

## President's Column -- By Ron Ezell

WHAT A YEAR, 2020 has brought to All! I am sure none of us thought it would be so tough to deal with this Virus, both as IC's and Owners in the Attorney Service Business. Hopefully, we will continue to protect ourselves and those we are serving, both Clients and Courts.

I am grateful to the members of the Board of Directors who have worked to continue to further the strength of the Association even though we all have differing demands on our time beyond what we might have imagined. Our Administrator has prepared high-quality, extremely relevant, and wonderfully educational programs despite a pandemic.

As we continue forward in 2021, I hope there will be a Conference and Board Meetings where we can once again gather and share new ideas with one another.

I would ask that some of the younger members of APSA to confidently step up to take on leadership positions and bring new ideas to the Membership. May they lift this fine Association to greater recognition within the State of Arizona and beyond.

Finally, I am grateful for all the Process Servers, especially those in the smaller Communities throughout the State of Arizona, to be available for seeing that documents needed to be Filed or Served are done in a manner of professionalism.

Again, for the 20th time since 1973 when APSA was founded, I have appreciated the opportunity to serve as President of the Association, the Members and All Process Servers throughout Arizona.

Ronald R. Ezell  
APSA PRESIDENT



## From the Administrator...

**Goodbye 2020.** What more can I say? It's been a rough ride for most of us, with "social distancing", panic and shortages, mandatory and voluntary restrictions to activities, and the adjustments we've all been forced to make. However, I can surely say that as a group, the process servers and other members of APSA are resilient, and of really good character. I'm proud to be a member of APSA, as well as the association Administrator. I surely hope this year goes better for all of us, no matter where we are and what we do.

**If you want change, you need to participate and make the change.**

## CONTENTS

<b>President's Column -- By Ron Ezell</b> .....	1
<b>From the Administrator</b> .....	1
<b>APSA Officers &amp; Board Members for 2020-2021</b> .....	2
<b>Editor's Column -- Barry R. Goldman</b> .....	3
<b>Training Corner — Barry R. Goldman</b> .....	3
<b>APSA Board Meeting Minutes — June 20, 2020</b> .....	7
<hr/>	
<b>ICYMI: Letter to The Members from VP Larry Ratcliff Nov. 10, 2020</b> .....	11
<b>NAPPS Has an Obligation to Support Its State-Chartered Associations</b> .....	12
<b>County Process Server Coordinator Listings</b> .....	13



Courthouse News Items from the Maricopa County Bar Assn..... 15

**Arizona Court of Appeals, Division Two - Lewis v. ADOC** ..... 16

**Arizona Court of Appeals, Division Two – Montano v. Luff, Et Al**..... 16

**Changes in Legislation, Rules, Case Law & Regulations to Watch** ..... 17

**CHANGES IN RULES, REGULATIONS, STATUTES WE’D LIKE TO SEE:** ..... 17

**Anybody can own a process serving agency in Arizona – even a convicted felon**..... 18

**The Last Word... This and That Collected from Various Named and Unnamed Sources**..... 19

**U.S. DISTRICT COURT ENTERS PERMANENT INJUNCTION SHUTTING DOWN TECHNICAL-SUPPORT FRAUD SCHEME** ..... 19

**FROM THE BANKS -- A NEW ROUND OF PAYCHECK PROTECTION PROGRAM (PPP) LENDING WILL SOON BE AVAILABLE**..... 19

**PIMA COUNTY SUPERVISORS IMPOSE MANDATORY 10 P.M. - 5 A.M. CURFEW TO HELP STOP COVID SPREAD** ..... 19

**DON’T BE A VICTIM OF A SCAM -- COVID-19 TESTING AND THE VACCINATION IS FREE**..... 20

**APSA Approved Online Continuing Education Courses**.....21

**Court Holidays**.....21

**APSA Newsletter Quarterly Publishing Schedule** .....21

## APSA Officers & Board Members for 2020-2021



<p><b>President:</b> Ron Ezell (520) 624-2466 ron.ezell@specializedattorneyservices.com</p>	<p><b>Vice President:</b> Larry Ratcliff (928) 367-0510 larryratcliffpi@gmail.com</p>	<p><b>Secretary/Treasurer:</b> Tamara Nieto (928) 779-2823 naiprocess@yahoo.com</p>
<p><b>Director:</b> John Osborn (480) 821-1552 info@asapserve.com</p>	<p><b>Director:</b> Ron Wyman (520) 488-1519 rwymanserver1@gmail.com</p>	<p><b>Director:</b> Nathan Botsch (928) 864-5597 nathan@nazlegalservices.com</p>
<p><b>Immediate Past President:</b> Kelli McFarland (928) 717-1196 allianceinvestigations@msn.com</p>	<p><b>Legal liaison:</b> Charley Laman (602) 717-5326 info@lamanlawoffice.com</p>	<p><b>Administrator:</b> Barry R. Goldman APSA Office: (602) 476-1737 azserverassoc@gmail.com</p>
<p><b>The APSA Newsletter (APSA News)</b> Published by the Arizona Process Servers Assn. PO Box 2233, Phoenix, AZ 85002 Phone: (602) 476-1737 azserverassoc@gmail.com</p>		<p><b>Disclaimer:</b> 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. <i>Changes, Corrections &amp; Submissions:</i> Let your Editor know — azserverassoc@gmail.com</p>



## Editor's Column -- Barry R. Goldman

### Process servers deserve some basic protections.

Recently, an attorney emailed me information about a NAPPS member who allegedly damaged a case he is prosecuting: "I have run into a situation of abject failure of process, lack of professionalism, failure to follow up, etc. Is your organization mandatory, do you have a complaint process, or what can I do re dealing with these people?" The attorney stated that he had some 300 or so proofs of service on various defendants in a water rights case that the NAPPS member allegedly destroyed prior to filing them with the court because they had a business dispute. *No, this guy is not an APSA member, and I don't know if he ever was.*



I'm listening but taking this all in with a grain of salt, until the attorney went into further detail on the matter – a water rights case out of one of the northwest counties, and the more I listened, the more credible it sounded. You've got to understand, I've heard complaints about servers and process serving agencies before, but this one stuck in my craw, because it's not the first unprofessional allegation I've heard about this attorney service agency.

