



APSA

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



THE ONLY NAPPS CHARTERED STATE ORGANIZATION IN ARIZONA

ARIZONA PROCESS SERVERS ASSOCIATION

The NEWSLETTER

3rd Q 2018

www.arizonaprocessservers.org

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Edited & Produced by:

Barry R. Goldman

President's Message *Larry Ratcliff*

To the members of the Arizona Process Servers Association:

In this edition of The Newsletter, you will find a letter that has been drafted, approved by the Board, and being sent to all the Clerks of the Superior Court, Presiding Superior Court Judges, Justices of the Peace and City Magistrates in reference Arizona Constables.

This letter will also be sent to the President of the National Association of Private Process Servers.

It is the intent of the Board of the Arizona Process Servers Association to preserve the integrity of our profession.

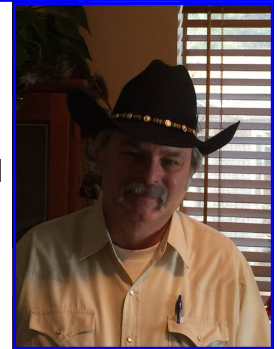
We ask for your support in this matter.

Sincerely,

Larry

Larry Ratcliff

APSA President 2017-2018



**APSA - AALPI
 Annual Conference
 September 2018**

**Saturday September 8th and
 Sunday September 9th, 2018
 Sheraton Mesa Hotel
 at Wrigleyville West
 860 N. Riverview
 Mesa, AZ 85201**



APSA

ARIZONA PROCESS SERVERS ASSOCIATION
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4 July, 2018

TO: Presiding Judges of the Arizona Superior Court, Clerks of the Superior Court, Justices of the Peace, City Magistrates and other interested persons

It has come to the attention of the Arizona Process Servers Association that numerous Arizona Constables are serving legal process from the Superior Court in conflict with ARS §22-131¹.

The Constable is limited to serving and executing legal process issued by and within his/her justice court precinct. The Constable has no authority to serve or execute any other type of legal process. Specifically, the Constable is an elected official in the justice courts² and has no jurisdiction outside of them. The Arizona Process Servers Association submits that only the Sheriff, their Deputies and Certified Process Servers are regularly allowed to serve legal process issued by the Superior Court.

For the Constable to serve or execute any papers other than those issued by a justice court, the Constable would be acting outside the scope of his authority, as only Certified Process Servers in Arizona "...who are duly appointed or certified pursuant to rules established by the supreme court may serve all process, writs, orders, pleadings or papers that are required or permitted by law to be served before, during or independently of a court action, including all such as are required or permitted to be served by a sheriff or constable..."³

A Constable acting without a specific appointment to serve legal process from the Superior Court by competent authority (the Presiding or other Superior Court Judge) is doing so as a de facto unauthorized private process server. A Constable so doing would *at the least* be in violation of ARS §22-131(G), wherein, "A constable is prohibited from engaging in any act as a private process server outside of the constable's elected or appointed duties." It appears that such a

¹ARS §22-131(A) "Constables shall attend the courts of justices of the peace within their precincts when required, and within their counties shall execute, serve and return all processes, warrants and notices directed or delivered to them by a justice of the peace of the county or by competent authority..."

²ARS §22-102. Officers and term of office. The officers of justice precincts shall be a justice of the peace and a constable, who shall be elected by the qualified electors of the precinct at the general election for state and county officers for terms of four years each.

³ARS §12-3301(A) Private process servers who are duly appointed or certified pursuant to rules established by the supreme court may serve all process, writs, orders, pleadings or papers that are required or permitted by law to be served before, during or independently of a court action, including all such as are required or permitted to be served by a sheriff or constable pursuant to section 11-441, subsection A, paragraphs 6 and 7, section 11-447 and section 11-448, except writs or orders requiring the service officer to sell, deliver or take into the officer's custody persons or property, or as may otherwise be limited by supreme court rule. A private process server is an officer of the court.

Arizona Process Servers Association
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APSA

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Constable would also be in violation of ARCP Rule 4(d), as he/she was not specially appointed to serve such legal process.⁴

When an unauthorized person serves legal process, it impacts the integrity of the judicial system. In so doing, that unauthorized person may likewise violate the rights of a litigant, specifically to due process. Further, improper or unauthorized service of legal process could render allegations of abuse of process or other cause of action, especially when conducted by elected officials exceeding and abusing their authority. This may result in an unending blight upon the court, especially if a blind eye was turned toward such behavior.

For the foregoing reasons, the Arizona Process Servers Association requests the assistance of the courts to ensure the integrity of our court system and to preserve trust of the community, so that when service of process of Superior Court documents is made, it is made either by the Sheriff or Certified Process Server in accordance with statute(s) and rules of court.

For the Arizona Process Servers Association,

/S/

LARRY RATCLIFF, President

⁴ ARCP Rule 4(d): (d) Who May Serve Process.

(1) Generally. Service of process must be made by a sheriff, a sheriff's deputy, a constable, a constable's deputy, a private process server certified under the Arizona Code of Judicial Administration § 7-204 and Rule 4(e), or any other person specially appointed by the court. Service of process may also be made by a party or that party's attorney if expressly authorized by these rules.

(2) Special Appointment.

(A) Qualifications. A specially appointed person must be at least 21 years of age and must not be a party, an attorney, or an employee of an attorney in the action in which process is to be served.

(B) Procedure for Appointment. A party may request a special appointment to serve process by filing a motion with the presiding superior court judge in the county where the action is pending. The motion must be accompanied by a proposed order. If the proposed order is signed, no minute entry will issue. Special appointments should be granted freely, are valid only for the cause specified in the motion, and do not constitute an appointment as a certified private process server.

Editor's Column



Barry R. Goldman

"I leave this life with no regrets. It was a wonderful life – full and complete with the great loves and great endeavors that make it worth living. I am sad to leave, but I leave with the knowledge that I lived the life that I intended."

— Charles Krauthammer

I tell my wife that I love her more than life. It's true. Having listened to and read Krauthammer, it's sad to see another amazing mind leave us. It's even more devastating to experience a loved one leaving us. Most of us have experienced that at least once in our lifetime.

We love our families, friends, and

in many cases our co-workers. We give them dignity, respect and attention when needed and deserved. We listen to problems, heartaches and share tears and memories. We also share the laughter and joy that life brings each of us.

When I think about my fondest moments in life, they go in reverse order of not only importance, but time — my daily interactions with my wife, grandkids, their parents, my parents and siblings, and friends. School is but a distant memory, but the lessons learned are to a great extent ingrained in my soul.

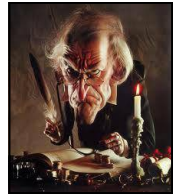
I've learned to appreciate life over the years, and see that the good things each of us does can have lasting impressions. My Father and Mother raised me to be a good person. I've tried to be. Although

my Dad has been disappointed in me for my chosen career and (lack of) education path, his respect for me as a son, a husband and as a person still shows. My Mom—what can I say except that I'm the first born and only son

in a Jewish family and she loves me like a mother. Yes, we've had our moments, and yes, our ups and downs, but in her over 80 years and about five-foot stature, she still calls her 6'2" son her "little boy".

There are people that I miss, and in another world I hope to spend time with them. But until that happens, I'll "keep punching" as my maternal Grandfather used to say.

To my wife, to my family and to friends, I love each of you in your own special way. I hope that life is gracious enough to give you the love and good things that you deserve.



I CANN PROCESS SERVICE

LINDA M. COONTS, A.C.P.S.

OFFICE: (520) 249-5100

P.O. Box 728

Sierra Vista AZ 85636

Registered Officer of Superior Court

State of Arizona

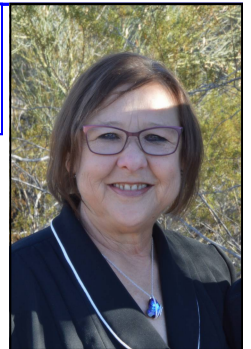
County of Cochise

**2018 APSA-AALPI
CONFERENCE &
EDUCATIONAL EVENT
Saturday September 8th
Sunday September 9th**

**Sheraton Mesa Hotel
at Wrigleyville West
860 N. Riverview
Mesa, AZ 85201**

Secretary's Corner

Patty Chlebanowski, Secretary



Dear Fellow Members:

I have been keeping up with my duties as your secretary. I will be leaving my position in the process serving industry in December.

I hope to take some time off and follow another career choice. I just want you to think about becoming a board member. I have been on and off this APSA board since I was 18. It is time to pass the torch to a new group of people. While the majority of the time you would need 1 – 2 hours a month to volunteer. It has been very rewarding and I almost know everyone in the industry.

Please consider volunteering for a position, we will be voting in a new board in September. See you there.

