NEW YORK STATE UNIFIED COURT SYSTEM

A GUIDE TO SMALL CLAIMS IN THE NYS CITY, TOWN AND VILLAGE COURTS

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A Guide to Small Claims Court

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WHAT IS SMALL CLAIMS COURT?

The Small Claims Court is an informal court where individuals can sue for money only, up to $3,000 in Town or Village Courts, and $5,000 in City Courts, without a lawyer. If you have a claim for damages for more than $3,000/5,000 you cannot separate it into two or more claims to meet the $3,000/5,000 limit.

If you believe that a person or business damaged something you own, you may sue that person or business for the monetary amount of your damages. You cannot sue in Small Claims Court to force a person or business to perform a task, such as to fix a damaged item, or to fulfill a promise made in an advertisement. The court may not order the return of a personal item. Your lawsuit may be for money only.

You may sue a municipality (i.e., a town, village, city or county), public benefit corporation, school district or school district public library in Small Claims Court. However, the law requires you to notify the municipality of your intention to sue. Notice must be given to the municipality within 90 days after the occurrence of the incident that is the subject of your suit. If you do not notify the municipality within 90 days of the incident, your case may be dismissed.

You must bring your claim in the municipality (or, if it's a city court action, in the county) in which the person or entity you are suing resides, or has an office for the transaction of business or regular employment.

WHO CAN USE SMALL CLAIMS COURT?

Anyone 18 years of age or over can sue in Small Claims Court. If you are younger than 18, your parent or guardian may sue on your behalf. Generally, corporations, partnerships, associations, or assignees cannot sue in Small Claims Court.[1] They can, however, be sued in Small Claims Court. A corporation may authorize an attorney, officer, director, or employee of the corporation to appear on its behalf to defend an action.

The party who brings the suit in Small Claims Court is referred to as the "Claimant" or the "Plaintiff". The party that is being sued is referred to as the "Defendant".

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[1] Any corporation, including a municipal corporation or public benefit corporation, partnership, or association, which has its principal office in the State of New York, or an assignee of any commercial claim, may file a claim in Commercial Claims Court. Commercial Claims Courts are located in the New York City Civil Court, in all city courts, and in the district courts in Nassau and Suffolk Counties. Consult your telephone book for the address and phone number of your local court, and call that local court for information.

If you are sued and you believe that someone else (a third party) is responsible for the claim, you may be able to bring that party into the lawsuit as a defendant. Contact the Small Claims Court for information about starting a "Third Party Action".

Most Small Claims Courts have a clerk who can assist you with the procedures for bringing your lawsuit. In those town or village courts that do not have clerks, the judge may assist you. When this booklet mentions the clerk, but the court you are using does not have a clerk, you should seek the assistance of a judge.

Because the small claims procedures are informal, you do not need an attorney to represent you. You may, however, choose to hire an attorney to represent you. If there are attorneys on both sides, the case may be transferred to a regular civil part of the court.

WHERE ARE THE SMALL CLAIMS COURTS LOCATED?

There is a Small Claims Court in every city, town[2] and village located in New York State.

Consult your telephone book for the address and phone number of your local court and call that local court for information.

HOW DO I START A SMALL CLAIMS CASE?

You or, if you suffer from an illness or infirmity, someone on your behalf, must go to the Small Claims Court to file a statement of your claim. The court will provide the necessary forms.

The statement should be brief. It should include a description of the incident that is the basis for your claim, including all important names and dates. If you are suing over a contract or for property damage, you may claim interest as well as damages.

In a Town or Village Court, if your claim is $1,000 or less, you will be required to pay a $10 filing fee. If your claim is for more than $1,000, you will be required to pay a $15 filing fee. In a City Court, if your claim is $1,000 or less, you will be required to pay a $15 filing fee. If your claim is for more than $1,000, you will be required to pay a $20 filing fee. The fees are payable at the time of filing.

