



Comments Received by the Department of
Consumer and Worker Protection on

Proposed Rules related to
Applications and Renewal of Licenses

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From: [Gateway Construction and Demo](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] License Renewal - New Rules Proposal
Date: Thursday, July 31, 2025 12:52:19 AM

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Hello,

I do not agree with the new proposal to mandate a 12-month wait period before reapplying if a completed license package was denied. There are many factors that could lead to a denied application package and can be fixed in more shorter timing. Business owners are critical to our society and helping to reduce unemployment rates for the country. There is a need for more support and flexibility to keep business owners active for the workforce.

I hope that this new rule is denied.

From: [Phil Dorn](#)
To: [rulecomments \(DCWP\)](#)
Cc: [Max Bookman](#); [Robert Bookman](#)
Subject: [EXTERNAL] DCWP Proposed Rules
Date: Thursday, August 14, 2025 12:58:35 PM
Attachments: [DCWP NOH Rules Relating to Application for and Renewal of Licenses.pdf](#)
[NYCNOA Comment on 2025 Rulemaking re Applications and Renewals.pdf](#)

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Good afternoon,

We represent the New York City Newsstand Operators Association. Please find our comments pertaining to the proposed rule changes regarding applications and renewals attached hereto.

Thank you for your consideration.



[Representing New York's Hospitality Industry for Over 35 Years](#)

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New York City Newsstand Operators Association

325 BROADWAY | STE. 501 | NEW YORK, NY 10007
212-513-1988 | NYCNOA.COM

August 14, 2025

Commissioner Vilda Vera Mayuga
New York City Department of Consumer and Worker Protection
Via email only: rulecomments@dca.nyc.gov

**Re: New York City Newsstand Operators Association Comments on Proposed
Rules
License Application and Renewal**

Dear Commissioner Mayuga:

I write on behalf of the New York City Newsstand Operators Association (NYCNOA), a trade association representing the interests of New York City's 318 sidewalk newsstands. NYCNOA has advocated for the fair treatment of sidewalk newsstand operators in the halls of government since 1986.

For over a century, sidewalk newsstand operators have been critical parts of the fabric of the New York City streetscape. City law prohibits newsstand operators from owning more than two newsstands, so each is truly family-owned and operated. Most newsstand operators are recent immigrants to this country, seeking their first opportunity to own a small business. The modest income from these businesses allows newsstand operators to put their children through college and work their way into the middle class.

NYCNOA does not support the proposal to amend subdivision (c) of section 1-01.1 of Title 6 of the Rules of the City of New York, which would prohibit any person whose complete application is denied, or whose license is revoked, from applying for the same license again for a period of one year. Newsstand operators are mostly first-generation immigrants, often with limited English-speaking skills and generally little experience with government procedures. It is already difficult to navigate the process of obtaining a newsstand license. Therefore, it is imperative that every possible mechanism of due process be available to these business owners *before* they lose their licenses and not be able to apply again.

NYCNOA proposes the following recommended additions to the proposed amendment, marked below in red:

1. within the 12 months prior to such application, the Department revoked a license, or denied or refused to renew a license application from such applicant;

2. such revocation, denial, or refusal to renew was based at such time on a determination by the Department that the applicant's or licensee's ~~on a~~ failure to meet a required qualification of the license held or applied for, which cannot be reasonably expected to be remedied ~~to the satisfaction of the Department~~ within the 12 months following such revocation, denial, or refusal to renew; and

August 14, 2025

3. the Department provided ~~notice~~, at the time of the revocation, denial, or refusal to renew referenced in paragraph (1) of this subdivision,

(i) ~~notice~~ that the applicant or licensee could not reapply for the same license at the same location for a period of 12 months,

(ii) a reasonable opportunity for the applicant or licensee to respond to such notice, and

(iii) a final determination following the applicant or licensee's response, if any, to such notice; and

4. such applicant or licensee has in fact failed to meet such required qualification of the license held or applied for within the 12 months following such revocation, denial or refusal to renew.

