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ARIZONA PROCESS SERVERS ASSOCIATION

# NEWSLETTER

2nd Q 2016

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## President's Message

*Ron Ezell*

Please be prepared and make sure your vehicles are properly serviced, spare tire has air and carry extra water. Make sure you have a good flashlight in case you are out serving nights. I know some of the Process Servers must serve in rural areas.

Your APSPA Board of Directors met on April 16<sup>th</sup>, 2016 and had a very productive meeting. I appointed Tom Rankin to review APSPA By-Laws to be sure we have covered all of the points to stay current with the laws and there are no conflicts.

Our Conference will be held in Tucson this year at the El Conquistadors Hilton at 10000 N. Oracle Road with ALPI (the Arizona Licensed Private Investigators). We have spent a tremendous amount of time on speakers and hope we have come up with a few new subjects. I really hope all of the membership will be in attendance and enjoy the 2016 Conference.

I would like to comment regarding what most of us do as Process Servers, WE DRIVE MANY MILES EACH YEAR.



# Ron Ezell

APSPA President

Summer is Coming...  
 Stay Cool!



### Inside this edition...

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- Annual Bylaws Publication
- Annual Code of Ethics Publication
- Training Corner: 23 or So Things to Keep for Your Car in an Emergency
- More!

## The average U.S. household is expected to pocket \$320 in savings this year thanks to plunging gas prices

The average price of gas for the full year is forecast to be \$1.98 a gallon, according to the Energy Information Administration. That's the lowest full-year average since 2009, and down nearly 50 cents a gallon from last year's average price.

Currently, the average price of gas stands at \$1.72 a gallon, according to AAA. But gas is less than \$1.50 in 25% of stations nationwide, and near \$1 a gallon in some central U.S. regions. (www.money.cnn.com)



## California Supreme Court: Foreclosed Homeowner Can Sue Assignee of Mortgage

*From the ABA Journal Mar 02, 2016 (by Lorelei Laird)*

A ruling from the California Supreme Court could enable lawsuits from thousands of people who may have been wrongfully foreclosed, the Los Angeles Times reported today. The court ruled unanimously Feb. 18 that foreclosed homeowner Tsvetana Yvanova of Los Angeles may amend her lawsuit with a wrongful foreclosure count based on the claim that an assignment of her loan was invalid. The court said Yvanova is not barred from suing because she was in default on the loan, or because she wasn't a party to the assignment.

Lower courts often rule that borrowers have no standing to sue when they are in default on their loans and when they are challenging contracts to which they are not a party. A lower court will decide whether the facts in Yvanova's case support her contention that the company that foreclosed on her home didn't have the legal right to foreclose. But the ruling will open the courthouse doors to people in Yvanova's situation, according to University of California at Irvine law professor Katherine Porter.

Justice Kathryn Werdegar wrote that mortgage borrowers like Yvanova have standing to challenge assignments when they are demonstrably void, which would remove the foreclosing party's authority to foreclose, Bloomberg BNA reports. "The borrower owes money not to the world at large but to a particular person or institution, and only the person or institution entitled to payment may enforce the debt by foreclosing on the security," Werdegar wrote.

## Secretary's Corner

Patty Chlebanowski, Secretary



Hello fellow members,

Summer is getting closer in our State, close those windows and turn on the air. I want to thank you all for renewing your membership this year. Everything is currently listed on the APSA website. Please review your listing and make sure I have no errors on your listing. Let me know, if I did not catch something that needs correcting.

Our next scheduled classes will be in Flagstaff on June 25<sup>th</sup> and 26<sup>th</sup>. It is always a fun class, being able to get out of the heat for a weekend trip.

Patty Chlebanowski, APSA Secretary



## Editor's Column



**Barry R. Goldman**

"Turning conflict into opportunity." I heard that phrase recently and thought about how we do that as process servers.

That's not taking mercenary advantage over the less fortunate, but providing a valuable service to enable people to solve disputes, assert their rights and expedite matters through the courts.

As professional process servers, we each have our unique abilities to secure business, network with our competition, and provide valuable educational and other business opportunities to those around us. Some of us take advantage of time and resources to spend with our fellow servers, and still others take to living in a cave of our own making.

For process servers, this is a unique community of resources, whether it be formal continuing education, seeking the counsel of others of like and disparate minds, or sitting back and taking it all in. These are the opportunities afforded us by belonging and participating within an *association*.

APSA has been my home for several years, now. I enjoy what I do, have enjoyed serving others (both in the field and in providing continuing education), and look forward to doing it for quite some time.

I didn't come into giving of my time, talents and resources completely altruistically, either. I will admit that my start in APSA was merely as a member who was looking for opportunities to gain a better handle on the profession here in Arizona. I was looking for a home to put my talents to work and a place where they would be appreciated. I thought that might have been in another direction, with another startup organization, and boy was I wrong.

I have to give a lot of credit to Ron Ezell and Jenna Jones for taking the time to hear me out one afternoon and allowing me the opportunity to be involved with APSA. I also must, with all good grace and appreciation give my heartfelt thanks to Patty Chlebanowski for giving me the opportunity and reins of becoming your Newsletter editor. It's more than just editing, and much more than a "job" to me — writing, researching and educating are passions that I hope I will always be able to satisfy.



As this is the second quarter edition of the APSA Newsletter, we have some business to attend to. We'll be following up on the legislative issues and proposed rule changes, as well as other news and commentary.

One of the constant obligations of any business owner or manager is to see that the business survives not only in the short term, but in the long term, as well.

You are the owner and manager of this association. I truly hope that you will become involved in your association, either by volunteering on a committee, teaching a class, working at the conference, or using your other talents for the good of others, as well as yourself.

Process servers in Arizona have a strong future, but only by banding together and sharing our collective resources — namely each other— will we be able to circle the wagons in time of need.

So, if you have a talent — writing, public speaking, or anything else you wish to explore, I urge you to get involved. Putting our best foot forward does more than show off our shiny shoes — it gives us the opportunity to make a future. Let's do that, together.

Best to all, BRG.

## 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 Servers — in Arizona.



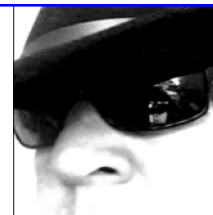
**Disclaimer:** Comments and opinions expressed in the APSA Newsletter are that of the writer and do not necessarily reflect the opinion of the Association, its Officers or Board.

# APSA

*From your Editor's keyboard*

## **Credibility: Cheaper is not always better**

— Barry R. Goldman



Credibility has been defined as "...the quality of being trusted and believed in." We can apply this definition to giving testimony or otherwise being heard and our words having weight.

It also applies to the adage, "You get what you pay for".

