

PROCESS SERVER SCREENING PROTOCOL

Name of Process Serving Agency ("PSA"): _____ License #: _____

Name of Process Server Individual ("PSI"): _____ License #: _____

Date(s) That PSI Was Screened By PSA: _____

A. License Status

Instructions:

1. Review the DCA website to check the process server's license status.
2. Make a copy of the process server's license.
3. If the process server does not have a license, ask to see a temporary operating letter from DCA.

What is the process server's license status according to DCA's website? _____

Did the process server give you a copy of his/her license? _____

If the process server did not give you a copy of his/her license, did the process server give you a temporary operating letter from DCA? For what period of time? _____

B. Traverse Hearings and Complaints History

Instructions:

1. Make a Freedom of Information Law ("FOIL") request to DCA (by e-mailing dcafoil@dca.nyc.gov) for:
 - a copy of all traverse reports and decisions relating to the process server
 - a copy of all decisions issued by DCA's Adjudication Tribunal concerning the process server
2. Check DCA's website for consent orders entered into by the process server and to see the terms with which the process server must comply. Consent orders from 2009 to the present are available for viewing in the "Know The Law" section of the website.

To your knowledge, how many times was a hearing scheduled to challenge service allegedly made by the process server in the last two (2) years? ¹ _____

How many of those challenges were sustained? _____

To your knowledge, was the process server ever fined or disciplined by DCA? For what reason(s)?

¹ If you do not receive information requested pursuant to a FOIL request within five (5) business days, you may answer questions relating to traverse hearings and consumer complaints without the benefit of that information.

C. Employment History

Instructions:

1. Ask the process server for a list of process serving agencies, law firms or other employers that he or she has worked for over the past three (3) years.
2. Attempt to contact two (2) previous agencies or employers for whom the process server served process. If you receive no response to your first attempted contact, you must make a separate attempt on a different day.
3. Ask the agencies or employers whether the process server was ever disciplined or terminated and the reasons therefor. In addition, ask them whether they stopped giving the process server work and if so, why.
4. Ask the previous employers whether any red flags were ever raised with respect to the process server.
5. Ask the previous employers how many traverse hearings the process server had and how many resulted in a finding of improper service.

Which previous employers did you attempt to contact, how (telephone, e-mail, etc.) and when?

According to the process server's previous employers, was the process server ever disciplined or terminated? If so, why?

According to the process server's previous employers, did any of the previous employers stop giving work to the process server? If so, why?

Did any of the previous employers state that there were red flags raised with respect to the process server? If yes, what were they?

According to the process server's previous employers, how many traverse hearings did the process server have? Did any of them result in findings of improper service? What were the reasons, according to previous employers, for the sustained traverses?

D. Process Server Records

Instructions:

1. Request that the process server provide to you his/her most recent logbook. Review the most recent ten (10) pages of the logbook and answer the questions below.
2. Request that the process server provide to you the records that the process server maintains pursuant to Section 2-233a of Title 6 of the Rules of the City of New York ("233a records") for the past month for which there are records.
 - i. If the process server scans logbooks, request that the process server provide you with the portable media device on which the electronic image files are saved. Review the image files for the last week to determine whether the process server has a separate image file for each day that he/she attempted or effected service of process and answer the questions below.
 - ii. If the process server maintains 233a records with a third party or on the DCA-created Excel spreadsheet, review the twenty (20) most recent records and answer the questions below.
3. Request that the process server provide to you the GPS records that the process server maintains pursuant to Section 2-233b of Title 6 of the Rules of the City of New York for the past month for which there are records. Review the twenty (20) most recent records and answer the questions below.
4. Request that the process server provide to you his/her fifteen (15) most recent affidavits of service. Review them and answer the questions below.

Did the process server provide you with the following records? (Place a check next to each one that he or she did bring)

☐ Logbook ☐ Affidavits of Service ☐ 233a Records ☐ GPS Records

If there are records that the process server did not provide to you, please identify the records and explain why, according to the process server, they were not provided:

Logbook Review:

What is the date range of the logbook? _____

Is the logbook properly bound? [Properly bound means a book or ledger that at the time of purchase contains a specified number of unfolded sheets of paper or other material that are permanently secured

to covers by stitching, glue, or any other such method that is calculated to make readily discernable the removal or insertion of one or more sheets after the first use of such volume.]

☐ Yes ☐ No

Is the logbook properly paginated? [The page numbers must have been there at the time of purchase]?

☐ Yes ☐ No

Are attempted and effected services of process recorded separately?

☐ Yes ☐ No

Do you have a reason to believe that the entries in the logbook were not made contemporaneously? [“Contemporaneous” in relation to entries in records means at or near the time of the event as to which an entry is recorded, or within a reasonable time thereafter.]

☐ Yes ☐ No

Are the logbook entries in chronological order? [“Chronological” with respect to the notation in a process server record or log means that each notation must be entered sequentially according to the time and date of the activity recorded and without leaving any blank spaces between each entry that would allow for the insertion of any additional notation between any two entries.]

☐ Yes ☐ No

Is the handwriting in the logbook legible?