So, after giving him a primer on how process serving works in Arizona, last I spoke with him, he told me he's so ticked that he intends to find out who the servers in the cases are and file unprofessional conduct complaints against each for failure to file the proofs of service. That's some 300 complaints. I really feel sorry for those servers who work for that agency.

Even though the dispute is not the fault of the individual server, under our rules [i.e.: ACJA §7-204 (H)(2)(11) & (12)<sup>1</sup>; ACJA §7-204(J)(3)(d)<sup>2</sup>], the process server is responsible for making sure the proof of service (declaration, certification, affidavit, etc.) is filed with the court. *Not the agency.* The server takes the fall if the dispute results in the agency's failure to follow through with its responsibilities.

That's just plain wrong. *Process servers deserve some basic protections.*

— BRG

## Training Corner — Barry R. Goldman

**Orders of Protection & Injunctions Against Harassment:** I still get questions from process servers about serving Orders of Protection. Not to belabor the point, I'll summarize the two issues, here: 1) **YES** -- a process server may serve an OP; and 2) **NO** -- a process server **cannot** charge a fee for serving an OP, even if the client *wants* to pay for it. Similarly, a process server cannot charge a fee for serving an IAH in circumstances where a dating relationship or sexual violence is alleged in the complaint.



That is not my opinion – it's what the statutes say.

The relevant statute sections are (for Orders of Protection) ARS §13-3602(D). "A fee shall not be charged for filing a petition under this section or for service of process. ..." and (for Injunctions Against Harassment) ARS §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. ...".

<sup>1</sup> ACJA §704 (H)(2) -- (11) Willfully made or filed false reports or records in the practice of the profession or occupation; (12) Failed to file required reports, records, or pleadings in the practice of the profession or occupation...

<sup>2</sup> ACJA §7-204(J)(3)(d) -- The process server shall ensure all affidavits and certificates prepared by the private process server are complete, accurate and understandable and are timely filed with the court.





in the location and the location is one in which the person has a reasonable expectation of privacy.”) I would suggest a BWC that is plainly visible.

You can find an article summarizing some BWC's here: <https://www.serve-now.com/articles/2859/the-best-body-cameras-for-process-servers>.

**Dash cams.** In addition to BWC's, I really recommend a dash cam for your car, one that covers both the outside (front, sides, rear) and inside or rear. There are several available for relatively low prices. Factors you may wish to consider when purchasing a dash cam:

- Power supply: Built in batteries are convenient but don't last long, plugging into an accessory power socket solves that but can look untidy, a professional installation is the neatest solution.
- 4K video: This gives higher resolution for more clarity, but it also produces much bigger video files which can prove a headache.
- Rear cameras: These are an optional add-on for some dash cams which record what's happening behind you, not just what's in front.
- Voice control: Perfect for hands-free operation, which is especially important for drivers, of course.
- Wi-Fi connections: Useful for viewing or transferring dash cam footage, and some systems can send.
- Parked alerts: Available with some hard-wired dash cam systems, these can record any bumps or bangs to your car while parked.
- Emergency calls: Some dash cams can alter the emergency services with your location via your smartphone if they detect an accident and you don't respond.
- Night vision: Enhanced night vision modes make a lot of sense for those who do much of their driving after dark.

Source: <https://www.digitalcameraworld.com/buying-guides/best-dash-cam>

**Hands Free Device law:** A new law became effective January 1, 2021 requiring drivers to use a hands free (or blue tooth) device to talk on the phone while driving. Holding a cell phone while driving is a primary offense, even if you are going the speed limit, etc., so the officer can pull you over and cite you for distracted driving. If you are dialing out, reading, or sending texts or using your phone in your lap or hand, you can be stopped and cited. Many of us keep a laptop in our cars. Same law applies to them, mounted or not. I keep a laptop in my car (a Panasonic model CF-31 Toughbook with GPS, Verizon SIM card and all the bells and whistles), and only use it while parked. Gone are the days when I could read my emails, eat a sandwich, and check my GPS without paying attention to the traffic around me (yes, I am being facetious).

Under the new law, there are certain limitations and allowances, such as when stopped or parked, or using your GPS only, but the law is pretty clear: talk hands free or don't talk. The statute is entered as ARS §28-914: *Use of portable wireless communication device while driving; prohibition; civil penalty; state preemption; definitions*.

For more info, see the DPS web page at <https://www.azdps.gov/handsfree>.

**Three Common Elements in serving legal process -- Proximity, Identification and Notice:** Regardless, who or what is being served, there are three common elements to service of process: Proximity, Identification and Notice.

The process server must be in proximity to the person to be served [within "...easy speaking distance..." – see *In re Ball 2* Cal.App.2d 578, 38 P.2d 411 (1934)], must make identification of the person to be served (as well as identify him or herself as a process server) ["A certified process server shall carry the identification card at all times when serving process and promptly display it when requested by an interested party" (ACJA §7-204(F3)(a)], and the process server must give notice to the person served [In order for there to be a "leaving with" a person a copy of the summons and complaint as required by rule, such person must be aware of the leaving [*Tonelson v. Haines*, (2 Ariz.App. 127)]. Notice (the actual giving of the papers)



must be open and conspicuous -- the legal papers cannot be in an envelope or other contrivance to hide them. The papers being served must be conspicuous and not hidden in an envelope, box or other contrivance. Process servers may not use ruses, disguises, or deception to make service. Like attorneys, wherein Ethics Rule 8.4(c) states that it is professional misconduct to "...engage in conduct involving dishonesty, fraud, deceit or misrepresentation...", process servers are similarly bound by ethics and professional conduct rules in Arizona Code of Judicial Administration (ACJA) §7-204, as we are officers of the court and held to a higher standard than the general public.

**Avoiding process server complaints.** An online course was written for APSA members and other process servers to take on how to avoid and deal with process server complaints. Take advantage of the opportunity to learn about how you can remove or minimize the risk of having to deal with getting sanctioned if you can.

Go to [www.accufacs.com](http://www.accufacs.com) to learn more.

**Errors & Omissions (Professional Liability) Insurance.** It's not *that* expensive. Like car or life insurance, you pay for it and have it, and don't need it until you need it. There are some choices out there. I found a claims-made policy with \$3 million coverage at \$662 through Yergey Insurance.

Contact: [mike@yergeyins.com](mailto:mike@yergeyins.com) for further.