Without these suggested revisions, the New York City Newsstand Operators Association does not support the proposed rule amendment.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Max Bookman', with a stylized, cursive script.

Max Bookman, Esq.
Counsel

From: gustafsone@gtlaw.com
To: [rulecomments \(DCWP\)](#)
Cc: mark@gnvada.com; ed@gnvada.com
Subject: [EXTERNAL] Comment submission for DCWP Rules Relating to Application for and Renewal of License
Date: Thursday, August 14, 2025 5:25:44 PM
Attachments: [image001.png](#)
[GNYADA DCWP License Rule Comment\(713897871.1\).pdf](#)

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Good Afternoon –

Attached please find the Greater New York Automobile Dealers Association (“GNVADA”) comment on The Department of Consumer and Worker Protection proposed rule to prohibit any person whose complete application is denied, or whose license is revoked, from applying for the same license again for a period of one year.

If you have any questions, please let us know.

Ellen

Ellen Gustafson
Of Counsel

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Greater New York
Automobile Dealers
Association

To Whom it May Concern –

As President and CEO of the Greater New York Automobile Dealers Association (“GNYADA”) I am writing to express concern regarding The Department of Consumer and Worker Protection (“DCWP”) proposed amendment to its rules to prohibit any person whose license application is denied, or whose license is revoked, from applying for or renewing its license for a year.

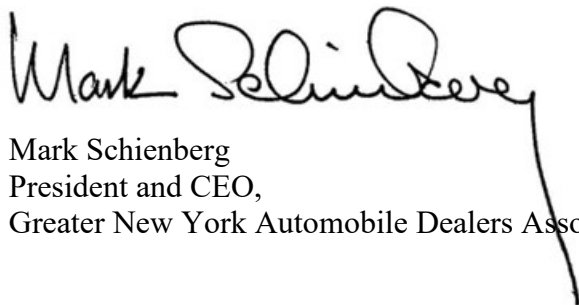
GNYADA represents over 125 dealerships in New York City. In 2023, area dealers produced \$67.6 billion in economic activity and supported more than 67,300 jobs with a payroll of \$6.3 billion and collected and paid \$2.89 billion in state and local taxes.

Our members are concerned about the impact of the proposed rule on license applications that are required by the City of New York to run their businesses. The current wording of the proposed rule does not make it clear what the agency intends by the phrase “failure to meet a required qualification of the license held or applied for”. We believe applicants would benefit from further clarification of what specific qualifications would make them unable to hold a license. Additionally, we are concerned about the use of the term “defective application” and seek examples of what would be considered such. Finally, we feel as though a year ban is too long of a period to wait for reapplication, when these licenses are vital to operate a business. GNYADA would request that DCWP remove the ban and instead offer a cure period of 6 months to address any issues with the license application so that the business can continue to function and so employees and customers cars that are being service can continue without interruption.

Providing the clarity and changes requested above would reassure our members—and prospective applicants—that they are not permanently penalized for technical mistakes made on an application that is required by the City of New York to do business.

Thank you for your attention to this request and for supporting fair and accessible licensing processes for all applicants.

Best –



Mark Schienberg
President and CEO,
Greater New York Automobile Dealers Association



From: Quinn.Caruthers@gtlaw.com
To: [rulecomments \(DCWP\)](#)
Cc: MascialinoJ@gtlaw.com; Lisa.Merullo@gtlaw.com
Subject: [EXTERNAL] Comment on Proposed Rule regarding License Application and Renewal
Date: Thursday, August 14, 2025 12:10:34 PM
Attachments: [Letter to DCWP on Proposed Rule.pdf](#)

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To Whom it May Concern:

Please see the attached comment on the [Proposed Rule](#) regarding License Application and Renewal submitted by Greenberg Traurig.

I will attend the public hearing tomorrow, but it is not necessary for me to speak during the comment period.

Thank you,

Quinn

Quinn Caruthers Moreno
Director

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T +1 212.801.6825
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Not admitted to the practice of law.