Be safe and we will talk soon,

Patty Chlebanowski
Work: 602-254-7427



APSA

Brushing Up — Recommended Review of Garnishment Statutes; Powers & Duties

Selected Rules & Statutes re: Earnings Garnishments

ARS §12-1598. Definitions

ARS §12-1598.01. Scope of article

ARS §12-1598.02. Grounds for issuance of writ of garnishment of earnings

ARS §12-1598.03. Application for writ of garnishment for earnings

ARS §12-1598.07. Objection to garnishment, answer or nonexempt earnings statement; hearing

ARS §12-1598.08. Answer of Garnishee to writ of garnishment of earnings; filing; delivery; notice

Selected Statutes re: Non-Wage Garnishments

ARS §12-1570. Definitions

ARS §12-1570.01. Scope of article

ARS §12-1571. Issuance of writ

ARS §12-1572. Application for writ of garnishment for monies or property

ARS §12-1579. Answer of Garnishee

ARS §12-1588. Answer disclosing shares of stock; judgment and sale

Selected Statutes & Rules re: the Sheriff, Constable and Process Server

ARCP Rule 4(d) Who May Serve Process

ARCP Rule 4(g) Return; Proof of Service

ARS §11-441. Powers and duties

ARS §11-445. Fees chargeable in civil actions by Sheriffs and Constables; Constables' standardized daily activity logs

ARS §22-131. Constables; powers and duties; prohibited acts

ARS §12-3301. Private Process Servers; background investigation; fees

ARCP Rule 80(c), Unsworn Declarations Under Penalty of Perjury

ACJA §7-204 Private Process Server

APSA Newsletter 2016 Quarterly Publishing Schedule

1st Quarter: (Jan. 1-Mar. 31)

All submissions are due no later than Feb. 1st; targeted publication date is Feb. 15th.

2nd Quarter: (Apr. 1-June 30)

All submissions are due no later than May 1st; targeted publication date is May 15th. 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; targeted publication date is July 15th, but in no circumstance any later than 45 days prior to the scheduled Annual Conference and Educational Event. (See Bylaws, Article VIII, Section 1.)

4th Quarter: (Oct. 1-Dec. 31)

All submissions are due no later than November 1st; targeted publication date is December 1st.

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 by contacting the APSA Secretary.

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

Increased Fees - 5/18/2018

Greetings,

Please inform any of your members who are certified out of Pima County that the Arizona Legislature has approved an across the board increase of 6% for filing fees in the Arizona Superior Court. We do not know when the new fee schedule will be effective, but expect it to be either late this week or early next week. The fee to file a process server application will increase to \$188.00 but the fingerprint processing fee will remain \$22.00.

Sincerely,

Alan A. Walker

Private Process Server Program Administrator

520-724-3282



NEWS RELEASE

ARIZONA SUPREME COURT

ADMINISTRATIVE OFFICE OF THE COURTS

Contact: Heather Murphy
Telephone: (602) 452-3656
Cell: (602) 448-8412
hmurphy@courts.az.gov

May 9, 2018

eFiling Mandatory in Pinal and Santa Cruz Counties

PHOENIX – The Arizona Supreme Court has issued Administrative Order [2018-40](#) which requires attorneys to electronically file initiation and post-initiation civil case documents when filing into the Superior Court in Pinal and Santa Cruz Counties beginning June 1, 2018.

Procedural requirements described in Administrative Order No. [2016-20](#) shall apply to all civil case documents e-filed in the Superior Court in Pinal and Santa Cruz Counties. While it is not required, self-represented litigants may also file electronically through AZTurboCourt and eFileAZ.

Currently eFiling of Civil case initiation and subsequent documents is supported through eFileAZ and AZTurboCourt in the Superior Court in Gila, Greenlee, Pima (AZTurboCourt only) Pinal, Mohave, Santa Cruz, Yavapai, and Yuma Counties, and for civil subsequent documents only in Maricopa County. Plans are underway for the remaining Superior Courts in the state to begin accepting civil documents through eFileAZ and AZTurboCourt in the coming months.

Your firm may already be using the AZTurboCourt eFiling application to file documents in Pima and Maricopa Counties, however there are some differences when submitting and retrieving documents in other counties. Due to these differences, it is **recommended that you attend training**. For information on available training dates and locations please visit www.azcourts.gov/eFilinginformation/training or contact the AOC Support Center at 602-452-3519 or 800-720-7743.

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APSA

Legislative Beat



Laman Law Office PLLC, Charley L. Laman, ESQ.

AZ #024265

2375 E. Camelback Rd., Ste. 600
Phoenix, AZ 85016
Phone: 602-717-5326
info.LamanLaw@gmail.com

May 31, 2018

Re: HB 2249 Memorandum

The Arizona legislature passed HB 2249 which made amendments to ARS 13 – 3602 (Order of Protection (“OOP”) statute). Section D of 13- 602 was modified by deleting the language concerning service of OOP’s by city police departments, constables, and sheriffs, and the substituting the language of Section D for the language in new Sections I, J, and K. For some reason, the legislature felt compelled to make this portion of Section D into 3 separate section.

Note that Section K states:

IN ADDITION TO PERSONS AUTHORIZED TO SERVE PROCESS PURSUANT TO RULE 4(d) OF THE ARIZONA RULES OF CIVIL PROCEDURE, A PEACE OFFICER OR A CORRECTIONAL OFFICER AS DEFINED IN SECTION 41-1661 WHO IS ACTING IN THE OFFICER'S OFFICIAL CAPACITY MAY SERVE AN ORDER OF PROTECTION THAT IS ISSUED PURSUANT TO THIS SECTION.

Rule 4(d) of the Arizona Rules of Civil Procedure states:

- (1) *Generally.* Service of process must be made by a sheriff, a sheriff's deputy, a constable, a constable's deputy, a private process server certified under the Arizona Code of Judicial Administration § 7-204 and Rule 4(e), or any other person specially appointed by the court. Service of process may also be made by a party or that party's attorney if expressly authorized by these rules.

From a legal perspective, private process servers are still available to serve OOP’s. The changes did not eliminate private process servers from the list of persons authorized to serve OOP’s. The statute as amended does more strongly emphasize the police departments, constables and sheriffs as the primary choice of the courts for service of OOP’s, but does not eliminate private process servers from the mix of persons authorized to serve OOP’s.

APSA

APSA Annual Board Meeting Agenda:

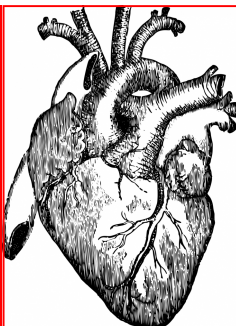
To be published at the
September Annual Meeting

**Trouble Follows When I Go
Without My Better Half**

— BRG

I recently asked for a cardiac work up at my GP's office. I found her to be a pretty good (*read, great*) doc, and she gained my trust early on.

Unfortunately, she was out when I went to my appointment, so I got the second string.



The EKG was done (four times), and the same results found - it looked like I had a prior heart attack, and was stat referred to a cardiologist. He looked at the results and said I may have had a prior heart attack. He talked about putting in a pacemaker or stint. "Uh, oh", I thought. My wife (a retired RN) will be very displeased (to say the least) - I'm overweight and a diabetic and she's been on my case for years to lose weight.

I called her while she was visiting the grand kids out of state to give her the news. We arranged for her to fly back right away.

Four weeks of testing go by and we see the cardiologist for the final results. I had another EKG done at his office that day, 'cause I'm feeling some soreness on the left side of my chest. Nothing wrong with my heart, he says - I just pulled a muscle. (Yes, I've been lifting weights at the gym.)

"But nothing is wrong?" I tell him, "You're the one who said I may have had a prior heart attack!" After some thought and discussion, it seems the leads for the EKG's done at my GP's office were placed incorrectly. Instead of placing two leads on my legs, the medical assistant placed the leads on my belly - thus, the false readings.

Needless to say, I'm relieved, my wife is relieved and we were both furious. I should have insisted on getting another EKG when I walked into the cardiologist's office. Lesson learned - repeat and double check. And never go to the doctor without my wife.

**Please Don't Text
& Drive****'Nigerian prince' email scam 2.0:
How to avoid falling victim to
social engineering cyberattacks**

BY JASON TASHEA

POSTED JUNE 15, 2018, 8:45 AM CDT

Lawyers at Owens, Schine & Nicola, a personal injury firm in Connecticut, thought they had an easy collections matter to resolve.

In September 2008, the firm received an email from Donna Stepp, an attorney in North Carolina. According to the email, Stepp's client, Chen Wu, the director of the Shenzhen Shan Magnetism Industry Co. Ltd. in China, needed to settle a debt with Connecticut-based Dyalock Corp.

Within the week, Wu reached out to the law firm, explained his situation and signed a retainer agreement. Shortly after, the firm received a Wachovia Bank "official check" for about \$200,000, the amount of the debt owed to Wu's company. The firm deposited the check in its trust account and waited instructions from Wu to wire the money to a bank account in South Korea, which the law firm did.

Unfortunately, while Donna Stepp is an attorney in North Carolina and Shenzhen Shan Magnetism Industry Co. and Dyalock are real businesses, none of them took part in this transaction, according to court documents.

The check was fake, the debt collection was a scam and the law firm was out nearly \$200,000.

Read the rest of the article and be the resource your client needs:

<http://www.abajournal.com/news/>

**APSA**

SCORE 
FOR THE LIFE OF YOUR BUSINESS

Chris DeRose, Clerk of the Superior Court

The Brief

An electronic update for the legal community providing a brief look at news in the Clerk of the Superior Court's Office



The following are excerpts from "The Brief", published by the Maricopa County Clerk of the Superior Court. You can obtain complete copies of "The Brief" through the clerk's website.

