



# APSA

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



THE ONLY NAPPS CHARTERED STATE  
ORGANIZATION IN ARIZONA

VOLUME 16, ISSUE 3

## ARIZONA PROCESS SERVERS ASSOCIATION NEWSLETTER

SPRING / SUMMER EDITION 2014

Tom LaVance  
President, (800) 460-8081,  
tom@ezmessenger.com

Barry Goldman  
1st Vice Pres. 877-472-7431,  
service@rapidrps.com

Frank Brinkman  
2nd Vice Pres. 602-424-3026,  
frank@integrityas.com

Jenna Jones  
Secretary, 480-516-7221,  
tempeprocess2@aol.com

Bert Young  
Treasurer, 480-516-7221,  
apsaadmin@cox.net

Larry Ratcliff  
Director, 928-367-0510,  
lrpi@frontiernet.net

Ron Ezell  
Director, 520-623-8436,  
ronezell@earthlink.net

Sabine Hilton  
Director, 602-317-2175,  
admin@lawgrrl.com

Luis Figueiroa, Sr.  
Director, 928-343-9071,  
luis@alssinc.com

Arizona Process Servers Assn.  
PO BOX 2233  
Phoenix, AZ 85002  
(602) 424-3026

Edited & Produced by:  
Barry R. Goldman  
Published by the Arizona Process  
Servers Association

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

### President's Message

*Tom LaVance, President*

For those of you who have read my prior President's messages, you have probably noticed a recurring theme in them: my belief that our industry continues to be an afterthought when it comes to rule changes and legislation which directly affects us as process servers.

While we continue to try and build relationships with Legislators, Judicial Committee members, court administrators and other Associations, we still have a long way to go. Halfway through my second term as President, I feel we have only been successful at warding off some threats to our industry instead of being able to move our industry forward and participate in changes which would benefit all process servers in Arizona.

As you are all aware, the Arizona private process server certification program is governed by the Certification and Licensing Division of the Arizona Supreme Court through the Administrative Office of the Courts (AOC). The Division oversees programs for several professions including court reporters, legal document preparers, defensive driving and fiduciaries. All of these other professions have Boards or Committees

established to provide recommendations directly to the

Administrative Office of the Courts on issues affecting the court system statewide. Ours is the only industry governed by AOC, which does not have a representative Board or Committee providing recommendations to the Arizona Judicial Council and the AOC. We need to push to get a Committee established so that we can have a seat at the table.

On a brighter note...we are busy planning our next Conference and are excited about once again working with the AALPI to provide a broader range of CE options as well as more industry information and vendor interaction. I need to personally thank both Dana from AALPI and Jenna from our Board for all their hard work. I look forward to seeing all of you September 27<sup>th</sup> & 28<sup>th</sup> at the Wild Horse Pass Casino once again. Please invite your fellow servers who may not yet be members to join you!

As always, I am honored to serve you as President and value your input and direction. Please feel free to contact me with any questions or issues you would like to see your Association working on. My direct phone # is 480-589-6959 and my new email address is : [tom.lavance@ezmessenger.com](mailto:tom.lavance@ezmessenger.com).

### In this issue:

- President's Message
- First VP's Message
- Member Profile
- Secretary's Corner
- Court Clerk's Meeting
- Editor's Column
- The Brief
- Opinion & Editorial
- Annual Bylaws Posting
- Training Corner
- SCORE News
- APSA Events Calendar
- More...

### 1st VP's Message

*Barry R. Goldman, 1st VP*

Your First Vice President (and editor) reminds us that this edition contains some very important information which must be posted annually — the APSA Bylaws.

The purpose of the Bylaws is to guide the organization and have written mandates for the members, board members and officers set in stone. It is incumbent that each member take the time to read the Bylaws. If you care to make any proposal for change, such must be submitted to the Secretary and posted to the membership at least 60 days prior to the annual conference.

(Continued...)

## 1st VP's Message

(Continued...)

This year, I am submitting a proposed amendment to our Bylaws to eliminate the Second Vice President position from the list of officers. By no means should this be considered anything but a proposal to eliminate a duplicative position. It is in legislative circles what is termed a "housekeeping bill". It should not be considered a conflict of interest, either, as I do not intend to volunteer to run for the office of Vice President.