The clerk will provide the date and time of the small claims hearing. The clerk will "serve" the notice of claim by mailing it to the defendant. The notice informs the defendant when and where

[2] In Nassau County and the western part of Suffolk County, towns are served by district courts, which have Small Claims Courts.

to appear for the hearing, and gives the reason for the claim and the amount of the claim. The notice will be mailed to the defendant by certified mail and by ordinary first-class mail. If the notice sent by first-class mail is not returned by the post office within 21 days as undeliverable, the defendant is deemed to be served, even if the notice sent by certified mail has not been delivered.

If the post office cannot deliver the notice of your claim (for example, the defendant may have moved without leaving a forwarding address), and you believe that the defendant remains within the jurisdiction of the court, the court will give you a new hearing date and may instruct you on how to arrange for personal delivery of the notice to the defendant.

The hearing cannot take place until the defendant has been served with the notice of claim.

If the notice of claim cannot be served on the defendant within four months after the claim has been filed, the claim will be dismissed. However, if you learn new information about the defendant's location at a later date, you can file your claim again.

MUST I KNOW THE DEFENDANT'S CORRECT NAME?

When you file your small claim, you must provide the name and place of residence or place of business or employment of the person or business you want to sue. You may obtain the correct or "legal" name of a business by contacting the office of the County Clerk in the county where the business is located.

If, after you have filed your papers, you discover that the defendant has a "legal" name that you did not use, you may return to the Small Claims Court and have the papers changed to state the correct name of the defendant.

WHAT IS A COUNTERCLAIM?

A "counterclaim" is a claim filed against you by the defendant —a countersuit. The counterclaim must be for money only. The amount of the counterclaim cannot be more than $3,000 in Town or Village Court or $5,000 in City Court. Any counterclaim for more than $3,000 must be brought in another part of the court or in a different court having the needed jurisdiction.

The defendant is required to file his or her counterclaim with the court within five days of receiving the notice of claim and must

pay the court fee of $3 for actions brought in a Town or a Village Court, or $5 for actions brought in a City Court, plus the cost of mailing the counterclaim to you. If the defendant fails to file a counterclaim within the five-day period, the defendant may still file a claim up until the time of the hearing. The judge then may either proceed with the hearing or adjourn the hearing for a period no longer than 20 days or as soon thereafter as may be practicable. However, if the defendant did not file the counterclaim within the five-day period, the judge must adjourn the hearing to a later date if you ask the judge to postpone the hearing because you believe you are not prepared to defend against the counterclaim. In some cases, the judge might decide to delay the hearing even if you do not ask for a postponement.

You have the right to reply to a counterclaim but are not required to do so.

If you receive notice of a counterclaim with enough time before the date of your hearing, be prepared to present your claim and also defend against the counterclaim on the day of your hearing.

CAN I CHANGE THE DATE OF MY HEARING?

If you are seeking to postpone the date of your hearing or other court procedure, you are seeking an "adjournment." Only the court may decide if an adjournment is to be granted. Adjournments in the Small Claims Court are discouraged, since the purpose of Small Claims Court is to have cases quickly decided.

HOW DO I ASK FOR AN ADJOURNMENT?

If you are going to ask for an adjournment, you should notify the court by mail before the scheduled date of your hearing. Also, you should mail a copy of your letter to the other party. If on the day of the hearing you find you cannot attend or are not prepared to present your case, either you or someone else on your behalf should appear in the Small Claims Court to explain to the judge why you need an adjournment.

If you do not have a good excuse, your request for an adjournment may be denied. If your request for an adjournment is denied and you are not ready to start your hearing, your small claim may be dismissed. If you are the defendant and you do not appear at your hearing, the judge may award the claimant a judgment against you based only upon evidence provided by the claimant (a default judgment).

WHAT SHOULD I DO ON THE DAY OF MY HEARING?