June 2018

E-filing to Expand to Juvenile Delinquency Cases

On June 11, attorneys and self-represented parties involved in juvenile delinquency cases will be able to electronically file case documents after the case has been initiated with the Clerk's office. Juvenile eFiling will be through the Clerk's eFiling Online website and in this first phase will be for delinquency cases only. Attorneys and individuals who already have an eFiling Online account will use their existing username and password. For those new to the system, review the eFiling Guidelines online at <http://www.clerkofcourt.maricopa.gov/efiling/default.asp> before selecting the link under "Maricopa County eFiling Online" to start eFiling. The eFiling Guidelines are updated online and include directives for what can and cannot be electronically filed. From the eFiling Online website, view the training manuals for step-by-step instructions on registering and filing with the Clerk's system.

Clerk's Office Recognized for Victim Restitution Efforts

The Clerk's office received the prestigious 2018 Distinguished Service Award for Innovation from Arizona Attorney General Mark Brnovich. The Clerk's office maintains an internal victim locate program to find victims who are owed restitution and who have fallen out of contact with the court. The Clerk's website formerly maintained an online search feature that was intended for victims to check for money owed to them and to contact the Clerk's office. Unfortunately, for-profit businesses and individuals used the site to locate funds and charge victims a finding fee for what would otherwise be a free service of putting the victim in contact with the Clerk's office. Since bringing the locate program in-house, the Clerk's office has been more effective locating victims than the website was alone, and the office has been more effective getting victims the money they are owed – without unnecessary third-party fees. From 2015 through today, the program has generated more than 1.2 million dollars of restitution checks cashed by victims or their estates.

(APSA would like to thank Mr. DeRose and his staff for this valuable information we can pass on to our membership and readers. — Ed.)

We Help Small Businesses Like Yours

SCORE is a nonprofit association dedicated to helping small businesses get off the ground, grow and achieve their goals through education and mentorship. We have been doing this for over fifty years.

Because our work is supported by the U.S. Small Business Administration (SBA), and thanks to our network of 10,000 volunteers, we are able to deliver our services at no charge or at very low cost.

We can provide:

- ✦ Volunteer MENTORS who share their expertise across 62 industries
- ✦ Free, confidential business MENTORING in person, via email or by video
- ✦ Free business TOOLS, templates and tips here online
- ✦ Inexpensive or free business WORKSHOPS (locally) and webinars (online 24/7)



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.

PATRICIA CHLEBANOWSKI
Agent

FRONTIER INSURANCE AGENCY, INC.
Surety Bonds

(602) 254-7427
3150 North 24th Street #D104
Phoenix, AZ 85016

2018 APSA-AALPI CONFERENCE

TIME		COURSE/INSTRUCTOR		HRS.	AT
Saturday, September 8, 2018					
0730	to	0800	Registration for all Organizations	Continental Breakfast	
0800	to	0830	Welcome to Conference <i>Dan Bekins, AALPI President</i> <i>Ron Ezell, APSA Past President</i>	Pueblo Room	
0830	to	1145	ACPS Class – 1st Half - <i>Barry R. Goldman</i>	6 Hrs.	Canyon C
0830	to	0930	Forensic Exam of Computers & Audio/Video Recordings - <i>Bryan Neumeister</i>	1 Hr.	Canyon A/B
0930	to	1030	Forensic Exam of Cell Phones & Cell Towers - <i>Instructor TBA</i>	1 Hr.	Canyon A/B
1030	to	1045	Break	-	-
1045	to	1200	Using Medical Examiners as SME in Death Investigations - <i>Dr. Keen</i>	1 Hr.	Canyon A/B
1200	to	1315	Lunch Break	-	Atrium Patio
1200	to	1315	APSA Annual Meeting	-	Canyon C
1315	to	1630	ACPS Class – 2nd Half - <i>Barry R. Goldman</i>	Incl.	Canyon C
1315	to	1415	DPS New Online Renewal of License Program - <i>Erin Blummer & Ana Velarde</i>	1 Hr.	Canyon A/B
1415	to	1515	Case Study: Capital Murder Case Dismissed - <i>Pat Cote</i>	1 Hr.	Canyon A/B
1530	to	1630	Pls-A Business Plan Tailored for You - <i>Debra Allen</i>	1 Hr.	Canyon A/B
Sunday, September 9, 2018					
0730	to	0815	Registration & Breakfast	-	Courtyard
0830	to	1300	Report Writing, Skip Tracing & Protective Orders - <i>Barry R. Goldman</i>	4 Hrs.	Canyon C
0830	to	1030	Licensing Complaints/Best Practices - <i>Instructor TBA</i>	2 Hrs.	Canyon A/B
1030	to	1100	Break with Refreshments	-	-
1100	to	1300	Class To Be Announced	2 Hrs.	Canyon A/B



**ARIZONA OFFICE
TECHNOLOGIES**

A Xerox Company

Tucson
3501 E Speedway Blvd Ste
145
Tucson AZ 85716
Main (520) 989-3200

Phoenix
4320 E Cotton Center Blvd Ste 100
Phoenix AZ 85040
Main (602) 346-3000

Prescott
3050 N. Navajo Dr. Ste 107
Prescott Valley, AZ 86314
Main (928) 350-3100



APSA Board Meeting Minutes

ANNUAL CONFERENCE

SEPTEMBER 16, 2017 (UNOFFICIAL)

ARIZONA PROCESS SERVERS ASSOCIATION

Board Meeting Minutes

The annual meeting was held on Saturday, September 16, 2017, at the Hilton Phoenix/Mesa Resort located at 1011 West Holmes Avenue, Mesa, AZ.

The meeting was called to order by the President, Ron Ezell at 12:22 P.M. and roll call of board members was taken. Ron Ezell, President, Tom Rankin, Vice President, Patty Chlebanowski, Secretary, Luis Figueroa, Treasurer, Board Members, Larry Ratcliff, John Carpenter, Eric Sotelo & Tracy Candelaria were all present.

The 2017 Annual Conference Notebook was received by all members in attendance as they signed in at beginning of the conference.

PRESIDENT'S REPORT:

Ron Ezell addressed the membership; he waived the Pledge of Allegiance, since we previously completed this during the morning announcement and the start of the convention. Ron mentioned we had a few Board Meetings where we did not have a quorum to conduct official business but we had held all our quarterly meetings. Ron mentioned he & Patty Chlebanowski attended the National Association of Professional Process Servers Association in New Orleans this year. Arizona is the second chartered state association with the NAPPS organization. We were able to obtain 5 new Associate Members from this conference. Several of the Associations this year had offered 50 % membership discounts if they joined up during the conference.

VICE PRESIDENT'S REPORT:

Tom Rankin was present and had no report to give. He did attend several of the board meetings through the year but did miss a couple.

SECRETARY'S REPORT:

Patty Chlebanowski, told the membership, she has been keeping up with her duties as long time secretary. She has attended all the board meetings, been updating the web site and mail and the phones and of course preparing for today's conference. Patty pleaded with the membership to once again, get involved with the Association. We had a new face last year to the board and appreciate anyone who could attend 4 meetings a year and help when needed.

Patty asked the membership to review the Last Annual Minutes of 2016 that are posted in the Conference Booklet,

pages 26 thru 29.

Patty mentioned we had 101 attendees at this year's conference.

Motion was made to approve the minutes of the Annual 2016 Conference by John Carpenter and 2nd by: Barry Goldman. Motion passed.



TREASURER'S REPORT:

Luis Figueroa explained his written Report is printed in the Annual Conference Booklet, pages 30 through 33.

Motion was made to approve the Treasurer's Report by: John Carpenter and 2nd by: Tom Rankin. Motion passed.

COMMITTEE REPORTS:

MEMBERSHIP REPORT:

Patty Chlebanowski mentioned membership for 2018 will be sent out through the website in January 2018. Some of the current members paid at the conference for their annual membership for 2018.

WEBSITE REPORT:

Patty Chlebanowski reported we had updated the website this year and made it mobile friendly.

GRIEVANCE REPORT:

John Carpenter reported there was only a couple complaints this year and he had reached out to both parties and resolved them. Nothing physically was filed against any of the members.

LEGISLATIVE REPORT:

Barry Goldman spoke and explained to the membership that the Association attempted to get a rule change made to be able to sub-serve the gate guard at gated communities. The Supreme Court did not pass the rule change.

NEWSLETTER REPORT:

Barry Goldman published the last newsletter in July and was emailed out to the membership. If you did not receive it, the Newsletters are posted on the website and can be printed or viewed from the site. If you are interested in putting in an advertisement in the newsletter please contact him. We do currently have about 3 business ads in the newsletter.



APSA

APSA Board Meeting Minutes

ANNUAL CONFERENCE

SEPTEMBER 16, 2017 (UNOFFICIAL)

(CONTINUED)



EDUCATION COMMITTEE:

Patty Chlebanowski thanked Barry Goldman for updating the Manual. All new rules and regulations have been printed in the new manual and this is the manual we are using at this year's conference in the ACPS class. He is working on having all our classes uploaded into a power point presentation.

OLD BUSINESS:

None to be addressed.

NEW BUSINESS:

Barry Goldman thanked Patty Chlebanowski for making our Association run smoothly. She is always available and has put together this conference together with the help of her team from the Arizona Association of Licensed Private Investigators and Arizona Private Security Professional Association.

Ron Ezell introduced John Tavernaro from the other Process Servers Association that has now joined the Arizona Process Servers Association and will be part of the Legislative chair group, with Barry Goldman and Larry Ratcliff and himself.

John Tavernaro spoke and is still trying to work on getting Process Servers listed on the assault bill.

NOMINATIONS:

Kelli McFarland nominated Larry Ratcliff for President and seconded by: Dan Ronnie. A call for any other nominations. Motion to close nominations for President by: John Carpenter and seconded by: Kelli McFarland. Motion passed.