Elections will be held at our annual meeting, traditionally held at our annual conference. This year, our annual conference will be again held with the AALPI at the Wildhorse Pass Hotel on the Gila River Indian Community Reservation. There's more in our Secretary's Corner column.

We will be looking for volunteers to serve on our board. None of your board members is paid for their service. We all donate our time and effort because we are passionate about making sure that APSA moves in a forward direction.

What direction which APSA goes is dependent on member input and participation. At last report, we have well over 100 members, but very few who give input into the board. We'd like to hear from you — this is YOUR organization. The board sits at your discretion and is elected from a group of people whom YOU select.

Think about it. Get involved. The more you say, the better your association becomes.

## Proposed Amendment:

### **Article V, Section 1:**

The officers shall consist of a President, Vice-President, Secretary and Treasurer. Term of each officer shall be one (1) year.

### **Member Profile:**

#### **Tamara Nieto**

Tamara has been serving papers since 1985. She started in Prescott, AZ, then moved to Flagstaff in 1988 to open Northern Arizona Investigations and Process Serving.

She relates having a business to raising a child. "At first you have to treat it like a baby with tons of attention and nurturing. As it grows, you continue to care for it but find that it is gains momentum. As word gets around that you provide good customer service, you find clients searching you out. As a child gets older, they become more independent and not quite as a needy. But no matter how old that child/

adult becomes it will always be your baby. No matter how old the business, it requires attention and tending."

Tamara has been a member of APSA since about 1985 or so (she can't recall) and has held various board positions in the past including that of President. She has taught classes since the initiation of APSA provided courses in the 1990's, before it became state mandate. She says, "The most rewarding part about instructing is the amount of information I glean from the students!"

Look for Tamara teaching classes when they are held in Flagstaff each year. She can be contacted directly at Northern Arizona Investigations and Process Serving, 928-779-2823.

## Secretary's Corner

### Jenna Jones ACPS, Secretary

Please mark your calendars for September 27 and 28, 2014, for this year's annual meeting and conference. We will be holding it again at the Wild Horse Pass and Casino off of I-10 just south of Chandler. We are getting a great room rate (\$89 per night) so you can make a weekend of it! We are looking to make this year's event bigger and better than the last and will again be partnering with the Arizona Association of Licensed Private Investigators. You can look forward to breakfast, a great lunch and new classes.

If you need classes sooner than that and want to get away from the heat for a weekend, watch for our Flagstaff class dates. They will be in June or July. Tamara provides a great class every year and we hope to have the registration information available soon.

I encourage everyone to look to our APSA members to get your serves completed! Use our members and let's support each other! We hope to have a new search method available in the next few months so we can search by name, not just city. Look for this exciting update!

Do you have out of state serves that you are finding hard to have handled? A while back, I needed a serve done but we didn't have an associate member that was close. I found a company listed by another agency and asked if he could do the serve, he said he could and asked me if I could send the papers with payment. Didn't seem unreasonable to me, so I did. A few weeks later, when trying to catch up on paperwork I realized I had not heard back from him so I called. The number was no longer in service. I tried an email, it was no good. I looked at my bank statement,

yep, he had cashed the check two weeks before. Another great learning experience!



We have a lot of those don't we?

If you are looking for process servers to use in other states have you considered our Associate Members? Did you know we have such a type of member? What is an association member?

We have members that are process servers but not certified in Arizona. We have approximately 30 associate members in all different parts of the US. I urge you to look at our site first and consider using them for your out of state serves. I have always had good luck and received great service at a reasonable price.

By using these members, it makes our jobs a little easier. In the hustle and bustle that we all experience each day, I think we all welcome a little help!

# APSA

## Maricopa County Court Clerk/Process Server Quarterly Meeting

By Frank Brinkman, ACPS

**The Clerk of the Court hosts a quarterly meeting for process servers and the public.** Frank Brinkman attends the meeting on behalf of APSA. — ed

suggestions to aid us in our experience with the Clerks office. We were expecting a demonstration of the new Supreme Courts eAccess system however it has been delayed.

The system is going to be tested

Greetings to all of our members through June and with luck we will have a demonstration of the system at the next meeting in July. Mr. County Superior Court process Jeanes will post information on the servers meeting that occurred on April 8, 2014. We had a few new faces at the meeting this time and I will be made at that time. This hope to see more so that more input can be made by others in our profession. These meetings give us all a chance to learn what is happening with the Court in Maricopa County and it allows our voices to be heard. It also allows us to possibly influence some of the decision making at the Court. Michael Jeanes had been very receptive to the many issues that affect our industry and is always willing to address concerns and

have a better idea of the capabilities of the system in my next report.