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John L. Mascialino
Tel 212.801.9355
Fax 212.805.9355
mascialinoj@gtlaw.com

August 14, 2025

VIA EMAIL

Rulecomments@dcwp.nyc.gov

NYC Department of Consumer and Worker Protection
42 Broadway
New York, NY 10004

Re: Proposed Amendment of Rules Relating to Application for and Renewal of Licenses

Dear Department of Consumer and Worker Protection:

We submit this letter on behalf of various clients that have licenses with DCWP. While we do not have any specific objections to the proposals, we do have a request for a clarification and a potential amendment for the agency to consider. The current wording of the proposed rule does not make it clear what the agency intends by the phrase “failure to meet a required qualification of the license held or applied for”. We believe licensees would benefit from a further explanation on what the agency intends by this phrase.

Additionally, we would like confirmation that a licensee that fails to renew an existing license in a timely manner due to an administrative oversight, (and as a result may be required to submit an application as a “new” licensee) will not have the that licensee be deemed “a failure to meet a required qualification” and as a result the new application will not be considered for the 12 months following the expiration of the license.

Therefore, we would like to propose adding language for example, that if a license renewal is filed late, it is not considered a “failure to meet a required qualification”. We have attached proposed language for your review.

Thank you for your consideration.

Very truly yours,



John L. Mascialino

Section 1. Subdivision (c) of Section 1-01.1 of Title 6 of the Rules of the City of New York

(c) Unless otherwise provided by law or rule, the Department may deny or refuse to accept any license application from an applicant, including the general partners, officers, directors, members, and stockholders owning ten percent or more of the outstanding stock of such applicant, where:

1. within the 12 months prior to such application, the Department revoked a license, or denied or refused to renew a license application from such applicant;
2. such revocation, denial, or refusal to renew was based on a failure to meet a required qualification of the license held or applied for, which cannot be remedied to the satisfaction of the Department within the 12 months following such revocation, denial, or refusal to renew; and
3. the Department provided notice, at the time of the revocation, denial, or refusal to renew referenced in paragraph (1) of this subdivision, that the applicant or licensee could not reapply for the same license for a period of 12 months; however, in the event that licensee does not renew a license in timely fashion due to administrative oversight, licensee will not be precluded from reapplying for a license for 12 months.

From: [Evan Sullivan](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] ATA Comments on Proposed Rule Relating to License Application and Renewal
Date: Wednesday, August 13, 2025 8:39:04 AM
Attachments: [ATA Comments- DCWP-Rules-Relating-to-Application-for-and-Renewal-of-Licenses.pdf](#)

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Good Morning –

Please see the attached comments on behalf of the Association of Talent Agents regarding the proposed rule relating to license application and renewal.

Thank you,

Evan

Evan Sullivan
Ostroff Associates, Inc.
150 State Street, 3rd Floor
Albany, New York 12207
Cell (518) 859-1494



August 12, 2025

The Association of Talent Agents (ATA) represents a wide network of talent agencies across the United States, many of which operate in New York. Our members play a vital role in the entertainment industry, representing artists including actors, writers, directors, and other professionals working in film, theater, television, radio, and other entertainment sectors. The success of our member agencies relies on their ability to lawfully secure employment for artists, which is contingent upon holding a valid Department of Consumer and Worker Protection (DCWP) license.

While we appreciate the Department's efforts to streamline processes and conserve resources, we have significant concerns about the proposed amendment to §1-01.1(c), which would bar an applicant—or any of its principals—from reapplying for the same license for twelve months if DCWP revokes or denies the license due to a substantive deficiency that "cannot be remedied" within that period. This provision would apply even if the applicant is given notice of the bar.

Currently, the rule limits the one-year reapplication ban to cases involving fraudulent or dishonest actions, such as concealing information or making false statements on the application. The proposed amendment, however, extends the one-year prohibition to any substantive disqualification, not just fraud, provided that the deficiency cannot be rectified within the specified period. DCWP's justification for this change, as stated in the notice, is to prevent inefficiencies related to processing repeat applications in cases where the circumstances leading to the denial or revocation are unlikely to change in a short time.

