

STATE OF NEW YORK  
DEPARTMENT OF STATE  
OFFICE OF ADMINISTRATIVE HEARINGS

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In the Matter of the Complaint of

**DEPARTMENT OF STATE  
DIVISION OF LICENSING SERVICES,**

Complainant,

**DECISION**

-against-

**ROBERT MANN, WORLDWIDE INTELLIGENCE  
NETWORK,**

Respondent.

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The above noted matter came on for hearing before the undersigned, Roger Schneier, on April 15, 1997 at the office of the Department of State located at 270 Broadway, New York, New York.

The respondent, of 104 First Avenue, Suite 231, New York, New York 10022, did not appear.

The complainant was represented by Assistant Litigation Counsel Scott L. NeJame, Esq.

**COMPLAINT**

The complaint alleges that the respondent has operated a private investigator business from a mail drop and not an office, in violation of 19 NYCRR 170.5, and failed to respond to the Department of State's requests for information, in violation of General Business Law (GBL) §73.

**FINDINGS OF FACT**

1) Notice of hearing together with a copy of the complaint was served on the respondent by certified mail delivered on March 17, 1997 (State's Ex. 1).

2) Since March 28, 1996 Worldwide Intelligence Network (hereinafter "Worldwide") has been licensed as a private investigator with the respondent as its qualifying officer, and with a business address of 1040 1st Avenue, Suite 231, New York, New York 10022 (State's Ex. 2).

3) On May 28, 1996 License Investigator John Grimes visited the respondent's office address. The premises were occupied by a Mail Boxes ETC USA store. Investigator Grimes then proceeded to the main entrance of the building, which has an address of 400 East 57th Street, and ascertained that there was no sign or other public notice that Worldwide was operating at that location (State's Ex. 4).

4) On May 29, 1996 Investigator Grimes wrote to the respondent and asked him to telephone him regarding the functioning of his business before June 10, 1996. No response was received. He wrote to the respondent again on June 17, 1996, pointing out that pursuant to GBL §73 the respondent had an obligation to reply, and requesting a reply by no later than June 27, 1996 (State's Ex. 5). Again, the respondent failed to reply. On two other occasions Investigator Grimes left messages for the respondent at the number listed with NYNEX for Worldwide. Those calls were also not responded to.

#### OPINION AND CONCLUSIONS OF LAW

I- Pursuant 19 NYCRR 170.5, a licensed private investigator is required to maintain an actual place of business within New York State in which employee and business records for any licensed activities within this state are maintained. The respondent, however, has used a mail drop as Worldwide's New York office.<sup>1</sup> He has, therefore, violated that regulation.

II- GBL §73[1] provides that every licensed private investigator is required to respond to requests received from the Department of State for information concerning his, their, or its business, and that failure to do so is grounds for the imposition of disciplinary sanctions. On four separate occasions the respondent was requested to contact the complainant's investigator to provide information about his New York operations. The respondent ignored each of those requests, thereby violating GBL §73[1].

III- Subsequent to the hearing the tribunal received a telefaxed letter from the respondent. In that letter he stated that on March 27, 1997 he had reached an agreement with Richard Drew, a representative of the complainant to settle the matter through the payment of a \$500.00 fine before April 15, 1997 (the date of the hearing). However, the respondent's check for the fine, dated April 16, 1997, was not, as he admits in his letter,

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<sup>1</sup> According to a letter which was telefaxed by the respondent to the tribunal on April 30, 1997, Worldwide's actual office is located at 10635 Santa Monica Blvd., Suite 100, Los Angeles, CA 90025.

received until April 22, 1997. I take official notice that the check has since been returned to the respondent.

The respondent does not contend that he was told that the hearing would not go forward on April 15th. Rather, he says that he was under that impression, and that he did not recall reading in a letter from Mr. Drew that the hearing would go forward if the check did not arrive by April 15th (from which I draw the conclusion that the respondent has such a letter in his files which he has, since the date of the hearing, re-read). Frankly, based on the evidence in this case, it appears that the respondent has a problem with paying attention to his correspondence and telephone messages. Accordingly, the tribunal declines to restrict penalty to be imposed to that of the settlement by which the respondent did not abide.

#### DETERMINATION

**WHEREFORE, IT IS HEREBY DETERMINED THAT** Robert Mann has violated General Business Law §73[1] and 19 NYCRR 170.5, and accordingly, pursuant to General Business Law §79, his license as qualifying officer of Worldwide Intelligence Network is suspended effective June 1, 1997 until such time as he shall have paid a fine of \$750 to the Department of State and shall have submitted a change of address form along with proof satisfactory to the Department of State that he is maintaining an actual office which complies with the requirements of 19 NYCRR 170.5. He is directed to send his license certificate and pocket card or the fine, change of address form, and proof of a satisfactory office location to Thomas F. McGrath, Revenue Unit, Department of State, Division of Licensing Services, 84 Holland Avenue, Albany, NY 12208.

Roger Schneier  
Administrative Law Judge

Dated: May 22, 1997