Mr. Jeanes provided an update on the electronic filing system at the Superior Court. The goal of electronic case initiation is getting closer, the Supreme Court is in the process of



discussing implementation. The pilot program in Pima County has been going well so it may be coming in the very near future. The newest e-filing capabilities will be Juvenile cases by the end of the year. There is also the possibility of civil default and Tax cases going electronic. Beginning in June of 2015 the e-filing system will be opened up to multiple vendors and there will be at least two vendors by that time.

For those of you that have clients that us the waiver and deferral process at the Clerks office for filings, there may be some changes coming. The guidelines that are

(Continued)

### Editor's Column



Barry R. Goldman

Changes abound. This issue's Training Corner is a very personal article that may concern each of us, either directly or indirectly. Whether a person has diabetes, he or she will know someone else who does or has it. It is not an easy condition to live with, and requires substantial lifestyle changes.

Speaking of life changes, two of our officers and board members, Ron Ezell and Tom LaVance have recently changed jobs. Ron has separated from EZ Messenger, the company which he founded and worked many years at making a success. He is now living the good life with his wife, Pamela Ann Ezell in Tucson. Tom LaVance, our association's current

president, has left his long time position at Nationwide Legal to become the Operations Manager at EZ Messenger.

Tom informed me that it was an agonizing decision, especially after putting in so much effort with Nationwide in their recent acquisition of Frontier & Associates. If you keep up with the who's who, Frontier was the company which was founded by the father of our former long-time Secretary, Patti Chlebanowski. Patti and her husband Wayne took over the operation some years ago, and in their decision to retire, Frontier was acquired by Nationwide.

Knowing how busy Tom is, with the personal and professional changes he's had to endure, he was a little late with his column for this issue. (Yes, I know this issue is *really* past due.) In light of our publishing schedule and need to publish the Bylaws, I put on my First Vice President's hat and also submitted a column.

As to news, there really hasn't been all that much earth shattering process server news in Arizona, except possibly some changes to where folks are working.

The legislature closed out its regular session with only one bill passed into law, and that won't affect most members except those APSA members who are process servers and Constables.

ARS Section 22-131(G) comes into effect soon, prohibiting a Constable to participate as a process server, including ownership of an agency. This would extend to the spouse of the constable, as well, as Arizona is a community property state. You can see a little more on this issue a few pages forward in my Opinion piece on the Value of the Constable. As always, enjoy. — BRG



**APSA**

## Maricopa County Court Clerk/Process Server Quarterly Meeting (Continued)

currently used in Maricopa County are going to be implemented statewide. There is also some discussion of a new verification process being required. Currently the only requirement is signing an affidavit attesting to the facts on the request.

The final issue relating to the Superior Court is that as of March of this year the northwest regional

court stopped issuing new civil case assignments. All civil cases that would have been assigned to the northwest court are now assigned downtown.

***Now for the problem child we all have to deal with, Maricopa County Justice Courts.*** There is some headway being made with

issues we have all had at the various Justice Courts. We have some contacts now to aid in addressing issues at the courts: John Reynolds, Operations and Programs Manager, [johnreynolds@mcjc.maricopa.gov](mailto:johnreynolds@mcjc.maricopa.gov) and Jeff Fine, Deputy Justice Court Administrator, [jefffine@mcjc.maricopa.gov](mailto:jefffine@mcjc.maricopa.gov). They are interested in hearing what issues we are having at the different Justice Courts. The administration would like to be notified about problems as soon as they happen so they can act on them.

I have had great success when dealing with them. One of the major issues that has been coming up with Process Servers is access to court files. This is due mainly to some clerks requiring a fee because they consider us commercial users. If you run into that situation you can contact either of these gentlemen and they can let the court know we are not to be charged for access. They are also working on a new file request form that will hopefully aid in the situation.

The next meeting will be held on July 8, 2014 at noon. The meetings are held at the Downtown Justice Center 620 W. Jackson St. on the 2<sup>nd</sup> floor. I hope to see some new faces there and remember these meetings also give you one hour of continuing education.

"If it looks like a duck, walks like a duck and quacks like a duck, it's a duck. We just have to know what a duck is." – ed.

