



The Newsletter

President's Column By Ron Ezell

APSA Newsletter, 2nd Qtr. 2020

What a Year.

The elected Board of Directors along with the Administrator have been meeting through electronic means. The reporting and conversations with the Board and Directors have been very productive as we have been making a few changes and cleanups in the language of the Bi-Laws and Policy Manual.

Most of the process servers know that the Process Servers Conference has been cancelled. With that being said, the Board of Directors voted at our last meeting that on-line classes will soon to be available. The classes that were discussed some will be similar and most will be new for all our benefit and training.

I sincerely hope and pray that ALL process servers, employees,



and owner of the companies in Arizona are being safe and protecting themselves with masks or shields.

We all know that what we do will soon be jumping like before or even better.

I truly look forward for the time that we all can be together again.

— Ronald R. Ezell

Annual APSA Board Meeting

Will be held on Saturday, September 19, 2020 at 12:00 p.m.

This will be a virtual meeting, and all APSA members are welcome to attend. There is no cost to attend the annual meeting.

Ten (10) hours of Continuing Education will be available starting that weekend via online classes.

Check the APSA website and your email for details of continuing education course availability and selection.



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Let us know how you like the APSA Newsletter by calling the office at (602) 473-1737 or dropping us an email at azserverassoc@gmail.com If you have an item, comment, suggestion, opinion or view, especially one that differs, let us know. We'll be happy to publish it!

From the Administrator...

I hope you are well. I recently received a complaint about a process server who served an 82-year old woman while not wearing a face mask. COVID-19 is a virus that is spread to others mainly by inhalation. However, there are studies which show that it can also be spread by contact with bodily fluids deposited on surfaces. One study published in the journal Science suggested that the exposure parameter would be similar to the distance one might smell cigarette smoke from the source - generally over six-feet.

The courts have mandated a six-foot distance between persons inside the courthouse, and directed that all persons entering

and remaining must wear a face mask. This is the new standard. I would suggest that all process servers also wear rubber or nitrile gloves as a contact barrier, as well.

As to the complaint, if the Presiding Judge receives it, he/she may determine that the failure of the server to wear a face mask is unprofessional conduct and/or negligent behavior. Some may disagree, as it is a personal choice whether to wear a face mask when in the field, but as the courts have now adopted a six-foot distance and mandatory face masks policy, it may be considered a professional standard in place. All jurists, court employees and attorneys are covered by this mandate, as well.

In Memoriam...



Officer Jason Judd
Peoria Police
EOW 1 July 2020



<https://www.100club.org/honorthefallen/>
<https://bluelivesmatter.blue/hero-down-peoria-pd-officer-jason-judd-dies-in-motorcycle-crash-during-youth-academy-camp/>

Editor's Column *Barry R. Goldman*

I don't think any of us have been so challenged in our business and personal lives more so than by the events of this past year.

The Corona Virus has stressed many small businesses to the point of no return. Families and individuals have to cope with separation, anxiety and a lack of consistent information to deal with the emotional baggage and economic fallout from this pandemic. I've got my own theories about the origins of the pandemic but I'll save those for the fiction novel I'm writing. I say fiction, because the facts have become muddled in the disinformation campaigns that we are bombarded with on a daily

basis.

We see rioting and social unrest tearing our country apart from within. "Defund the police" has been prevalent in political thought and action. But these same people who want to defund and disband the police because of a very few bad apples would be the same who would call 911 if their house was broken into or their favorite poodle was lost.

It's ironic how people have fallen and latched onto some sort of cause of the moment that preaches destruction instead of resolution.

I am reminded of the lyrics sung by John Lennon in the Beatles' song, *Revolution*:

"But when you talk about destruction, don't you know that you can count me out... You say you got a real solution, well, you know we'd all love to see the plan..."

From all of the destruction and organized mayhem brought by people who hate, people who are misguided in their conceptions of right and wrong, and the sheeple who follow them, I have yet to see a cognizant plan from them that seeks to keep our country intact. I have said before in other forums that the destruction, unrest and hate being fomented to divide our country is tearing us apart from within. This is the perfect storm.

Divide and conquer. You can passively sit at home and watch a shooting war on mainstream media and understand that those are real bullets, bombs and



missiles. Or you can passively watch our country's enemies use the same media in their campaigns to discredit American ideals, resolve, provide disinformation, discredit facts and change our history to a fiction which best suits their needs to erode your rights and turn our country into an armipit of their making.

— BRG

Bank Notes from your APSA Secretary/Treasurer *Tamara Nieto*

Hi All,

Despite the global differences of opinion on COVID-19, national far left and far right positions, conspiracy theories, and expert studies that conflict with other expert studies, I think we can all agree on one thing.....it's been a very ODD year!

I truly hope that you are all staying safe and practicing good distancing when in the field serving process. I've seen that Serve-Now and a few process serving companies have put out guideline articles and webinars regarding Service of Process protocol during these times. They have some excellent suggestions.

Out of health concerns for our members and guests, I'm sorry to say that our Annual

Conference has been canceled. I'm going to miss seeing familiar faces and catching up with many of you.

Your APSA board has not been slacking during these times. We have been holding teleconference meetings and conducting association business as usual. There has been much talk of APSA going to CE on-line courses. If you read the minutes you will see that our Administrator, Barry Goldman has been approved by the board to carry on with this mission. So, for those of you who typically get your CE hours at the annual conference please be sure to stay tuned for our on-line courses that will be offered.