Theatrical employment agencies, which place actors and other artists in professional engagements, are one of the business categories licensed by DCWP. By law, any agency in New York City that seeks to secure employment for artists must hold a valid DCWP Employment Agency license, specifically a "theatrical employment agency" license. Without this license, an agency cannot legally operate, and the loss of such a license can have serious financial and operational consequences.

Given the importance of maintaining a valid license, the proposed one-year reapplication bar could have significant impacts on our members. These impacts include:

- **License Revocation:** If a talent agency's license were revoked due to a substantive violation, such as failing to meet a mandated qualification or breaching the Employment Agency laws, the agency's principals would be barred from reapplying for a new license for at least 12 months. This effectively sidelines the agency, forcing it to cease operations in New York City for a full year. This would be financially devastating, not only to the agency itself but also to the artists it represents. Even if the agency takes corrective action, it would be prevented from reentering the market for a full year under the proposed rule.



ASSOCIATION OF
TALENT AGENTS
Since 1937

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COUNSEL
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- **Application Denial:** Similarly, if an agency’s application is denied because it fails to meet a required qualification (such as securing a surety bond, having a qualified manager, or maintaining a commercial office), the applicant would also face a one-year reapplication ban, provided the deficiency cannot be remedied within that period. While some requirements can be addressed relatively quickly—such as obtaining a surety bond in a matter of days—under the proposed rule, the failure to meet such a requirement could result in a year-long delay in reapplying. We are concerned about how strictly DCWP will interpret “cannot be remedied within 12 months” and request clarification to ensure that minor deficiencies are not treated as substantive, non-remediable issues.

- **Impact on Principals and New Entities:** The proposed rule extends the reapplication bar to the principals of the agency, including its owners, directors, or 10% or greater shareholders. This means that if an agency’s license is revoked or its application denied, any new venture involving a principal from that agency would be blocked for 12 months. While this provision aims to prevent bad actors from circumventing the sanction, we are concerned that it could unfairly penalize individuals who have dissociated from the original agency or who have taken corrective action. For example, if a principal of the agency was responsible for the violation that led to the revocation, but that person is no longer involved with the new agency, should the other principals be penalized by a blanket reapplication ban? We urge DCWP to apply this provision carefully, ensuring that individuals who have severed ties with a disqualified agency are not unfairly barred from applying for a new license. Additionally, there may be impacts on owners and agencies who have a license voided following an ownership or address change. It should be made clear these voids do not constitute a denial or revocation, as to not wrongly levy any license changes against an agency or its current or former owners.

In light of these concerns, we respectfully propose the following recommendations:

- **Clarity on “Cannot Be Remedied Within 12 Months”:** The language in the proposal is broad and open to interpretation. We recommend that DCWP provide additional guidance on what constitutes a condition that cannot be remedied within 12 months. For example, will this include statutory disqualifications or serious criminal convictions that preclude licensure for a set period, or will it only apply to deficiencies that can truly not be corrected? It is essential that applicants understand which issues will trigger the one-year reapplication bar and which can be addressed promptly. We additionally urge DCWP to account for the time ownership changes take in practice. Determining requirements for ownership changes often takes several months, and in practice DCWP can alter its request for information. Should the process go beyond 12 months, agencies will need assurance this will not constitute a failure to remedy within the allotted period.

- **Opportunity for Earlier Reapplication:** We encourage DCWP to include a provision allowing applicants to reapply sooner than 12 months if they have fully remedied the issue that led to the denial or revocation. For instance, if an applicant obtains the required bond or meets other qualifications before the 12-month period is over, they should be allowed to reapply. This would align with the rule’s purpose to prevent fruitless repeat applications while not unduly penalizing agencies that take corrective action in good faith.

