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NYC Department of Consumer  
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Consumer Services Division  
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Re: Process Server Law

Gentlemen:

I have been a practicing attorney in New York State since 1983, i.e. over 41 years. The proposed changes to the NYC laws regarding the regulation of process servers and the contents of affidavits of service are, in essence, a joke. Service of process in New York are governed by the Civil Protection Law & Rules and the General Business Law. The regulations, and proposed changes, to the New York City' regulations and interpreted State Law is nothing more than a money-grab. To the extent that the City is seeking to put process servers out of business, or is seeking to unreasonably and improperly fine them in order to cover short falls due to the City wasting money on the sanctuary-acting states is an outrage.

Pursuant to NY law, the determination of the validity of service of process is made by the Court. When service is challenged, a Court may require a traverse hearing to "investigate" the matter. The purported technical aspects of an affidavit/affirmation of service by a process server may or may not be of a degree which the Court deems questionable. In Leifer v. Moskowitz, Slip Op. 22343, 11/9/22 (NYC Civil Ct., NY County) and Kardanis v. Velis, 90 A.D.2d 727 (1<sup>st</sup> Dept., 1982), it was determined that the testimony that of a disinterested witness such as a process server is usually afforded more weight than an interested witness like a party. As such, it is the obligation of a Court to investigate service only when a party places same into question.

If a party does not question service, what right does your Department have to question on behalf of a process server who has made no issue with same!! The regulations in place and those proposed to be implemented have nothing to do with the propriety of same. As aforesaid same are nothing more than a money grab to fill the coffers of NYC. Same is an outrage and, most likely, is unconstitutional, etc.

Very truly yours,

Paul W. Meyer, Jr.

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