Keep in mind that this Association exists to promote and support the process

serving industry. If you know a fellow process server who is not a member, kindly reach out and suggest membership with APSA, or contact me and I will be happy to make contact.

Be safe and know that this too, shall pass and things will get back to normal, albeit, a new normal. We will look back on these COVID-19 times and be ever so grateful for our social gatherings, unmasked encounters, regular handshakes and most of all big HUGS!

Submitted by,
Tamara Nieto



APSA

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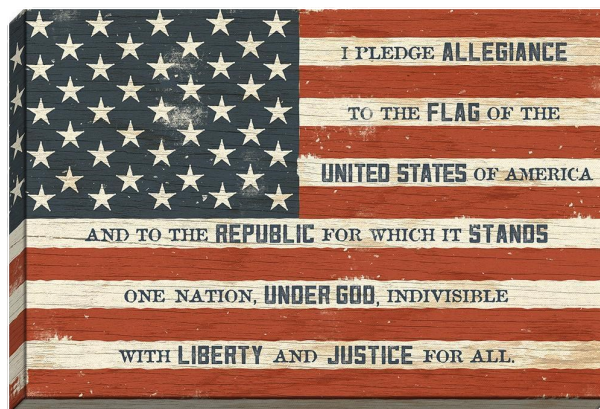
The APSA Newsletter

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Disclaimer: Comments and opinions expressed in the APSA Newsletter are that of the writer and do not necessarily reflect the opinion of the Association, its Officers or Board.

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National Affiliation:

APSA was originally founded in 1973. It is the sole state association of process servers recognized and chartered by NAPPS — the National Association of Professional Process Servers — in Arizona.

APSA Newsletter Quarterly Publishing Schedule

1st Quarter: (Jan. 1-Mar. 31)
All submissions are due no later than Feb. 1st.

2nd Quarter: (Apr. 1-June 30)
All submissions are due no later than May 1st; The annual publication of the Bylaws and Code of Ethics occurs in this edition.

3rd Quarter: (July 1-Sept. 30) **All submissions are due no later than July 1st. Publication shall in no circumstance be any later than 30 days prior to the scheduled Annual Conference and Educational Event. (See Bylaws, Article VIII, Section I.)**

4th Quarter: (Oct. 1-Dec. 31) **All submissions are due no later than October 31st.**

Schedule changes: Publication schedule may be subject to change for any reason including but not limited to accommodating Board meeting dates, continuing education events, special submissions, news or other information to better serve our members and other readers. Additional Newsletter editions may be published at the direction of the APSA Board.

Changes & Corrections: If you have changes or corrections to your contact information, please let us know.

APSA



Training Corner: Orders of Protection & More — Barry R. Goldman

Much has been discussed about the changes that came out of revisions to the statutes relating to orders of protection. The AZPoint training and reporting system has been met with mixed results, and apparently there is still some confusion about whether or not we (process servers) can serve and charge a fee for protective orders.

I received the following email from a process server not too long ago that I believe is relevant:

Hey Barry,

I have a return client coming to me for the 3rd time to serve an OOP. The order is for protection for her and her mother against a divorced x-husband in his 60's. So this is not a dating/sexual violence situation.

Therefore, I do not see an issue with charging a fee for service on the OOP. Non dating and no presence of sexual violence should exclude the server from the restrictions mentioned below in your email to members on 03/10/20.

Please confirm I am on the right track in my strategy.

The process server references my letter to the membership of 10 March 2020, here:

Members:

I have received several calls regarding the confusion over serving Protective Orders. As it stands, right now, process servers CAN serve OP's & IAH's. HOWEVER -- be aware, that the constable, sheriff, or local police may also be trying to serve the same paper. Double assignments are always trouble.

Further, there is/was some confusion as to fees. Process servers may charge a fee for service of a protective order, EXCEPT:

1. Injunctions Against Harassment -- 12-1809(D): "...Fees for service of process may be deferred or waived under any rule or law applicable to civil actions, except that fees for service of process shall not be charged if the petition arises out of a dating relationship or sexual violence as defined in section 23-371. ..."

2. Orders of Protection -- 13-3602(D). "A fee shall not be charged for filing a petition under this section or for service of process. ..."

12-3301(C). "A private process server may charge such fees for services as may be agreed on between the process server and the party engaging the process server."

While ARS 12-3301(C) states that we can charge a fee as agreed with our customer, the overriding concern

for the public good specifically addressed in the above protective order sections supersedes our ability to charge a fee. Consequently, it would be improper for a server to charge a fee for an OP, or an IAH when a dating relationship or sexual violence allegation is made.

You may wish to turn away those particular customers (send them to the constable, sheriff or police), unless you will do the job for free.

I hope this satisfies your concerns. Your association will endeavor to work with our legislators and the courts to bring further clarity to this issue.

As always, should you have any questions or comments, please let me know.

So, again, be aware, process servers CAN serve OP's & IAH's, but we CANNOT charge a fee for serving an OP, and if an IAH "...arises out of a dating relationship or sexual violence...", we likewise CANNOT charge a fee for serving the IAH.

Process servers can see more about AZPoint at <https://azpoint.azcourts.gov/>



www.arizonaprocessservers.org



Hi, I'm Patty Chlebanowski, long-time Secretary of APSA. Frontier Insurance Agency, Inc. has been in business for 50 years. Frontier Insurance Agency, Inc. wants to help members and friends of APSA and AALPI to write your Notary Bonds, Court Bonds (Appeal and Cost Bonds), and Probate Bonds (Personal Representative, Conservatorship & Guardianships). We also write MVD (Lost Title Bonds).

