

APSA Annual Meeting, Conference & Educational Event (10 hours of Continuing Education) on Saturday, October 21st and Sunday, October 22nd, 2023, in Tempe. See inside for details.

**October 21st & 22nd in Tempe, AZ:
10 Hours of Continuing Education, Annual Meeting,
Board Elections & More!**

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Continuing Education...

Free Continuing Education For APSA Members



We are still giving away FREE continuing education hours to all dues-paying members. But, yes, there’s a catch. You must attend the board meeting (usually about an hour) on a Saturday morning to qualify for sitting in or the free continuing education class held afterward to get credit.

Join Us At The Hilton!

The APSA Annual Meeting, Conference & Educational Event will be held on Saturday, October 21st and Sunday, October 22nd, 2023, at the Hilton Garden Inn near ASU in Tempe.



APSA will offer 10 hours of Continuing Education to attendees. The Annual Meeting and election of Officers and Directors will be held during the lunch break on Saturday, October 21, 2023. All members are welcome to attend and vote, whether attending the Conference or not. Meals and refreshments will be provided (included in the conference fee). For those attendees who renew next year’s dues with their registration, they will receive a discounted renewal of their 2024 dues.



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Some attendees will not be able to attend Sunday's classes, so we will give those attendees coupons to take their classes online or at our next in-person event.

The hotel is offering attendees a rate of \$175 per night, plus tax. The rate for this block of rooms is good until September 21st. Attendees will need to contact the hotel directly. Registration instructions are on toward the last pages of the APSA News.

Labor Day – A National Holiday to Celebrate the Worker and the End of the Hot Dog Season



Hot dogs have been one of my favorite foods since I was a kid. I remember going to Dodger games with my Dad or the Boy Scouts in the 1960's and

1970'S, eating a Dodger Dog that was as long as my arm. I like them plain, without the bun, or loaded like the Portillo's Chicago dog, pictured above. I was recently surprised and dismayed to see that Labor Day marked the unofficial end of the Hot Dog Season. I don't think the L.A. Dodgers knew that, either.

Labor Day was created by members of the labor movement, who organized strikes and rallies to fight for better working conditions amid the Industrial Revolution of the 19th Century.

On September 5, 1882, New York City union leaders organized what is now considered the country's first Labor Day parade. The holiday is meant to honor the American worker, with the Pullman Railroad strike in Chicago (May to July 1894)¹ as a catalyst for the

¹ <https://www.britannica.com/money/topic/Pullman-Strike/The-injunction>

national holiday. By the time President Grover Cleveland signed the law on June 28, 1894, establishing Labor Day as a national holiday, some 30 states had already enacted laws proclaiming the first Monday in September as Labor Day.

With Labor Day marking the end of the "Hot Dog Season" and wearing white, I am thankful I am in Arizona where I can still go to Costco and Portillo's for a good dog.

PROCESS SERVER WANTED

Process server needed for Mesa, AZ (Gilbert Rd west to Dobson RD) serves. Serves are OOPs, code violations, and regular law firm serves. This is a part-time position however it is very steady volume with weekly pay. The server would probably average \$1200-1500 per month of earnings. For information, text, or call Jon @ Hot Shot Delivery – 602-725-7524 or email jon@hotshotaz.com.

APSA BOARD OF DIRECTORS ELECTIONS

Each year, our Officers and Board of Directors are elected to various terms of office. The following positions are open for election in 2023. The term of office for these positions is from 2024-2025. Next election for these offices will be held in 2025 for the 2026-2027 term. In 2024, we'll be voting for a Vice President, Secretary/Treasurer, and one Director.

Vice President

(Currently held by John Osborn)

Secretary/Treasurer

(Currently held by Barry R. Goldman)

Director #3

(Currently held by Susie Baldwin)



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All Board positions are volunteer and 2-year terms. If you are interested in being on the Board, please be present at our Annual Meeting and put your name in the hat.

MEMBER & READER COMMENTS

RE: Attorney, Sheriff, and County Attorney say a Process Server can serve a Writ of Execution – What Gives?

Very timely. We just returned a Writ of Execution to an attorney client telling them we could not serve it. And that was before your letter! See, we do listen!!! And learn!