My Mother-In-Law used to tell my wife that when buying clothing or other goods, buying the cheapest item usually meant that you overspent. Sooner, rather than later, the item will have to be replaced and you should have spent the extra money to buy the quality one, instead. As anyone who has purchased a component or other item on one of the web-based auction sites might tell also you, cheaper is not always better.

As my own recent experience in purchasing a used laptop will attest, it will cost me almost as much in time and effort to rehabilitate the device as it would have to purchase a new one. It's frustrating.

*Cheaper is not always better.*

Clients will pay for services according to their perceived value and budget. To some, all process servers are the same, and they look for the lowest price, no matter what. To them, we are all just "messengers" or "delivery people"; to others, process servers are differentiated by the value they provide. There is usually a difference. Cheaper is not always better.

Like any other business, keeping an eye on the bottom line facilitates us to work toward maximizing profit. The nature of the free market calls for each business to set its goals and price points. Whether a server deals in a minimal number of serves or thousands per month, there's a certain price point that moves his/her business along.

There are some servers who stick with their guns and know what their minimal price point is, because they have evaluated their actual cost of operating and have a realistic idea of what it takes to be in business. There are others who take jobs just to take jobs and remain busy. When servers get excessively competitive (i.e.: "low balling" the

competition), often times they don't realize they are lessening their chances to make a profit, rather than maximizing it. They are also diminishing the perception that they are a *professional* and hurting others in the meantime.

Part of our responsibility as process servers is to bring candor to the mix. That also means, for the professional, to give candor to one's self. Full self-disclosure of the nature of our business and how we plan to build and develop our business base is vital if we are to live with ourselves. Similar to our dealings with others, where what matters most is the credible nature of our testimony and the reliance of the client and courts on our word that what we say happened, actually *did* happen, to paraphrase Shakespeare, we must be true to ourselves.

Eons ago, in a life before process serving, I took a short term job (thankfully for a very short term) at a franchised car rental agency that rented thousands of cars a month. It was a lousy job but a learning experience. A rental car to a cash paying customer on vacation might be sold for, let's say, \$89 per day, while the customer who came in with a referral from their insurance company might pay \$15 per day. *For the same car!*

I didn't get it and didn't like it – I thought it was very disingenuous to sell two different people the same item at such off the wall rates. I was counseled several times by my boss for not selling enough of their "insurance" to customers — you know, the "collision deductible waiver" type that each of the counter people try to sell you when you rent a car. Having actually read my insurance policy and spoken with my agent (and several others), I learned that the most a customer would be liable for would be their own deductible (or no deductible, in some cases) if they got into an accident in the rental car. Liability insurance would also be extended to the rental car, as well. I couldn't push something on someone they would never have needed in the first place.



# **APSA**

# HERALD-Standard

## PA Gov. Wolf signs bill to make spousal abuse victims' divorce process easier

Friday, April 22, 2016 by J.D. Prose

Spousal abuse victims in Pennsylvania will soon have additional rights when pursuing a divorce under a bill signed into law by Gov. Tom Wolf last week. HB12 passed unanimously in the House and Senate. Wolf signed it into law on Thursday.

“No one should ever be trapped in abusive relationship because of the sick whims of a manipulative ex,” in a statement released by Wolf’s office. “Simply put, this legislation will make the lives of abused spouses across the commonwealth safer.”

Currently, if one party in a marriage – even one marked by spousal abuse — opposes a divorce the proceedings can be dragged out for two years and three face-to-face counseling sessions are required before the divorce is finalized.

Victims are now allowed to file for divorce and have the law presume that the other party has consented if he or she has been convicted of committing a personal injury crime against the filing spouse. Victims can object to court-mandated divorce counseling if they have a protection-from-abuse order or were the victim of a personal injury crime for which the spouse has been convicted or entered into accelerated rehabilitative disposition (ARD).

“When someone else experiences spousal abuse, it reflects – and often reinforces – a number of negative forces,” Wolf said in the statement. “It promotes a culture of unfairness and discrimination. It feeds on the pernicious idea that some people have clearer rights than others.”

Lori Sywensky, executive director of the Turning Point of Lehigh Valley, said in the statement released by Wolf’s office that the bill is “an important tool” in making domestic violence victims safer.

“Abusive partners do not just physically harm their spouses, they also abuse them emotionally and financially,” she said. “House Bill 12 ensures that the legal system works for victims and not as another tool that allows abusers to continue this abuse.”

*Arizona is a purely no-fault divorce state, which means that neither spouse has to prove blame or responsibility to end the marriage. The only question that must be answered is whether the marriage is "irretrievably broken". — Ed*

## CREDIBILITY:

### *Cheaper is not always better*

*(Continued)*

The car rental agency was selling nothing but vapor. They were maximizing profits by capitalizing on customers’ fears, and ignorance of their policy coverage, using fear as a profit center. I didn’t agree with that sales pitch.

While it worked for them, it doesn’t work for me, and I don’t believe it works for the majority of process servers.

So, how does a car rental agency selling vapor based on fear and ignorance tie in with process serving? It comes back to honesty and selling a service that is worth what you believe it is worth. *Not selling a lie.*

Candor goes hand in hand with credibility. Our clients’ perception of the value they get from our services should be reflective of that. Whether the client assigns one serve a day or one serve a minute shouldn’t matter — our obligation as process servers is to do the best that we can for our client to move their paper from point A to point Z, reporting to them and the courts what actually happened.

At the same time, we shouldn’t sell ourselves short for the services we provide. We should be cognizant of what we are selling — a service, not a product, and certainly not a fear-based bit of vapor like that sold by my former employer.

Don’t sell yourself short. Providing value at a reasonable rate provides opportunity for growth. *Cheaper is not always better.* — BRG

### *Unwanted Email Scams — From Russia:*



Just to let you know that we noticed unusual activities on your online account during our regular update today. It is either your details have been changed or incomplete.

As a result of the technical issues detected your online account has been temporarily suspended. You are therefore required to verify your details to regain access to online service. Please click the link below in order to regain instant access.

Michael K. Jeanes, Clerk of the Superior Court for Maricopa County

# 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.*

**March 2016**

**Criminal Rules Rewrite Underway**

A task force created by the Chief Justice of the Arizona Supreme Court recently started its work updating the criminal rules of procedure. Throughout the year, the group will hold public meetings to discuss rules and pending changes while workgroups retool individual rules to bring forward for the larger task force's consideration. In part, the task force will clarify, organize, and translate the rules into plain English. The result of the committee's work will be a rule change petition filed by January 2017, with changes the Supreme Court approves taking effect in January 2018.

The task force has representatives from public and private practice; municipal, justice, state, and appellate courts; academia; urban and rural areas; and people versed in victim, witness, and defendant interests. Public input will be part of the process in hopes of preparing a draft that addresses the needs and concerns of all who use the rules of procedure. Follow the task force's progress online on the Judicial Branch website and through updates in *The Brief*.