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If you know an attorney who handles Probate matters, please drop my name to them. If you have any needs, please give us a call. Frontier can usually get a bond written in about 24 hours.



Training Corner *(Continued)*

Updated resources for your U.S. business during COVID-19 from Intuit QuickBooks:

Paycheck Protection Program

The Paycheck Protection Program has reopened

As of July 6, the Paycheck Protection Program has resumed and the SBA is accepting applications. Learn more about how to apply by the new August 8 deadline.

How the PPP Flexibility Act changes the PPP rules

Read about how the Paycheck Protection Program Flexibility Act (PPFA) addresses many of the concerns around PPP loan forgiveness.

What is the loan forgiveness covered period for a PPP loan?

Learn how to determine your loan forgiveness covered period, and what happens after that period has ended.

General business resources

Estimate your CARES Act tax relief and credits

Intuit Aid Assist has a free tool to help determine your eligibility and amounts for newly established tax credits.

How to calculate the Employee Retention Credit

Learn more about available tax credits and use our Tax Credit Estimator to calculate your potential savings.

Rules for rehiring employees for PPP loan forgiveness

Get answers to commonly asked questions about how rehiring employees can affect PPP loan forgiveness.

https://quickbooks.intuit.com/small-business/coronavirus?cid=DR_em_47383_001_Text9_US_QBO

www.arizonaprocessservers.org

In case you missed it... APSA classes will be going online. We will have a selection of classes that will be available from our inventory and that of our vendor, AccuFacs Publishing,

LLC.

The Board of Directors approved an agreement at its most recent meeting between APSA and AccuFacs to publish and maintain an online catalogue of courses for process server continuing education.

The APSA course catalogue includes the following titles:

- *APSA Certified Process Server*
- *Arizona Case Law*
- *Basic Course*
- *Business of Process Serving*
- *Certificates, Affidavits & Returns of Service*
- *Changes in Digital Forensics*
- *Changing the Game of Business*
- *Conflict Communications / Conflict Resolution*
- *Constitutional Law*
- *Cultural Diversity*
- *Due Diligence*
- *E-Filing & E-Service*
- *Ethics*
- *Evictions in Arizona*
- *Federal Rules*
- *Finding People & Assets*
- *Internet Guide for Arizona Process Servers*
- *Judicial Process*
- *Justice Court Rules*
- *Legislative Process*
- *Legislative Updates*
- *Lobbying*
- *Managing Hostility in the Field*
- *Map Reading*
- *New Rules and Regulations*
- *Personal Protection Concepts, Use of Force and the Law*
- *Personal Safety*
- *Process Server Law*
- *Protective Orders*
- *Public and Personal Safety*
- *Report Writing for Process Servers*
- *Rules of Civil Procedure*
- *Self Defense Course*
- *Sensitive Serves / Incapacitated Persons*

- *Sensitive Serves / Locating People*
- *Service on Indian Reservations*
- *Setting up for Success*
- *Seven (7) Things to Never Say*
- *Skip Tracing*
- *Subtle Clues to Avoid Assaults*
- *Tips to Grow Your Business Online & Offline*
- *Working with Law Enforcement*



Some of the classes have been set up with PowerPoint slide shows, others need to be revised and edited. Voice-overs will need to be done on each course, as previously these courses were done in-person and not scripted.

Courses from the AccuFacs catalogue will be added and included with the APSA course offerings. Each person attending the course will be issued a certificate covering their attended hours. The cost for each course is expected to be the same or lower than our previous courses.

www.arizonaprocessservers.org

Body Cams...

Do you remember our previous discussions about body-worn cameras? I was sent an article in my email from CorrectionsOne entitled, "How to buy body-worn cameras (eBook)". It can be found at the *CorrectionsOne* website. If you are in the field and not wearing a body cam, you may be setting yourself up for problems later on. These days, keeping accurate documentation by putting pen to paper (finger to keyboard) is only part of it. Having documented proof to testify in case of a dispute or complaint is vital.

— BRG

APSA

APSA Board Meeting Minutes — June 20, 2020



BOARD MEETING MINUTES —

APSA BOARD MEETING MINUTES
SATURDAY JUNE 20, 2020 AT 12:30

PM

Meeting held telephonically via
freeconferencecall.com

Those in Attendance:

Board Members: Ron Ezell, Tamara Nieto, Ron Wyman, Nathan Botsch, Kelli McFarland and Barry Goldman

Non-Board Members: Catherine Parsons, Darren Mays

President's Report

Ron Ezell called the meeting to order at 12:36pm. He thanked Barry Goldman for all his work. He said it was unfortunate that the NAPPS annual conference was missed. He welcomed all present and gave wishes for a productive meeting.

Secretary's Report

Tamara Nieto took roll call and confirmed that a quorum was met. Minutes from the last board meeting held Saturday March 14, 2020 were reviewed silently by the board. No questions or corrections were addressed. Ron Wyman moved to accept the minutes, Nathan Botsch seconded, no objections, minutes approved.

Ron Ezell mentioned that he would write up an article for the next newsletter by end of the week. Barry Goldman reminded Tamara Nieto that a write up for the Secretary/Treasurer's column would be needed. Ron Ezell asked Barry Goldman if he could get a printout of the financials to Tamara Nieto. Goldman said he would and that it would be distributed to all board members. Goldman presented a refund check received from the hotel in the amount of \$1600.

Administrator's Report

Barry Goldman stated that the electronic version of the training manual is on hold, which is fine because there are no in-person classes scheduled. At some point he wants to put the manual on a protected flash drive so it cannot be copied.