Susie Baldwin, ASAP Serve, LLC

Hello, I found the Newsletter. I like the information and details. Awesome. I really appreciate your time today. It was very informative. I will consider what we talked about. You are a wealth of knowledge!

Carl LeBlanc, Do Process

RE: APSA 10-hour Continuing Educational Conference and Annual Meeting on October 21-22, 2023

From Alyssa Buckner: Hey Barry, if we are unable to make it on those dates are the online trainings still available? *Of course! Stay tuned for more!*

From Ross Mckillop: Great news. Just out of curiosity, is there going to be any training in Tucson this year? *Not in 2023, but we'll arrange something for the first half of 2024.*

From Lisa Ezell-Macaluso: Most exciting 2:52 a.m. email EVER!!! *Thanks, Lisa!*

From Mario Bertuccelli: I would like to know if I can attend the first day (10/21/23). Is there a

schedule. Start and end time? I cannot make Sunday the 22nd since I leave on Saturday afternoon. *Yes, you can attend Saturday without attending Sunday. We'll offer an option for those who cannot attend on Sunday. Start time will probably be 0800 a.m. to about 1700 p.m. (that's 5 p.m. for John Osborn) on Saturday, and 4-5 hours on Sunday starting at 0900 a.m. We'll publish the full schedule on a separate email to our members and guests.*

From Richard "Doc" Colley: Sign me up! I will... good to see. *We look forward to seeing you!*

From Mike Hanoka: Please reserve me a room for Sat. Oct. 21, or do I just call the hotel and mention this event to get the rate? *Everyone will book their room individually. I checked out the hotels (both of them) and they are pretty decent for the price. Both my wife and I will be staying there Friday – Sunday.*

From Don Stiver: Barry (the rooms are) 6.00 cheaper on EXPEDIA. *Don, I sent your email to the hotel and this is what they replied: "Hello, I'm sorry about that, we can actually offer you the rate of \$175." Thanks for the head's up, Don!*

Legal Industry Woes

The legal industry really seems to be on a continuous decline since the virus. We were told another large law firm client is closing their doors next month. The legal clients we have are slower each quarter. We are now down to 2 court runners. We do more than legal but I do feel the pain for the support companies that are 100% legal. The cost to buy insurance doesn't make sense for the revenue we receive. Long term trend or recession related - I don't know. We have committed to the legal side for another year but next year needs to see improvement. Just my thoughts and I hear similar comments from others.



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Servers - I need a server for Mesa, AZ services. Usually, I run an ad and within a couple weeks I will find a server. Running 3 ads for a few weeks, I have zero calls/interest. I heard AZ had 1200 servers and currently there are about 450. Makes sense with the comments above.

*Jonathon Fillerup, President
Hot Shot Delivery, Inc.*

Proposed Changes to ACJA §7-204 – The Next Steps

I would like to thank our members and others who participated in commenting or viewing the proposed changes by the AOC. We had some good member participation, and the matter will be going to the Judicial Council for discussion and possible recommendation for implementation on Thursday, October 12, 2023, at the Little America Hotel, 2515 E. Butler Avenue, Flagstaff, AZ 86004. Aaron Nash, the Director of the Certification and Licensing Division said, "...the timing is usually around 9-3:30. More detail, including materials, will be posted closer to the meeting date at <https://www.azcourts.gov/ajc/Current-Meeting-Information>." *To see the forum, please go to: <https://www.azcourts.gov/ACJA-Forum/aft/1485> - BRG*

In fairness to the online training issue, the AOC posted the following response on August 23rd: "In response to the objections about online training, the 50% maximum hours of CE credits located in section (L)(4)(n) only applies to self-study. The other 50% can be entirely online as long as there is the ability to interact with the instructors in real-time. 100% of CE



can be obtained online, just not 100% through self-study."

APSA plans on being there for the Judicial Council meeting. We hope you do, too.

New Members & Membership Changes

NEW MEMBERS:

Do Process

Carl Leblanc

300 North 16th Avenue Apt#1 Show Low, AZ 85901

Office: (928) 707-3991 , Cell: (928) 707-3991

Email: doprocess76@gmail.com

Serving Apache, Coconino, Gila, Navajo Counties

Service Types: Service of Legal Process

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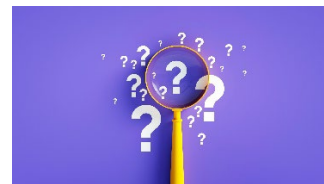
George@parkerit.net

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SERVICE QUESTIONS... WE GET 'EM



Can a Process Server Serve a Writ of Execution?