On the day of your hearing, you should arrive at the courthouse at least 15 minutes before the Small Claims Court session begins. When you arrive at the courthouse, look for a Small Claims Court calendar or for a clerk or court officer to assist you. Usually, the calendar is posted outside the courtroom. Your case will be listed by your last name and by the last name of the defendant. If your case is not listed on the Small Claims Court calendar, or if a calendar is not posted outside the courtroom, speak to the court clerk; if there is no clerk present, speak to the judge. In some courts, the clerk may check names as people arrive; in others, you must wait until the case is called.

If a claimant does not arrive at the courthouse on time, the claimant's case may be dismissed. If the defendant does not arrive at the courthouse on time, the judge may hear and decide the case based only on evidence provided by the claimant (a default judgment).

Court rules require that the judge wait at least one hour before holding a hearing or entering a judgment in favor of the claimant.

WHAT SHOULD I DO WHEN MY CASE IS CALLED?

The Small Claims Court clerk or, if there is no clerk, the judge will announce your case and call your name. If you are not ready to begin and need to ask for an adjournment, or if you have some other request, you should tell the court at this time. If you and the defendant are both ready, the case will go forward.

SHOULD I CHOOSE A JUDGE OR A MEDIATOR OR ARBITRATOR?

Some larger town and village courts and some city courts use the services of volunteer mediators and arbitrators to assist parties in resolving their cases. Check with the court clerk regarding the availability of arbitrators or mediators for your case. Local rules may apply.

Mediation

Mediation is a confidential, non-binding dispute resolution-process in which an impartial mediator helps parties identify issues, explore options and reach a mutually acceptable outcome. In mediation, you control the outcome and make your own decisions, as opposed to leaving the decision to an arbitrator or a judge. Mediators do not offer their own opinions regarding

likely court outcomes or pressure you to settle your dispute. Instead, mediators offer the parties the opportunity to expand the settlement discussion beyond the legal issues in controversy and focus on developing creative solutions that emphasize the parties' interests and practical concerns.

If a mediation program is available through the court, and if both sides agree, the court may refer the case to mediation. Your case can be scheduled for mediation quickly, at a time and place convenient to all parties. All discussions in mediation are confidential by law. Mediation gives you ample time to discuss all of the issues important to you. If both parties consent, an agreement may be written with the help of the mediator and signed by both parties. Written agreements may be enforceable in court. If you do not reach agreement, you may continue your case in court.

The parties also can agree to take the case to mediation before filing in court. Mediators are available through community dispute resolution centers – funded in part by the New York State Unified Court System – in all 62 counties of New York State. These mediators are trained under NYS Unified Court System standards. You may locate your nearest community dispute resolution center by checking your telephone book under "mediation" or "dispute resolution," by asking the court clerk, or by checking the listing on the Internet at **www.courts.state.ny.us/adr/cdrcp/progtabl.html.** There is normally no charge for mediation, although there may be a small filing fee.

Arbitration

Arbitration is a binding dispute resolution process in which one or more arbitrators hear arguments, weigh evidence and issue a final judgment on the merits after an expedited hearing.

Arbitrators, many of whom are experienced attorneys, are specially trained to hear and decide small claims cases. Because there are more arbitrators available to hear cases than there are judges, an arbitrator usually will hear your claim sooner than a judge would. Your case can be heard by an arbitrator only if both sides agree. The hearing before an arbitrator is informal and may be less stressful for both parties. The arbitrator applies the same law to your case as a judge would apply. When an arbitrator determines a case, the decision is final, and there is no further appeal by either the claimant or the defendant.

CAN I DEMAND A JURY TRIAL?

The claimant cannot demand a jury trial in Small Claims Court. A defendant, however, may demand a trial by jury any time prior to the day of the hearing. If a defendant demands a jury trial, the defendant must pay a jury fee and file a $50.00 "undertaking" (a security deposit) with the court to guarantee the payment of costs that may be awarded against the defendant. The defendant also is required to submit an affidavit specifying the issues of fact which the defendant desires to have tried by a jury, and stating that such trial is desired and demanded in good faith. If the Judge is satisfied that the defendant's affidavit presents justification to take a claim out of the small claims part, the judge may order that the case be moved over to the regular civil part of the court, where a jury trial is permitted and where the rules of evidence apply.