Any changes that need to be made to Policies and Procedures will be made and published in September.

"APSA Certified Process Server" was authorized by the board to be trademarked. Goldman said he will be working on that soon.

Goldman said he will get the APSA financials to Tamara Nieto and the other board members in the next couple of weeks.

We have two new members.

Goldman explained that one new member thought he was a member because he took the ASPA class. Catherine Parsons said that students are confusing APSA certification with membership. Tamara Nieto stated that it would be worth pursuing those APSA class participants who are not members. Goldman will get her a list so that she can reach out to them. Goldman stated that there are some "pending" members who have not paid dues. They will be bumped from membership in the next 30 days if payment is not received.

Goldman stated that the lowering of dues and extending the membership term has not had the anticipated effect of increasing membership. Combined with COVID 19, we are not in the best financial shape. Due to APSA's financial burden, Goldman has not taken a salary since February. Goldman said despite marketing, phone calls and emails it just hasn't worked. He is of the mindset that dues should be increased. He has spoken to Larry Ratcliff about it. He believes dues should be increased to around \$85 per year, citing NAPPS and other associations charge that over \$100 a year for dues. Goldman said he is going to do some analysis and crunching of numbers which he will get to Ron Ezell (who is financially prudent) to come up with a plan for financial stability and marketing. Ron Ezell mentioned that NAPPS is giving an extended 30-40-day period for dues payment this year due to COVID. Goldman noted that NAPPS puts out a flyer that shows new members. He is going to contact those new NAPPS members in an effort to increase our out of state membership. He also mentioned the use of a skip tracing database for locating email addresses for process servers, during his two-week free trial. Ron Ezell mentioned that IRB database just put live over 2 million cell phone numbers.

All education courses that APSA will offer now and in the foreseeable future will need to be online. An open request to submit proposals for online course offerings was made to the membership. To date, Goldman said he is the only one who has submitted. He asked Ron Ezell if he knew of anyone else. Ezell provided that John updated his two presentations, Caselaw and Service on Indian reservations. For those that sign up, email him a copy of what is online. Kelli McFarland asked whether the online courses would be accredited hours to be used for education requirements. Goldman confirmed that they would.

Catherine

Parsons stated her main reason for attending this meeting was to address the issue of a Yavapai County judge's interpretation of online courses. The judge believes that online courses can account for only a limited amount of the education requirements. Barry Goldman said he believes this is incorrect because the Arizona Code of Adjudication 7-204 does not limit the number of hours for online courses. Parsons mentioned that court personnel such as clerks and attorneys get all of their educational hours online. Ron Ezell stated that this problem has been going on for awhile with other courts. Goldman said he is going to do some research to determine how to proceed about this problem. Goldman asked Ron Ezell if a letter to all the judges addressing the issue and providing clear interpretation would be a good idea. Ezell and others confirmed. Ron Ezell made mention that he is working with Alan Walker on a study guide which will hopefully be distributed to the courts upon completion.

The 2020 APSA conference has been cancelled. The hotel deposit refund was received as noted earlier in the meeting. Goldman said we will have to arrange for online classes.

Goldman provided that the legislative session ended May 26, 2020 and no bill that APSA opposed moved forward. In regards to rule changes, Goldman said he would forward the Supreme Court memorandum dated April 16, 2020 whereupon the Supreme Court authorized the administrator of a Health Care Institution to serve limited legal process to patients. There were no statute changes of concern to APSA.

The newsletter will be published in early July. There have been no changes to the website except for membership listings.

Goldman put forth a recommendation to the board that ASPA have monthly or semi-monthly online CE meetings for members.

Goldman asked board members if they received his online CE proposal for APSA. He stated that he formed AccuFacs Publishing LLC for publishing. He added that he does his own continuing educational publications and has written several books. The proposed online course material for APSA will be in power point format, narrated with a workbook. Goldman proceeded to explain that APSA has



APSA Board Meeting Minutes — June 20, 2020 (Continued)

historically experienced losses due to annual conferences and other educational venues. An average of over \$6000 has been lost every year since 2007 and over \$3000.00 was lost in 2019 due to costs of conferences and having classes elsewhere. He said the loss was made up with membership dues in the past, but now with decreasing membership and decreasing dues amounts we cannot do that anymore. Goldman is proposing a partnership with his business and ASPA. The written proposal he submitted shows all the existing APSA courses, many of which will need slideshows drafted. The proposal also shows AccuFacs courses, which are much fewer than ASPA, but will be going online. His COVID-19 course that he recently completed was submitted to the Supreme Court for approval.

Goldman's proposal also addresses the electronic platform for the online courses. The Learning Management System that AccuFacs will use for secure course hosting is DigitalChalk, an LMS vendor. The LMS vendor will securely host and present online educational programs on an automated system at minimal cost. The basic layout of each course includes disclaimer information required by the Arizona Supreme Court, as well as that mandated under AccuFacs policy, which basically says "I'm not giving legal advice". A PDF download of a course workbook and practice exam will be available for each course. Each course has mandated attendance time. Electronic attendance tracking will be included in each presentation at varied intervals. The attendee must acknowledge their presence at each alarm. Each course will have a pass/fail exam which is open book with true/false questions, no essay. If a course is failed, it may be taken one time again. In regards to storage, copyright and course retention, the LMS vendor will store a copy of all courses owned by AccuFacs and APSA courses as well if APSA wants to participate. AccuFacs will also store whatever goes to the online vendor. APSA will retain its ownership and copyrights to its own works. APSA courses will be sourced and retained by APSA. APSA will retain the rights to offer the courses at in-person seminars, having only licensed the electronic rights for use to AccuFacs.