☐ Yes ☐ No

Were logbook corrections made in the appropriate manner? [Corrections in records shall be made only by drawing a straight line through the inaccurate entry and clearly printing the accurate information directly above the inaccurate entry. All other methods of correction, including but not limited to, erasing, opaquing, obliterating, or redacting, are prohibited.]

☐ Yes ☐ No

Do the logbook entries include all the information that is required to be recorded pursuant to 6 RCNY § 2-233? [check each one for which the answer is yes]

- ☐ the name **and** license number of the entity or individual who distributed the papers to the process server
- ☐ the title of the action or a reasonable abbreviation thereof
- ☐ the name of the individual, company or organization served, if known
- ☐ the date and approximate time service was effected
- ☐ the address where service was effected
- ☐ the nature of the papers served
- ☐ the court in which the action has been commenced

- ☐ the index number of the action, if known
- ☐ the description of the individual served, if applicable
- ☐ the type of service effected (personal, substituted, conspicuous, or corporate)
- ☐ for process effected by conspicuous service, the color **and** composition of hallway walls adjacent to the door to which process was affixed
- ☐ for process effected by conspicuous service, the color **and** composition of the hallway floor or doorstep
- ☐ for process effected by conspicuous service, the location of the premises in relation to stairs, elevators or entranceways
- ☐ for process effected by conspicuous service, the postal receipt number of registered or certified mail

Affidavits of Service Review:

Does the process server appear to maintain copies of the affidavits of service signed by him/her, as required by Title 6 of the Rules of the City of New York, Section 2-235? _____

Do the affidavits of service provided to you include the process server's name and license number?

☐ Yes ☐ No

Do the affidavits of service provided to you include the process serving agency's name and address?

☐ Yes ☐ No

Do the affidavits of service provided to you include the case name and index number?

☐ Yes ☐ No

233a Records Review:

According to the process server, what is the method by which the process server maintains 233a records?

- ☐ Scans logbooks into image files and backs up to a portable media device
- ☐ Inputs information into DCA-created Excel spreadsheet and backs up to portable media devices
- ☐ Uploads data to a third party contractor
- ☐ The process server does not maintain 233a records.

If the process server maintains 233a records by scanning logbooks, does the portable media device provided by the process server contain separate image files for each day that the process server attempted or effected service of process? _____

If the process server states that he or she maintains 233a records by inputting the information into the DCA-created Excel spreadsheet or uploading the data to a third party, do the process server's records

include **all** the information that is required to be recorded pursuant to 6 RCNY § 2-233a? [check each one for which the answer is yes]

- ☐ the name of the individual process server to whom service was assigned, entered in two fields (last name, first name)
- ☐ the license number of the individual process server to whom service was assigned, entered as a seven digit number, where the first number is zero if the process server's license number is less than seven digits
- ☐ the title of the action or proceeding, if any
- ☐ the name of the individual, company or organization served, if known
- ☐ the date that service was effected, entered as MM/DD/YYYY
- ☐ the time that service was effected, entered as military time
- ☐ the address where service was effected, 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
- ☐ the nature of the papers served
- ☐ the court in which the action was commenced, 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
- ☐ the full index number, entered with all information necessary to identify the case, such as XXXXX/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
- ☐ if service was effected pursuant to subdivisions (1) through (3) of CPLR §308, a description of the person served, consisting of six fields, including sex, hair color, approximate age, height, weight, and any other identifying features provided by the process server
- ☐ whether service was delivered, as indicated by a Y or N
- ☐ the type of service effected, entered as a P for personal service, an S for substitute service, a C for conspicuous service, or a CO for corporate service
- ☐ 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

GPS Records Review:

Who is the process server's third party GPS contractor? _____

Do the process server's GPS records include all of the following information for **every** entry? [check each one for which the answer is yes]

- ☐ plaintiff or petitioner
- ☐ defendant or respondent
- ☐ docket number (if there is one)
- ☐ the date that service was attempted or effected **according to the device**, entered as MM/DD/YYYY
- ☐ the time that service was attempted or effected **according to the device**, entered as military time
- ☐ the date that service was attempted or effected **according to GPS or cellular signals**, entered as MM/DD/YYYY

- ☐ the time that service was attempted or effected **according to GPS or cellular signals**, entered as military time
- ☐ the address where service was attempted or effected
- ☐ the location **according to GPS or cellular signals**
- ☐ the name of the individual, company or organization that is the intended recipient of the process
- ☐ the name of the individual, company or organization to whom process was Delivered (if service was completed)

E. Hiring and Monitoring

State the agency's basis for hiring the process server (BE SPECIFIC):

For each problem identified using this screening protocol, state what the agency will do to make sure that the problem does not occur again? (BE SPECIFIC)

State all other measures by which the agency will ensure that the process server acts with integrity and honesty and complies with DCA's recordkeeping rules? (BE SPECIFIC)

CERTIFICATION BY PROCESS SERVING AGENCY

I, _____, certify that I conducted the foregoing screening of
(name of person conducting screening)

the applicant, _____, prior to _____
(name of process server) (name of process serving agency)

assigning or distributing process to the applicant for service in New York City.

Signature: _____

Title: _____

Date: _____