Candy Ratcliff nominated Kelli McFarland for Vice President and seconded by: Barry Goldman. A call for any other nominations. Motion to close nominations for Vice President by: Larry Ratcliff and seconded by: Tom Rankin. Motion passed.

Barry Goldman nominated Luis Figueroa for Treasurer and seconded by: Tracy Candelaria. A call for any other nominations. Motion to close nominations for Treasurer by: Tom Rankin and seconded by: John Carpenter. Motion passed.

John Carpenter nominated Patty Chlebanowski for Secretary and seconded by: Barry Goldman. A call for any other nominations. Motion to close nominations for Secretary by: Barry Goldman and seconded by: Larry Ratcliff. Motion passed.

Kelli McFarland nominated Tracy Candelaria as a Director and seconded by: Larry Ratcliff. Kelli McFarland nominated Barry Goldman as a Director and seconded by:

Tracy Candelaria. John Tavernaro nominated: Don Howell as a Director and seconded by: Patty Chlebanowski. Kelli McFarland nominated Eric Sotelo as a Director and seconded by: Patty Chlebanowski. Ron Ezell nominated Sean Layman for Director and seconded by John Carpenter.

A discussion was held regarding the number of directors to be voted on. Per our By Laws the board can add to the board as deemed necessary. Ron Ezell explained this way we will always be able to have a quorum at all board meetings. Ron Ezell will be a Director as immediate past president. A call was made for any other nominations. Motion to close nominations for Directors by: Tom Rankin and seconded by: Barry Goldman. Motion passed.

Motion to nominate all Officers by acclamation by: Tom Rankin and seconded by: Barry Goldman. Motion passed.

Ron Ezell stated that the new term is now January 1st thru December 31st and the New Board of Director's will be sworn in at that time.

Ron Ezell stated that the next board meeting will be in December.

Gerri Gentilquore addressed the membership and talked about a violent data base list called Aaron's List. Sign up on this list and give a location and a story of what happened at that location. It is helpful for all process servers to ward off the same problem when serving out in the field. Go to : Aaronlist.org for more information.

Motion to adjourn the Annual Conference by: Eric Sotelo and seconded by: Kelli McFarland. Motion passed.

Meeting was adjourned at approximately 1:10 PM. Minutes prepared by: Patty Chlebanowski, Secretary.



APSA

APSA Board Meeting Minutes

June 2, 2018 (Unofficial)

ARIZONA PROCESS SERVERS ASSOCIATION

Board Meeting Minutes

June 2, 2018 at 3:43 PM at

Continental Country Club at

2380 North Oakmont Drive, Flagstaff, AZ 86004

THOSE IN ATTENDANCE:

Board Members: Patty Chlebanowski, Larry Ratcliff, Kelli McFarland, Barry Goldman, Sean Laman, Ron Ezell, Don Howell and members present: Candy Ratcliff, Nathan Botsch, Attorney Charley Laman. Members present via phone conference: Shannon Goolsby, Carlos Bialet & Karla Viernes.

PRESIDENT'S REPORT:

Larry Ratcliff thanked everyone for attending the meeting both in person and those who called in on the Conference line.

VICE PRESIDENT'S REPORT:

Kelli McFarland re iterated her conversation with the Constable up in Yavapai County.

"My assignment was to "Find out why the Yavapai County Constable is serving Superior Court papers?". This request was made by a member out of Cottonwood.

Kelli personally spoke with the Verde Valley Constable, Jody Fanning, on February 16, 2018, at approximately 1100 hours at his office at 10 6th Street, Cottonwood, AZ, and asked him that very question. Constable Fanning answered, "Because I can", and handed me A.R.S. Code 22-131, along with RCP 4 (copies were attached). No other information to report.

SECRETARY'S REPORT:

Patty Chlebanowski asked if we reviewed the board minutes from March 10, 2018 that was previously emailed to the board and I did pass out a few copies to the membership that was present. Did you see any corrections that needed to be made? A motion was made by Larry Ratcliff to approve the Secretary's minutes, seconded by Barry Goldman. All in favor was asked and motion passed. Patty reported that she has kept up with the duties of the mail which was last checked on Thursday, May 31, 2018 phone checked up to May 30, 2018.

TREASURER'S REPORT:

Luis Figueroa was not present and no report sent prior to the meeting. Ron Ezell will reach out to Luis to obtain report to be emailed to the board for written/email

approval..

COMMITTEE REPORTS:

Membership Report: Patty Chlebanowski reported

everything is currently up to date on our website. We currently have about 112 paid members and including extra cities we have 136 posted on the website. Patty apologized to Barry Goldman because she was not able to get the list printed or sent to him prior to the meeting. Barry wanted to follow up with members that had not renewed their membership for this 2018 year.

Website Report:

Patty Chlebanowski reported that the website information is up to date. Sean requested to include our two paid Vendors on the website; AOT Arizona Office Technologies and Pure Platinum Automotion, LLC. We will need to look and see where to update this information. Patty went through several emails pertaining to advertising, mobile application and website articles. The board said no on all email proposals. Several are actually junk and a couple, we just do not need at this time. We also discussed with the board about a Legal Document preparer who was disciplined by the LDP Board for not serving the papers correctly.

Larry asked Barry Goldman about creating a FACEBOOK page. Barry knows someone in his area that he can reach out to and find out the costs, etc. of creating a new page.

Grievance Report:

John Carpenter was not present. He has not reported any complaints to any of the board members. Larry stated he will reach out to John, since no one has heard from him in awhile.

Newsletter Report:

Barry Goldman has passed around a draft of the upcoming newsletter. He mentioned the Sheriff's Posse is now serving papers, including Summons & Complaints, and they should not be doing this job. Barry also stated that one Posse member in particular claimed to be serving papers for execution. Charley mentioned that he did not think the "Posse" members would be covered under their Insurance Policy either. They are also serving "Criminal Subpoenas" which is authorized because anyone can serve them, however they are usually mailed by the County Attorney.



APSA

APSA Board Meeting Minutes

June 2, 2018 (Unofficial, continued)

Police Officers are able to serve “Orders of Protection” within the city limits from the municipal court, and Constables within their precincts from the justice courts..

Barry wrote a draft letter to the Pinal County Sheriff’s office to inform them of the rules and statutes relating to serving and executing legal process, which do not include Posse members. Larry Ratcliff made a motion to send a general letter all of the county sheriffs and the Sheriff’s Association & another Letter to the Constables on behalf of the Association. Kelli McFarland seconded this motion. Motion passed. Larry suggested that Barry, Charley & he and Kelli re-write this letter and also another to the Constable Association and then it can be mailed after corrections. We also felt it should be signed by the Board of Directors not just one member making a complaint.

Sean Laman suggested we contact a news agency, similar to what NAPPS did in Georgia regarding a cost comparison of what it costs to have their Sheriffs and Constables serve papers, so we can get this news to the public, about how they are using taxpayer money.

We need to post our TWO vendors in the upcoming newsletter and Patty asked Sean to send Barry Goldman a business card for each vendor.

Continuing Education:

Patty Chlebanowski reported the Annual conference schedule is almost complete. She read the class titles to the board. We only have one open slot to be completed on Sunday, everything else has been scheduled. We talked about the two Vendors that Sean has coming. Patty mentioned that AALPI was also having their board meeting this weekend to finalize all details of the Conference. Patty still needs to check into the Shuttle for a Casino night for Saturday evening.

Legislative Report:

Barry Goldman talked about the trespass issue, particularly gated communities not allowing us in. We are trying to save costs to clients but they are just going to have to apply to the court to obtain Motion & Orders for Alternative service to post the gate or serve the security guards. We have not had any luck in getting this bill passed.

Larry Ratcliff explained that the security association believed it would be a conflict of interest to help us promote the bill.

Barry asked if we wanted to try again to change a court rule, and if so we would have to work with the Bar Association prior to submission. It would need to be

completed prior to September to present the new rulings.



OLD BUSINESS:

Don Howell reported about the Polo Shirts. We originally were going to get two colors, navy blue and red. We decided at this time not to go with the red. We will order this Royal Blue with gold thread and they will be ready for the conference. We will order Polo Shirts and a few Jackets. We chose the 50/50 blend rather than the nylon/ rayon.

NEW BUSINESS:

Ron Ezell reported about attending the NAPPS conference in San Diego. They had a well attended conference and Larry Ratcliff’s President’s Message, which he had the honor of reading for Arizona was well received. Many of the state associations have similar problems. The next NAPPS conference will be located at the Marriott World Center in May of next year.

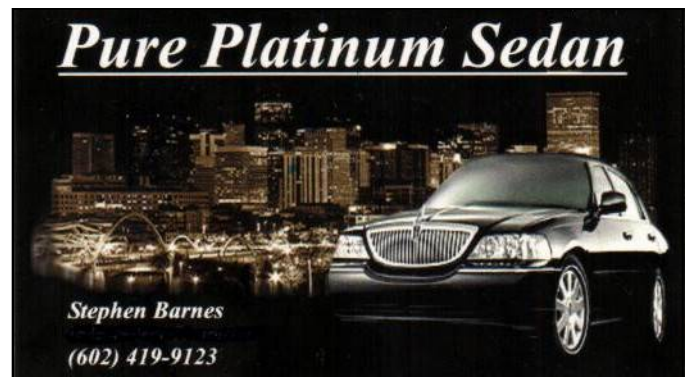
Ron Ezell wants to make a By Law change pertaining to the number of board members, not including the immediate past president, to be voted on at the conference. He would like to have 5 directors. He will need to write it up to have Barry post it in the next newsletter.