The LMS vendor provides an all-

inclusive revenue receiving and payout platform. They have their own credit card processing system set up, so there is no need to set up a separate platform, such as PayPal. Payouts will be made monthly to AccuFacs. Revenue earned by APSA will be appropriated at a contracted rate based on earnings from APSA courses.

LMS has monthly and annual fee plans as well as service fees which may be found at <https://www.digitalchalk.com/ecommerce/pricing>. They will charge up to \$4.99 per course provided, plus a 2.99% credit card fee and .30 cents per transaction. Barry Goldman said that he is proposing a split of 50% revenue per class between APSA and AccuFacs.

Barry Goldman put together a competitor course offering and pricing analysis, which is included in his written proposal. He found that the average pricing for competitor's courses is [REDACTED] per hour and the mean pricing is per [REDACTED] hour, which is basically the market rate. A sample 10 course bundle at [REDACTED] per hour will gross [REDACTED] less fees results in net revenue of [REDACTED]. If split between APSA and AccuFacs, APSA gets [REDACTED] per 10-hour course bundle, electronically, without having to pay hotel, meals and transportation overhead. Goldman made a couple of assumptions...in 2020 if 276 hours are available to be taught for the rest of the year, the gross projected revenue is [REDACTED] and the net projected revenue is [REDACTED]. In 2021 a full year, if 553 hours were taken (the number of APSA classes taken in 2019) the gross projected revenue is [REDACTED] and the net income would be [REDACTED].

Ron Ezell asked whether the electronic courses would be offered to ASPA members and non-APSA members alike. Goldman confirmed they would. Tamara Nieto asked for clarification regarding Goldman's courses and ASPA courses. Goldman said they would remain separate but on the same website, Goldman's courses would receive 100% revenue and APSA courses would have the revenue split 50% to APSA and 50% to Goldman. Goldman stated that a 90-minute course took him 3 weeks of production, which included voice overs, slide show, transitions, up to date research and printed materials. Ron Ezell referenced a man who is a member of CALSPRO and NAPPS,

whose 80% of income comes from his books and the instruction he gives. Kelli McFarland is in favor of Goldman's proposal because she feels he has given a lot to APSA already and it is better to make 50% from electronic courses, then 0%. Tamara Nieto asked whether the 50/50 split was negotiable. Goldman replied that it is better to say "no" now, but in the future, if he finds that an ASPA course does not take as long production time he would be willing to charge less. Goldman also stated that the contract with ASPA would need to be 5 years for continuity reasons. Tamara Nieto asked if Larry Ratcliff had offered an opinion to Goldman regarding his proposal. Goldman stated that Ratcliff is the one who told him to move forward on it.

Kelli McFarland made a motion that APSA contract with Barry Goldman for the preparation and final online production of existing ASPA courses for 5 years at 50% payment. Ron Wyman seconded, and the motion carried.

Ron Wyman asked Barry Goldman if he would obtain email addresses for students who are non-members to ask for their APSA membership. Goldman replied that he would and that the ASPA logo is prominently displayed on a slide for each course and encourages membership into the association. He will also share his student list with the association. Wyman also said he would like to see an advertisement for APSA in the Bar Association publication. Goldman said this is possible after we start receiving income.

Darren Mays said he was glad he attended his meeting, as it was a good and he is looking forward to joining future meetings. Goldman said Mays is a new member. He is located in the Mesa area.

Ron Ezell asked if anyone had additional business to discuss. There was none. Kelli McFarland made a motion to adjourn, seconded by Ron Wyman. Meeting adjourned at 1:55pm.

Submitted,
/S/
TAMARA NIETO
Secretary/Treasurer



APSA ANNUAL PUBLICATION OF BYLAWS

Article I – NAME

This Association shall be known as the Arizona Process Servers Association, hereinafter referred to as APSA.

Article II – PURPOSE

To promote and upgrade the process serving industry through the following objectives:

Section 1. Promoting any legislation and rule changes which will help the industry.

Section 2. Combating legislation which may harm the industry.

Section 3. Creating and maintaining a moral and ethical standard for the industry.

Section 4. Improving relations between the industry and the legal community – attorneys, judges, clerks and officers of the court – and the general public, statewide and nationally.

Section 5. Providing educational opportunities and resources for process servers and the public.

Article III – MEMBERSHIP

Section 1. Membership in the Association shall be open to all persons who have been directly or indirectly affiliated with the profession of process serving.

Membership is approved on an individual basis and is not transferable.

Active Membership shall be valid for two years from the date of submission of the Membership application and payment of dues.

Section 2. All applications for membership must be completed in full on a form approved and provided by the Association. Each application must be accompanied by two years dues plus a non-refundable application fee as prescribed by the Board of Directors.

Section 3. Classes of membership and requirements for membership shall be defined as follows:

Section 3a. Active Member. An Active Member shall be an individual. An Active Member shall be an Arizona Certified Process Server, qualified to serve legal process in the state of Arizona.

Active Members shall be entitled to a listing in the association Membership Directory which will list their name, company name, address, telephone, fax and e-mail address. Active Members may advertise their name and/or company name, in all association produced directories, publications and on the website. Active Members may vote, hold office, elected or appointed, and may serve on or chair a committee. Active Membership is not transferable. Active Members who successfully attend and pass the APSA Certified Process Server course and examination may use the designation, “A.C.P.S.” in their listing and advertising.