Sometimes attorneys want us to do things outside of our authority. A fellow process server and APSA member contacted me after receiving emails from the sheriff, county attorney and his attorney client stating the process server can serve a Writ of



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Execution. He said no, but the other parties said yes. I was asked for clarification.

After pondering and researching the issue for some time, I came up with a response to the member. Here it is:

Regarding your inquiry, I understand Navajo County Sheriff's Office and County Attorney are claiming a process server may serve the writ of execution. This is incorrect. ARS §12-3301(A) specifies that, "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... except writs or orders requiring the service officer to sell, deliver or take into the officer's custody persons or property..."

The goal of serving or executing a writ of execution is to enforce a judgment. Under a writ of execution, enforcement of the judgment is performed by taking property in an involuntary manner from the judgment debtor or his agent or assignee. Process servers cannot perform such actions. Once served (or executed), the judgment debtor is on notice that all or some of his/her property may be removed to satisfy the judgment. Essentially, the writ of execution is an order to the judgment debtor to surrender property to satisfy a judgment.

For a process server to "serve" or "deliver" such a document is projecting a false narrative to the judgment debtor that the delivery of the document by a process server carries with it some authority. It does not.

Under ARS §13-2814(A), "A person commits simulating legal process if such person knowingly sends or delivers to another any document falsely purporting to be an order or other document that simulates civil or criminal process." While the document itself may be genuine, the manner of service when served by a process server is invalid as to the enforcement of that writ. Therefore, service of the writ of execution by a process server would essentially be knowingly sending or delivering to a judgment debtor a document falsely purporting to have the weight of the court, as it would appear to be valid legal process. Service by a process server invalidates any weight of enforcement, and thus the document, itself.

A Writ of Execution must be served by a levying officer such as a sheriff (for cases in the superior court) or constable (for cases in the justice courts). Neither the sheriff nor constable have authority to serve or execute orders from foreign courts, including federal courts and out of state courts. Any foreign court judgment must be domesticated in the superior court for the sheriff to have authority to execute the judgment.

Compound simulating legal process under ARS §13-2814(A) with serving a writ or order "...requiring the service officer to sell deliver or take into the officers custody persons or property...", the process server opens himself or herself up to a complaint against their certification. Serving or delivering a writ of execution is clearly an abuse of discretion, in the least, and the process server would be subject to discipline.

By "serving" a writ of execution, the process server operates out of his/her purview and implies a false narrative that he/she is authorized to serve such a document. Reporting such service could be tantamount



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to knowingly falsifying information on the Proof of Service. Again, the process server would have no authority to serve such a writ.

Submitting a proof of service to the court implicitly or explicitly states the process server has authority to serve the document(s) described. To make a knowingly false statement to a public servant, like a judge, in regard to a material issue connected with an official proceeding would be a violation of law. Should the judgment debtor surrender property due to the invalid service by the process server, the surrender of property under a false color of authority would be a material issue to substantiate not only a claim against the process server's certification, but also open up the server to any number of claims related to abuse of process. Any party directing or authorizing the process server to serve such a document may face similar consequences, as well.

Under ACJA §7-204(H)(1)(j)(11), the process server serving a writ of execution would be committing unprofessional conduct as his/her proof of service indicating service or delivery of the writ of execution would be willfully filing a false report or records in the practice of the profession or occupation. The process server has no authority to serve such a writ, and any service could be misinterpreted by the judgment debtor as the process server having authority to do so.

Additionally, under ACJA §7-204(H)(1)(j)(10), a process server serving a writ or execution may be using "...a court certification to deceive the public in level of skills or abilities" as the process server has no authority to serve such legal process.

Again, ARS §12-3301(A) prohibits the service by a process server of a writ of execution. However, regardless if the server files proof of service, his/her

actions would have serious, negative consequences and be subject to discipline and or liability for a multitude of issues.

It is therefore the opinion of the undersigned that a process server should not serve or deliver a writ of execution.

Attorney recorded a Judgment, but not a Judgment Lien – Should I tell him?