### SERVICE OF PROCESS. PHOTOCOPY. COURT FILING. MESSENGER. INVESTIGATIONS... YES, TRISTAR SOFTWARE DOES THAT.



  
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 805.227.1213



**APSA**

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.

## May 2014

### Lengthy Trial Fee Returns May 19

The \$15 lengthy trial fee authorized by Arizona Revised Statute 12-115 was repealed under the terms of the statute on December 31, 2013. The legislature voted to reestablish the fee this session. Although the bill passed with an emergency clause, making it effective upon the governor's signature, the Supreme Court established an implementation date of May 19, 2014. The date-specific implementation was to provide time to update case management systems and notify the legal community and the public in advance of the return of the fee. The Lengthy Trial Fund allows jurors to receive a portion of their lost pay when sitting on trials that go beyond five days. Through the Arizona Code of Judicial Administration, the Supreme Court directs which filings are assessed the fee. For a list of fees effective on and after Monday, May 19, 2014, see the Clerk's website at <http://www.clerkofcourt.maricopa.gov/fees.asp>. Remember that filing fees vary throughout the state based on each county's statutory ability to assess local fees.

### Announcing 37-CLERK – The New Phone Number for the Clerk's Office

The Clerk's Office is moving to a new, all-purpose telephone number for the public. Effective May 19, 2014, all calls to the Clerk's Office will start by dialing (602) 37-CLERK (602-372-5375).

The Clerk's Office will launch an Interactive Voice Response (IVR) system to allow the public to reach most areas of the office by dialing one number. Callers will select from menu choices for the various areas of the office, and most will reach

their destination within three button presses. Many telephone numbers previously listed for public use will be disconnected. For a brief period during the introduction of the IVR system, disconnected numbers will provide a voice message referring customers to the new (602) 37-CLERK telephone number.

The primary benefits of the IVR system include a customer's ability to reach a preferred area of the Clerk's Office through one easy-to-remember number while reducing the number of misdirected calls and transfers between departments or agencies.

Callers will be able to reach business units in the Clerk's Office by calling the 37-CLERK main telephone number (602-372-5375).

**Starting Monday, May 19, 2014, dial (602) 37-CLERK (602-372-5375) for all calls to the Clerk's Office.**

## June 2014

### (602) 37-CLERK – The Clerk's New Number Up and Running

Thank you for your patience and response to the Clerk's new, all-purpose telephone number for the public. The 37-CLERK number (602-372-5375) went into effect May 19, 2014. The Interactive Voice Response (IVR) system allows the public to reach most areas of the Clerk's Office by dialing one number. Menu choices route most customers to their destination within three button presses. The IVR system was planned with the dual purpose of improving customer service while keeping down the costs of managing over 1,600 phone calls each business day. Callers can now reach business units within the Clerk's Office by calling the 37-CLERK main telephone number (602-372-5375). Thank you for your support of our new system.

### Fees Reminder

When determining what fee

applies to a filing, please check

the Clerk's website. When possible, the Clerk's Office posts an updated list of fees before they take effect. Effective dates are referenced on the website, included as a topic in The Brief, and sent through the Clerk's social media sites on Facebook and Twitter. Fees specific to e-filing through AZTurboCourt are maintained in the AZTurboCourt system.

The base filing fees listed in Arizona Revised Statute (A.R.S.) §12-284 have not been updated in many years. A.R.S. §12-284(L) authorizes the Supreme Court to increase the base fees using a Consumer Price Index formula. Fee modifications are implemented by Administrative Orders that amend the Arizona Code of Judicial Administration (ACJA). Superior Court fees are referenced in section 3-404 of the ACJA. Case-type fees, such as conciliation fees in family court cases, are added to the base fees. In addition, A.R.S. §11-251.08 authorizes each county to approve local fees after a public hearing. Maricopa County has done this in the past to improve several court functions, such as automation and electronic document management. The various fees from all sources are then posted on the Clerk's website as a combined total amount. View the latest fees online at

<http://www.clerkofcourt.maricopa.gov/fees.asp>.

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


**APSA**

## OP-ED: The Value of the Constable

By Barry R. Goldman, ACPSI, AZCLDP



*This being the political silly season, I recently wrote an opinion piece for a local newspaper. It is adapted, here:*

The office of county Constable is a little known, misunderstood and sometimes under-utilized office coming soon on your ballot. The Constable's office and Justice of the Peace (JP) are two separate and distinct offices, just run out of the same building within a precinct. The requirements for running for the office of Constable are the same as running for JP. There is no prior experience necessary.