Sean Laman asked if we could get started with a date for next year’s conference. He felt it was easier to obtain vendors a year out rather than several months prior to a conference. Patty told him, it is just not our Annual Conference and both associations have to be in this conversation. She will mention it to AALPI and maybe we can choose this same location so we know ahead of time, when and where. It will always be in September she stated.

Kelli McFarland made a motion to adjourn the meeting and seconded by Larry Ratcliff. Motion passed.

Meeting was adjourned at 5:34 PM.

Submitted by: Patty Chlebanowski, Secretary



APSA

Bears in blue: How a teen girl keeps the memory of fallen officers alive



Megan O'Grady, 15, creates teddy bears out of the uniforms of fallen LEOs to help grieving families cope

By Cole Zercoe, Senior Associate Editor of PoliceOne

Megan O'Grady can't recall how she came up with the idea. She had never sewn anything in her life and her family didn't own a sewing machine. She just knew she had to give families something to hold on to – a piece of what they'd lost.

READ THE STORY, Posted May 31, 2018 on www.policeone.com

From bluelinebears.org:

Blue Line Bears is a nonprofit organization with the goal of helping the children of fallen Law Enforcement officers cope with the devastating loss of a parent. So far in 2016 alone, more than 130 law enforcement officers across the country have been killed in the line of duty, many of them leaving behind children and/or grandchildren. Blue Line Bears is the creation of the 14 year-old daughter of a police officer whose goal it is to help the children of fallen officers through the difficult loss of their parent. Children of law enforcement officers grow up realizing that their parent's life is at risk every day they go to work. Add to that the fact that there is much public ridicule of law enforcement officers, and deaths in the line of duty are sudden, shocking and violent. With all of this in mind, Blue Line Bears will not only provide a lasting keepsake to help keep the officer's memory alive, but will also help their child to see that there are caring individuals who respect and appreciate men and women in uniform. Children of officers killed in the line of duty are oftentimes young, perhaps too young to remember the parent who died. For those children, a bear from Blue Line Bears will provide a tangible reminder that their loved one will always be with them.

The organization will reach out to Law Enforcement agencies across the nation in order to get information about the fallen officer, as well as a uniform shirt(s) to create a personalized bear for each of the officer's children. Blue Line Bears will contact a Victim's Advocate, Public Information Officer, or Watch Commander to assist with making contact with the appropriate individual within the agency. Once contact is made, Blue Line Bears will request that uniform shirt(s) that will be transformed into a teddy bear keepsake be mailed to Blue Line Bears. Due to concerns that agencies may have regarding the release of uniform shirts and/or patches, Blue Line Bear recommends that the agency remove one of the patches and cut off the shirt collar to ensure that it could never be used to impersonate an officer. The agency will be given the option of mailing the shirt(s) to Cape Coral Police Department to the attention of the Victim's Advocate. The shirts will be cut, sewn and stuffed into a teddy bear. Additionally, a personalized badge with the officer's last name and badge number will be sewn on the bear's stomach while the officer's Department patch will be stitched onto the back of the bear. If the officer had stripes for rank or service, those will also adorn the bear as well. Finally, each bear will be given a St. Michael medal and blessed by a priest before being mailed to the family. All of this will be done at no expense to the family. Through the use of donations and other contributions, Blue Line Bears will purchase all materials, as well as cover the cost of shipping.

CONTACT: <http://bluelinebears.org>



BLUE LINE BEARS

Thank you very much for sharing the story PoliceOne did on Blue Line Bears. I really appreciate it. - Megan



Training Corner:

Playing it Safe — Reminders from Torri's Legal Services

**Barry R. Goldman**

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I was reminded the other day about process server safety, when I read a posting on LinkedIn.com from Torri's Legal Services in Washington, DC. Torri Schaffer has been a long time NAPPS member and respected process server. On her company's website (<http://torrilegalservices.com/torris-protects-process-servers/>), she posts some training reminders for process servers:

- **Never assume the serve will be safe:** Process servers must always be aware of their surroundings, allowing them to spot potentially dangerous situations.
- **Have a good attitude:** Serving papers isn't easy, and process servers can find themselves getting yelled at. Being polite in the face of anger is one of the easiest ways to disarm an angry person.
- **Keep the situation calm:** It is very easy for an emotional subject to continue escalating a situation. Remaining calm can bring down a tense situation, making service safer.
- **Take extra precautions when serving at night:** Night service can make a subject worried and uncomfortable.
- **Park your car in a safe spot:** Process servers are instructed to park their cars in a safe spot that allows for a quick exit in an emergency. Parking on the street is recommended.
- **Never go inside a person's home:** Remaining outside allows the process server to leave in an emergency, increasing his or her safety.
- **Step back:** After knocking on the door, process servers are instructed to take two steps back to give whoever answers the door a little space.
- **Never turn your back:** Process servers must always be aware of where the defendant and any other people in the house are, and turning his or her back can leave the server vulnerable.
- **Keep cell phone charged:** A cell phone is essential in case of an emergency, so keeping it charged is one of the best ways to ensure help arrives quickly.

I think the best way to describe these reminders is to think of them in terms of common sense. A server should evaluate and understand their environment before getting out of the car. Always have an escape plan—never park your car facing a dead end, or so far away that you cannot get to it quickly to exit the area if things go south. Always remember that the greatest gift we have is the gift of communication—keeping your cool and de-escalating a situation is always better than getting in a confrontation. Remember— the paper you are serving is not your problem; you don't want to be and shouldn't be emotionally involved in the serve or the outcome. Be the professional.

5 Things You Didn't Know About the U.S. Marshals

1 Deputy U.S. Marshals were in the consular courts in China until 1943. In the 19th Century, they were also in Czarist Russia and the Ottoman Empire.



2 From 1969 to 1973, U.S. Marshals had an Air Piracy program with "Sky Marshals." After 9/11, the "Air Marshals" of the Transportation Security Agency (TSA) became part of this group.



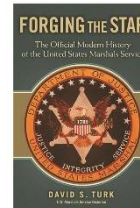
3 The U.S. Marshals' first headquarters was the Executive Office for U.S. Marshals, established in December 1956. Prior to that, each district office was its own headquarters.



4 A partnership with the FBI in 1979 led to the modern-day fugitive apprehension program—and the well-publicized [Fifteen Most Wanted](#) list that began in 1983.



5 It was the U.S. Marshals that primarily enforced desegregation in schools in the south after Brown v. Board of Education. In doing so, they faced riots and potential riots in New Orleans; Oxford, Mississippi; and Tuscaloosa, Alabama.



Want to learn more?

Pick up David S. Turk's new book, *Forging the Star*, from Amazon.com, Indiebound, or University of North Texas Press.

APSA

Training Corner:

To Hang or Not to Hang — The Door Hanger



Barry R. Goldman
©2018 Barry R. Goldman



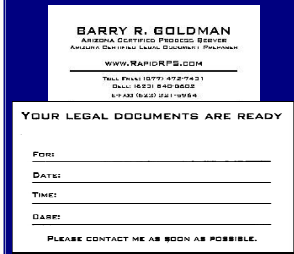
In a prior edition, I talked about using a contact notice as a means of communication to a subject who we couldn't connect with. During the training in Flagstaff this past June, the subject came up again, and thanks to APSA member Gary Williams, I was reminded about what VistaPrint can do for us.

I thought I was the brightest guy in the world in ordering my new business cards as appointment cards (2-sided, see illustration) to double as calling cards and contact notices. Up until then, I was using half sheets of colored paper as contact notices.

But then Gary said that he ordered blue door hangers from VistaPrint, and they work great for him. They are visible from the street, so if the subject hasn't taken it off the door, it's easy to see from a distance.

Why didn't I think of that? I'll tell you why — I wasn't being creative enough and, quite frankly, complacency had set in. *Stinkin' Thinkin'*.

So, thanks to Gary, I ordered 500 of these little gems. Oh, I've still got the business cards, and I'll hand those out, but for door knocks, the hangers will do.



Question:

Do Sheriff's Posse Members Have Authority to Serve or Execute Legal Process?

Under ARS §13-3802, when the (deputy) sheriff commands aid for execution, that aid is specific to a criminal matter. This statute (and preceding statutes) go back to when the sheriff would "round up" a posse and go in search of a wanted felon. ARS §13-3802 has no applicability in serving or executing civil legal process.

However, ARS §11-441(A)(7) mandates that the duties of the sheriff shall, "Serve process and notices in the manner prescribed by law and certify under the sheriff's hand upon the process or notices the manner and time of service..." and subsection (D) provides the justification for aid by a posse member.

But statute and ARCP Rule 4(d) does not authorize a civilian, volunteer posse member



who is not a (deputy) Sheriff, nor certified by the Superior Court as a Process Server to serve, much less execute legal process. Only the Sheriff or deputy thereof may serve or execute legal process. The posse member is not necessarily a Deputy Sheriff.

One posse member stated to me his assumed authority to personally serve legal process was because he was given the papers by his ride along (deputy) partner who waited in the car.

That is not "aiding", but is "substituting", and doing so contrary to the rules set forth by the Supreme Court. That would be akin to a process server asking his unqualified passenger to serve legal process while the process server waits in the car.