My client had me serve a judgment debtor exam with a copy of the recorded judgment. I checked for the document on the county recorder website, and saw he recorded a judgment. The debtor owns a lot of real estate, but the recorded judgment is not within statute to create a lien. Should I tell him?

THE WWBD ANSWER LADY SAYS...

Short answer – yes. But give the client information they can use to solve the problem.

Our clients make mistakes. Heck, we all do. But one mistake a judgment creditor cannot afford is to have an improperly recorded judgment lien and watch the debtor's property get sold out from under him. Sure, the judgment creditor or his attorney can record a judgment, but without compliance under ARS § 33-961 and ARS §33-967, there is no lien. That means a judgment debtor who owns real or personal property can sell, transfer, or quit claim the property without any supposed lien being attached. So much for securing the assets of the judgment debtor.

ARS §33-961 specifies, "A certified copy of the judgment of any court in this state may be filed and recorded in the office of the county recorder in each county where the judgment creditor desires the



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judgment to become a lien on the real property of the judgment debtor. On recording in substantial compliance with both the requirements of this section and the requirements of section 33-967 regarding an information statement, the judgment becomes a lien on the real property of the judgment debtor, including any part of the real property of the judgment debtor as otherwise provided by law. Failure to substantially comply with this section and section 33-967, results in the judgment not becoming a lien.”

ARS §33-967(A) states, “In addition to the requirements prescribed by section 33-961, any judgment or decree or any renewal that requires the payment of money and that is recorded on or after January 1, 1997, shall not become a lien on real property until a separate information statement is attached to the judgment being recorded. The separate information statement shall contain all of the following information:

1. The correct name and last known address of each judgment debtor and the address at which each judgment debtor received the summons by personal service or by mail.
2. The name and address of the judgment creditor.
3. The amount of the judgment or decree as entered or as most recently renewed.
4. If the judgment debtor is a natural person, the judgment debtor's social security number, date of birth and driver license number.
5. Whether a stay of enforcement has been ordered by the court and the date the stay expires.”

Can a deficient recording be fixed? The statute in subsection (C) goes on to say, “A judgment or decree or any renewal that requires the payment of money, that is recorded on or after January 1, 1997 and that is not

accompanied by the separate statement as prescribed by subsection A of this section does not become a lien on real property until the judgment creditor records a document entitled "amendment to recorded judgment" that contains a separate statement that is in compliance with subsection A of this section. The amendment to recorded judgment shall state the date of recording and the indexing or document number of the official records of the county recorder for the original recorded judgment or decree and any renewals.”

A deficient lien is fixable [but only if the judgment creditor (or his attorney) corrects the error before the judgment debtor sells or transfers the property].

I'm happy to back up my clients, and let them know when I spot something questionable. I hope you are, too. I'll bring the issue to their attention, offer my assistance, and help them fix it, if they want my help. But in the end it is up to the client.

I found that my client is a racist, and I want nothing to do with him. What do I do?

My prospective client seemed like a reasonable person until I got into a conversation and received the papers to serve. Now I find he's a racist playing the blame game. I want nothing to do with him. What do I do?

THE WWBD ANSWER LADY SAYS...

First off, your client's beliefs are their own, as are his/her problems. You don't have to make their problem yours. You are free to accept or turn down



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any client you deem harmful to your business interests or in personal conflict with your morals.

If you can see the prospective relationship will be off track, there's nothing stopping you from declining a potential client. There are a lot of variances in the realm of conflict of interest. But once you accept the job, it may be a little more difficult to discharge a client.

If you have already taken the job, get it done and make it gone. Be a professional. Process servers are neutral third parties without any "skin" in the client's claim or game. Your client's idiotic beliefs will eventually get exposed in court or in the court of public opinion, and they are his problem, not yours. Then don't do any more work for the client.

Running Your Business

Most of our members are self-employed. We like it that way, too. Having been in these shoes as a process server since 1987, I've made my share of mistakes (and probably your share, too), but I am always looking for ways to improve and adapt.



I am currently working on some continuing education courses, one of them on running a process serving business. I'll be interviewing selected members to see what they have done over the years to succeed. I'll be happy to make the course available to our members and others. (We'll discuss more on this at our upcoming conference.)