**Valentine's Victory**

In February, the Clerk's Customer Service Center was scheduled to be open on Saturday the 13th but also opened on Valentine's Day in response to interest from the public and the Maricopa County Justice Courts. Six Justices of the Peace performed more than 100 free marriage ceremonies for couples on Valentine's Day. On an average business day, the Clerk's Office at the downtown location would process 37 marriage licenses. The Friday before Valentine's Day, the office issued 62 marriage licenses and 118 passports. Between Saturday and Sunday, the office issued a total of 96 marriage licenses and 75 passport applications.

Valentine's Day is the office's highest volume day for issuing marriage licenses. Weekend hours allowed the Clerk's Office to assist hundreds more customers. The office also heard from customers who struggle with having everything the federal government requires for passports on their first visit to the office. Weekend hours helped those customers keep from taking more time off work to complete the application process on a second visit.

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

To schedule an appointment for processing your passport application, call the Clerk's Office at 602-372-5375 and contact the Clerk's correspondence section using phone prompts 7-1-2-2. Clerk staff will also issue marriage licenses during Saturday events.

**April 2016**

**Street Closures and Detours at Northwest Regional Justice Center**

Construction of a highway overpass at Bell Road and Grand Avenue (US Highway 60/89) will impact access and travel time to courts and agencies located at the Northwest Regional Justice Center in Surprise. Bell Road will be closed east and west of Grand Avenue from 134th Avenue to West Point Parkway for 8 months starting April 1st, 2016. Plan ahead for delays, heavy traffic, and increased travel time.

**Maricopa County Court Clerk / Process Server Quarterly Meeting @ 12 Noon!**

**Downtown Justice Center**

**620 West Jackson  
Rooms 1 & 2  
Phoenix, AZ 85003**



**NEXT QUARTERLY MEETING is TUESDAY, JULY 12, 2016. All process Servers Invited!**



**Hi, I'm Patty Chlebanowski, long-time Secretary of APSA. Frontier Insurance Agency, Inc. has been in business for 48 years. I have run this business side by side with my Process Serving business since 1989. Our process serving business was sold in 2013, but we kept our insurance agency. 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

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Phoenix, AZ 85016



**FOLLOWING UP:**  
*Legislative Beat*

As previously reported, your editor reported to the APSA Board on the following items before the Arizona House and Senate. This edition follows the status of the bills from the last issue.

The status reports are current at the time of publication, and as

usual, further information and my opinions are in *italic*. The legislative session ended with the usual assortment of bills passing both houses and then transmitted to the Governor for his signature. Here's a synopsis: — *Ed*.

**SB1088 (Senator Kavanagh)**, sponsored by the AACPS is a trespass bill that originally was proposed would allow process servers to enter a gated

community to serve papers. The bill was subsequently killed on the Senate floor (see accompanying story).

**SB1061 (Senator Kavanagh)**, sponsored by the AACPS adds process servers to the list of persons authorized to obtain MVD information and makes state law more in line with federal law.

*While in the previous edition I recommend we support this as is, unfortunately this bill has died* — *Ed*

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**HB2339** It repeals Article 3 of Title 22 of the ARS relating to constables and all other references in related statutes. The language appears to leave statutes relating to process servers unaffected.

*This bill has gone nowhere. It was assigned to two House committees, and as of Feb. 23rd, neither had scheduled a vote. It died with the end of the legislative session.*

**HB2288 (Rep. Bowers)** originally, this bill put forth the requirements that constables serve all criminal summonses and subpoenas presented to them; the bill also clarifies disciplinary procedures. The bill appeared to further professionalize the constables.

*I previously reported that according to a telephone conversation I had with retired Constable Phil Hazlett, the bill was sponsored by the Arizona Constables Association. However, it passed the House as an amended bill and was passed on to the Senate*



## Legislative Beat

(continued...)

for consideration., where it was amended, again. The bill was sent back to the House with amendments. It was sent to the Governor on 2016-05-07 and signed on 2016-05-17.

The bill has numerous changes from the original provisions, summarized by the synopsis from the House (as of May 7th), following:

1. Requires constables, within their counties, to execute, serve and return all criminal processes, warrants and notices directed or delivered to them by a Justice of the Peace of the county, or by a competent authority.
2. Expands the Board's ability to remedy inappropriate behavior by suspending a constable with or without pay.
3. Requires the board of supervisors to withhold a constable's salary during the time that the constable is suspended without pay.
4. Specifies that a county board of supervisors must not withhold a constable's pay, if the constable is suspended without pay, for more than 30 consecutive days for each incident of inappropriate behavior.
5. Stipulates that the Board must adopt a standardized daily log for a constable that is approved by the Arizona Peace Officer Standards and Training Board.
6. Requires constables to maintain a standardized daily log of work related activities and file them monthly by the tenth day of the following month.
7. Removes the requirement that a constable must file a daily log with the clerk of the justice court.
8. Stipulates that the board of supervisors must determine the method for filing the standardized daily log.
9. Requires the constables of a county with four or more constables to elect by a majority vote, one constable to serve as the presiding constable and another to act as the associate presiding constable.
10. Stipulates that the associate presiding constable must perform the duties and exercise the powers of the

presiding constable during the absence or inability to act of the presiding constable.

11. Allows a majority of the constables within a county to vote to remove the presiding constable or associate presiding constable and select a new constable to complete the term.
12. Sets the terms of the presiding constable and associate presiding constable at two-year terms.
13. Prescribes that the duties of the presiding constable are:
  - a. To serve as the liaison between the constables within the county and the county manager or other departments;
  - b. To assign deputy constables within the county;
  - c. To assign and manage clerical staff for the county constables; and
  - d. To assign, in a constable's absence, any court orders in need of service to another constable within the county.
14. Exempts counties from having to pay any costs to support the duties of a presiding constable or associate presiding constable.
15. Decreases Board membership for counties with a population of less than 1,000,000 and counties with a population of more than 1,000,000, from two constables to one.
16. Eliminates a governor appointed county sheriff from Board membership.
17. Includes the Director of the Arizona Peace Officer Standards and Training Board or the Director's designee as a member of the Board.
18. Allows a statewide constables association established prior to January 1, 2010, rather than the Arizona Association of Counties to appoint members of the Board.
19. Requires the Board to remedy a constable's inappropriate behavior by:
  - a. Urging them to resign rather than retire from office;
  - b. Placing a constable on probation for not more than 30 days, unless the constable is making progress but is not yet compliant, in which case the probation may be extended, in 30 day increments, for up to 180 days; or
  - c. Recommending to the board of supervisors that a constable who has been previously suspended, be suspended without pay for any specified length of time not to exceed the remainder of their term.
20. Specifies that final order relating to a constables behavior is to be issued by the

county board of supervisors.