As Process Servers, we know that the JP is the person in the black robe hearing cases. In the absence of a jury the JP is the trier of fact. He (or she) also sets bail and pronounces sentences. But when I am asked what a Constable is, I jokingly reply that he or she is the elected Process Server – but I'm not that far from the truth.

Under statutes and rules established by the Arizona Supreme Court, there are three persons who may serve legal process in Arizona (subpoenas and special court orders excepted): the Sheriff, the Constable, and the Arizona Certified Process Server.

As a Process Server for the last 26 years, an Arizona Certified Legal Document Preparer and qualified Continuing Legal Education instructor, I've got some experience and interest in the service of legal process and office of the Constable.

For background, per statute, the Constable is to attend "...the courts of justices of the peace within their precincts when required, and within their counties execute, serve and return all processes, warrants and notices directed or delivered to them by a justice of the peace of the county or by competent authority...". Additionally, the Constable is a peace officer with limited authority "...only in the performance of the constable's official duties...". Newly minted

Constables must attend and pass training within six months of their election in "...civil and criminal process, conflict resolution and firearm safety...". The Constable doesn't go out on patrol and write speeding tickets (this isn't Texas) nor does he investigate crimes, and certainly doesn't act in any other law enforcement capacity except when he is executing legal process or providing courthouse security. In a soon to be enacted statute, the Constable cannot engage "...in any act as a private process server outside of the constable's elected or appointed duties...(nor own)...an interest in any entity that operates a private process serving business." (Ref. ARS §22-131 (G)). This statute was actually sponsored by the Constables' association to prevent a conflict of interest, and supported by Process Servers, myself included.

Process Servers (who are not peace officers, but Officers of the Court) may serve all legal process, but unlike Constables, are prohibited from taking persons or property into custody. The rules for service of civil legal process are set forth by the Arizona Supreme Court and where otherwise found established in statute.

Where some counties will effect arrest warrants, in Pinal County, the Board of Supervisors has directed their Constables to leave that to the city police or sheriff. Their Constables, as in many other counties, must use their own personal vehicle, so transporting prisoners is not necessarily an option. Mileage logs must be kept and reimbursement submitted to the county.

For we who are familiar with them, the rules for service of process are fairly complicated, but once understood, have a certain non-logical sense about them. While Constables are mandated to attend training on an annual basis, newly elected Constables must attend approved training to get their feet wet.

Individuals who want to become a Process Server must pass an examination, background check and be appointed by the Presiding Judge of the Superior Court in their county. The Process Server and Constable must attend (separately held) continuing education courses each year. Process Servers must pay for their education and training out of pocket. As elected officials, Constables are educated on the taxpayer dime.

So, what is the value of the Constable? In this case, when there is a mandated position to fill, an election is held and the voters get to choose.

The job of Constable is simple – attend to the needs of the Justice of the Peace Courts and serve legal process assigned. That's it. That's where statute begins and ends. There's no community outreach, no leading demonstrations, and no championing of causes. That type of stuff can be done on one's own time and the voters should not be misled that it's part of the official duties. Statements and hype deviating from the official, established duties of the Constable are nothing but politics, plain and simple. But, this being the political season, the hype is abounded.

I interviewed two of the three candidates running for local Constable, and got varying degrees of responses from them. The incumbent came across with the most educated knowledge of the job; the other two candidates had no experience in service of process, and attached their socio-political agendas to their candidacy.

My perception of the candidates and opinion is based in large part on my professional experience. Whether I personally like a candidate or not, I look for who can do the best job, which includes who might be a liability, rather than an asset to the public if elected.

(See Page 9...)

**APSA**

# Upcoming Continuing Education Event

Join us in cool Flagstaff  
for Tamara's annual  
training sessions!

Process Servers are needed in litigation support to accomplish an assortment of tasks such as filing court papers, serving legal documents and document retrieval.

The Process Server's principal job is to deliver or "serve" legal process to a person involved in a court case as per the laws of the state where (a) service is done, and (b) per the state exercising jurisdiction.

Learn the details needed to be a successful Process Server in Arizona. The ACPS course sponsored by the Arizona Process Servers Association is a six-hour comprehensive course and is the only course which may be repeated for continuing legal education credit each year.