Besides providing a valuable service to the legal community and the public, the business of process serving is about making a profit. As most members are individuals, not large corporations, we have to watch

our pennies, as well as our dollars. To that end, I came across an informative article on Fox Business, [Credit Card Mistakes Even High-Credit Score Mavens Make](https://www.foxbusiness.com/personal-finance/credit-card-mistakes-even-high-credit-score-mavens-make).

The article can be viewed at:

<https://www.foxbusiness.com/personal-finance/credit-card-dos-donts> – BRG

Scams, Rip-Offs, and Things to be Wary of...

OH, NO! THE VOICE MAIL SAYS I'M A FELON!

I received this call on a Saturday afternoon – the scammer actually left a message on my voice mail: “Barry Goldman, this is officer Piper Ellis. I am working on behalf of, it looks to be, Orange County. It is pertaining to Judith Goldman. It is imperative that she contact the fraud division of county court services. If she fails to do so, she will have a felony warrant for her arrest, and her existing driver license whether issued by California, Arizona, Georgia, or Illinois will be suspended or revoked. This call can be responded to today at 888-436-9706.”

I recognized this scam, right away (it's a version of the jury duty scam). Here are the obvious indicators: 1) The government calls me on a Saturday? (I call BS, right away); 2) The caller hesitated on where she was calling from (or “on behalf of”) like she was reading a script; 3) My wife's name isn't “Judith”; 4) Having lived in Orange County (CA), I am pretty familiar with that county's government, and there is no “fraud division of county court services” (just ask my former school chum, Todd Spitzer, their current District Attorney); 5) My wife never had a driver license issued in Arizona or Georgia, and, to boot, she hasn't driven since 2018.

So, I called the cops. The dispatcher said to block the number and do not respond. I could file a report, but to what end? It makes me want to reach through the phone and pull the face off these scammers.



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KEEP YOUR NUMBER PRIVATE

I found this article on Fox News: [How to stay incognito and conceal your number when calling someone.](https://www.foxnews.com/tech/how-stay-incognito-and-conceal-your-number-when-calling-someone) <https://www.foxnews.com/tech/how-stay-incognito-and-conceal-your-number-calling-someone>

APSA Proposed Language – Trespass, Assault, Protective Orders

Members, APSA would like to thank Arizona representative Teresa Martinez (R-Dist. 16) for working with us on our proposed legislation. As the new legislative session approaches in January, APSA will be working with Rep. Martinez and others to better protect process servers and law enforcement who serve the public on these matters.



Recapping from our previous edition of the APSA News, the language we have sent to our legislator(s) to change the way the statutes on Trespass, Assault and Protective Orders affect process servers are boiled down to the following (IN CAPS):

PROPOSED ARS §13-1501(2) (Definition of “enter or remain unlawfully”): *Adding --* (A) SHERIFF, A SHERIFF’S DEPUTY, A CONSTABLE, OR A CONSTABLE’S DEPUTY SHALL BE CONSIDERED LICENSED, AUTHORIZED, OR OTHERWISE PRIVILEGED, SO LONG AS THEIR ENTRY AND PRESENCE IS FOR THE LIMITED PURPOSE OF SERVING OR EXECUTING LEGAL PROCESS. A PROCESS SERVER CERTIFIED BY THE SUPREME COURT PER SECTION 12-3301 SHALL BE CONSIDERED LICENSED,

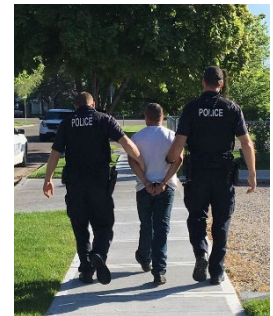
AUTHORIZED, OR OTHERWISE PRIVILEGED, SO LONG AS THEIR ENTRY AND PRESENCE IS FOR THE LIMITED PURPOSE OF SERVING LEGAL PROCESS.



PROPOSED ARS §13-1503. Criminal trespass in the second degree; classification: *Adding --* B. A SHERIFF, A SHERIFF’S DEPUTY, A CONSTABLE,

OR A CONSTABLE’S DEPUTY SHALL BE EXEMPT UNDER SUBSECTION (A), SO LONG AS THEIR PRESENCE IS FOR THE LIMITED PURPOSE OF SERVING OR EXECUTING LEGAL PROCESS. A PROCESS SERVER CERTIFIED BY THE SUPREME COURT PER SECTION 12-3301 SHALL BE EXEMPT UNDER SUBSECTION (A), SO LONG AS THEIR PRESENCE IS FOR THE LIMITED PURPOSE OF SERVING LEGAL PROCESS.

