption that the unlicensed activity continued every day, without interruption, from the date specified by the Department in the notice as the first date of unlicensed activity through the hearing date.

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- (b) The first date of unlicensed activity specified by the Department in the notice may be the date of an inspection at which unlicensed activity is identified or any other date on which unlicensed activity first occurred, such as ... the first date a business or individual advertised or offered services for which a license was required. . . .

**VIOLATIONS CHARGED**

1. Respondent violated § 20-403 of the Code by acting as a process server in New York City without a NYC process server license from at least March 1, 2014 to June 4, 2019, the first hearing date (1,921 violations for each of 1,921 days).

**RELIEF SOUGHT**

1. Finding Respondent guilty of violating Code Section 20-403 by acting as a process server without a license for 1,921 days, between March 1, 2014 and June 4, 2019;
2. Ordering Respondent to pay a fine of **\$15,000.00** pursuant to Sections 20-409.1 and 20-105(b) of the Code, and Section 1-19 of the Rules, for operating without a license in violation of Section 20-403 of the Code;
3. Ordering such other relief as is deemed just and proper.

Dated: May 10, 2019  
New York, New York

For: LORELEI SALAS, COMMISSIONER

By:



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Mitchell B. Nisonoff, Esq.  
Assistant General Counsel  
(212) 436-0077  
Attorney for Petitioner  
NYC Department of Consumer Affairs

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### IMPORTANT INFORMATION

The Department of Consumer Affairs (DCA) has charged you with the violation(s) described in this Summons.

**Penalties:**

- Maximum penalties for the violations in this Summons may include a fine of as much as \$1,000 for each violation; revocation or suspension of your DCA license; and/or the sealing of your business premises. In most cases, the penalty for *unlicensed activity* is \$100 per violation per day and you will be presumed to have engaged in the unlicensed activity every day from the date of the inspection, the date of a prior decision or settlement agreement, the date of your contract with a consumer, or the first date you advertised services through the hearing date. Copies of the laws and rules, which include the maximum penalties for specific violations, are available on the DCA website **[nyc.gov/consumers](http://nyc.gov/consumers)**.
- Higher penalties may be imposed for repeated violations up to the maximum penalty allowed by law or rule.

**Unlicensed Activity:** If you are charged with unlicensed activity, you should immediately:

- **Stop the unlicensed activity.**
- Apply for a license online at **[nyc.gov/BusinessToolbox](http://nyc.gov/BusinessToolbox)** or in person at the DCA Licensing Center (42 Broadway, Lobby, New York, NY 10004) or NYC Small Business Support Center (90-27 Sutphin Blvd, 4th Floor, in Jamaica, 11435).  
*Important:* Even if you apply for a license or obtain a license before the hearing date, you still must settle the charge(s) or appear for the hearing on the hearing date.

You may present a defense at the independent NYC Office of Administrative Trials and Hearings (OATH) by going to a hearing. Instructions are below.

**If you do not settle or appear for your hearing, a default decision may be entered against you and additional penalties may be imposed.**

**DCA encourages business owners to view the Business Owner's Bill of Rights, available at [nyc.gov/bizrights](http://nyc.gov/bizrights).**

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### HOW TO RESPOND

**To settle the charge(s) prior to the hearing:**

- If you wish to discuss a settlement before the hearing date, you may contact Mitchell B. Nisonoff at 1-212-436-0077 or by email at [mnisonoff@dca.nyc.gov](mailto:mnisonoff@dca.nyc.gov).

**To deny the charge(s) and present a defense in person:**

- You or an authorized representative must go on the hearing date at the time and location indicated on the first page of this Summons.
- Please be fully prepared and bring this Summons and all paperwork and other evidence you want to use to defend yourself with you.
- If you need help with English, free language help will be provided.
- **Reasonable Accommodation:** If you have a disability and require a reasonable accommodation for the hearing, call 1-844-628-4692.

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**Note:** You have the right to be informed of the maximum penalty. If no maximum penalty is shown on the front of this Summons, ask in person at any location below or call 1-844-628-4692.

### **OATH HEARINGS CENTERS**

**Tel: 1-844-OATH-NYC (1-844-628-4692) • [nyc.gov/oath](http://nyc.gov/oath)**

- ☐ **Manhattan:** 66 John Street, 10th Floor, New York, NY 10038
- ☐ **Brooklyn:** 9 Bond Street, 7th Floor, Brooklyn, NY 11201
- ☐ **Queens:** 144-06 94th Avenue, Main Floor, Jamaica, NY 11435
- ☐ **Bronx:** 3030 Third Avenue, Room 250, Bronx, NY 10455
- ☐ **Staten Island:** 350 St. Mark's Place, Main Floor, Staten Island, NY 10301



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

66 John Street, 11th Floor  
New York, NY 10038

**DECISION**

<p>DEPARTMENT OF CONSUMER AFFAIRS,</p> <p>-against-</p> <p>PAUL, S., NEIGER [REDACTED]</p> <p>(Respondent)</p>	Violation/Summons No.: <u>190071HR</u>
	Decision Date: <u>5/13/2019</u>
	Hearing Officer: <u>Rubin, Jerilyn F.</u>
	Respondent's Rep.:
	Petitioner's Rep.:
	Type of Hearing: <u>Withdrawal</u>

Summary Disposition: **WITH - Withdrawal**

Action : \_\_\_\_\_

Points: \_\_\_\_\_

Restitution Amount: **\$0.00**

By letter dated 5/10/19 from Bibi Hossein, Legal Operations and Outreach Coordinator, of the Petitioner NYC Dept. of Consumer Affairs, has requested that prosecution of this Summons be withdrawn. (Exhibit 1) Petitioner may issue another Summons based on the same facts. Accordingly, the Summons is dismissed.

LINE ITEM	OCC	CODE SECTION	FINDINGS	DECISION CODE	TOTAL PENALTY
1	1	NYC Admin Code § 20-403	Prosecution Withdrawn	Withdrawn	\$0.00
				<b>TOTAL:</b>	<b>\$0.00</b>