Section 3b. Associate Member. An Associate Member shall be an individual engaged in the process serving business located outside of the state of Arizona. Associate Members shall be entitled to a listing in the association Membership Directory under the Associate Member section. Associate Members may not vote, or hold office, elected or appointed.

Section 3c. Honorary Member. Honorary Members shall have all rights and privileges of Membership including the right to vote and to hold elected office. The privilege of this Membership shall be determined by a majority vote of the Board of Directors. An Honorary Member shall be dues-exempt.

Section 3d. Supporting Member. A Supporting Member shall be any individual or company associated with the process serving profession, except owners, partners, or

stockholding corporate officers of process serving, photocopy or attorney service firms. Supporting Members may advertise their company name in all association Directories and publications. Supporting Members shall be entitled to a listing in the association Membership Directory under the Supporting Member section. Supporting Members shall be entitled to receive all publications and notices, attend meetings, training courses, annual conferences. Individual Supporting Members may serve on committees. Supporting Members may not vote, hold any office, elected or appointed.

Section 4. Membership shall not be granted to any person who has been convicted of a felony unless such conviction was officially pardoned or the record of same has been expunged, or their civil rights restored. In addition, membership shall not be granted to any applicant who has had their license, permit or right to serve process revoked by any issuing authority unless said revocation has been pardoned or expunged, or had their civil rights restored.

Section 5. No person shall be denied membership because of their race, color, sex, or ethnic origin.

Section 6. Membership may be suspended or terminated by the Board for violations of these Bylaws, Policy Manual and/or the Code of Ethics.

Section 7. Termination of membership shall be effective thirty (30) days past the due date for annual dues.

(Continued...)



APSA ANNUAL PUBLICATION OF BYLAWS

Article IV – DUES

Section 1. The annual dues shall be determined by majority vote of the Board of Directors and shall remain in effect until changed.

Section 2. The fiscal year covering the payment of dues shall be Jan 1 to Dec 31 each year.

Article V – ELECTION of OFFICERS and DIRECTORS

Section 1. The Officers shall consist of a President, Vice-president, Secretary/Treasurer. Term of each Officer shall be two (2) years.

Section 2. No Member shall be eligible to be an Officer until they have been a Member for two (2) years.

Section 3. No Member shall be eligible to be a Director until they have been a Member for one (1) year.

Section 4. The Immediate Past President shall serve two (2) years on the Board of Directors.

Section 5. Three (3) Directors shall be elected unless the current President is re-elected, in which event four (4) Directors shall be elected. Each elected Board Member shall serve two (2) years. If there is no Immediate Past President, an additional Director shall be elected by the Membership or appointed by the Board.

Section 6. Elections of Officers and Directors shall occur at the annual Association conference. The President and two (2) Directors shall be elected in even-numbered years. The election of the Vice-President, Secretary/Treasurer and one (1) Director shall be done in odd-numbered years. Election or appointment of a fourth (4th) Director, if applicable, may occur in either odd or even-numbered years. Officers and Directors shall be elected by majority vote of Members present at the annual confer-

ence. Officers and Directors shall be elected in a single ballot with each Member casting one vote for each seat to be filled. Nominees receiving the highest plurality of votes will fill all seats in order of total votes received. Majority vote shall not be required. No proxies shall be allowed.

Section 7. No Member shall hold the office of President for more than two (2) consecutive terms.

Section 8. A vacancy in any office or Directorship shall be filled by the Board of Directors.

Article VI – DUTIES of OFFICERS

Section 1. The administration and management of the association shall be controlled by the Board of Directors consisting of the Officers and Directors. They shall have the authority to do any and all things necessary for the administration of APSA. Decisions shall be reached by majority vote of the Board of Directors Members present. No proxy voting shall be allowed. The Officers, Directors and Administrator shall be bound by the Policies and Procedures to be published in a separate Manual. Said Manual shall be periodically updated and changed as needs dictate.

Section 1a. The Board of Directors shall appoint an Administrator, who shall exercise duties and tasks appointed by the Board. A written agreement shall be established between the Board and the Administrator.

Section 2. The President shall preside at all meetings, shall make all other appointments that are deemed necessary to run the association, and shall submit at the annual conference an annual report describing programs and Board actions. The President shall submit a written column to each periodic Association

newsletter and other publication.

Section 3. The Vice-president shall perform the duties of the office of president whenever the President is unable to do so.

Section 4. The Secretary/Treasurer shall cause to be recorded the minutes of all Board meetings and the annual conference. The Secretary/Treasurer shall be responsible for carrying out all fiscal policies and procedures adopted by the Board; shall be responsible for preparation of financial statements and presentation of these to the Board at each meeting; and shall submit a written annual report to the annual conference.

Section 5. A petition, signed by signatures representing fifteen (15) percent of the total votes eligible to vote at that time in the Association requesting the holding of an election for the purpose of recalling a Member of the Board or any Officer, may be filed at any time with the Secretary. If recall is for the Secretary, the petition shall be filed with the President. After verification of signatures, the President shall certify the petition and immediately direct a ballot be mailed to each Member. The ballot shall read as follows:

Shall (Name of Officer or Director) be recalled? Yes [] No []
A “yes” vote shall be counted as for the recall and a “no” vote shall be counted as against the recall. Only Members in good standing shall be entitled to vote at such elections. Such a recall shall require two-thirds affirmative vote of executed ballots received by the Secretary or President within fifteen (15) days.

(Continued...)