1. A PROCESS SERVER CERTIFIED BY THE SUPREME COURT PER SECTION 12-3301, A SHERIFF, A SHERIFF’S DEPUTY, A CONSTABLE, OR A CONSTABLE’S DEPUTY HAVING LOCATED THE SOUGHT-AFTER PARTY OR PERSONS RECEIVING PROCESS FOR THOSE PERSONS INTENDED FOR SERVICE, SHALL PERFORM THE SERVICE OF PROCESS IN A PROFESSIONAL MANNER OR IF HAVING FOUND THE SOUGHT-AFTER PARTY OR PERSONS RECEIVING PROCESS FOR THOSE PERSONS INTENDED FOR SERVICE IS NOT



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PRESENT, SHALL THEREAFTER BE REQUIRED TO LEAVE THE PREMISES.

PROPOSED ARS §13-1504. Criminal trespass in the first degree; classification: *Adding* -- B. A SHERIFF, A SHERIFF'S DEPUTY, A CONSTABLE, OR A CONSTABLE'S DEPUTY SHALL BE EXEMPT UNDER SUBSECTION (A)(1) AND (A)(2), SO LONG AS THEIR PRESENCE IN A FENCED RESIDENTIAL YARD OR AT AND OUTSIDE A RESIDENTIAL STRUCTURE IS FOR THE LIMITED PURPOSE OF SERVING OR EXECUTING LEGAL PROCESS. A PROCESS SERVER CERTIFIED BY THE SUPREME COURT PER SECTION 12-3301 SHALL BE EXEMPT UNDER SUBSECTION (A)(1) AND (A)(2), SO LONG AS THEIR PRESENCE IN A FENCED RESIDENTIAL YARD OR AT AND OUTSIDE A RESIDENTIAL STRUCTURE IS FOR THE LIMITED PURPOSE OF LEGAL PROCESS.

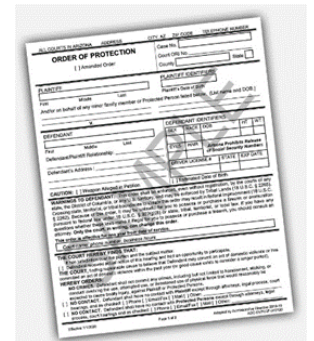
1. A PROCESS SERVER CERTIFIED BY THE SUPREME COURT PER SECTION 12-3301, A SHERIFF, A SHERIFF'S DEPUTY, A CONSTABLE, OR A CONSTABLE'S DEPUTY HAVING LOCATED THE SOUGHT-AFTER PARTY OR PERSONS RECEIVING PROCESS FOR THOSE PERSONS INTENDED FOR SERVICE, SHALL PERFORM THE SERVICE OF PROCESS IN A PROFESSIONAL MANNER OR IF HAVING FOUND THE SOUGHT-AFTER PARTY OR PERSONS RECEIVING PROCESS FOR THOSE PERSONS INTENDED FOR SERVICE IS NOT PRESENT, SHALL THEREAFTER BE REQUIRED TO LEAVE THE PREMISES.

PROPOSED CHANGES: ARS §13-1204. Aggravated assault; classification; definitions: A. A person commits aggravated assault if the person commits assault as prescribed by section 13-1203 under any of the following circumstances: *Adding* -- (C) A

PROCESS SERVER CERTIFIED BY THE SUPREME COURT PER SECTION 12-3301 WHILE ENGAGED IN THE SERVICE OF LEGAL PROCESS OR IF THE ASSAULT RESULTS FROM THE SERVICE OF LEGAL PROCESS.

PROPOSED LANGUAGE: ARS §13-3602. Order of protection; procedure; contents; arrest for violation; penalty; protection order from another jurisdiction; definition: *Adding* -- D. A fee shall not be charged for filing a petition under this section or for service of process BY A LAW ENFORCEMENT AGENCY, SHERIFF, CONSTABLE, OR CORRECTIONAL OFFICER. A PRIVATE PROCESS SERVER MAY CHARGE SUCH FEES FOR SERVICES AS MAY BE AGREED ON BETWEEN THE PROCESS SERVER AND THE PARTY ENGAGING THE PROCESS SERVER. ...