21. Allows a board of supervisors to modify or accept a recommendation to suspend a constable without pay, unless judicial review is requested by the affected constable.
22. Asserts that all current Board members are allowed to continue to serve until the end of their respective terms and any subsequent memberships or appointments must be made pursuant to statute.
23. Allows the Board to subpoena constables relating to any investigation or hearing.
24. Removes the requirement that the Board submit a report to the county attorney, if the Board is not satisfied with statutory remedies for inappropriate behavior by a constable.
25. Requires the Board to refer a criminal investigation and their findings to the appropriate county attorney's office, if the Board determines that a constable has committed a criminal act.
26. Specifies that the Board must adjudicate a complaint if the county attorney determines that a crime has not been committed.
27. Allows a constable to seek judicial review of a final order suspending the constable and the review must be conducted and commenced in accordance with statute.
28. Provides that a prosecuting agency is not precluded from filing charges against a constable.
29. Defines *constable*.
30. Makes technical and conforming changes..

**HB2287 (Rep. Bowers)** was a separate measure that required a presiding and deputy presiding constable be elected by the other constables (or appointed by the presiding superior court judge) when there are 4 or more constables within a county. This bill has been superseded by HB2288, which incorporated the language into the most recent Senate amended bill.

**HB2464 (Brophy McGee)** Specifies that subpoenas for health care professionals be served at least 14 days before appearance and accommodation must be made for patient care and treatment schedule.

*The bill didn't make any forward movement. It appears to have died with no action.*



**APSA**



## Legislative Beat

(continued...)

**HB2258 (Brophy McGee: Pratt)**, amends the mobile home act (Title 33, Chapter 14).

*This bill got stuck in committee and never went anywhere. Ed.*

**SB1018 (Senator Kavanagh)** seeks to change the language relating to commanding aid in the service of process (ARS 13-3802).

*As previously stated, in training, your editor has consistently (and I believe correctly) argued that this section does not apply to process servers as we do not execute legal process, but serve legal process. I believe this is a misguided attempt to amend existing statute.—Ed.*

*I was finally proven right, and for the life of me, have no idea why ARS 13-3802 is included in the process server study guide published by the Supreme Court. It just doesn't apply to servers.*

*The Senate Fact Sheet prepared by by Senate Research on February 17, 2016 (after our original publication, excerpted, here) states the following:*

### Purpose

Allows a person to refuse to assist a public officer in overcoming resistance to the service of process under certain circumstances.

### Background

County sheriffs are required to serve process in the manner prescribed by law (A.R.S. § 11-441). Additionally, constables have the authority to serve process directed or delivered to them by a justice of the peace or competent authority, including service of criminal and civil subpoenas and summonses, writs, orders of protection and injunctions against harassment (A.R.S. §22-131). Finally, certified process servers may serve all process, writs, orders,

pleadings or papers required or permitted by law except writs or orders requiring the service officer to sell, deliver or take into the officer's custody persons or property (A.R.S. §12-3301).

When a sheriff or other public officer authorized to execute process finds or has reason to believe that resistance will be made to the execution of the process, statute allows the officer to command as many inhabitants of the county as the officer deems proper to assist in overcoming the resistance. Further, the officer must certify to the court the names of the resisting persons, and they may be proceeded against for contempt of court (A.R.S. § 13-3802).



**In 1964, the Attorney General issued a legal opinion that concluded that a private process server is not included in the generally understood definition of public officer (Op.Atty.Gen. No. 65-3). Therefore, the aforementioned remedy does not apply to private process servers. (As previously noted by your editor.)**

Statute defines physical injury as the impairment of a physical condition (A.R.S. § 13-105).

### Provisions

1. Permits a person to refuse to assist a sheriff or other public officer who has commanded the person to assist in overcoming resistance to the execution of process if the assistance would expose that person to physical injury.
2. Makes technical changes.
3. Becomes effective on the general effective date.



*The bill passed the Senate and went to the House at the end of February. The bill was transmitted to the Governor on 2016-05-05 and signed on 2016-05-11.*

**SB1257 (Misconduct involving weapons; public places)** *This bill has over 30 House and Senate members signed on either as primary or co-sponsors. Your editor psychically predicted by consulting his Magic 8 Ball that the bill might pass both houses and go to the Governor, maybe. The bill moved from the Senate to the House for consideration, and back again where it failed.*

*The bill was amended from its original form (see prior edition for the detail from the Senate Fact Sheet) to include, "Adds facilities operated by the Arizona State Hospital to the list of locations excluded from the exemption."*

*As I discussed with one of our mayors recently, this bill removes local control from the issue of firearm possession within most city government buildings, both by the public and employees. Some aren't happy about that, especially when there are heated political discussions or other items of an emotional challenge being brought forth. Additionally, the police don't have the ability to determine at a moment's notice who the good guys are in an active shooter situation at city hall.*

# APSA

*From your Editor's keyboard*

## Unintended Consequences: How a bill goes from hero to zero on a vote

— Barry R. Goldman



**SB1088 (Senator Kavanagh)** *So, my friends, I sent two letters out, one to Sen. Kavanagh, and the other to the members of the AACPS. Both urged that this bill be stopped (withdrawn). However, the letter was needless, as the Senate did what needed to be done — they stopped the bill from further movement. Following, please find the initial and follow up on this particular bill — note the changes in the bill's language.*

**SB1088 (Senator Kavanagh)**, sponsored by the AACPS is a trespass bill that originally as proposed would allow process servers to enter a gated community to serve papers. The bill was subsequently killed on the Senate floor (see accompanying story). The bill addresses guard gated communities and those without a guard. The bill amends ARS 33-1819 & 33-1908, and was summarized (from the original senate fact sheet) as follows:

1. Requires an owner, managing agent or owners association of a gated or secured apartment, condominium or planned community to allow a process server access to common areas by:

- a) allowing a process server to enter common areas through any open gate;
- b) allowing a process server to enter common areas through a secured gate after showing identification and the service of process to the security guard or other agent of the association or community; and
- c) allowing a process server to enter a locked, unattended gate after mailing a copy of their identification and the service of process to the association or community or its agent.

2. Prohibits a security guard or other agent of an association or community from notifying any resident that a process server is attempting to serve them.

3. Allows the Attorney General (AG) or county attorney to issue a compliance order and assess a penalty of no more than \$250 for a violation of any section.

4. Defines apartment community as any real property that has one or more structures and contains five or more dwelling units for rent or lease.