- **Differentiation Between License Revocations and Application Denials:** We recognize that revocation of a license typically results from proven misconduct or violations after an agency has been licensed, while an application denial often stems from unmet qualifications. We recommend that DCWP treat these two scenarios differently. For license revocations, we support the imposition of a longer reapplication ban, as it is important to protect the public from agencies that have engaged in misconduct. However, for agencies whose applications are denied due to technical deficiencies that can be remedied, a one-year blanket ban is unnecessarily harsh. We suggest a more flexible approach, allowing reapplication sooner for applicants who have corrected their deficiencies.
- **Clarification on Principals and New Entities:** We recommend that DCWP clarify how the rule applies to new entities or agencies where principals have dissociated from a previously disqualified agency. If the principal involved in the violation is removed from the agency, the new entity should not automatically face a 12-month reapplication bar. We believe this would encourage the reformation of troubled agencies, rather than discouraging legitimate new businesses from entering the market.
- **Transparent Regulatory Scheme:** We understand the intention to conserve agency resources and discourage bad actors. In order to curb unintended consequences, we recommend due process be provided to licensees in order to remedy deficiencies, and clear, uniform procedure be provided to ensure consistent and predictable enforcement.
- **Clear Communication and Guidance:** We support DCWP's commitment to clear communication. We encourage the Department to continue robust notice procedures, providing formal written notices (via physical mail or verified email) to applicants or licensees that explicitly state the reasons for the reapplication bar and the duration of the prohibition. Additionally, we suggest that DCWP offer guidance to businesses on how to address deficiencies during the interim period to be eligible for reapplication once the bar expires.

In conclusion, while we understand and support the Department's goal of improving licensing efficiency and protecting the public, we urge DCWP to balance these objectives with the realities faced by legitimate small businesses, such as theatrical talent agencies. By providing clearer guidance and allowing more flexibility for agencies that promptly address deficiencies, we can help ensure a fair and effective licensing system that benefits both the industry and the consumers it serves.

We thank the Department for considering our comments and recommendations and look forward to working together to create a licensing process that supports the long-term viability of the talent agency industry in New York City.

Sincerely,

Karen Stuart

Karen Stuart, Executive Director
Association of Talent Agents (ATA)

Online comments: 21

- **Patrick Christopher**

Good Morning. Am I required to do anything? I'm somewhat confused with this email, thanks

Comment added July 21, 2025 12:09pm

- **Kyong Sung Lee**

Hi

If possible some line expiring
Send message for no forget ??

Comment added July 21, 2025 12:15pm

- **Minho Kim**

I think it's fair enough because they were given heads up on the application process.

Comment added July 21, 2025 12:28pm

- **Jeff Kaufman**

As a both consumer and licensee I fully agree that licensee applications should not be allowed reapplication for at least a year however to include revocations in this provision is simply incomprehensible. If the Department saw fit to revoke the license, in order to protect the public, such licensee has clearly violated the public trust and permitting reapplication after only 1 year does little to protect the public from future transgressions. I would hope that this rule is rewritten to extend the period for reapplication after revocation. Thank you for your consideration.

Comment added July 21, 2025 12:37pm

- **JAMES SWINT**

A DENIED APPLICATION DEFINETLY SHOULD NOT MEAN A CLOSE CASED FOR A YEAR. SOMETIMES I GET IT WRONG THE FIRST TIME

AND WHEN I RESUBMIT I GOT IT RIGHT. BY HAVING TO WAIT A YEAR TO RESUBMIT IS DEFEATING THE PURPOSE.

Comment added July 21, 2025 12:46pm

- **Barbara**

I think the licensee who's application is denied or revoked should get a courtesy phone call to let them know. Our license was in limbo for awhile because the emails were getting sent to an email address that was not being checked. Also there are some circumstances where emails may get missed due to the person responsible leaving the company, out on leave or vacation, missed or deleted by accident, etc. Also our payment was accepted so we thought the license was renewed.

Comment added July 21, 2025 12:49pm

- **Savs**

Comments to: DCWP-NOH-Rules-Relating-to-Application-for-and-Renewal-of-Licenses.