PROPOSED LANGUAGE: ARS §12-1809. Injunction against harassment; petition; venue; fees; notices; enforcement; definition: *Adding* -- D. A fee shall not be charged for filing a petition under this section. Fees for service of process may be deferred or waived under any rule or law applicable to civil actions, except that fees for service of process shall not be charged if the petition arises out of sexual violence as defined in section 23-371 BY A LAW ENFORCEMENT AGENCY, SHERIFF, CONSTABLE, OR CORRECTIONAL OFFICER. A PRIVATE PROCESS SERVER MAY CHARGE SUCH FEES FOR SERVICES AS MAY BE AGREED ON BETWEEN THE PROCESS SERVER



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AND THE PARTY ENGAGING THE PROCESS SERVER. ...

FIND YOUR LEGISLATOR

1. Go to: <https://redistricting-irc-az.hub.arcgis.com/> to enter your address and find your legislative district.
2. Then: After you find your district, go to: <https://www.azleg.gov/memberroster/> for your House Representative and State Senator.
3. Get involved. Contact your legislators and ask them to support the efforts of APSA. Ask them if they would support a bill to benefit process servers, the courts, sheriffs, constables, and the public. Let us know so we can follow up. We'll send them our proposed language and cover letter. You just make the opening.

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.

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

Article III – MEMBERSHIP

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

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

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

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

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

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

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



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Process Server course and examination may use the designation, "A.C.P.S." in their listing and advertising.

Section 3b. Associate Member. An Associate Member shall be an individual engaged in the process serving business located outside of the state of Arizona.

Associate Members shall be entitled to a listing in the association Membership Directory under the Associate Member section. Associate Members may not vote, or hold office, elected or appointed.

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

Section 3d. Supporting Member. A Supporting Member shall be any individual or company associated with the process serving profession, except owners, partners, or stockholding corporate officers of process serving, photocopy or attorney service firms.

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

Section 4. Membership shall not be granted to any person who has been convicted of a felony unless such conviction was officially pardoned or the record of same has been expunged, or their civil rights restored. In addition, membership shall not be granted to any

applicant who has had their license, permit or right to serve process revoked by any issuing authority unless said revocation has been pardoned or expunged, or had their civil rights restored.

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

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

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

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

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

Article V – ELECTION of OFFICERS and DIRECTORS

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

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

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

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

Section 5. Three (3) Directors shall be elected unless the current President is re-elected, in which event four (4) Directors shall be elected. Each elected Board Member shall serve two (2) years. If there is no



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Immediate Past President, an additional Director shall be elected by the Membership or appointed by the Board.

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

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

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

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

Article VI – DUTIES of OFFICERS

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

The Officers, Directors and Administrator shall be bound by the Policies and Procedures to be published in

a separate Manual. Said Manual shall be periodically updated and changed as needs dictate.

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

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

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

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

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



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Shall (Name of Officer or Director) be recalled? Yes
 No

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

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

Article VII – MEETINGS

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

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

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

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

affairs of any individual may be held in executive session.

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

Article VIII – BYLAW AMENDMENTS

Section 1. Proposed bylaw amendments must be submitted to the Secretary sixty (60) days prior to the date of the annual conference and published to the membership not less than thirty (30) days prior to the annual conference.

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

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

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

Corrections to Minutes of our Last Annual Meeting

Corrections/amendments to the Minutes of 10/29/2022 should be reflected as follows:

Officer elections/appointments

President: Larry Ratcliff volunteered, was elected by acclamation. Term expires at the end of 2024.

Vice President: John Osborn volunteered and was elected by acclamation. Term expires at the end of 2024.



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CORRECTION: The term is 2 years, per Bylaws, expires at the end of 2023. Next election per Bylaws to be held in 2023 for 2024-2025 term.

Secretary/Treasurer: Barry R. Goldman was elected by acclamation. Term expires at the end of 2024.

CORRECTION: The term is 2 years, per Bylaws, expires at the end of 2023. Next election per Bylaws to be held in 2023 for 2024-2025 term.