**APSA Process Server Training Manual.** As you may be aware, our Training Manual is up for its biannual publication. All changes in case law that we found, statutes, regulations and other new and interesting things about process serving will be included in the new Manual. We'll also be updating the APSA Certified Process Server course (You know -- that six-hour course you can take every year to fulfill your CE requirements?) to be consistent with new changes and the new manual. That should be ready about the end of February.

### From our Legal Advisor, Charley Laman...

*Arizona allows electronic signatures on all court documents.* This would include Affidavits of Service. A.R.S. § 44-7033 discusses the primary statutory authorization referring to presumptions that arise from an electronic signature. Under A.R.S. § 44-7033, it is presumed that:

- (1) The electronic record has not been altered since the specific time to which the secure status relates,
- (2) There is a rebuttable presumption that the secure electronic signature is the electronic signature of the party to whom it relates and,
- (3) In the absence of a secure electronic record or a secure electronic signature, there is no presumption of validity or forgery.

A record or signature in electronic form cannot be denied legal effect and enforceability solely because the record or signature is in electric form under A.R.S. § 44-7007(A). Further, a contract formed by an electronic record cannot be denied legal effect and enforceability solely because an electronic record was used in its formation. A.R.S. § 44-7007(B).

This statute deals specifically with contracts that are legally signed but is the basis for the general and overall authorization for electronic signatures.

ARS §44-7007. Legal recognition of electronic records, signatures and contracts

- A. A record or signature in electronic form cannot be denied legal effect and enforceability solely because the record or signature is in electronic form.
- B. A contract formed by an electronic record cannot be denied legal effect and enforceability solely because an electronic record was used in its formation.
- C. An electronic record satisfies any law that requires a record to be in writing.



D. An electronic signature satisfies any law that requires a signature.

As long as the document is able to be filed or used in evidence the electronic signature or electronic copy of the document is admissible.

Charley also sent me an interesting article on Alternative Means of Service, which I am going to take some time to ponder and write up for a future edition of the *Training Corner*. Thanks, again, Charley.

### **Serving an LLC? Don't go to the ACC anymore!**

Effective September 1, 2020, ARS §29-3119 came into effect with the rest of the revised Arizona Limited Liability Company Act, which directs and limits the manner that LLC's, PLLC's and such may be served. Here's the text of the statute:

#### 29-3119. Service of process, notice or demand

A. A limited liability company or registered foreign limited liability company may be served with any process, notice or demand required or permitted by law by serving its statutory agent.

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. Service is effected under this subsection on the earliest of any of the following:

1. The date the company or foreign company receives the mail or delivery by the commercial delivery service.
2. The date shown on the return receipt, if signed by the company or foreign company.
3. Five days after the mail or delivery is deposited with the United States postal service or with the commercial delivery service, if correctly addressed and with sufficient postage or payment.

C. If process, notice or demand cannot be served on a limited liability company or registered foreign limited liability company pursuant to subsection A or B of this section, service may be made by handing a copy to the individual in charge of any regular place of business or activity of the company or foreign company if the individual served is not a plaintiff in the action.

D. Service of process, notice or demand on a statutory agent must be in a written record.

E. Service of process, notice or demand may be made by other means under law other than this chapter.

So, in a nutshell, if the LLC cannot be served by delivering to the statutory agent, or by certified mail/FedEx/UPS delivery, or by delivery to the place the LLC does business, it may be served by Alternative Means of Service under ARCP Rule 4.1(k).

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

## **APSA Board Meeting Minutes — June 20, 2020**

### **BOARD MEETING MINUTES —**

APSA BOARD MEETING MINUTES

SATURDAY September 19, 2020 AT 12:00 PM

Meeting held telephonically via freeconferencecall.com

### **Those in Attendance**



Board Members: Ron Ezell, Larry Ratcliff, Tamara Nieto, John Osborn, Ron Wyman, Nathan Botsch, Kelli McFarland

Non-Board Members: Barry Goldman- Administrator, Candy Ratcliff, Donald and Kay Dean, Mike Stearn, Brent Haynes and Mike Schmidt

### Secretary's Report

Tamara Nieto took roll call and confirmed that a quorum was met. Minutes from the last board meeting held Saturday June 20, 2020 were reviewed in silence. No questions or corrections were addressed. Kelli McFarland moved to accept the minutes, Ron Wyman seconded, no objections, minutes approved.

### President's Report

Ron Ezell called the meeting to order at 12:10pm. He stated that the board has worked very hard for where we are today. He is looking forward to straightforward APSA courses and mentioned Barry Goldman's part in this and the board's decision to move forward with online courses. Thanked all for participation today.

### Vice President's Report

Larry Ratcliff thanked Barry Goldman for the online APSA training, stating that he and Candy also took the COVID 19 course. As Grievance Committee chair, Larry stated that there was only one complaint. He referred the complainant back to the process server, who is a member. The problem was resolved.

### Administrator's Report

The Administrator's Report was presented and discussed. All officers and board members received a copy in advance of the meeting. The Administrator's report is captioned, here:

#### PROJECTS/ASSIGNMENTS/ONGOING TASKS

1. Electronic Conversion of APSA Manual
  - a. CURRENT STATUS: On hold.
2. Policies & Procedures Manual
  - a. Updates are ongoing, particular to procedures for the Newsletter and other tasks performed by the Administrator. Changes will be noted and published in time for the Conference.
  - b. STATUS: Ongoing, no changes as of today. Anticipated pending changes to be inserted after the December board meeting when dues/terms of membership for 2021 & beyond are finalized.

#### 3. Public Records

- a. No report.

#### APSA FINANCES

#### 4. See Board-only Addendum

- a. Redacted from the Newsletter and posted minutes.

#### MEMBERSHIP

#### 5. Member retention

- a. We currently have 105 members (101 listed on the directory).
  - i. 2 non-paying (Honorary/Administrator)
  - ii. 5 business listings (4 paid plus NAPPS)
  - iii. 21 Associate members
  - iv. 77 Regular members
    1. Including 3 pending further information to be listed on the directory
    2. 1 member who preferred to be not on the directory.

#### 6. Membership record updates

- a. All member listings are up to date except as noted, above.

#### 7. Membership term

- a. See recommendations, following.