Tamara will also teach classes on How to Manage Hostility in the Field, and Level 1 Skip Tracing on Sunday.

See the APSA website for the registration form or call Bert (the APSA Administrator) at (602) 424-3026 for more information.



*Set the date...*

July 12-13, 2014  
Continental Country Club  
2380 N. Oakmont Drive,  
Flagstaff, AZ 86004



Your instructor, Tamara Nieto is the face of Northern Arizona Investigations. Her firm has been locally owned and operated in Flagstaff, Arizona since 1988. She provides investigative services as well as private process serving, court filing and research, and mobile notary services. Her contact information is: P.O. Box 1326, Flagstaff, AZ 86002, telephone 800-657-2747, fax 928-779-1044, or she can be reached at: 928-779-2823 email: [tamaraofnai@yahoo.com](mailto:tamaraofnai@yahoo.com).



**APSA**

## Annual Posting of Bylaws of the Arizona Process Servers Association

### **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.



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 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.

*(Continued on next page)*

**APSA**

## Annual Posting of Bylaws of the Arizona Process Servers Association (continued)

### **Article VI – DUTIES of OFFICERS**

*(Continued from previous page)*

**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.

### **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.

### **OP-ED: The Value of the Constable (Continued)**

The Constable is an elected official whose specific job it is to serve legal process. Serving legal process does not require a parade and fan club. It usually requires a degree of stealth with an exit plan. A quiet, effective approach to identify the person to serve, inform them of the service and give them papers is what is required. Many times, as the bearers of bad news, we are not necessarily welcome. So, like every other person who contacts the public under adverse circumstances, the Process Server, Constable or Deputy Sheriff serving legal process wants to do their job safely, professionally and get home intact at the end of the day. It's just that simple.

What each candidate does on their own time is their own business. The Constable's job is a factual based duty – he has a certain, specific obligation and reports to the court on his success or non-service of a person for that assignment. That is part of what moves cases forward through the courts. Sound familiar? It should, as that is what

we, as Process Servers also do.

The voting public should not be confused from the official duties to what a candidate wants to complete on their personal wish list. Touting political philosophy and personal agendas in the race for Constable on a candidate's website or Facebook page is irrelevant to the job duties – the duties are set forth in statute.

One of the candidates stated that he wants to do some sort of community outreach in his official capacity to enlighten the public on the job. But he has to be trained, first to know what the job entails. My opinion (just ask, I've got plenty of them), is that if an elected official is going to devote his "off hours" to the community, the trappings of office need to be left there or at home. Using a political office for unrelated personal activities is something many voters and taxpayers have an issue with – we already see too much of it in the constant campaigning our elected officials do to get re-elected or as they stump for others. Serving two masters is something better left undone – the Constable's job is simple, and doesn't require him to be the most popular person, just effective.



## Training Corner: Stress Management, Diabetes and Life



**Barry R. Goldman**  
©2013 Barry R. Goldman



This issue's Training Corner discusses stress management and the effects of diabetes. I have Type II Diabetes. It sucks. Many other process servers also have diabetes.

As I have struggled with managing it for many years, I can truly say it is a personally devastating disease. I don't mean to say that diabetes is a more serious disease than say, cancer, lupus, multiple sclerosis or any other disease or disability, but as time goes on, I seem to be able to do less without more.

I started writing my notes on this column last year while my wife was having dental work done in Los Algodones, Mexico. (Like many Americans, we found the price affordable and the quality comparable to American dentists — for about one-quarter to half the cost.)

My goals were that day to read the two issues of Diabetes Forecast that I brought with me. For some reason (okay, let's call it avoidance), I neglected to read them when the issues arrived some six or so months before. (Now I get them on an electronic subscription, so they are always available without the bulk. Of course reading them is another issue.)

Having not taken my laptop with me at the time, I

made my notes sans computer. However, it gave me an opportunity I rarely have — relaxing and getting to know my pen, again.

The questions racing through my relaxed mind at the time were: "How does one relax when they are self-employed and a one-man (or woman) shop?", "What tools do we use to help us get through the day?", and "How can we deal better with stressful situations?"