*As I stated in the previous edition, this bill was sponsored by a separate process server organization. The bill passed committee with several amendments by the sponsoring senator, without the inclusion of the constables and sheriffs.*

*As I commented previously, the “registered mail”*

*requirement (the correct language should actually be “certified mail, return receipt requested”) in and of itself is quite cumbersome, and appears to be an administrative headache as well as a personal security issue in copying and mailing one’s identification card.*

**The “registered mail” language, including sending a copy of the server’s ID card to the HOA remained. However, in its most recent incarnation (after passage by the Senate Public Safety, Military and Technology Committee, your editor found the following issues:**

*While the original version of the bill was not really the best that could have come of this, the new version passed by the committee essentially eviscerates any effectiveness for servers and opens up a Pandora's Box of complaints which can flood the courts from HOA members:*

Prohibits a process server from going to a residence that is not listed on the service of process.

-- *With this language, servers are prohibited from contacting a neighbor to verify if the defendant or other person on the legal process lives there or even if the premises are occupied. The language implies a prohibition to contact the apartment building manager to verify tenancy.*

Allows associations or their agents to limit a process server’s access to common areas to 60 minutes.

-- *Kiss stakeouts goodbye. Anyone who has had to wait out an evasive defendant knows that a one hour time limit from entry to exit is no way to run a stakeout.*

Requires process servers to attempt to use a bell or nonverbal notification system that is outside a gated or secured apartment community, if available, to confirm that a person is in the residence.

-- *If the defendant doesn't want to answer, or uses a video system at the mailbox or doorbell to screen visitors, the server does not have to be admitted and we cannot contact any other tenant or homeowner for information or access. If the doorbell, etc. doesn't work, we're stuck at the front gate/door without the ability to legally enter. If we enter without the occupant's consent, whether or not he/she is served, it opens up a complaint option through the Superior Court against the server's certification.*



# APSA

*From your Editor's keyboard*

## Unintended Consequences:

*How a bill goes from hero to zero on a vote (Continued)*

— Barry R. Goldman



Prohibits a process server from gaining access to a gated or secured apartment community if there is no response to a bell or nonverbal notification system.

-- Cuts us off at the front gate - opens up the server to having complaints filed against him or her for accessing the property.

*I was of the opinion that this bill needed to be stopped, period. The issues that could have affected servers by passage of this bill could do our profession more harm than good,*



*especially if passed, to servers who are not members of our association and ignorant of the legal mandates. I personally sent letters to both the other process server association's membership and a separate letter directly to Sen. Kavenagh. The letters were not necessary as the Senate killed the bill on a third reading floor vote.— BRG*

## 3 Deputies Shot at Eviction; 1 Killed

**Bailey, Colorado (2016-02-24):**

Three Park County (CO) sheriff deputies were shot while executing a high risk eviction against a local resident who allegedly opposed the death penalty. One deputy was killed and the other two were wounded, one seriously. The suspect killed in the shootout reportedly opposed the death penalty as "idiotic hypocrisy", supported gun ownership, the Taxpayers Bill of Rights (TABOR) and also railed against government's use of eminent domain, per the Denver Post.

The foreclosure was the result of a judgment in Fannie Mae's favor. The cop killer previously had civil judgments from collection agencies in 2008 (Asset Acceptance LLC for \$12,292) and 2006 (North Star Capital Acquisition LLC for \$14,908), a permanent restraining order against him (2005) as well as a DUI conviction and related issues. His Facebook page quotes him as saying, "Following orders is a proven way of suspending morality. All military and policing institutions rely on this effect to commit acts of aggression and violence against people".

The deputy who was shot and died at the scene was a 13-year veteran of the Park County Sheriff's Office. He was identified as Nate Carrigan, who also coached football and baseball at Platte Canyon High School. Master Patrol Deputy Kolby Martin, who has 11 years with Park County, was shot multiple times in the lower extremities, and Capt. Mark Hancock, who has 21 years with Park County, was grazed in the ear, the sheriff's office said. (ABC Channel 7, Denver)

According to a spokesperson from the Colorado Bureau of Investigation, deputies were prepared for the encounter with the suspect to be contentious. Several other deputies were on hand at the eviction. The suspect reportedly observed the deputies approach the residence, and then ran back into the house. As deputies followed, the shooting occurred, with the suspect firing on the deputies. The suspect was shot and killed by return fire from deputies at the scene. Deputy Carrigan is survived by several children, his parents, sister, and two brothers. Further information may be found at <https://www.odmp.org/officer/22786-corporal-nate-carrigan>.



# APSA

## **ANNUAL PUBLICATION OF APSA BYLAWS**

### **Article I – NAME**

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

### **Article II – PURPOSE**

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

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

Section 2. Combating legislation which may harm the industry.

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

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

### **Article III – MEMBERSHIP**

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

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

Section 2. All applications for membership must be completed in full on a form approved and provided by the Association. Each application must be accompanied by one year’s annual dues plus a non-

refundable application fee as prescribed by the Board of Directors.

Section 3. Classes of membership and requirements for membership shall be defined by the Board.

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

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

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

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

### **Article IV – DUES**

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

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

year.

### **Article V – ELECTION of OFFICERS and DIRECTORS**

Section 1. The officers shall consist of a President, Vice-president, Secretary and Treasurer. Term of each officer shall be one (1) year from January 1st to December 31st of each year. The election of officers and directors shall be made at the annual conference, at which time the incoming officers and directors shall be sworn and take office on January 1st of the following year.

Section 2. No member shall be eligible to be an officer until they have been a member for two years.

Section 3. No member shall be eligible to be a director until they have been a member for one year.

Section 4. The immediate past president shall serve one year on the Board of Directors.

Section 5. Three (3) directors shall be elected unless the current president is re- elected, in which event four (4) directors shall be elected.

Section 6. Officers shall be elected by majority vote of members present at the annual conference. Directors shall be elected in a single ballot with each member casting one vote for each seat to be filled. Nominees receiving the highest plurality of votes will fill all seats in order of total votes received.



# ANNUAL PUBLICATION OF APSA BYLAWS

(Continued)

Majority vote shall not be required. No proxies shall be allowed.

Section 7. No member shall hold the office of President for more than three (3) consecutive terms.

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

## Article VI – DUTIES of OFFICERS

Section 1. The administration and management of the association shall be controlled by the Board of Directors consisting of the officers and directors. They shall have the authority to do any and all things necessary for the administration of APSA. Decisions shall be reached by majority vote of the Board of Directors members present. No proxy voting shall be allowed.

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

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

Section 4. The Secretary shall cause to be recorded the minutes of all Board meetings

and the annual conference.

Section 5. The Treasurer shall be responsible for carrying out all fiscal policies and procedures adopted by the Board; shall be responsible for preparation of financial statements and presentation of these to the Board at each meeting; and shall submit a written annual report to the annual conference.