**EDUCATION:**

8. Course offerings for 2020-2021
  - a. As previously stated, all courses that APSA will offer now and in the foreseeable future will need to be online.
    - i. The Board has approved publishing online courses in conjunction with AccuFacs Publishing, LLC.
    - ii. Online course publishing is in progress. Certain courses should be posted to the previously approved LMS vendor platform no later than September 18, 2020.
      1. Serving in times of COVID-129
      2. Process server complaints
      3. Alternative means of service
  - b. The APSA Certified Process Server Course (6 hours) was offered to the membership as a live course in two Saturday sessions.
    - i. Attendance at the first session was 21 attendees; payment has been received from 19 of the 21.
      1. All paid attendees will be issued a Certificate of Attendance for sic (6) hours of continuing education credit.
      2. I anticipate offering this class again on November 13th & 20th.
  - c. As discussed in our prior board meeting, I will explore a schedule for monthly continuing education meetings for those members who are not so computer savvy.

**LEGISLATIVE REPORT**

9. Legislative session
  - a. New legislative session starts on January 11, 2021 (ARS §41-1101)
  - b. It is recommended the Board review current statutes for any desired legislative changes.
10. Rule changes:
  - a. Any rule change petitions must be submitted to the Supreme Court no later than January 28, 2021.
  - b. It is recommended the Board review current rules of court for any desired rule changes.
11. Statute changes:  
[NEUTRAL, SUPPORT, OPPOSE, or N/A (not applicable to our interests)]
  - a. No new information.
12. Case Law.
  - a. No new information.

**NEWSLETTER REPORT**

13. Newsletter
  - a. Last edition was published in July 2020. A year-end edition should be published after the December 2020 board meeting.
    - i. The new edition will include and changes to dues or terms of membership approved by the Board.

**WEBSITE REPORT**

14. Website
  - a. Administrator will follow up with recommendations from the Board per our last meeting. No changes have been made, yet.

**OTHER ITEMS – Reminders, Requests & Recommendations**

15. Moving APSA accounts away from Bank of America
  - a. The Board approved moving APSA funds away from Bank of America to Great Western Bank at our last Board meeting. Administrator to follow up and execute.





16. Administrator’s Contract
  - a. Administrator has taken a partial salary and reimbursement for out of pocket expenses per the Board’s approval.
17. Budget and Dues -- projected annual budget
  - a. To be discussed by the Board, following up from the last Board meeting.

Submitted,  
/S/  
BARRY R. GOLDMAN  
Administrator

**Old Business**

Ron asked for discussion regarding the dues structure that was brought up at the last board meeting. Much discussion ensued regarding the pros and cons of raising the dues to \$155 per year. Board members who participated in the conversation agreed that including free training courses as part of the dues was a good idea. Discussion continued about the number of hours that should be provided without cost to members. The educational and legislative benefits with a dues increase was further presented. Voting on the dues increase was tabled for the next board meeting in December.

**Treasurer’s Report**

The Administrator, Barry Goldman stated that the financial docs were provided to the board members, which included a cash basis profit and loss statement. He said that we did not have a loss this year, as in years before. The funds in the bank are stable. Only 21 courses were sold, but the cost was negligible. Kelli McFarland motioned to accept the Treasurer’s Report, seconded by Ron Wyman. Approved.

**New Business**

Barry Goldman brought up discussions that he and John Osborn have had regarding Orders of Protection. The current statute states that a fee shall not be charged for filing a Petition or Service of Process. Barry said he has served many Orders of Protection for free, as have other servers, but only so many can be served pro bono before it becomes a financial loss/hardship; thus people are forced to rely on the sheriff or constable for free services. With the backing of family law attorneys and womens shelters, he and John Osborne believe there should be an exception made to the statue which would change it to state that a private process server may charge a fee as agreed between the process server and party engaging the process server. This would be consistent with law, ARS 12-3301.

In addition, the courts are mandated to issue a copy of the Order of Protection to the sheriff, constable or local P.D., but not to the plaintiff or private process server. Barry Goldman and John Osborn propose a change that requires a copy be provided to the plaintiff who may choose to utilize a private process server, under Rule 4D. That way it’s clear and unambiguous that private process servers are allowed to serve Orders of Protection. Right now, its buried in subsection K. Larry Ratcliff suggested that the Order of Protection matter be put on the Dec. meeting agenda, but that research continue. Barry Goldman said he would contact family law attorneys and women’s shelters and have the results to the board at the next meeting. Both Larry Ratcliff and Barry Goldman made comments that the constables and sheriff’s deputies were 2-3 months behind on serving the Orders.

**Call for Elections**

- President - Ron Ezell
- Board Member – John Osborn
- Board Member – Nathan Botsch

There being no additional nominees and no objections, the above were re-elected by acclamation.



Barry Goldman stated that January 28, 2021 is the deadline for legislative rule changes.

Larry Ratcliff would like to see an item added to the agenda for the next meeting for discussion and approval of APSA advertising in the State Bar Association magazine. John Osborn mentioned that it might not be a good time to enter into a contract with so many offices closing due to COVID.

Motion to adjourn was made by Kelly McFarland and seconded by John Osborn.

Meeting adjourned at 1:20pm

**From a post on Facebook:** KISS. Clients want simple and professional. Don't set a fee based on what others charge, and don't compete with others on fees, alone. Charge what you are worth, keep it a flat rate and be the best at what you do. Be sure to incorporate your ancillary costs (notary, mileage, taxes, insurance, and other hidden overhead) into your fees. Be fair to yourself, your clients and make a profit. Be prepared to adjust your fees as you need to accommodate your circumstances not only to retain your existing clients, but to grow and service new clients. Keep in mind that you do not need to charge every client the same fee.

## **ICYMI: Letter to The Members from VP Larry Ratcliff Nov. 10, 2020**

Dear APSA members and friends,

First let me say happy birthday to the United States Marine Corps. And second let me say thank you to all the military veterans.

It is almost thanksgiving now and we as professional process servers have a lot to be grateful for. We have been identified as essential workers and most of us have continued to work throughout the COVID-19 situation.

This year has brought many new challenges to the professional process server such as how we handle receiving documents and how we serve documents in the COVID era. APSA has an entire online course to help you with dealing as a process server in the COVID era. There seems to be a whole new set of rules including, but not limited to social distancing.

APSA has also been busy developing online classes in order for our membership to be able to comply with the required training needed to keep your process server registration / license valid. We hope you partake in these classes in order to support APSA and keep your registration valid.

We on the mountain have had our first snow and the spirit of Christmas is starting to enter the air and the spirit of the community. In the spirit of Christmas, please try to remember the less fortunate and help where you can. Do something nice for someone and don't get caught.