There should be no de facto person "in place and stead of" the (deputy) Sheriff in serving or executing civil process. Unqualified persons are just that—unqualified.



My Opinion: They're at it, again!

Unauthorized Service of Process

Like Elmer Fudd, some of these guys don't seem to get it. I'm talking about some of our dear elected officials known as constables. Not all of them, but enough of them that it's problematic.

First, they urge the legislature to pass a bill creating the Constable Ethics, Standards & Training Board. One would assume that constables would get adequate training and acquire some needed discipline by the creation of that board, such as "don't do that...it's not ethical or legal!"

But alas, some constables couldn't keep their mitts from double dipping into the troth, and they again urged the legislature to amend ARS §22-131, adding subsection G, "A constable is prohibited from engaging in any act as a private process server outside of the constable's elected or appointed duties. A constable shall not own an interest in any entity that operates a private process serving business."

That means you don't serve papers that don't come from anyone other than your JP or another court by written order!

Now, we, as process servers don't dip into the constables' purview — we're legally prevented from doing so. We respect that. But some of the constables, as elected officials in charge of their own office, seem not to be able to determine what they can and cannot do. One constable, when confronted with what he was wrongfully doing, flippantly replied, "Because I can". Way wrong answer.

The law is pretty clear. Constables have no business serving any papers that do not come from their justice court, or on written orders from another court. Yes, that means directly from the

court — not a party, not an attorney, but from the person who actually has competent authority. *That means a judge.*

Otherwise, a process server can and should serve the paper. Period.

Opinion from counsel agrees with me: "So, on its face, it appears that the constable would, within statute, have the legal ability (authority) to serve papers delivered to him by another court (ie: with a specific order from that court for the constable to serve the paper), but not from a private person. Am I correct in this understanding? *Answer: YES.*"



Summary of complaints to the Constable Ethics, Standards and Training Board (CESTB) Fiscal Year 2017

For the fiscal year period July 1, 2016 through June 30, 2017, there were a total of 24 complaints filed with the CESTB against Constables for a variety of allegations. In addition, one request was made to reopen a complaint closed in FY2014, which was declined. At this time, all complaints have been closed. Of these, twelve have been dismissed by the Board, one resulted in the Constable resigning prior to a Board investigation, and eleven complaints resulted in disciplinary action being taken by the CESTB.

Barragan v. Superior Court Pima County, 469 P2 92, 12 Ariz. App. 200 (Ariz. App. 1970) noted that a personal representative included all persons so appointed by "competent authority" whether it was a court of this state or some other state. So "competent authority" generally means a court, which makes the interpretation of A.R.S. 22-131(A) on its face give the constable authority to serve documents delivered to him by another court. *But not anyone else.*

Get it together, constables. You're stepping on the wrong toes and you know it.

— BRG

APSA

From Sonoran News:

Constables, an Elected and Virtually Unaccountable Post

In the article, “Constables, an Elected and Virtually Unaccountable Post” published in the Sonoran News April 25, 2017, writer Linda Bentley wrote, “Constable behavior seems to be monitored primarily by the public at large in a complaint-driven system”.

She cited several instances of discipline against constables, including those for repeat offenses and offenders. She further wrote, “However, when it comes to a constable’s inappropriate behavior, it appears CESTB’s hands are somewhat tied by statute or perhaps skewed by the fact that four constables serve on the board.

CESTB may remedy a constable’s inappropriate behavior by:

“(a) Mediating.

“(b) Issuing warnings, reprimands or admonishments.

“(c) Instructing constables to take a particular action or to take educational classes.

“(d) Urging a constable to resign from office.

“(e) Placing a constable on probation for up to thirty days, except that after the initial thirty days of probation if the constable is making progress on probation but the constable’s behavior is not yet compliant, the board may extend probation in additional thirty-day increments up to a total length of probation of one hundred eighty days.

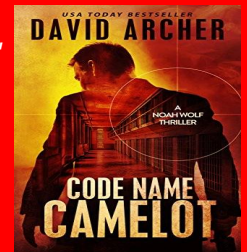
“(f) Recommending to the board of supervisors that a constable who has previously been placed on probation be suspended from performing the constable’s duties without pay for any specified length of time not to exceed the remainder of the constable’s term.”

Suspensions are almost never employed as a remedy and in the rare instances where the board has urged a constable to resign from office it is usually met with refusal.”

Source: <http://sonorannews.com/2017/04/25/constables-elected-virtually-unaccountable-post/>

Good Reading...\$.99 on Amazon!

After witnessing the murder-suicide of his parents as a child, Noah suffers from a form of PTSD that has left him without emotion, without a conscience and without the ability to function as a normal human being.



As a young adult, Noah finds structure in the U.S. Army, and becomes an excellent and exemplary soldier, but when his self-imposed programming is put to the test by the murderous acts of the superior officer, Noah finds himself quickly made expendable, charged with crimes he did not commit and facing the possibility of execution. Without any reasonable hope for a reprieve, Noah’s logic-based mind accepts his fate.

Sometimes, though, things are not all as they seem to be, and Noah is offered one chance to save himself. It was his disability, his lack of emotion, that made him the soldier he had become...As the most deadly assassin the world has ever known.

Stupid Lawyer Tricks— The Deadbeat Attorney



It’s a shame when a process server tries to be the good guy and give the out of state attorney the benefit of the doubt on payment. I finally got in touch with this deadbeat lawyer after six months of telephone calls and emails about a small balance due.

His first excuse – he doesn’t represent the client any longer. Second – he’ll need to negotiate the bills outstanding between him and the new law firm, and he doesn’t know who’s going to pay them. Third – he said my services were the highest priced he’s ever seen, and he could have gotten them done for less.

You shouldn’t have told your paralegal to authorize the extra work, Mr. Deadbeat. This guy really put a sour taste in my mouth. Unfortunately I’ll remember this jerk the next time some new client calls to ask for help. Lesson learned.

APSA

Constables: They're at it, again!

Unaccountable...or Not?



Summary of complaints to the Constable Ethics, Standards and Training Board (CESTB) Fiscal Year 2017

For the fiscal year period July 1, 2016 through June 30, 2017, there were a total of 24 complaints filed with the CESTB against Constables for a variety of allegations. In addition one request was made to reopen a complaint closed in FY2014, which was declined. At this time, all complaints have been closed. Of these, twelve have been dismissed by the Board, one resulted in the Constable resigning prior to a Board investigation, and eleven complaints resulted in disciplinary action being taken by the CESTB.

Those complaints were as follows:

CNA189-2017 was filed on September 8, 2016 against **Constable Jon Acton** accusing him of failing to serve in a timely fashion. After considering all the facts in this case the CESTB agreed that the constable did not perform his duties in a professional and expedient manner. The CESTB consequently voted to issue the constable a reprimand citing a continuing pattern of similar behavior Constable Acton has previously been reprimanded for.

CNA190-2017 was filed on September 15, 2016 against **Constable Bennett Bernal**. The complainant stated that while serving an eviction notice, Constable Bernal made the decision to allow the tenants an extra day to vacate due to the health of one of the children in the home. After considering all the facts in this case the CESTB determined there was no ethical violation in allowing the tenant an extra day to vacate due to the health of one of the children in the home was. However, when the constable completed the service document, he stated the "Defendant Not Home", which was not accurate. Consequently the CESTB board voted to issue a warning for not recording the service document properly.

CNA193-2017 was filed on February 14, 2017 against **Constable Jimmy Munoz**. The Constable had been absent from his duties for over a month and service documents were accumulating in his "in box". The constable was on medical leave, however elected officials are responsible for making arrangements for their work to be completed during their absence. The complainant alleged the Constable made no effort to see that his workload was covered. The CESTB found that Constable Munoz failed to carry out his duties per A.R.S. § 22-131 section A which states that "Constables shall attend the courts of justices of the peace within their precincts when required, and within their counties execute, serve and return all processes, warrants and notices directed or delivered to them by a justice of the peace of the county or by competent authority." Citing Canon #3 from the Code of Conduct for Constables which states "Constables shall perform their duties diligently, without regard for kinship, social or economic status, political interests, public opinion or fear of criticism or reprisal" the CESTB determined Constable Munoz was not able to perform his duties and voted to request he resign his position immediately. In addition, this complaint was referred to the Maricopa County Attorney's office for investigation of nonfeasance in public office. On May 31, 2017 Constable Munoz resigned his position.

CNA194-2017 was filed on February 15, 2017 against **Constable Bruce Austin** by the CESTB. Constables are required to complete a minimum of 16.0 training hours each calendar year. Proof of training must be submitted to the CESTB within 30 days of completion. Constable Austin did not complete any of the required training. The constable did not seek re-election, but the position was not filled. Law dictates that the current constable is still required to perform the duties until the constable resigns or is replaced. The CESTB met and voted to send a letter to the constable urging him to resign immediately. Further, a legal notice of job abandonment was filed with the county superior court asking for his removal.

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Constables: They're at it, again!

Unaccountable...or Not?



CNA195-2017 was filed on February 15, 2017 against **Constable Roger Curtis** by the CESTB. Constables are required to complete a minimum of 16.0 training hours each calendar year. Proof of training must be submitted to the CESTB within 30 days of completion. Constable Curtis fell short of the required training by 4.0 hours in 2016. The CESTB met and voted to issue the constable a warning and require the constable to make up the 4.0 hours during the 2017 calendar year. These hours will be in addition to the 16.0 requirement for 2017.