Section 6. A petition, signed by signatures representing fifteen (15) percent of the total votes eligible to vote at that time in the Association requesting the holding of an election for the purpose of recalling a member of the Board or any officer, may be filed at any time with the Secretary. If recall is for the Secretary, the petition shall be filed with the President. After verification of signatures, the President shall certify the petition and immediately direct a ballot be mailed to each member. The ballot shall read as follows:

shall –name of director — be recalled?

yes\_\_\_\_\_no\_\_\_\_\_

A “yes” vote shall be counted as for the recall and a “no” vote shall be counted as against the recall. Only members in good standing shall be entitled to vote at such elections. Such a recall shall require two-thirds affirmative vote of executed ballots received by the Secretary or President within fifteen (15) days. If the recall is successful the Board may fill the vacancy at its next meeting.

Section 7. The Board shall

adopt procedures for arbitration and grievance. All members are bound by the arbitration and grievance procedures as adopted by the Board.

## Article VII – MEETINGS

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

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

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

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

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



<p style="text-align: center;"><b>ANNUAL PUBLICATION OF APSA BYLAWS</b> (Continued)</p>	<p style="text-align: center;"><b>ANNUAL PUBLICATION OF APSA CODE OF ETHICS</b></p>	<p>requirements mandated by the city, county, and/or state in which the member conducts business.</p>
<p><b>Article VIII – BYLAW AMENDMENTS</b></p> <p>Section 1. Proposed bylaw amendments must be submitted to the Secretary sixty (60) days prior to the date of the annual conference and published to the membership not less than thirty (30) days prior to the annual conference.</p> <p>Section 2. The bylaws may be amended or revised by an affirmative two-thirds vote of the membership present at the annual conference.</p> <p>Section 3. Bylaw amendments or revisions may be acted upon only at the time published in the conference agenda unless a majority of the membership present at that time agree to a later time for further action on them.</p> <p>Section 4. The bylaws may also be amended or revised by unanimous vote of the Board of Directors.</p>	<p><b>Code of Ethics</b></p> <p>Each member agrees to abide by the revisions and principles set forth herein when dealing with clients, general public, associate members and associates in business as follows:</p> <p><b>1. Duties to Clients, General Public, Legal Entities</b></p> <p>All work shall be performed in a professional and ethical manner. Nothing shall be done which would impugn the position or name of this Association or its members or the process serving industry. Everything possible shall be done to protect the rights, interest and confidentiality of clients, entities being served and the legal profession as a whole.</p> <p><b>2. Licenses, Permits, Bonds, Other Requirements</b></p> <p>Each member agrees to comply with and keep current during the tenure of his membership all necessary business licenses, bonds, permits and any other</p>	<p><b>3. Exchange Work</b></p> <p>Each member agrees to handle work sent to him by another member in a professional and ethical manner.</p> <p><b>4. Proofs of Service, Not Found Returns, Other Reports</b></p> <p>All documents shall be returned timely upon completing the work order. Each member shall comply with all instructions given by the forwarding agency. If a proof of service is provided by the sending party, it is mandatory that the serving party use that proof and fill it out in the manner requested.</p> <p><b>5. Financial Responsibility</b></p> <p>Each member agrees to promptly pay for services rendered by another member unless other specific arrangements have been made. A member, who is not an owner of the firm for which they work, is responsible for the ethical conduct of the firm for which they work.</p> <p><i>Rev. 11/13</i></p>

## From loaded pistols to garden shears and Sharpie pens, court security officers have seen it all By [Martha Neil](#) (ABA Journal) Posted 2016-03-04

Most people bring weapons and other contraband into Delaware courthouses by mistake, security officers say. "They truly do not remember the extra-large pair of gardening shears"—or loaded pistols or other possible weapons—"that are in the bottom of the purse," chief John Horsman of the Delaware Capitol Police tells the [Wilmington News Journal](#).

But even seemingly ordinary objects must also be returned to the individual's vehicle, stored in a locker while the person is in court or confiscated, once discovered at a security checkpoint. They include scissors, a lengthy keychain, cellphones, other electronic devices and Sharpie marking pens (which can be used to create graffiti).

In Wilmington, "the most common items on people coming into the courthouse are what we call credit card knives, which is basically a piece of plastic shaped like a credit card and it has a knife blade attached to it," said Cpl. Jeffry Oldham. "People have them in there and forget. That is why we run wallets."

Those who inadvertently bring prohibited items to courthouses generally aren't prosecuted, the two lawmen note.





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# **APSA**

## Training Corner: 23 or So Things to Keep for Your Car in an Emergency



**Barry R. Goldman**

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from Coolidge case of emergency.

Coincidentally, this edition's Training Corner column was going to be dedicated to vehicle maintenance and emergencies. I will be the first to admit I am a mechanical moron, having been the only kid in my auto shop class to flunk the final exam (I couldn't put a carburetor back together if my life depended on it). However, over the years since then, I've learned a thing or two about auto repairs – first, make sure my vehicle is in good working order, and second, don't try to fix something I know nothing about. So, in preparing for this article, I did some research on things to have in my vehicle. However, as the following shows, I didn't pay heed to my own research.

Unfortunately, as some of the last attendees to return home from the Pinal County Peace Officers Memorial Service on May 5<sup>th</sup>, my truck broke down on a dark and heavily traveled stretch of SR84 just outside of Florence. All of a sudden, the fairy lights on my dashboard lit up and the temperature gauge zoomed up indicating my engine was overheating. As I pulled over, shutting off my engine and turning on my emergency flashers, I was in a state of panic and denial as Murphy's Law was again in my midst.

As my friend and I were some of the last to leave, we didn't expect there to be too many opportunities for assistance in this area. Pulling off to the shoulder (actually a weeded area on the side of the road), we were contacted by a recently released inmate from the county jail who was walking (don't ask me why)

back to Florence. Without my permission, he attempted to open the rear door to get in, which was locked. We sent him on his way and my friend got very nervous and then asked if my firearm was within reach (it was). Shortly after, a supervisor from Southwest Ambulance stopped to offer assistance and in so doing turned on his emergency light bar. Of course, when a Christmas tree is lit, it garners the attention of every passing cop. Several passing deputies from the PCSO (some of whom we were acquainted with, including one Captain) stopped to render assistance. We all happened to be coming from the memorial service. At one point, we had four cop cars with flashing lights parked in back of us (thanks guys!), but there was nothing anyone could do. Fortunately, I have an AAA membership with the extended mileage towing feature, so I can get towed up to 100 miles at no extra charge. I was on the phone with AAA fairly quickly.

Once AAA was called, I then was able to calmly thank all of our passersby for their generosity and assure them that a tow truck was on its way. In the ensuing hour of waiting, we found ourselves standing on the side of the highway waving flashlights so drivers would slow down and move over (hey, I really don't want anyone to hit my truck!). To the deputies who followed, I gave them the universal no further assistance necessary sign (four fingers held up), and to those others we who slowed down told them that a tow truck was on its way. Needless to say, it was an incident for learning and reminder of what to carry in my vehicle in

Once the tow truck arrived my truck was hauled up on a flat bed and we were on our way. Thank you, Robert from Star Towing in Casa Grande. (My truck was on the flat bed in less than three minutes!) Surprisingly, the owner of the shop we were getting towed to was working late on another vehicle and responded to a text saying to bring the truck directly onto the lot. The tow truck driver then gave us a lift back to my house, and I then drove my friend home to his wife and the family dog.