Immed. Past Pres.: Ronald R. Ezell was elected by acclamation. Term expires at the end of 2024. (Coincides with term of the President.)

Directors: Nathan Botsch, Kay Dean (Directors #1 & #2) continue in their office for 2023. Term expires at the end of 2024.

New Director: Susie Baldwin (Director #3) was elected by acclamation for a two-year term to 2023-2024.

CORRECTION: The term is 2 years, per Bylaws, expires at the end of 2023. Next election per Bylaws to be held in 2023 for 2024-2025 term.

APSA 2023-2024 Officers & Board Members

Larry J. Ratcliff, President Direct: (928) 367-0510
 John Osborn, Vice President (480) 821-1552
 Barry R. Goldman, Secretary/Treasurer/Admin.
 Ronald R. Ezell, Immed. Past Pres. (520) 631-3877
 Nathan Botsch, Bd. Member (928) 864-5597
 Kay Dean, Bd. Member (623) 670-9728
 Susie Baldwin, Bd. Member (602) 920-1809

Camping At The Hilton!

Rooms for the 2023 APSA Annual Conference will be held for members and attendees up until September 21, 2023, at the Hilton Garden Inn near ASU in Tempe at the rate of \$175 (plus tax, blah, blah)

per night. If you use Google Maps, you can find it at 2102 E Rio Salado Parkway, Tempe, AZ. The hotel amenities include a 24-hour business center, 24-hour fitness facilities, 24-hour front desk, ATM/banking, handicap accessible bathroom (in select rooms), free self-parking, microwave, and refrigerator. The hotel also has a pool for guests.



The Conference Room

Our APSA 2023 Conference Educational Event, Lunch (Saturday), Annual Meeting, and Election of Officers & Directors will be held in the Copperhead Room at the Homewood Suites, 66 S. Rockford Dr., Tempe, Arizona, 85281. If you are staying at the Hilton Garden Inn, just turn left as you walk out the main entry and you will see it about 200 feet to the north on the same lot.



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APSA 2023 Conference & Annual Meeting Registration

The APSA Annual Meeting, Conference & Educational Event will be held on Saturday, October 21st and Sunday, October 22nd, 2023. APSA will offer 10 hours of Continuing Education to attendees. Attendees will receive a printed copy of the ACPS Manual and all materials. The Annual Meeting, and Election of Officers & Directors will be held during the lunch break on Saturday, October 21, 2023. All members are welcome to attend and vote, whether attending the Conference or not. Meals and refreshments will be provided (included in the conference fee). For those members who renew next year's dues with their registration, they will receive a discount to \$84 for the 2024 dues.

Please remember that room capacity is limited to 30 people. For this reason, we ask that you send us an e-mail to azserverassoc@gmail.com, letting us know you will be attending.

10-Hours Continuing Education (a \$219 value from online courses)	\$99
Conference Fee (includes lunch on Saturday, and coffee & pastries for Sat. & Sun. Mornings)	50
SUBTOTAL	\$149
Optional 2024 dues renewal w/ 20% discount	84
OPTIONAL TOTAL	\$233

Payment for the Conference and 2024 Dues Renewal will be taken in-person at the conference or online through PayPal (www.paypal.me/azapsa). If you pay online by PayPal, the amount to pay is either \$149 (conference only), or \$233 (conference and 2024 dues).

In-person payment may be made by check, cash, or credit card.

Saturday, the schedule will be as follows:

- 0800-0900 Registration and continental breakfast
- 0900-1220 ACPS Class, 1st half
- 1030-1050 Break
- 1220-1350 Lunch, Annual Meeting, and Election of Officers & Directors
- 1350-1710 ACPS Class, 2nd half & test
- 1520-1540 Break
- 1710-1750 Open question period and test review

Sunday, the schedule will be as follows:

- 0900-1100 Class, 2 hrs. TBA
- 1100-1120 Break
- 1120-1320 Class, 2 hrs. TBA
- 1320-1400 Open question period and test review

The hotel is offering attendees a rate of \$175 per night, plus tax. The rate for this block of rooms is good until September 21st. Attendees will need to contact the hotel directly at (480) 968-2180 to make reservations.



If you have questions or need assistance in any way, please contact APSA at (602) 476-1737. If you have any dietary restrictions, please let us know. Thanks!