APSA ANNUAL PUBLICATION OF BYLAWS

If the recall is successful the Board may fill the vacancy at its next meeting.

Section 6. The Board shall adopt procedures for arbitration and grievance. All Members are bound by the arbitration and grievance procedures as adopted by the Board. The Chairman of the Grievance Committee may suspend any Member, including Officer(s) and Director(s) pending an investigation.

Article VII – MEETINGS

Section 1. An annual conference shall be held. Officers' reports, committee reports and any new or old business as the membership sees fit will be discussed at the meeting.

Section 2. Board meetings shall be called by the President. A board meeting must be called within thirty (30) days if requested by three (3) members of the Board, or if petitioned for by a majority of the members. The membership may be notified of all regular Board meetings.

Section 3. Meetings of the Board may be held by mail or telecommunications.

Section 4. Members shall be admitted to all meetings and conferences except executive sessions. Non-members may be admitted to all meetings and conferences unless disapproved by a majority of the members present. Only meetings involving the personal affairs of any individual may be held in executive session.

Section 5. The latest edition of Robert's Rules of Order shall govern the conduct of all meetings.

Article VIII – BYLAW AMENDMENTS

Section 1. Proposed bylaw amendments must be submitted to the Secretary sixty (60) days prior

to the date of the annual conference and published to the membership not less than thirty (30) days prior to the annual conference.

Section 2. The bylaws may be amended or revised by an affirmative two-thirds vote of the membership present at the annual conference.

Section 3. Bylaw amendments or revisions may be acted upon only at the time published in the conference agenda unless a majority of the membership present at that time agree to a later time for further action on them.

Section 4. The bylaws may also be amended or revised by unanimous vote of the Board of Directors.

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Code of Ethics

Each member agrees to abide by the revisions and principles set forth herein when dealing with clients, general public, associate members and associates in business as follows:

1. Duties to Clients, General Public, Legal Entities

All work shall be performed in a professional and ethical manner. Nothing shall be done which would impugn the position or name of this Association or its members or the process serving industry.

Everything possible shall be done to protect the rights, interest and confidentiality of clients, entities being served and the legal profession as a whole.

2. Licenses, Permits, Bonds, Other Requirements

Each member agrees to comply with and keep current during the tenure of his membership all necessary business licenses, bonds, permits and any other requirements mandated by the city, county, and/

or state in which the member conducts business.

3. Exchange Work

Each member agrees to handle work sent to him by another member in a professional and ethical manner.

4. Proofs of Service, Not Found Returns, Other Reports

All documents shall be returned timely upon completing the work order. Each member shall comply with all instructions given by the forwarding agency. If a proof of service is provided by the sending party, it is mandatory that the serving party use that proof and fill it out in the manner requested.

5. Financial Responsibility

Each member agrees to promptly pay for services rendered by another member unless other specific arrangements have been made. A member, who is not an owner of the firm for which they work, is responsible for the ethical conduct of the firm for which they work.

Rev. 11/13

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Your APSA Administrator and Legislative Committee members scan and receive information from various sources to determine if bills pending before the state legislature, rule change proposals before the Supreme Court, case law or other regulations proposed or enacted are relevant or would have any effect on APSA members or the professional process server in Arizona. Your APSA Administrator also gets a daily email from the Court of Appeals on decisions handed down at the appellate courts. As a NAPPS Chartered Association, APSA is also privy to the help that NAPPS provides its members. Google searches help, too.

Your participation in watching over and influencing legislation, rules of court and regulations is needed. *Please contact a member of the Board or the APSA Administrator to see how you can help your fellow process servers.*




County Process Server Coordinator Listings

County	Process Server Coordinator	Location/Mailing Address
Apache County	Delana Waite 928-337-7551 dwaite@apacheclerk.net	70 W. 3rd South PO Box 365 St. Johns, AZ 85936
Coconino County	Valerie Wyant 928-679-7600 vwyant@courts.az.gov	200 N. San Francisco St Flagstaff, AZ 86001
Cochise County	Vicki Barton, Chief Deputy Clerk 520-432-8646 vbarton@courts.az.gov	Clerk of Courts 100 Quality Hill, PO Drawer CK Bisbee, AZ 85603
Gila County	Esther Canez 928-402-8562 ecanez@courts.az.gov	1400 E. Ash Street Globe, AZ 85501
Graham County	Rebecca Ornelas 928-428-3100 rornelas@courts.az.gov	800 Main St, Safford, AZ 85546
Greenlee County	Madeline Montoya 928-865-4242 mamontoya@courts.az.gov	County Courthouse 5th & Webster PO Box 1027 Clifton, AZ 85533
La Paz County	Ryan Andersen 928-669-6131 randersen@courts.az.gov	1316 Kofa Ave Ste 607 Parker, AZ 85344
Maricopa County	Angelique Rodriguez Angelique.Rodriguez@Maricopa.Gov 602-372-5375 ProcessServerCorrespondence@maricopacounty.on microsoft.com	601 W. Jackson Phoenix, AZ 85003
Mohave County	Gretchen Howell 928-753-0713 x4397 ghowell@courts.az.gov	401 E. Spring Street, PO Box 7000 Kingman, AZ 86402
Navajo County	Marc Russell 928-524-4177 mrussell@courts.az.gov	100 E. Carter PO Box 668 Holbrook, AZ 86025
Pima County	Alan Walker 520-724-3282 awalker@sc.pima.gov	110 W. Congress Tucson, AZ 85701



County Process Server Coordinator Listings (Continued)