Happy Thanksgiving & Merry Christmas, Larry & Candace Ratcliff



## NAPPS Has an Obligation to Support Its State-Chartered Associations

While NAPPS membership numbers are climbing, the state associations' numbers I surveyed are not.

Under current rules for NAPPS membership, a person "affiliated" with the process serving industry is eligible to be a NAPPS member, and that applicant does not have to be a member of the state-chartered association. "Affiliated" does not mean "qualified" or "knowledgeable".

Fellow NAPPS members and the public depend on the members to be qualified and knowledgeable in serving process. Several states, most notably Arizona, Florida, Texas, and New York [City] have testing and screening processes that exclude those unqualified from serving legal process. Other states (i.e.: California) require criminal background checks, bonding and registration of their process servers, but have no continuing education requirements.

In Arizona, APSA has the standard in that its regular voting members must be qualified to serve legal process in Arizona. Other state associations should and do limit their regular members to those qualified to serve process in their state.

NAPPS should require all members not be "affiliated" with the process serving industry but be qualified to serve legal process in the state of their membership and be a member of the NAPPS state-chartered association in which they reside or do business. Accepting applicants "affiliated" with the process serving industry who may be less than qualified or knowledgeable to serve legal process, unwittingly creates a pool diluting the value of membership.

NAPPS members should be a member of the NAPPS chartered state association in which they live or do business. State chartered associations seek the blessing of NAPPS for affiliation and legitimacy, and NAPPS should likewise support those state associations.

Requiring applicants be a member of a state-chartered association as a condition of NAPPS membership not only supports the state organizations' goals for growth, but also supports our industry as a whole. It's the right thing to do.

-- BRG

## PROCESS SERVER ASSAULTS

### **VERMILLION COUNTY (INDIANA) MAN ARRESTED ON MULTIPLE CHARGES AFTER ROAD RAGE INCIDENT**

[HTTPS://WWW.1049WAXI.COM/2020/10/24/VERMILLION-COUNTY-MAN-ARRESTED-ON-MULTIPLE-CHARGES-AFTER-ROAD-RAGE-INCIDENT/](https://www.1049waxi.com/2020/10/24/vermillion-county-man-arrested-on-multiple-charges-after-road-rage-incident/)

### **SANTA FE WOMAN (NEW MEXICO) ARRESTED AFTER STANDOFF WITH POLICE**

[HTTPS://WWW.SANTAFENEWMEXICAN.COM/NEWS/LOCAL NEWS/SANTA-FE-WOMAN-ARRESTED-AFTER-STANDOFF-WITH-POLICE/ARTICLE\\_39970264-1481-11EB-AA08-D7D3F4398AB0.HTML](https://www.santafenewmexican.com/news/local-news/santa-fe-woman-arrested-after-standoff-with-police/article_39970264-1481-11eb-aa08-d7d3f4398ab0.html)

### **FORMER KNOX COUNTY (TENNESSEE) COMMISSIONER ACCUSED OF ASSAULTING PROCESS SERVER, PUNCHING DOG TWICE**

[HTTPS://WWW.WATE.COM/NEWS/TOP-STORIES/FORMER-KNOX-COUNTY-COMMISSIONER-ACCUSED-OF-ASSAULTING-PROCESS-SERVER-PUNCHING-DOG-TWICE/](https://www.wate.com/news/top-stories/former-knox-county-commissioner-accused-of-assaulting-process-server-punching-dog-twice/)

## PROCESS SERVER COMPLAINTS:

APSA MEMBERS = NONE

OTHERS = ONE IS TOO MANY



## County Process Server Coordinator Listings

County	Process Server Coordinator	Location/Mailing Address
Apache County	Elisa Craig ecraig@apacheclerk.net 928-337-7551 (verified 2021 Jan.)	70 W. 3rd South PO Box 365 St. Johns, AZ 85936
Coconino County	Erin Maloney, Chief Deputy 928-679-7600 (verified 2021 Jan.) emaloney@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 (verified 2021 Jan.) ecanez@courts.az.gov	1400 E. Ash Street Globe, AZ 85501
Graham County	Rebecca Ornelas 928-428-3100 (verified 2021 Jan.) rornelas@courts.az.gov	800 Main St, Safford, AZ 85546
Greenlee County	Madeline Montoya, Clerk 928-865-4242 (verified 2021 Jan.) mamontoya@courts.az.gov	County Courthouse 5th & Webster PO Box 1027 Clifton, AZ 85533
La Paz County	Ryan Andersen 928-669-6131 (verified 2021 Jan.) randersen@courts.az.gov	1316 Kofa Ave Ste 607 Parker, AZ 85344
Maricopa County	Angelique Rodriguez Angelique.Rodriguez@Maricopa.Gov 602-372-5375, Option 5, Option 3 (verified 2021 Jan.) www.clerkofcourt.maricopa.gov	601 W. Jackson Phoenix, AZ 85003
Mohave County	Gretchen Howell 928-753-0713 x4397 (verified 2021 Jan.) ghowell@courts.az.gov	401 E. Spring Street, PO Box 7000 Kingman, AZ 86402
Navajo County	Deanne Romo, Clerk of the Court (928) 524-4188 Marc Russell mrussell@courts.az.gov	100 E. Carter PO Box 668 Holbrook, AZ 86025



Pima County	Alan Walker 520-724-3282 (verified 2021 Jan.) alan.walker@coc.pima.gov	110 W. Congress Tucson, AZ 85701
Pinal County	Stephanie Lopez 520-866-5387 (direct) (verified 2021 Jan.) smlopez@courts.az.gov	971 Jason Lopez Circle Bldg. "A" P.O. Box 2730 Florence, AZ 85132
Santa Cruz County	Juan Guzman, Clerk 520-375-7700 (verified 2021 Jan.) jguzman@courts.az.gov	2150 N. Congress Drive Rm 215 Nogales, AZ 85621 PO Box 1150, Nogales, AZ 85628
Yavapai County	Charlie Van Landingham, Court Coordinator 928-777-3030 (verified 2021 Jan.) 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

**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 in advance of the test date.**



## What to Expect in 2021 in Social Media Marketing

<https://greaterphoenix.score.org/blog/2021-social-media-marketing>

## 4 Simple Things Entrepreneurs Need to Do In the First Week of the New Year

- Develop a 100-Day Plan
- Declutter your area
- Fire the person you know you have to fire
- Raise your prices

<https://greaterphoenix.score.org/blog/4-simple-things-entrepreneurs-need-do-first-week-new-year>



## Courthouse News Items from the Maricopa County Bar Assn.

### From the Maricopa County Clerk's Office

The Clerk's Office would like to announce two enhancements to ECR Online, which are effective as of January 6th. These changes impact how cases are displayed and managed in the system. The first change increased the case party limits to 1000. Especially for larger firms, increasing the limit on the number of cases eliminates the need to manually remove cases from the list as often, which is necessary to add new ones. The second enhancement changed the list view to a simple table display with three distinct columns (case number, case name, activated date) that are each sortable. The default sort will remain in the activated date descending format.