CNA196-2017 was opened on April 19, 2017 against **Constable Virginia Duarte**. The constable was called upon to clear a property where a Writ of Restitution had previously been served. Constable Duarte stated that she attempted to make arrangements to do so but admitted she may not have followed up and apologized. The CESTB consequently voted unanimously to issue a letter of warning citing Canon 4 of the Constables Code of Conduct.

CNA197-2017 was opened on April 19, 2017 against **Constable John Acton**. The allegation was Constable Acton failed to serve a Writ of Restitution. The constable responded to the complaint that he had not handled this type of document before and sought guidance from several sources. But he did not take proper steps to make sure it was completed. Citing a pattern of failing to perform his duties based on previous complaints in addition to this situation, the CESTB voted unanimously to urge the constable to retire from office immediately. The CESTB referred to the following Canons from the Code of Conduct for Constables:

- Canon 3B which states: "Constables shall perform their duties diligently, without regard for kinship, social or economic status, political interests, public opinion or fear of criticism or reprisal. Commentary: Constables should make every reasonable effort to carry out their duties diligently and promptly as required by law. Court papers should be served as quickly as practical and reasonable under the circumstances, and litigants should be notified promptly when papers cannot be served."
- Canon 4A which states: "Constables shall maintain high professional and personal standards. Commentary: This canon relates to all other canons and involves the manner in which a constable approaches his or her duties. One of the hallmarks of professionalism is the willingness to follow a code of conduct in professional and personal life, and the expectation that everyone in the profession will follow similar standards."
- Canon 4B which states in part: "Constables shall act appropriately at all times, taking into account their duties and responsibilities as elected public officials. Commentary: Election to public office is a sacred trust, and constables must follow the highest standards of conduct at all times by striving to meet and exceed the standards set forth in this code. "

CNA203-2017 was filed on May 24, 2017 against **Constable Doug Middleton**. The complainant indicated the constable was rude and made inappropriate offensive statements while serving a Writ of Restitution. The CESTB met and determined Constable Middleton performed the required duties, however, in the course of doing so, he made offensive comments to the property owner. The CESTB consequently voted to issue a letter of warning citing violations of the following sections of the Constables Code of Conduct:

- Canon 1 B "Constables shall maintain high standards of conduct in order to preserve public confidence in their offices"
- Canon 3 A "Constables shall perform their duties without bias or prejudice, and shall not manifest by words or conduct bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status."

APSA

Constables: They're at it, again!

Unaccountable...or Not?



• Canon 4 C "Constables shall be courteous, patient and respectful toward those who come in contact with their offices."

CNA208-2017 was filed on June 1, 2017 against **Constable Oscar Vasquez**. The complaint documented numerous occasions of speeding, illegally displaying a handicap placard, and not reporting vehicle damage. The Board determined the infractions were serious and after being advised by his superiors to discontinue the behavior, Constable Vasquez continued to do so. This is clearly a violation of the Code of Conduct for Constables. Consequently, the board voted unanimously to issue a letter of reprimand, which is two steps above the minimum punishment the Board can administer.

CNA209-2017 was opened on June 12, 2017 against **Constable Ed Malles**. The constable failed to serve a Writ of Restitution, stating in his response he wanted to see a post judgment agreement prior to executing the writ. The Board concluded that the constable's sole responsibility was to serve the writ as directed by the court, and the fact there was post judgment agreement had no bearing on this responsibility. The Board also considered prior offenses that resulted in disciplinary action and voted unanimously to issue a letter of admonishment, which is 1 step above the minimum punishment the Board can administer.

CNA211-2017 was opened on June 21, 2017 against **Constable John Acton**. The constable did not process paperwork for a service document causing the complainant to make a wasted trip to the court as well as delay his requested action. The Board considered prior offenses showing a continued pattern of failing to process paperwork. They also considered the fact that the constable has been coached and received additional training on numerous occasions to no avail. The Board had previously requested the Constable to voluntarily resign from office which he refused to do. Consequently the Board voted unanimously to recommend to the Pinal County Board of Supervisors that Constable Acton be placed on a 30 day suspension without pay.

Because I Can(?) Department:

Alabama sheriff who pocketed \$750K in inmate food money thanks to state law loses in primary



BY DEBRA CASSENS WEISS

POSTED JUNE 6, 2018, 1:45 PM CDT

Etowah County (Alabama) Sheriff Todd Entrekin lost a Republican primary race for the position after news reports revealed he pocketed more than \$750,000 in excess money designated for inmate food. AL.com had reported in March that Entrekin was able to pocket more than \$750,000 over a three-year period thanks to a state law that allows sheriffs to "keep and retain" leftover prisoner meal money. Many sheriffs in the state have interpreted the law to allow them to personally keep leftover funds rather than turn the money over to their respective counties.



See http://www.abajournal.com/news/article/abama_sheriff_who_pocketed_750k_in_inmate_food_money_thanks_to_state_law

APSA

Car Sense

Protecting Your Valuables



I recently read an article on PoliceOne.com written by Warren Wilson, a lieutenant with the Enid (OK) Police Department about securing police take home vehicles. As Process Servers, the same might be said about securing our vehicles and the valuables inside them.

Many of us use our vehicles for work, as well as pleasure, and not only keep personal belongings, but valuables such as computers, cell phones, flashlights and other items that we may need from time to time in our cars. Some of us may keep a firearm stowed in our vehicle.

He writes: "Waking up to vandalism or a burglary is no way to start a day off. The front porch chairs were gone (later found on the roof) and there was unintelligible graffiti in a few places around the property. Thankfully, I'd left my take-home patrol car at work that week while I was recovering from surgery. I knew the desperados in question were probably just harmless hooligans acting out. Still, it was disconcerting to think strangers were up to no good committing their crime mere feet from my wife and child as they slept. A few more layers of security were in order."

With the increase of police take home vehicles, there has also been an increase in inter-agency notifications of stolen items from those vehicles including "...pistols, rifles, shotguns, badges, identification cards, body armor, raid jackets and radios...Thieves who choose to burglarize vehicles are somewhat brazen by nature, but it takes a different sort to commit a felony on a law enforcement officer's property."

He recommends taking the following steps to secure your vehicle and home:

NEIGHBORHOOD WATCH: Cultivate relationships with your neighbors and give them your contact information. Most folks...will be anxious to help out however they can.

PHYSICAL SECURITY: Residential surveillance systems have never been more affordable and practical. Many of them connect directly to your wireless network in minutes and can be programmed to send notifications to a smart phone or tablet when motion is detected. The same is true of solar-powered, motion-detection security lights. A few hundred dollars and a few hours of installation can provide a lot of security and peace of mind. A conspicuous sign from an actual security company – serious burglars can spot the fake ones – where the equipment was purchased can also be a good felon repellent.

DETER: The most we should expect of mechanical security devices is to deter or delay their theft. While deterrence is most desirable, delaying may not be. The longer a miscreant is on your property, the greater the chance you or a member of your family will interact with them. It doesn't take much imagination to see how badly that could end. The truest deterrent to a vehicle burglar is not hardening the target ...but souring the pot. Removing the potential spoils from the vehicle prior to parking it at the residence is the simplest and most effective deterrent.

Our vehicles are our life's blood for business. Without them, we are on unpaid vacation. Remember: Keep your valuables out of plain sight, and where possible, bring them into the house at the end of your work day. If you have a car parked in the driveway and have a garage door opener, remove the opener before leaving the car. A smart burglar may spot the remote and gain entry not only into your garage but your house. Never give a bad guy an even break.

Source: <https://www.policeone.com/off-duty/articles/475102006-3-ways-cops-can-protect-a-take-home-vehicle/>

Image Copyright: https://www.123rf.com/profile_cthoman / 123RF Stock Photo

The logo for APSA (Arizona Process Servers Association), featuring the letters 'APSA' in a bold, black, sans-serif font.

Be Prepared for Emergencies

Don't Get Caught Without a Plan



Arizona is known for its diverse, beautiful landscapes and weather. For this reason, Arizona is a known travel destination year-round. Arizona summers see a particularly high volume of people traveling to different parts of the state to enjoy the beautiful weather. There are several tips and resources to help ensure your trip is safe and enjoyable. Many of the highway incidents across the state can be avoided if drivers will take the proper steps prior to and during their travel.

Have all of your car's electronic, electrical and mechanical systems inspected and/or serviced. Existing defects are going to be put through increased stress during long-distance travel, extreme heat and inclement weather.

Failure to carry these items could lead to critical health consequences.

- One gallon of water per occupant per day
 - Food and baby formula sufficient for at least 24-hours
 - Prescription medication for at least 24-hours
 - Toiletries / diapers
 - Mobile phone and an extra fully charged power supply
 - Hot/Cold and wet weather gear
- Make sure someone else knows your route of travel

Inspect these items regularly:

- Leaky hoses
- Coolant levels
- Engine oil
- Transmission fluid
- Battery (extreme heat is tough on batteries)
- Windshield washer fluid
- Wipers
- Air conditioner
- Fuel gauge
- Tires



WHAT TO DO IF YOU BREAK DOWN ON A HIGHWAY

- Call 911 and let law enforcement know where you are stranded
- Do not leave your vehicle on the highway – Call 911 to report
- Do not stop within a traffic lane
- Do not stop in the middle of a gore point or gore area
- Drive completely off of the highway when possible, or to an emergency lane or dirt shoulder when possible
- Do not walk along the highway – Call 911 to report
- Call 911 if someone is stopped/stranded on the highway and tell DPS where they are



APSA

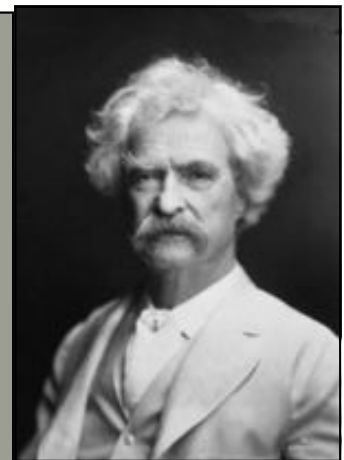
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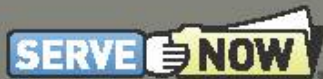
As a benefit to APSA members,
save on ServeNow & ServeManager products.