County	Process Server Coordinator	Location/Mailing Address
Pinal County	Amanda Stanford 520-866-5381 astanford@courts.az.gov	971 Jason Lopez Circle Bldg. "A" P.O. Box 2730 Florence, AZ 85132
Santa Cruz County	Karla Zuniga 520-375-7700 kzuniga@courts.az.gov	2150 N. Congress Drive Rm 215 Nogales, AZ 85621 PO Box 1150, Nogales, AZ 85628
Yavapai County	Charlie Van Landingham 928-777-3030 cvanland@courts.yavapai.us	120 S. Cortez Street Prescott, AZ 86303
Yuma County	Michelle Lackey 928-817-4241 mlackey@courts.az.gov	250 W. Second Street Ste B Yuma, AZ 85364
<p><i>All Process Server testing starts promptly. Late admission is not allowed. All testing requires pre-registration through the court clerk's office. Please make arrangements well</i></p>		

Advertising with APSA



Advertising Submission Policy:

The APSA Newsletter is published in quarterly each year. All advertising must be paid for in advance. Payment should be made to the Arizona Process Servers Association. Advertising rates are quoted for full-color camera-ready copy in electronic submission in an approved format (PDF, JPEG, etc.). Advertiser is responsible for preparing & submitting ad copy. Copy must be submitted no later than the last day of the month preceding publication (January, April, July, October). Acceptance, placement and publication of advertising is subject to the sole approval and discretion of the Editor. Inappropriate advertising content will not be accepted. Editor reserves the right to decline or edit any advertisement or content therein. In the event an item of advertising is rejected, a refund shall be made to the advertiser. Advertisement size quoted is approximate. Actual size may vary depending on page availability. Advertorials may be written by APSA staff or outside writer at cost to advertiser. Publication of advertorials is charged by the column inch. Advertorials must be clearly marked in the header, "Advertisement". All advertisements may be bordered and/or background colored to distinguish their content.

Advertising Rates

All Payments for advertising must be paid in advance.

advertisers must submit camera ready copy. Mockup by newsletter staff shall incur a \$25 surcharge.

Prices for advertisements are as follows:

Business card size ad is \$55.00 (2 issues) Size: 2.0 x 3.5 (APSA Members get 4 issues)

1/4 page ad is \$100.00 (3 issues) 4.75 x 3.75

1/2-page ad is \$250.00 (4 issues) Size: 4.75 h x 7.5 w, or 9.5 h x 3.75 w

Full page ad is \$375.00 (4 issues)

Advertorials/Banners are \$25/col. in. 3 in. min. (per issue)

All sizes are approximate and not guaranteed. APSA, its Officers, Board of Directors, members, APSA Newsletter Editor and staff are not responsible for errors or omissions of advertising content. All paid advertisers will get a courtesy listing in the online APSA Member Directory at the APSA website for the term of their ad.

The Last Word...

This and that collected from various named and unnamed sources..

Continued Postponement Of Eviction Enforcement Actions

Executive Order: 2020-49

Due to the CoronaVirus pandemic, Governor Ducey issued E.O. 2020-49, extending the moratorium on evictions through October 31, 2020. This does not mean that an eviction action cannot be initiated by the landlord, but it may mean that the tenant, although found guilty of forcible detainer, cannot be forcibly removed from the premises by the sheriff or constable. See the E.O. at <https://azgovernor.gov/executive-orders>

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Service on LLC's through the ACC to cease as of September 1, 2020

With the effective date of the (new) Arizona Limited Liability Company Act (ARS §29-3101, et seq.), service on a limited liability company where the statutory agent cannot be found will no longer be done on the ACC. Under ARS §29-3119(B). If a limited liability company or registered foreign limited liability company ceases to have a statutory agent, or

if its statutory agent cannot with reasonable diligence be served, the company or foreign company may be served by registered or certified mail, return receipt requested, or by a similar commercial delivery service, addressed to the company or foreign company at its principal address. The principal address must be as shown on the company's or foreign company's most recent filing with the commission...



See the text of the statute for further or attend our up coming online classes on service of LLC's and other business entities.

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UPCOMING ONLINE CLASSES:

Understanding Process Server Complaints & How to Avoid Them

Serving Process in Times of COVID-19

More to come!

Editorial opinions are that of the editor. Other opinions expressed in the APSA Newsletter are those of the writer and do not necessarily reflect those of the Board, individual Board members or officers, nor each member. All submissions are welcome.

The APSA Newsletter is published to promote a source of news, opinion and information for APSA members, affiliates and interested persons and organizations.

Contact APSA for further information about membership and advertising.



Court Holidays

Courts are closed on:

New Year's Day (January 1st)

Martin Luther King, Jr. Day (3rd Monday in January)

Washington's Birthday (3rd Monday in February)

Memorial Day (Last Monday in May)

Independence Day (July 4th)

Labor Day (1st Monday in September)

Columbus Day (2nd Monday in October)

Veterans Day (November 11th)

Thanksgiving Day (4th Thursday in November)

Christmas Day (December 25th)

Coming Up...

Annual APSA Board Meeting

Will be held on Saturday, September 19, 2020 at 12:00 p.m.

This will be a virtual meeting, and all APSA members are welcome to attend.

Ten (10) hours of Continuing Education will be available that weekend via online classes.

Check the APSA website and your email for details of continuing education course availability and selection.



THE ONLY NAPPS CHARTERED STATE ORGANIZATION IN ARIZONA



ARIZONA PROCESS SERVERS ASSOCIATION
Certifying & Training Arizona's Professional Process Servers Since 1973



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