This proposal is an accommodation for shift-less lazy management and employees to eliminate mistakes on lengthy applications that they created to confuse the licensee even more then before with got yah trick questions. Whenever a bloated government agency which assumes they're offering a service when in fact it's just an erroneous tax concealed as a confirmation of certificate and safety tries to do something for the better they make it worse than before. A proposal should be made to not license illegal aliens from holding licenses instead of attempting to ferret out natives who commit type "O's". Maybe I should run for mayor and fire each and every one of you personally. It's very simple. Simplify the application. Do all the primary checks on the initial/first application and renewals should be another simpler shorter version. Or you'll have alot less licensed workers with alot more people continuing to move elsewhere. So far more than two million residents have moved out of New York City is

the past several years and tens of thousands of useless illegal aliens have filled a numerical void. On a whole it doesn't pay to hold any license here or to even live here. If you can make it here you can't make it anywhere because you can't make it here unless you are a recipient of occasional welfare which a guaranteed government job or self interested elected selected political post. I'm fully against just another nonsensical rule. But you people will pass it like you've passed all the other bad ideas because your all idiots fattening up on all that free tax money being stolen. I've relinquished two other licenses with your useless agency and only have one left. And I won't miss it if I never have to deal with you fools again.

Comment added July 21, 2025 1:24pm

- **Dror Shemesh**

I got my locksmith license thank you

Comment added July 21, 2025 2:38pm

- **Jesse Lee**

1 year is long but i think it will make the applicants apply with more focus and intent since one year is long

Comment added July 21, 2025 3:13pm

- **Jaspal Bhola**

Good afternoon, I hope this message finds you well. Is it possible to obtain more details on this Case. Thank you

Comment added July 21, 2025 3:29pm

- **Bernard**

I would like to know what provisions are in effect or will you put in effect if one of your office workers makes the mistake by putting in the wrong information ,or a typo, maybe just as simple as a license application that never gets to you ,or sent to the wrong Department within the DCWP

I've been dealing with the consumer affairs over 50 years and I still see some incompetence after all these years lots of improvements but not perfect .

I think many licensees do not expect perfection from the consumer affairs therefore I think it should be reciprocal and the DCWP should not expect perfection from everyone who sends in a license Application

We all make mistakes ,you wouldn't give a year suspension to an employee at the DWCP for making ONE mistake or even 50 mistakes So why don't we all try to get along

People are trying to obtain licenses so they can do things legally why give them a hard time or make things really rough for them like I said I've been renewing my license over 50 years

I don't think many people working at the DWCP, would even agree, with not allowing somebody who makes a mistake to wait a year Actually from my knowledge there are plenty of rules in place right now with licensees in the city of New York

I know the city Council must be busy, I'm sure they have more important

Matters to address at this time

Thank you

Comment added July 21, 2025 4:38pm

- **Carson Ducasse**

Thank you, for your service

Comment added July 21, 2025 8:05pm

- **IbisZReyes**

These newsletters have been very helpful to update information for licensees.

Comment added July 21, 2025 9:21pm

- **Lyndya Lee**

Are there pardons for people whose license was revoked permanently? Not due to neglect but illness?

Comment added July 24, 2025 8:11am

- **Tyrone O. Wallace**

Please review attachment

[Comment attachment](#)

Dennis-Light-NYC-Dept-of-Consumer-Worker-Protection-ltr-7-2-25.pdf

Comment added July 28, 2025 3:53pm

RANERI, LIGHT & O'DELL, PLLC

MICHAEL J. RANERI †
DENNIS W. LIGHT †
KEVIN D. O'DELL »
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ADMITTED IN:
* NY
† NY, NJ & CT
» NY & NJ
‡ NY & DC

July 2, 2025

Re: PSNY v. Tyrone O. Wallace
Mt. Pleasant Town Court
Docket No.: 25010155

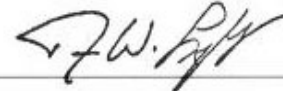
To whom it may concern:

Please be informed that this firm represents the above-referenced Defendant, Tyrone O. Wallace, who has been alleged to have violated NY Vehicle & Traffic Law §§ 1192.3. Driving While Intoxicated (common law), 1201(a). No Stopping/Stopping/Parking on Highway and 512. Operating while Registration Suspended/Revoked.