(Again, thank you Robert.) I finally attempted to bed down about 1 a.m., but being so agitated couldn't sleep for most of the night.

So what did I get out of this? Well, after finding that my radiator was cracked and there was nothing that could have been done on my end to make repairs in the field (it's a 16-year old truck with 337,000 miles on it), I was somewhat relieved. However, it was disconcerting for me to have been so complacent that I didn't have basic emergency road equipment with me.



Consequently, I am going to make amends to myself and make sure that each of my vehicles has sufficient supplies in the case of a road emergency. So, with some assistance from other sources, here's my list, not necessarily in order of importance:



# APSA



## Training Corner: (Continued)



**Barry R. Goldman**

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1. AAA card. It costs some, but it's been well worth it. Living in Arizona and driving in the boonies, I had the foresight several years ago to purchase the Plus membership. I've used it several times and gotten my money's worth. If you don't want to get an AAA card, make sure that you have some sort of back up to get a tow that's not out of your pocket.

2. Good tires. I get my tires from Costco. Why? They have proven to be a much better quality product than those I have purchased from the big chain stores and others, and the rotation and road hazard (i.e.: puncture repairs) warranty is included at no extra charge. I actually had one set of (ALL FOUR) tires fall apart on a road trip that I purchased from our local franchise tire vendor. Needless to say, that was not a good experience and I will never go back to that store.

3. Inflated and we maintained spare tire. Also, make sure you have a good working tire gauge. If you are going to rotate your spare tire into the mix, please make sure that it is properly inflated and the tread is sufficient. Same thing if you have a "donut" spare. Either way, just like your other four tires, your spare needs to have the proper inflation and be in good order. You may wish to consider carrying a can of instant foam sealant, as well.

4. Spare money. Depending on what your budget is, I have found it a good practice to keep \$100 behind my driver license at all times to be used in case of emergency. (Not for the type of emergency that one might say, "Oops, I want to go out with my friends for dinner and don't have any other money".) This is for a

real emergency – and you won't know what that is until it happens.

5. Spare credit card. I moved away from carrying and using credit cards some time ago, but still keep one on hand in case of emergencies. Again, real emergencies, not the one that crops up because I want to go out for the evening.

6. Multi-purpose tool. This should include a knife, pliers, and other tools to make minor repairs or adjustments to a vehicle.

7. Duct tape. A good roll of two-inch wide duct tape (about 60 feet long) should run about \$3-4 at any store selling auto repair or home goods. This is good for wrapping hoses or other items that can be sealed without major surgery.

8. Electrical tape. Occasionally, there's a small amount of wiring or other piece of a vehicle that might need to be covered, and the black electrical tape usually is good for a small fix. It is not necessarily heat resistant, so duct tape may be more applicable in some situations.

9. Cell phone and spare power sources. Sources, you ask? Yep. Aside from your home charger (which you will necessarily leave at home) I recommend a plug in charging cable that fits into your vehicle's cigarette lighter or D.C. power source, as well as a separate power cell that you can charge up on your laptop or other computer at home and throw in your glove box or satchel. (Yes, I carry a "man purse".) I have found the separate power cell useful on long airline flights, as well for my powering my tablet computer, too. Keeping my phone cradled is something I have accomplished with permanent (adjustable) mounts, available from

[www.rammount.com](http://www.rammount.com). For those who keep a laptop or tablet in their vehicle Ram Mounts has a selection there, too. Make sure you have a dependable cell phone and service. I've found it OK to buy prepaid cell phones, but greater coverage seems to come from the largest providers.

10. Clean air filter. I use K & N air filters on my vehicles. These are one-time purchases of wire mesh air filters that can be washed, oiled and re-used. Additionally, I have noticed improved gas mileage over the paper air filters since I started using them several years ago. They come made for virtually every vehicle. For my truck, I purchased an entire air injection system to give my engine more airflow. ([www.knfilters.com](http://www.knfilters.com))

11. Well maintained fluid levels; spare fluids. Regularly check your fluids. Make note of any color or volume changes. Look for any new stains, streaks or other markings around your engine. If you notice any strange odors or fluids coming from your engine it should be checked by your mechanic. I have my oil changed every month and other fluids quite regularly (i.e.: frequently). A well oiled machine is one that lasts. My engine has about 337,000 miles on it and I plan on keeping it for quite a while more.

12. Properly operating air conditioner. It isn't very funny when its 150 degrees in your car driving through the middle of the dusty desert with the windows rolled up.

## Training Corner: Continued



**Barry R. Goldman**

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13. Spare drinking water & non-perishable snack bars. Keep a cooler with at least 2 liter bottles of water for emergencies. We should all remember to keep hydrated, but the spare water is just that – spare. Be sure to rotate the bottles on a regular basis. For those concerned about electrolyte loss (like me), Emergen-C was recommended to mix into my water daily. Keep a supply of non-perishable protein snacks, nuts, dried fruits or something else so that you have sufficient food if stuck for a while.

14. Plastic tarp and/or rain poncho. This is the type that can be used as a covering in changing a tire in the rain, shade, or if one needs to get under the vehicle, as a very temporary insulator from the hot ground.

15. Towels, gloves and rags. I find having some white gym towels on hand useful in covering the steering wheel and seats of my vehicle. I also keep some leather gloves on hand so I don't burn my hands. Keep a windshield sun shade in your vehicle, too – and don't be afraid to use it when the vehicle is parked. Keep some rags handy so you can check the engine fluids and not worry about a dirty towel or insulate your hand when touching something hot under the hood.

16. Umbrella, hat, etc. With summer coming up, you say? Yep. All year round. They serve two purposes – protection from rain (yes, Virginia, we do have rain during our summer monsoon season), and excess sunlight. If you are stuck and need to be outside of your vehicle, for any amount of time, you might not want to have the sun beating down on your head. A hat wouldn't hurt,

either, especially for old guys like me. A change of clothes is also recommended.

17. Flashlights and good batteries. When my friend and I were broken down, I wasn't able to find the flashlight I kept in my truck, so instead I found the two small flashlights I keep in my satchel. I found one had a diminished battery, while the other was in good shape. I've replaced the batteries, and put new flashlights in the truck, as well.

18. Emergency road flares or reflective markers. Way back, when I was a pup, on asphalt covered metropolitan freeways in Southern California I used 30-minute road flares to mark traffic hazards. Now, living in rather dry brush Arizona, I was recently hesitant about firing up some road flares (considering I was off the road and onto the brush). I've discovered since then we have this thing called the internet that brings us all kinds of goodies. So I found some LED road flares and reflective triangles to order in addition to the 30-minute flares.