If a jury trial is held in the small claims part, your claim will be heard by six jurors. Contact the court clerk regarding the procedures and fees for obtaining a jury trial.

PREPARING FOR HEARING/TRIAL

Evidence

Before you appear in court, you should gather all the evidence necessary to prove your claim or your defense. Anything that will help prove the facts in dispute should be brought to court. This includes photographs, written agreements, an itemized bill or invoice that is receipted or marked "paid", written estimates of the cost of the service or repairs, a receipt for the purchase of an item or the payment of a debt, canceled checks, and correspondence. If you rely on estimates, at least two different written itemized estimates of the cost of the service or repairs are required. If possible, merchandise that is in dispute should be brought to court.

Testimony, including your own, is evidence. Any witness whose testimony is important to your case may testify. This can be a person who witnessed your transaction or someone whose special knowledge and experience makes him or her an expert on the cost of the service or repairs that were provided or may be required. If you are unable to get a witness to appear voluntarily, you may apply for issuance of a subpoena to the clerk of the Small Claims Court.

Subpoena

A "subpoena" is a legal document that commands the person named in the subpoena to appear in court. An expert witness may not be compelled to testify by subpoena, but you may pay the expert witness for coming to court to testify. You also may apply to the clerk of the Small Claims Court for issuance of a "subpoena duces tecum," which is a legal document that directs someone to produce a bill, receipt, or other written document or record you need. Either party may apply for issuance of a subpoena up to 48 hours before the trial date.

You must arrange for service of the subpoena and the payment of a $15.00 witness fee and, where appropriate, travel expenses for the person subpoenaed. Except where the travel is entirely within a city, a subpoenaed witness is entitled to travel expenses for mileage to and from the court, from the place he or she was served with the subpoena. Contact the court clerk regarding current mileage rates. Service of the subpoena may be done by any person (including a friend or relative) who is 18 years of age or older, except that you or any other party to the action may not serve the subpoena.

HOW IS A HEARING/TRIAL CONDUCTED?

The claimant's case is presented first. After being sworn as a witness, the claimant will tell his or her version of the incident. All papers or other evidence should be shown at this time. When the claimant has finished testifying, the defendant, the judge or the arbitrator may ask some questions to clarify matters. Other witnesses can be presented in support of the claimant, and they, too, can be questioned by the judge or arbitrator or the defendant.

The defendant then, if he or she wishes to testify, will be sworn and tell his or her side of the story and present evidence. The defendant may also present other witnesses. The claimant or the judge or arbitrator may ask questions of the defendant and the witnesses called by the defendant.

If you are suing a business, be certain to ask the defendant's witness the full and correct legal name of the business and the name of the person who owns the business. If the name of the business is different from the name you wrote in your notice of claim, ask the judge or arbitrator to make any correction/amendment in the name on your notice of claim.

After all the evidence is in, the judge or arbitrator will consider the evidence and render a decision. The decision, together with information to judgment creditor and judgment debtor, will be mailed to the parties after the hearing. In some cases, the decision may be announced immediately after the trial.

DISCLOSURE OF ASSETS

It is your responsibility to collect information on the defendant's assets in the event you receive a judgment in your favor and the defendant does not pay you. (See "How Can I Collect My Judgment?" and "Locating Assets"). The court has the power to examine a party and to order that party to disclose his or her assets, and to restrain that party from disposing of those assets.

WHAT HAPPENS IF ONE PARTY DOES NOT APPEAR?

If the claimant does not appear in court when the case is called, the case will be dismissed.

If the defendant does not appear, the court will hold an "inquest" (hearing). That means that the claimant will go before the judge or arbitrator to present evidence to prove his or her case without the defendant presenting any evidence. If the claimant's case is proved, a "default" judgment will be awarded against the defendant.