Please be further informed that the Registration was, in fact, valid and should be withdrawn by the prosecution due to a DMV clerical error. The 2-remaining charges are defensible, in that, it is the opinion of counsel that law enforcement lacked probable cause to arrest insofar as Mr. Wallace was lawfully parked on the shoulder and not in violation of the statute that prohibits a person from stopping, parking, or leaving standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway, where, as here, it was practicable for him to stop, park, or so leave his vehicle off such part of the highway without obstructing the free flow of other vehicles opposite his standing vehicle.

If you have any questions and/or concerns regarding this matter, then please contact the undersigned at the office listed above.

Yours truly,
RANERI, LIGHT & O'DELL, PLLC



Dennis W. Light, Esq.

DWL/dl

cc: File



- **Abdulrazak Mohammed**

Renewal my license

Comment added July 31, 2025 10:11pm

- **Paula Parrino on behalf of NYSPPSA members**

Good morning,

I write as President of the New York State Professional Process Servers Association (NYSPPSA), representing many members who are concerned about the proposed reapplication prohibition rule. Our members specifically have expressed concern about interpreting the proposed licensing rule related to exam attempts for process server candidates.

According to DCWP guidance for the Process Server Individual license, applicants are permitted two attempts to pass the exam within the 60-day window following application processing. If both attempts are unsuccessful, reapplying requires submitting a new license application—and paying certain associated fees again.

Our members understand this to apply to application denials due to application deficiencies. However, some are worried that failing the licensing exam twice within the permitted exam window may inadvertently trigger the same one-year ban—effectively preventing them from reapplying and impacting their livelihood.

While the rule text does not explicitly categorize exam failures as equivalent to a full application denial leading to a reapplication ban, the lack of clarity has understandably raised concern.

Therefore, our members are seeking clarification because some fear that failing the licensing exam twice could lead to a prohibition on reapplying, effectively barring them from obtaining the license for an extended period—causing a serious impact on their livelihood.

While the rule does not appear to impose a flat ban after two failures, the lack of explicit language has raised uncertainty among applicants who worry about being indefinitely shut out.

To support our members and ensure transparency, could you please clarify:

Does failing the exam twice within the permitted 60-day window trigger any reapplication waiting period, other than the requirement to resubmit the full application with new applicable fees?

I have attached the applicable rule section regarding “testing,” which states:

§ 2-232d. Testing. Every person who applies for a process server license or renewal thereof shall be required to pass an examination prior to being issued a license or renewal. Such examination shall test the applicant or licensee’s knowledge regarding proper service of process within the city of New York and familiarity with relevant laws and rules. The fee for this examination will be \$75 and is not refundable. An applicant who fails the exam on the first attempt may take the examination a second time without an additional fee. After the second successive failure, the applicant’s application or renewal will be denied and he or she must reapply for a process server license.

Are applicants allowed to immediately reapply after paying fees again and fulfilling all requirements, even if they initially fail both attempts?

If there is any waiting period or restriction beyond the current two-attempt rule, please specify the duration and conditions.

Also, our members are concerned about the use of the term “defective application” and seek examples of what would be considered such.

Providing this clarity would reassure our members—and prospective applicants—that they are not permanently penalized after two unsuccessful attempts. Thank you for your attention to this request and for supporting fair and accessible licensing processes for process server applicants.

Comment added August 6, 2025 7:11am

- **Lionel Baptista**

This is not a clearly thought through rule. There are any number of reasons an applicant can fail to complete the application form with all the requisites. Banning for a year is way too long

Comment added August 12, 2025 11:53am