### Elected Clerk of the Court Contracts COVID-19

On December 25th, Mr. Jeff Fine, Elected Clerk of the Superior Court in Maricopa County, contracted COVID-19 and immediately began recovering at his family home in the West Valley. Unfortunately, on January 1st, his condition declined sharply, necessitating increased medical attention. On that same day, he was admitted to Banner Boswell Sun City Hospital for treatment of COVID-19 and pneumonia.

Feedback on his care and progress is positive, and his family reports that he hopes to be back with loved ones as soon as possible thanks to the amazing Banner Boswell Medical Team.

The leadership team and the employees of the Clerk's Office extend their thoughts and prayers to Jeff and his family as he fights COVID-19 this holiday season.

### Pima County Superior Court

The court continues to limit the number of persons in the courthouse and its court offices, in line with local, Arizona Supreme Court, CDC, ADHS, and Pima County Health Department guidelines. While vaccines provide much cause for hope, for now, please avoid visiting whenever possible. The court will continue to conduct most proceedings virtually unless in-person attendance is required by constitution or statute and will support your remote participation as well. If you must visit the courthouse, please wear your mask, and remember that you will need to undergo a temperature check prior to admittance.

A reminder that under Superior Court Administrative Order 2020-48, jury trials in Pima County Superior Court and all Pima County limited jurisdiction courts are suspended through January 31, 2021. The court's phase status will continue to be reviewed on an ongoing basis, and new court guidelines will be published here and on the court's COVID-19 webpage.

#### 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.**



## Arizona Court of Appeals, Division Two - Lewis v. ADOC

Jessie Lewis, Plaintiff/Appellant, v. Arizona Department of Corrections, Defendant/Appellee. No. 2 CA-CV 2020-0121 Filed December 10, 2020

In April 2020, Lewis sued the Arizona Department of Corrections (ADOC) and several ADOC employees, claiming that the defendants had “failed to protect” his “religious beliefs” in several respects. In June, he requested that the trial court provide a process server, contending he had “no other way to personally serve[] each named defendant[].” The court denied the request because Lewis had failed to comply with A.R.S. §12-302(H)(5)(a), which provides that the court generally cannot waive or defer fees for service of process unless the applicant “establishe[s]by affidavit that the applicant has attempted without success to obtain voluntary acceptance of service of process.” This appeal followed.

A.R.S. §12-302(H)(5)(a):

H. The following court fees and costs may be deferred or waived, except that the county shall pay the fees and costs in paragraphs 6 and 7 of this subsection on the granting of an application for deferral or waiver and an applicant who has been granted a deferral shall reimburse the county for the fees and costs in paragraphs 6 and 7 of this subsection:

5. Sheriff, marshal, constable and law enforcement fees for service of process if any of the following applies:

(a) The applicant established by affidavit that the applicant has attempted without success to obtain voluntary acceptance of service of process.

## Arizona Court of Appeals, Division Two – Montano v. Luff, Et Al

Lawrence Montano, A Married Man As His Sole And Separate Property, Plaintiff/Appellee, V. Richard Luff And Phoebe Luff, Husband And Wife; Ian Luff, An Unmarried Man; Andrew Diodati, An Unmarried Man, Parties In Possession, Defendants/Appellants. No. 2 Ca-Cv 2020-0025 filed December 21, 2020

In this forcible entry and detainer (FED) action, appellants Richard Luff, Phoebe Luff, Ian Luff, and Andrew Diodati challenge the trial court’s entry of judgment in favor of Lawrence Montano. On November 5, 2019, Montano filed a FED action against Ada, Richard, Phoebe, and Ian Luff, alleging he was “entitled to immediate possession” of the premises he had purchased at a trustee’s sale and the defendants had wrongfully withheld possession of the premises after twice being notified to vacate. The Luffs did not appear at the November 18 eviction hearing, which was reset to December 2, 2019. And because it appeared the defendants were avoiding service of process, the trial court granted Montano’s request for alternative means of service. Montano testified that he had purchased the subject property at an auction and the deed had been recorded on October 9, 2019. Montano stated he had hired a certified process server to notify the Luffs to vacate the premises, and he later sent a certified letter informing them of the same. Diodati testified that although he had no ownership claim to the property, he had “current possession of the premises” because he would sometimes sleep in one of the bedrooms and operated an office out of the premises. He further stated he had never received either of the two notices to vacate and argued that because there was no evidence any defendant had received a written demand to vacate, eviction was improper. At the conclusion of the hearing, the trial court found that the defendants had been properly served after Richard Luff evaded service; that Montano needed only demonstrate the notices had been mailed, not that they were received; that the Luffs had not filed a motion to continue and had failed to appear; and that the defendants were not entitled to a jury trial. The court then entered a guilty verdict against the Luff defendants.

The Luffs and Diodati first contend Montano did not provide written demand of possession as required by A.R.S. §12-1173.01(A) (permitting FED action against person “who retains possession of ... real property after he receives written demand of possession”). See *Alton v. Tower Cap. Co.*, 123 Ariz. 602, 604 (1979) (“written demand to surrender” is prerequisite to filing



FED action). The trial court determined Montano needed only show that he had sent written demand, not that the defendants actually received it. We have found no pertinent authority or published cases explicitly supporting this proposition.