So, after reviewing several blank pages later, I concluded there are no simple answers. Relaxing is a process that's relative. When I write, I relax. When I read, I relax. When I drive, I relax (so long as it's not rush hour). But when I sleep, I find that I am often not relaxed. Sometimes my mind is racing with thoughts covering a range of topics — what happened during the day, reviewing a conversation or incident, what are the grand kids doing, and so forth.

Having gone from a naturopathic MD to a regular MD whose practice is big on treating diabetics, I am learning more and more. Don't get me wrong — I love my naturopath — the reason I had to switch was because of insurance. They just don't cover his care.

Additionally, I am discovering that out a group of

our close friends five out of six of us are diabetics. So, we discuss things and I found that I'm not as educated on my own health as I am on service of process.

As time has gone on, I've noticed that I'm able to do less. Less work, less free movement, and less relief from the pain of neuropathy. My A1C has been out of whack, and even though my daily (or not so daily) blood sugars may indicate a somewhat normal range, my overall diabetes management is poor.

I've been told by my nurse in residence (my wife) that I need to lose weight. She had me try Jenny Craig. No go. She said Weight Watchers. Not a chance. Medifast. Don't even bother. Herbalife. Forget it. I'm not a group think person, so those diet and prepared meals, meetings and multi-level marketing schemes just don't gel with me. So, what to do?

I'm still searching for the answer. There's no magic pill, and no fast track answer to sustainable weight loss (for me). Stress management plays a big part of the game. I've been told that those who have a lot of stress in their lives have a hormone that enters the bloodstream in abundance: cortisol.

**APSA**

**Training Corner: (Cont'd)**

So, learning to relax and take things one day at a time may be the best alternative to kicking the bucket. I was told that daily exercise, whether it's for a half hour of walking, running, cycling, weight lifting or other activity not only helps a person get in shape, but relieves stress. I've found it to be true. So, I'm cycling.

I also try to limit my sugar and caffeine intake, as well as carbohydrates. When I first started consciously limiting my intake, I thought I would go on a starvation diet. But as I look at things, I'm able to compensate for the peanut butter sandwich with an apple. A good decaf coffee tastes just as good as regular. When I want caffeinated coffee, I limit myself. No more McDonald's drive through. I can take a break in the field and stroll into a local Sprouts or other market and have the deli make me a sandwich that's fairly healthy. There's nothing wrong with eating a store-bought soup and salad — in fact, in most cases, it's cheaper than a sit down restaurant.

We've got choices — choices to live and be healthy, or choices to let it go and let the world around us control our actions. I prefer to control my own actions. I'm working toward healthy. I hope you are, too.



# APSA

***ABCs of Starting a New Business***

First Saturday of the month, starting in April, continuing through November, 2014 from 10:00 AM to 1:00 PM MST

Are you starting a new business or thinking about it? This session is an essential step in developing a business plan that will increase your chances of being successful. Should you start now? Where? How? What about money? Experienced business professionals will address each of these and help you get started on the best path for your business. Burton Barr Central Library, 1221 N Central Ave, Phoenix, AZ 85004 (602) 262-4636

***Social Media Bootcamp: An eMarketing Strategy in 5 Days***

Friday July 11, 2014 from 1:00 PM to 4:00 PM MST

Never before has the average business person had so much control over their internet marketing. Come learn about content marketing, social media networks, steps to a successful inbound marketing strategy. Learn how you can do it in 30 minutes per day! Attendees will receive Free planning templates. Held at Northern Arizona University (North Phx Location)

***Inner Secrets of Franchise Opportunities***

Wednesday July 16, 2014 from 1:00 PM to 3:00 PM MST

Do you think about leaving the corporate world behind? Do you long for control over your own career? Would you like to enjoy the long-term equity of your own efforts? The right franchise opportunity may be the solution. Come learn about factors that create environments ripe for franchise concepts to explode. Held at SBA District office

(APSA would like to thank Greater Phoenix SCORE for this valuable information we can pass on to our membership and readers. — Ed.)