For more details, visit:
serve-now.com/resources/member-benefits-for-associations



“Laws control the lesser man... Right conduct controls the greater one.”

— Mark Twain



1 Month Free

Up to \$120 value.

New members who purchase a listing on ServeNow.com get the 2nd month free!



\$50 / \$50 Offer

New ServeManager subscribers get a \$50 subscription credit, and ServeManager will donate \$50 to the APSA association.



\$100 Off

Your own mobile-friendly website.

Receive \$100 off the set-up fee for a custom web site, designed specifically for process servers.

“Strength doesn't come from what you can do. It comes from overcoming the things you once thought you couldn't.”

— Rikki Rogers

ADVERTISING RATES

All Payments for advertising must be paid in advance.

Please submit camera ready copy.

Business Card..... \$50.00

Size: 2.0 x 3.5 (Red border example)

1/4 Page.....\$100.00

4.75 x 3.75 (Blue border example)

1/2 Page.....\$250.00

Size: 4.75 h x 7.5 w, or 9.5 h x 3.75 w

Full Page.....\$375.00

Advertorials/Banners.....\$25/col. in. 3 in. min.

Guest Article Submissions — The policy on guest article submission is as follows:

1. Publication of the article will be at the sole discretion of the Editor.
2. The article may be edited for content, length, spelling, and appropriate language.
3. A business card size advertisement of the Guest Writer may be placed in the edition in which the guest article is published, or at the discretion of the Editor, may be published in a later edition.
4. No advertising charge shall be made in conjunction with the publication of a guest article.
5. Guest article submissions become the sole property of APSA.

Tell Us What You Think...

We've received comments from members and non-members alike, thanking APSA for the Newsletter and educational opportunities. We'd like to thank our readers for sharing and making this publication better. Thank you, dear reader! From the bottom of our hearts.



ARIZONA PROCESS SERVERS ASSOCIATION

P.O. Box 2233, Phoenix, AZ 85002
(602) 476-1737

www.arizonaprocessservers.org



Membership Application/Renewal for year: _____

Arizona Certified Process Server (Attach copy of your Arizona Process Server ID)

Associate/Out of state Process Server

Member ID Card Requested? Y N (Digital or passport photo required)

Please list your information exactly as you want it to appear in the directory:

NEW RENEWAL

Member since: _____

Annual Dues: \$50

NAME:		
FIRM:		
ADDRESS:		
CITY, STATE, ZIP:		
TELEPHONE(S):	OFFICE:	FAX:
EMAIL ADDRESS(ES)	PERSONAL:	BUSINESS:
WEBSITE ADDRESS:		
COUNTIES/AREAS SERVICED:		
LIST IN THE ROSTER UNDER CITY OF:		
ADDITIONAL CITIES TO BE LISTED (\$15 EACH)		

<u>Services you provide (YES or NO):</u>	<u>YES</u>	<u>NO</u>
Process Server (Arizona or other state):		
ACPS Certified?		
Legal Messenger Service		
Skip Tracing		
Record Searches		
Full Investigative Services		
<i>If an Arizona Private Investigator, complete the following:</i>		
License #:	Expiration:	

MEMBER I.D. CARDS:

The Member Identification Card is a member benefit issued by APSA and is not intended to replace your Process Server identification card as required by statute. Your APSA Member Identification Card should be displayed at all APSA functions. By applying for or renewing membership, the applicant understands and agrees that the Member Identification Card is not intended to be, nor shall be used in violation of any statute or regulation.

Annual Dues: \$50.00
Voluntary Legislative Fund Donation: \$ _____
Total Enclosed: \$ _____

I hereby apply for membership (or membership renewal) in the Arizona Process Servers Association. I agree to abide by its bylaws and maintain the highest ethical standards in carrying out the duties of my profession. I authorize the Arizona Process Servers Association to investigate the statements made on this application and my qualifications for membership. I have no felony convictions and my certification (if applicable) as an Arizona Process Server is current. Membership is not transferrable. I DECLARE UNDER PENALTY OF PERJURY THAT THE STATEMENTS MADE IN THIS APPLICATION ARE TRUE AND CORRECT.

Date: _____ Signature _____

Please make check payable to APSA mail it with this completed form to the APSA address, above.

Court Closures

APSA Events Calendar

Holiday Court Closures

New Year's Day, Martin Luther King Jr./Civil Rights Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day

APSA Board Meetings

Next meeting is scheduled for our annual conference in Mesa on September 8, 2018 at noon.

See website for details.

Tentative dates to watch:

APSA Educational Event & Conference 2018, Sept 7-9, 2018 (Phoenix/Mesa area)

December CLE Event Dec. 1-2, Tucson.

See SCORE's website at greaterphoenix.score.org



SCORE Greater Phoenix
FOR THE LIFE OF YOUR BUSINESS

PRIVATE PROCESS SERVER TESTING BY COUNTY

County	Telephone	Testing dates/times/detail
Apache	928-337-7551	By appointment
Coconino	928-679-7600	By appointment at 928-679-7646
Cochise	520-432-8581	Call for details
Gila	928-402-8559	By appointment only
Graham	928-428-3100	Call for details
Greenlee	928-865-4242	Call for appointment
La Paz	928-669-6131	Call for details
Maricopa		See county clerk's website for testing dates
Mohave	928-753-0713x416	Call for details
Navajo	928-524-4177	Call for details
Pima	520-724-3282	Call for details—Check in at 8:30 a.m.
Pinal	520-866-5307	By appointment
Santa Cruz	520-375-7700	Call for details
Yavapai	928-777-3030	Tuesdays and Thursdays at 8:30 a.m. and 3:00 p.m. by appointment
Yuma	928-817-4241	Scheduled as needed

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.

Advertising Submission Policy:

- The APSA Newsletter is published in March, June, September and December of each year.
- All advertising must be paid for in advance. Payment should be made to the Arizona Process Servers Association. A 15% discount is available for advertisers who pay for a full year in advance.
- Advertising rates are quoted for full-color camera-ready copy in electronic submission in an approved format.
- Advertiser is responsible for preparing & submitting ad copy. Copy must be submitted no later than the last day of the month preceding publication
- 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 any advertisement.
- In the event that 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 APSANews.com 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 to distinguish their content.



The Last Word...

TidBits & TidBits

Collected from various named and unnamed sources..

APSA Newsletter Quarterly Publishing Schedule

1st Quarter: Jan. 1-March 31
2nd Quarter: April 1-June 30
3rd Quarter: July 1-Sept. 30
4th Quarter: Oct. 1-Dec. 31



1.2 million of family-owned small

businesses are run by a husband and wife. 30% of family businesses survive the transition from first to second generation ownership. Only 13 percent of family businesses remain in the family over 60 years. And 47% of family business owners expecting to retire in five years DO NOT have a successor.

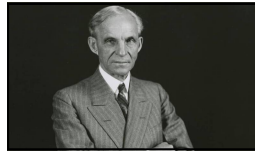
Lesson for the day: One should never be in a hurry to shave one's head with a butterfly razor. My wife, a retired nurse, got to practice her first aid skills on the six (yes, 6) nicks on my scalp because I wanted to do in 5 minutes what I usually do in about 20. Then she said I missed a spot. Oy...

"Five out of every three people have trouble understanding fractions."

— Ken Dodd (1927-2018)



"Failure is the opportunity to begin again more intelligently!"



- Henry Ford



If you have your own practice, your own business, then you need to observe this rule: Market or die. Self-promote or die. It's the cold, hard reality.

— Jonathan Pollard, Esq.

www.linkedin.com

My neighbor knocked on my door at 2:30am this morning, can you believe that 2:30am?! Luckily for him, I was still up playing my Bagpipes.



If you find a job you love, you'll never work again.
— Winston Churchill

"Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them."

—Franklin D. Roosevelt



Arizona Process Servers Association
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(602) 476-1737
azserverassoc@gmail.com



Serving Arizona Process Servers Since 1973

www.arizonaprocessservers.org

Opinions expressed in the APSA Newsletter are not necessarily those of the Board, individual Board members or officers, nor each member. The APSA Newsletter is published to promote a source of news and information for APSA members, affiliates and interested persons and organizations. Contact APSA for further information about membership and advertising. Editorial opinions are that of the editor, and do not represent the official opinion of APSA.

You are wanted!

- Join a committee— Be an active member!
- APSA is here to work for all of us, to be our voice and to better our livelihoods.
- APSA is the only recognized NAPPS affiliate organization in Arizona
- APSA members work together to make improvements to our profession.
- Use your knowledge and experience to help others. Get involved!.