If a default judgment is granted because the defendant did not appear, or the case is dismissed because the claimant did not appear, the losing party may ask the court to re-open the case and restore it for a hearing/trial upon a showing of good cause. On the return date, the judge will decide whether to re-open the case. However, both sides should be prepared to proceed in the event the case is re-opened.

WHAT HAPPENS IF THERE IS A SETTLEMENT?

In a lawsuit, one of the parties must always lose. Although you believe you are entitled to win, the judge or arbitrator may rule against you. Therefore, parties to a small claims action are encouraged to settle their cases whenever possible. You should seriously consider a reasonable offer of settlement.

If the case is settled before the day of trial and the parties do not wish to appear, both parties should notify the court in writing.

If a case is settled but the money has not been paid, or if settlement talks are moving forward but are not completed, the claimant may wish to appear in court, so that the case is not dismissed, and ask the judge for an "adjournment pending settlement." A new date will then be set for a hearing/trial. If the settlement does not work out, both parties should appear in court on the new adjourned date prepared to proceed.

WHAT HAPPENS WHEN THERE IS A DECISION (OR JUDGMENT)?

When the judge or arbitrator has decided the case, a decision is filed in the court records, and it is called a small claims judgment. The court will notify the claimant and defendant who appeared at the hearing or trial that a decision has been filed.

If a monetary amount is awarded, the party against whom the judgment is awarded is called the "judgment debtor." The party who is awarded an amount is called the "judgment creditor."

CAN I APPEAL THE DECISION?

When you appeal a decision, you ask a higher court to review the decision for errors. An appeal is not a retrial, but it is the review of the trial court's decision by a higher court called an appellate court. The appellate court will consider whether the judge's decision represents "substantial justice." The appellate court will not reverse a small claims decision because a technical mistake was made during the hearing. Unless the decision is "clearly erroneous," the small claims decision will not be overturned.

If you decide to appeal, you must notify the other party (or parties) in writing that you are appealing by filing a notice of appeal, together with an affidavit that you served that notice on the other party (or parties), in the Small Claims Court within 30 days after you receive in court a copy of the judgment, or within 30 days of personal delivery of the judgment to you by another party to the case, or within 35 days after the clerk of the court or another party to the case mails you a copy of the judgment.

If you appeal, you must pay the required fee to file the notice of appeal. The appealing party also must purchase a typed transcript of the hearing if a stenographer was present. In courts that use electronic recorders, contact the court for instructions. If no stenographic minutes were taken, the court will prepare a statement of what took place during the proceeding. Consult the small

claims clerk for information regarding the fees and how to obtain a copy of the minutes or transcript.

The Small Claims Court Clerk cannot help you decide whether to appeal the decision. You may need the help of an attorney to appeal the decision.

Even if the small claims judgment is appealed, the amount awarded must be paid unless a bond or undertaking is paid to the Small Claims Court to guarantee payment of the judgment if the appeal is lost. If you have been awarded a judgment and you receive notice of an appeal, you should call the small claims clerk to find out if a bond or undertaking has been paid before attempting to collect your judgment.

COLLECTING YOUR JUDGMENT: WHAT DO I DO IF I WIN A JUDGMENT?

The winning party, or judgment creditor, will receive a "notice of judgment." The notice of judgment will include the judge's decision as well as information regarding enforcement officers and ways to collect your judgment. You must read all the information printed on the notice of judgment before you begin your collection efforts.

Winning a judgment does not guarantee payment; however, it does give you the right to collect it. A money judgment is legally enforceable for 20 years.

HOW CAN I COLLECT MY JUDGMENT?

First, contact the judgment debtor and request payment of the judgment amount. If the judgment debtor refuses to pay the judgment amount, you may need the services of an enforcement officer.

WHAT IS AN ENFORCEMENT OFFICER?