Montano's complaint requested damages in the form of per diem fair market value rent of \$100 for each day after October 9, 2019, the defendants remained on the premises, which the trial court awarded when it found the defendants guilty of forcible detainer. The Luffs and Diodati contend there was no landlord-tenant relationship, so no rent was due. This argument, however, misunderstands the court's judgment. Rent was not owed to Montano because of any rental agreement, but as damages because their refusal to vacate the property denied Montano the use of his property, either for his own enjoyment or to rent to a tenant. Section 12-1178(A), A.R.S., provides that when a defendant is found guilty of forcible detainer, the trial court "shall give judgment for the plaintiff for restitution of the premises ...and for damages, attorney fees, court and other costs." The court did not err in awarding Montano the fair market rental value of the property under the "damages" provision of §12-1178(A).

## Changes in Legislation, Rules, Case Law & Regulations to Watch

The fifty-fifth state legislature starts up on January 11, 2021. *Legiscan*, a subscription service, is one of the sources that provides information to APSA on upcoming bills and their status before they become law (<https://legiscan.com/AZ/legislation/2021>). So far, no bills at the time of this printing affect process servers.



## CHANGES IN RULES, REGULATIONS, STATUTES WE'D LIKE TO SEE:

- **Changes benefitting victims of domestic violence and other persons needing an Order of Protection or Injunction Against Harassment where a dating relationship or sexual violence is alleged in the complaint.** Currently, process servers cannot charge a fee for service of an OP or an IAH where a dating relationship or sexual violence is alleged, even if the victim wants to pay for the service. This means that all OP's and IAH's in that category are given to the sheriff, constable, or local police or the process server does it for free. For the server, there's no incentive to get the paper served, and we turn down many victims. (There's only so much pro bono one can afford to do.) The constable and sheriffs report a three-week to one-month (or more) backlog before they can make their first attempt, and many are making only that – one attempt. And for the server who charges a fee, he or she is subject to disciplinary sanctions before the court for unscrupulous, illegal and unprofessional conduct. That needs to change.
- **Require agency owners and executives be qualified to serve legal process before their agency may serve legal process in Arizona.** As discussed in the Editor's Column (and more), non-qualified persons can own and operate an attorney service, messenger service or other type of agency that hires or retains process servers to serve legal papers in Arizona. We'd like to see that changed, so that the public is protected from unscrupulous vendors and process servers are given a fair shake.

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. Some of the search terms used to find relevant bills and other documents affecting the Arizona process server are: service of process, process server, constable, sheriff, writ, garnishment, judgment, small claims, justice court, notary, legal process, legal document preparer, assault, eviction, detainer, marshal, attorney, continuing education, and others. Here are some of the online resource used by APSA:

- Bills pending before our state legislature <https://www.azleg.gov/bills/?body=S>
- Rule change proposals before the Supreme Court <https://www.azcourts.gov/Rules-Forum>



- Arizona Supreme Court Opinions <https://www.azcourts.gov/opinions>
- Decisions of the Court of Appeals, Div. I <https://www.azcourts.gov/coa1/Decisions/DecisionsoftheCourt>
- Decisions of the Court of Appeals, Div. II <https://www.appeals2.az.gov/apl2.cfm>
- Arizona League of Cities & Towns <https://www.azleague.org/>
- Arizona Assn. of Counties <https://www.azcounties.org/>
- Arizona Constables Assn. <http://www.arizonaconstables.com/>
- U.S. Department of Justice [usdoj@public.govdelivery.com](mailto:usdoj@public.govdelivery.com)
- U.S. Courts <https://www.uscourts.gov/>
- AZ Direct—Locate state agencies & key contacts <https://azdirect.az.gov/agencies>

## Anybody can own a process serving agency in Arizona – even a convicted felon

*Interesting fun facts: In Arizona there is nothing prohibiting an unqualified person from avoiding certification to form a corporation or LLC and calling it an “attorney service”, “messenger service” or some other moniker.*

As Arizona Certified Process Servers, we are officers of the court and have a responsibility under rules, regulations, statute, and law to do the right thing. We are tested, screened, investigated, and finally approved by the presiding judge of the Superior Court in our county of business or residence. Individually, we jump through hoops to provide a valuable service. But an “attorney service” or “messenger service” does not have to go through that same scrutiny nor bear the same responsibility as the individual server. More than one attorney service that I am aware of claims “offices in Arizona” but only have a virtual presence – they are out of state businesses that claim to do business in Arizona but are physically in other states.

That allows for the out of state or virtual attorney service to be run by persons who either don’t have the qualifications to be process servers in Arizona or otherwise skip that requirement altogether by subbing out jobs to 1099 contractors in the state.

In Arizona, the agency, unqualified owner or executive who runs the “attorney service” or “messenger service” is not held to the same standard as the individual process server. In fact, if someone in the agency screws up in a back-office function, such as not filing the proof of service, it’s the individual process server who bears the burden of explaining things to the presiding judge when a complaint is filed. The agency can continue to do business with impunity because they are not held responsible for any issues under our current rules, regulations, and statutes.

*The process server is the one who gets thrown under the bus and loses his/her certification – not the agency, and not the executive in that agency who should be held responsible if anything on a case gets screwed up.*

The individual process server is responsible for filing the proof of service with the court on any paper he or she serves, not the agency he or she subcontracts with or is employed by. Many process servers are independent contractors or employees and depend on their agency to file proofs.

So, when the agency has a dispute and fires the client before the proofs are filed, guess who takes the shaft for the proof not being filed? That’s right, the guy (or gal) in the field. (See this edition’s Editor’s Column.)

For the unqualified executive or owner of the “attorney service” or “messenger service”, there’s no losing. Aside from all of the other burdens of being an officer of the court, the individual process server in the field who carries all of the burden and responsibility if the proof isn’t filed by someone else. That’s just plain wrong.

I’m not big on government oversight, but I believe it’s time to burden the agency and their owners the same responsibility as the individual server.

Having unqualified people in charge of an agency and placing the load and accountability on the individual server is not very equitable, and it doesn’t protect the public nor attorneys who depend on these agencies to do the right thing because of a blind faith that the people in charge are knowledgeable and qualified to serve legal process in Arizona. If you look at other professions, those rules and regulations dictate that someone be responsible for the actions of the organization as a whole. In law offices, each attorney is individually licensed and there is a managing partner or some other person in charge; PI agencies



have a qualified manager; legal document preparation offices have a designated LDP; animal hospitals have a responsible veterinarian, etc. -- the list goes on. In Arizona, process servers are *professionals*. So, why not agencies that offer service of process to the public, one of the most important and basic functions of our legal system?