19. First aid kit. First off, make sure you know the proper administration of first aid. The Arizona Good Samaritan statute (ARS §32-1471) will not protect a person assisting at the scene of an accident in the case of gross negligence. First aid and CPR training is available from the Red Cross and other organizations. If you are putting together your own kit, use common sense – most home first aid incidents require a bandage and some antiseptic, but motor vehicle accidents may require more. For further, see the Red Cross website at [www.redcross.org](http://www.redcross.org) or at their store website, [www.redcrossstore.org](http://www.redcrossstore.org).

20. Spare personal medicines and other supplies.

You may have certain medical needs and you sure don't want to be stuck somewhere without them. Make sure you have sufficient supply and if the items are temperature sensitive (i.e.: insulin), take care not to expose them to extreme temperatures.

21. Fire extinguisher. You never know when your vehicle will catch fire or if someone else could use your assistance. It should be rated for Class B and Class C fires by the National Fire Protection Association (NFPA). The NFPA says Class B fires are those that involve flammable or combustible liquids, such as gasoline, diesel fuel and kerosene. Class C fires involve energized electrical equipment such as switches, panel boxes and batteries.

22. Jumper cables. Don't skimp on these. Get the heavy duty type with a decent amount of coating and decent sized clips for the battery leads. If your vehicle sits for a while in the garage or otherwise isn't used regularly (i.e.: pretty much daily), consider getting a battery conditioner (\$89 or so on Amazon.com) to keep your battery in good shape while the car sits.

23. For cold weather climates and winter weather, you may wish to keep a blanket, small shovel, cat litter (for traction on icy roads), and windshield ice scraper.

Your list may include more or less items, depending on your preferences and needs. This is by far not comprehensive, so feel free to add or delete items. Either way, I wish you a safe and profitable journey.

-- BRG

**APSA**

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**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](http://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****Holiday Court Closures**

Courts are closed on:

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 Events Calendar****Bullhead City ACPS Class**

To be scheduled

**APSA Board Meetings**

See website for details.

June 25<sup>th</sup> after the ACPS Class in Flagstaff at 4:30 PM; December 3<sup>rd</sup> in Phoenix

**Rule changes with the Supreme Court per Rule 28:**

File by January 10<sup>th</sup> of each year. Comments are due no later than May 20<sup>th</sup> of each year. Rules adopted September; effective January 1<sup>st</sup> of the following year.

See SCORE's website at [greaterphoenix.score.org](http://greaterphoenix.score.org)



Greater Phoenix

**PRIVATE PROCESS SERVER TESTING BY COUNTY (UPDATED FALL, 2015)**

County	Contact person	Telephone	Testing dates/times/detail
Apache	Deena Mattice	928-337-7551	By appointment
Coconino	Jeff Mangus	928-679-7600	By appointment at 928-679-7646
Cochise	Martha Rivera	520-432-8581	Call for details
Gila	Vickie Aguilar	928-402-8559	By appointment only
Graham	Rebecca Ornelas	928-428-3100	Call for details
Greenlee	Pam Pollock	928-865-4242	Call for appointment
La Paz	Jackie Kummerle	928-669-6131	Call for details
Maricopa	Margarita Yanes	602-506-1909	See county clerk's website for testing dates
Mohave	Mim Quesenberry	928-753-0713x416	Call for details
Navajo	Marc Russell	928-524-4177	Call for details
Pima	Alan Walker	520-724-3282	Call for details—Check in at 8:30 a.m.
Pinal	Kira Jimenez	520-866-5307	By appointment
Santa Cruz	Karla Zuniga	520-375-7700	Call for details
Yavapai	Shaunna Kelbaugh	928-777-3030	Tuesdays and Thursdays at 8:30 a.m. and 3:00 p.m. by appointment
Yuma	Michelle Lackey	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:**

1. The APSA Newsletter is published in March, June, September and December of each year.
2. 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.
3. Advertising rates are quoted for full-color camera-ready copy in electronic submission in an approved format.
4. Advertiser is responsible for preparing & submitting ad copy. Copy must be submitted no later than the last day of the month preceding publication
5. Acceptance, placement and publication of advertising is subject to the sole approval and discretion of the Editor.
6. Inappropriate advertising content will not be accepted. Editor reserves the right to decline any advertisement.
7. In the event that an item of advertising is rejected, a refund shall be made to the advertiser.
8. Advertisement size quoted is approximate. Actual size may vary depending on page availability.
9. Advertorials may be written by APSANews.com staff or outside writer at cost to advertiser. Publication of advertorials is charged by the column inch.
10. Advertorials must be clearly marked in the header, "Advertisement". All advertisements may be bordered to distinguish their content.



**APSA**

## 9-year-old sells lemonade to help fund his adoption

By Melany Mejias, Pulseheadlines.com  
2016-04-23

**Tristan Jacobson**, a third-grade boy in Springfield, Missouri, decided to set up a \$1 lemonade stand for an unusual purpose: earn extra money to help cover the costs of his adoption. With the help of his mom-to-be, the 9-year-old child improved his selling skills throughout the day, hoping to get even closer to being adopted.

Tristan was shy at the beginning and his mom-to-be told *KY3 News* that she advised him to greet the customers rather than just sit there waiting for them to come. He got used to interact with people and seemed happy to be selling \$1 lemonade as part of his adoption process.

She and her husband became Tristan's kinship guardian when the boy was just 5 years old. "She will be my parent. I'm happy because I have a new mom who loves me", said the third-grader at Williams Elementary School in Springfield. He had no trouble with the accounting required for his lemonade stand, since math is his favorite subject. The boy said he's in fractions now and that it's easy for him.

Davis said Tristan's biological mother was living a life of drugs and prostitution when she abandoned the little boy on the doorstep of a shelter on a cold January day. Davis said she had been scared, thinking on whether he was hurt and what was going on through his mind. The family needs to raise roughly \$5,000 for legal and adoption fees. Even though it seems a little far-fetched for \$1 lemonades to raise that amount, Tristan is surely doing his part to help fund his adoption. Tristan's mom-to-be is also helping raise money for the adoption costs with a yard sale of her own. In addition, the Go Fund Me page on behalf of Tristan Jacobson and his quest to be adopted was released on Friday as well.

But they already believe in their hearts that they're a family. So it's safe to assume that one of the toughest task for any adoptive family has already been taken care of. Davis and her husband feel that Tristan is their son and they can't wait to finish the legal process so the boy can be absolutely sure that he has a real family and that he has their name.

As for him, he said he knows Davis is responsible for taking care of him and that he has the certainty that she's going to be a terrific mom. **Source: Palm Beach Post**



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# APSA

Serving Arizona Process Servers Since 1973

[www.arizonaprocessservers.org](http://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!.**