An enforcement officer can, for a fee, take a judgment debtor's assets to pay your judgment. An enforcement officer can be the county sheriff, local police officer, city marshal or town or village constable.

Remember that you may ask the court to examine a party, order that party to disclose his or her assets, and restrain that party from disposing of those assets. (See "Disclosure of Assets"). This information may be useful when you seek the assistance of an enforcement officer. Otherwise, you will have to locate the judgement debtor's assets yourself before contacting an enforcement officer.

LOCATING ASSETS

Information Subpoenas

The enforcement officer cannot locate the judgment debtor's assets for you. You must provide this information to the enforcement officer.

An "information subpoena" is a legal document that directs a person, corporation or other business to answer certain questions about where the judgment debtor's assets can be found. You may use an information subpoena to obtain information about the scope and location of the judgment debtor's assets.

The small claims clerk will issue an information subpoena for a fee, will assist you with the preparation and use of the information subpoena, will sign the information subpoena, and also may provide a pre-printed questionnaire to include as part of the subpoena. The small claims clerk cannot, however, give you legal advice or make a specific determination whether particular assets may be taken or may be exempt. You also may purchase the necessary forms from a legal supply store or copy the necessary forms from a legal form book that may be found in any law library.

You may send an information subpoena to the judgment debtor and to any person, corporation or other business that you believe has knowledge about the judgment debtor's assets, such as a telephone or utility company, employer, landlord or bank. You should send the information subpoena, two copies of the written questions and an envelope addressed to yourself with the correct amount of postage. These documents may be sent by regular mail or by certified mail, return receipt requested.

Other Ways to Find A Judgment Debtor's Assets

If you or someone you know has a canceled check given to the judgment debtor, the name of the judgment debtor's bank may appear on the back. You can provide this information to the enforcement officer.

You can check with the New York State Department of Motor Vehicles to find out if the judgment debtor owns a car. If the judgment debtor owns a car, the enforcement officer can take it and sell it to pay your judgment. You must give the enforcement officer the model, year, license plate number and location of the car. If the judgment debtor borrowed money to buy the car, that loan must be paid before you can get any money from the sale. Also, you will have to pay towing and stor-

age fees in advance to the enforcement officer. You should contact the enforcement officer regarding the amount of these fees.

Executions

Once you receive information regarding the location of the judgment debtor's assets, you need to obtain an "execution," which is a document signed by the court clerk or the judgment creditor's attorney, that directs the enforcement officer to take a judgment debtor's property or money. The execution provides information to the enforcement officer regarding the assets you want taken and where they can be found.

Executions are legal documents, and a form for an execution may be obtained from a law library or a legal supply store. There are two types of executions:

"Income Executions" direct the enforcement officer to obtain payment from the judgment debtor's wages until the full amount of your judgment is paid.

"Property Executions" direct the enforcement officer to obtain payment through other means, such as bank accounts or sale of property. Preparation of these documents is not the duty of the small claims clerk or the enforcement officer. You have the responsibility of obtaining and properly preparing execution papers and obtaining the required signature of the clerk or attorney.

If you are preparing an execution for personal property (not real estate or wages) located within the same county as the Small Claims Court in which the judgment was entered, your attorney or the small claims clerk, at the discretion of the judge of that court, may sign the execution papers for issuance. If the personal property is located in a county different from the one in which judgment was entered, contact the County Clerk of that county for information about how to proceed.

WHAT IF THE JUDGMENT DEBTOR OWNS REAL ESTATE?

If the judgment debtor owns real estate, you may be able to collect your judgment when the real estate is sold by putting a "lien" on the property for the amount of the judgment. Ownership of all real property is recorded in the County Clerk's office. In order to put a lien against real property, you must get a "transcript of judgment" from the Small Claims Court clerk and file it with the County Clerk of the county in which the Small Claims Court is located. There is a fee for obtaining a transcript of judgment. You may contact the

County Clerk's office regarding the amount of the fee and how to go about filing a transcript of judgment there.