*Process servers deserve basic protections.*

## The Last Word... This and That Collected from Various Named and Unnamed Sources...

### Court Holidays

**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)

### U.S. DISTRICT COURT ENTERS PERMANENT INJUNCTION SHUTTING DOWN TECHNICAL-SUPPORT FRAUD SCHEME

Remember that call you get from some guy in Pakistan or some other far-off land telling you that you have an issue with your Windows computer??? A federal court entered an order of permanent injunction against an individual and five companies in a case against a large-scale technical-support fraud scheme alleged to have defrauded hundreds of elderly and vulnerable U.S. victims, the Department of Justice announced. The complaint filed in October 2020 alleged that Cotter worked with co-conspirators in India from at least 2011 to 2020 to operate a technical-support fraud scheme. The scheme allegedly contacted U.S. consumers via internet pop-up messages that falsely appeared to be security alerts from Microsoft or another well-known company. The pop-up messages fraudulently claimed that the consumer's computer was infected by a virus, purported to run a scan of the consumer's computer, falsely confirmed the presence of a virus and malware, and then provided a toll-free number to call for assistance. When victims called the toll-free number, they were connected to India-based call centers participating in the fraud scheme. Call center workers asked victims to give them remote access to their computers and told victims that they detected viruses or other malware on their computers. Eventually, the call center workers would falsely diagnose non-existent problems and ask victims to pay hundreds of dollars for unnecessary services and software.

*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.*

See: <https://www.justice.gov/opa/pr/district-court-enters-permanent-injunction-shutting-down-technical-support-fraud-scheme>

### FROM THE BANKS -- A NEW ROUND OF PAYCHECK PROTECTION PROGRAM (PPP) LENDING WILL SOON BE AVAILABLE

New federal legislation, signed into law on December 27, 2020, provides nearly \$900 billion in emergency coronavirus relief to families, workers, small businesses and organizations impacted by the health crisis. This new legislation authorizes the Small Business Administration (SBA) to approve Paycheck Protection Program (PPP) loans up to the \$284.5 billion in allocated PPP funding. Banks are awaiting guidance from the Small Business Administration (SBA) and plan to begin accepting new PPP loan applications in the coming weeks.

See: <https://www.kiplinger.com/business/small-business/small-business-loans/601979/a-second-round-of-ppp-loans-is-coming-with-some>

### PIMA COUNTY SUPERVISORS IMPOSE MANDATORY 10 P.M. - 5 A.M. CURFEW TO HELP STOP COVID SPREAD

The Pima County Board of Supervisors Dec. 15 voted 3-2 to impose a mandatory 10 p.m. to 5 a.m. curfew throughout Pima County in an effort to stop the soaring rate of COVID-19 infections in Pima County.

Source: <https://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=678608>



## DON'T BE A VICTIM OF A SCAM -- COVID-19 TESTING AND THE VACCINATION IS FREE

The COVID-19 testing and vaccine is free, with or without health insurance. There's an online/telephone scam going around that says people can reserve a spot by paying a fee. Don't fall for it. There will be no cost to get the **COVID-19** vaccine, regardless of insurance status. In early December, Gov. Ducey issued an Executive Order that ensures Arizonans can receive the **COVID-19** vaccine free of charge for as long as the state's public health emergency declaration is in effect.

Source: <https://www.maricopa.gov/5641/COVID-19-Vaccine>

## Governor's Administrative Order 2020-59

APSA and all organizations in Arizona are still under prohibitions in conducting any event where the expected attendance is 50 or more persons.

## 10 ways to practice self-care

- Follow these simple steps to start protecting your mental and physical health and well-being:
- Learn self-compassion so that you can practice compassion toward others.
- Reestablish (or identify) coping skills that have worked for you in the past.
- For every negative emotion you experience, think of three positive emotions.
- Connect with others to talk about anything except for work. Leave work at work.
- Minimize your exposure to traditional news and social media.
- Disconnect from technology whenever possible.
- Recognize when it is time to seek professional help.
- Foster a life outside of law enforcement – exercise, take up a hobby, socialize with family and friends, or learn a new skill.
- Develop healthy physical habits – hiking, swimming, walking – anything to get your blood flowing.
- Practice meditation and mindfulness. Breathe.

Source: <https://www.police1.com/newsletters/leadership/policeone-leadership-briefing-12-16-20/>

## How to Plan for Uncertainty: Planning for 2021: Have a Clear 'Digital' Business Plan

For new or existing businesses, digital platforms present enormous opportunities but also pose serious risks. Competing on what have become multi-sided markets, your 2021 digital plan needs to address several imperative actions:

- Identify the factors that must be included for your or any platform to be successful
- Fully understand the social and ethical responsibilities of creating or leveraging a digitally-driven business
- Address the access issue. What to allow users to see and use and how to prevent misuse or abuse of the platform
- Understand and enforce data privacy issues and responsibilities
- Explore and decide on how you will respond to competing platforms
- Really get to understand how to use other platforms so as to more successfully market your business
- Offer tech support for your customer and/or make sure the platform you're using offers tech support for you
- Make sure that you have full security measures implemented to protect your business and personal accounts
- Be flexible and prepared for change, because it will come — have several "if, then" scenarios outlined
- Above all, make sure the User Experience is optimum — which includes customer service

Source: <https://greaterphoenix.score.org/blog/how-plan-uncertainty-planning-2021-have-clear-%E2%80%98digital%E2%80%99-business-plan>

## Arizona allocates \$7M to help renters, landlords during pandemic

Arizona Gov. Doug Ducey has allocated \$7 million from the state's emergency fund to help renters and property owners struggling financially during the COVID-19 pandemic.

Source: <https://ktar.com/story/3657286/arizona-allocates-7m-to-help-renters-landlords-during-pandemic/>



## APSA APPROVED ONLINE CONTINUING EDUCATION COURSES

Sign up by going to [www.accufacs.com](http://www.accufacs.com) and clicking the link for the class you want

**2 hours: Understanding Process Server Complaints & How to Avoid Them**

**2 hours: Alternative means of service**

**1.5 hours: Serving Process in Times of COVID-19**

### Court Holidays

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)

### 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.

**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.

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](mailto: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!



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)**. 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.

FRONTIER INSURANCE AGENCY, INC.

PATRICIA CHLEBANOWSKI  
AGENT

P.O. Box 26297  
Phoenix, AZ 85068

tel. (602) 908-5100  
frontins@cox.net