If the real estate is situated in another county other than the county in which the small claims judgment was entered, a second transcript of judgment will need to be obtained from the County Clerk in whose office the first transcript of judgment was filed. The second transcript of judgment then must be filed with the County Clerk in the county where the real property is located.

If there are other liens filed against the property, they may take priority over yours. A lien against real property is enforceable for ten years and may be extended by special motion to the appropriate County Court. A procedure for forcing sale may be discussed with the sheriff.

HOW MUCH WILL I HAVE TO PAY THE ENFORCEMENT OFFICER?

Enforcement officers generally charge as a fee a percentage of the amount collected. They also may require you to pay certain fees in advance for the expenses required to execute on the property. For example, you must pay the enforcement officer a mileage fee, in advance, for a property execution, and you may have to pay in advance for an income execution. You may wish to contact the enforcement officer to determine the amount of any fees. If you think that you will need the services of an enforcement officer, you may ask that the court include the enforcement officer's fees as a "disbursement" in your case. "Disbursements" are certain out-of-pocket expenses that are granted to the winner of the case. You must be able to verify the amount of any claimed disbursements in order to have them included in your judgment.

If you receive payment directly from the judgment debtor after you hire an enforcement officer, you will still be responsible to the enforcement officer for all fees already paid, plus a percentage of the amount you received. This is true even if you received the payment or came to a settlement without any assistance from the enforcement officer.

ARE THERE ANY OTHER WAYS TO MAKE A JUDGMENT DEBTOR PAY?

If your small claim was based on the judgment debtor's ownership or operation of a car, and your judgment was over $1,000 and has

remained unpaid for more than 15 days, contact the New York State Department of Motor Vehicles about suspending the judgment debtor's driver's license until your judgment is paid.

If your small claim arises out of the conducting of the judgment debtor's licensed or certified business, and your judgment has remained unpaid for 35 days, you can notify the appropriate state or local licensing authority. Failure to pay a judgment may be considered by the authority as grounds for revoking, suspending, or refusing to grant or renew a license to operate a business. Contact the Department of State with this information.

If the court finds the judgment debtor's business appears to be engaged in fraudulent or illegal acts in the conducting of the business, you have the right to notify the Attorney General, as well as any appropriate licensing or certifying authority.

Prominent state licensing or certifying authorities are listed at the end of this manual. You may wish to contact the local government to get information and addresses of such agencies in the local area.

TREBLE DAMAGES IF THE JUDGMENT DEBTOR HAS FAILED TO PAY THREE OR MORE JUDGMENTS

If a judgment debtor has failed to pay two previously recorded small claims judgments against anyone despite having sufficient resources to pay them, you may be able to sue the defendant for "treble damages" – three times the amount of the damages. You may check with the Small Claims court clerk and the County Clerk to find out if the judgment debtor has other unsatisfied small claims judgments.

WHAT HAPPENS WHEN THE JUDGMENT IS PAID?

The judgment debtor must receive sufficient proof that the judgment is paid in full (or "satisfied").

The judgment creditor should then notify the Small Claims Court, and any court that a transcript of judgment has been filed in, that the judgment has been satisfied. If the judgment was paid through an execution, the enforcement officer will file the satisfied execution with the clerk of the court from which it was issued. The enforcement officer will also mail a copy to the judgment debtor. The judgment creditor is still responsible for notifying the court that the judgment is satisfied. Failure to provide notice of satisfaction in a timely manner may result in penalties.

SOME PROMINENT STATE LICENSING OR CERTIFYING AUTHORITIES:

Department of Agriculture and Markets

– regulatory authority includes the issuing of permits for and licensing of:

- manufacturers, wholesalers and handlers of frozen desserts;
- dealers, brokers and commercial merchants for the sale of farm products;
- milk dealers;
- retail food establishments;
- nurseries and greenhouses;
- food processing establishments;
- refrigerated warehouses, locker plants and fresh foods;
- operators of purebred dog kennels;
- anyone who deals in, handles or transports domestic animals, or operates a livestock auction.

Division of Alcoholic Beverage Control

– issues licenses and permits for the manufacture, distribution and sale of alcoholic beverages within the State.

Banking Department

– the primary regulator for state-licensed and state-chartered financial entities, including domestic banks, foreign agencies, branches and representative offices, savings institutions and trust companies, mortgage bankers and brokers, check cashiers, money transmitters and licensed lenders. The Department also enforces laws and policies dealing with consumer credit and other financial services, the prevention of illegal lending and other consumer abuses.

Commission on Cable Television

– issues confirmation certificates for new franchises, renews franchises and terminates franchises.

Education Department

– licenses certain trade and businesses, as well as computer-training facilities throughout the State. It registers all post-secondary educational programs.

The Education Department also licenses approximately thirty professions, including the following:

- Physicians and physician's assistants
- Physical therapists
- Dentists and dental hygienists
- Optometrists
- Chiropractors
- Veterinarians
- Pharmacists
- Accountants
- Interior designers
- Nurses
- Podiatrists
- Engineers
- Acupuncturists
- Architects
- Psychologists
- Social workers
- Teachers

Department of Environmental Conservation

– principal regulatory programs include: water and air pollution control; radioactive waste control; solid and hazardous waste management; waste transport; mining; public water supply; dams; and protection of freshwater and tidal wetlands, streams and navigable waters. The Department also regulates mining and the extraction and underground storage of gas and oil.

Insurance Department

– issues licenses and permits, conducts examinations and administers fines relating to insurance companies, agents, brokers and adjusters, consultants, reinsurance intermediaries and bail bondsmen.

Judicial Branch

Four Departments of the Appellate Division

– conduct proceedings to admit, suspend or disbar attorneys who wish to practice or are practicing law in New York State courts.

Department of Labor

– has regulatory jurisdiction in the areas of employee safety and health, employee earnings, and employee coverage under unemployment insurance; issues licenses for asbestos operations, crane operators, explosives and blasting companies and amusement park rides.

Division of the Lottery

– licenses sellers of lottery tickets.

Department of Motor Vehicles

– regulates the registration and titling of motor vehicles and issues driver's licenses.

The Department also licenses or registers:

- Inspection stations
- Driving schools and instructors
- Repair shops
- Dealers and transporters
- The vehicle salvage industry
- Snowmobiles, all-terrain vehicles, motorboats

Public Service Commission

– has the power of general supervision of all gas, electric, and waterworks corporations, and telephone and telegraph lines. Approves rates for privately owned gas, electric, steam, telephone, telegraph, radio telephone and waterworks corporations.

Racing and Wagering Board

– issues licenses to owners, trainers, assistant trainers, jockeys, drivers, jockey's agents, veterinarians, farriers, grooms and race track employees involved in thoroughbred, harness and quarter horse racing. The Board also issues licenses required to conduct a race meeting with pari-mutual wagering, issues licenses to suppliers and renters of bingo and games-of-chance equipment, and issues identification numbers to those conducting games-of-chance, raffle or bingo operations. It also regulates off-track betting facilities and casinos.

Department of Social Services

– regulates residential foster care of children, day care facilities for children and adults, special care homes for unwed mothers and victims of domestic violence and workshops for the blind.

Department of Taxation and Finance

– issues licenses to wholesale dealers of cigarettes and state lottery ticket vendors.

The Department is also responsible for the registration of:

- Alcoholic beverage distributors
- Motor fuel distributors
- Diesel motor fuel retailers and bulk purchasers
- Owners of diesel motor vehicles
- Flea market promoters
- Vendors required to collect sales tax
- Organizations exempt from sales tax

Department of Transportation

– regulates railroads, bus, and moving and trucking companies. The Department also grants licenses to public utility companies for real estate rights on Department-controlled property.

Department of State

– issues licenses to the real estate and cosmetology industries, private investigators and notaries.