***Reaping the Benefits of Cloud Computing***

Thursday July 24, 2014 from 9:00 AM to 11:00 AM MST

Are you wondering, What is the cloud? or Can the cloud save my business money? In simplest terms the cloud aka cloud computing is storing or accessing data and/or programs over the internet instead of on your hard drive. Come learn why it can be a real game changer for small businesses who want to compete with larger organizations. Held at Brinkster Communications Corporation

***PowerPoint***

Tuesday August 26, 2014 from 3:00 PM to 5:00 PM MST

Are you new to Power Point or have you been using it for years? Regardless of your experience level, Don Hardenbrook will show you how to enhance your presentation using this business tool. With over 95% of the presentation software market share and installation in over 1 billion computers, PowerPoint is a program that is vital to your business. Held at NMBA / SSC Boring Building

**APSA WOULD  
LIKE TO THANK:**

**Park Central Deli**  
3110 N. Central Avenue  
Phoenix, AZ  
(At Park Central Mall)



| <b>PRIVATE PROCESS SERVER PROGRAM DESIGNATED CLERKS' STAFF</b> |                       |                  |                              |
|--|-----------------------|------------------|------------------------------|
| <b>County</b>  | <b>Contact person</b> | <b>Telephone</b> | <b>Email address</b>         |
| Apache   | Delana Waite          | 928-337-7551     | dwaite@apacheclerk.net       |
| Coconino   | Debbie Young          | 928-679-7600     | dyoung2@courts.az.gov        |
| Cochise  | Martha Rivera         | 520-432-8581     | mrivera@courts.az.gov        |
| Gila   | Vickie Aguilar        | 928-402-8559     | vaguilar@courts.az.gov       |
| Graham   | Rebecca Ornelas       | 928-428-3100     | ronelas@courts.az.gov        |
| Greenlee   | Pam Pollock           | 928-865-4242     | ppollock@courts.az.gov       |
| La Paz   | Barbara Kubacki       | 928-669-6131     | bkubacki@courts.az.gov       |
| Maricopa   | Sharlette Wright      | 602-506-1909     | wrights006@cosc.maricopa.gov |
| Mohave   | Mim Quesenberry       | 928-753-0713x416 | mquesenb@courts.az.gov       |
| Navajo   | Rene Fuentes          | 928-524-4177     | rfuentes@courts.az.gov       |
| Pima   | Alan Walker           | 520-724-3282     | awalker@sc.pima.gov          |
| Pinal  | Marsha Tucci          | 520-866-5305     | mtucci@courts.az.gov         |
| Santa Cruz   | Karla Zuniga          | 520-375-7700     | kzuniga@courts.az.gov        |
| Yavapai  | Kelly Gregorio        | 928-771-3312     | kgregori@courts.az.gov       |
| Yuma   | Michelle Lackey       | 928-817-4241     | mlackey@courts.az.gov        |

Complaints about process servers – certified or those impersonating process servers should be addressed to the presiding judge in the Superior Court of the county where the incident occurred. The official complaint form may be found at: <http://www.azcourts.gov/Portals/26/Process%20Server/Doc/ComplaintForm.pdf>

Think it's hard to lose  
clients? Ask the other guy  
who is now servicing yours.

#### **ADVERTISING RATES**

All Payments for advertising must be paid in advance.

Please submit camera ready copy.

**Business Card**.....\$50.00

Size: 2.0 x 3.5 (Red border example)

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

4.75 x 3.75 (Blue border example)

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

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

**Full Page**.....\$375.00

**Advertisorials/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)



2012-2013 Membership Application/Renewal

[ ] 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: |           |

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

**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.*

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.*

# APSA Events Calendar

## 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

## Court & Clerk's Exchange Meeting

Downtown Justice Center  
 620 West Jackson Suite #2083  
 (Justice Court – Training Room)  
 Phoenix, AZ  
 12:00 pm—1:00 pm  
 April 8th, July 8th, October 14th

## 2014 APSA Board Meetings

May 17, 2014  
 July 26, 2014 (Location TBA)  
 September 6, 2014  
 November 15, 2014  
 All meetings begin at 9:00 AM.

Location may vary but will be posted one to two weeks before the meeting.

## PRIVATE PROCESS SERVER TESTING BY COUNTY

| County     | Contact person                              | Telephone        | Testing dates/times/detail   |
|------------|---|------------------|--|
| Apache     | Delana Waite                                | 928-337-7551     | Not provided before publication date   |
| Coconino   | Debbie Young                                | 928-679-7600     | By appointment only through security at 928-679-7510   |
| Cochise    | Martha Rivera                               | 520-432-8581     | Every 4th Wednesday of the month 9:00 am-10:00 am  |
| Gila       | Vickie Aguilar                              | 928-402-8559     | By appointment only  |
| Graham     | Rebecca Ornelas                             | 928-428-3100     | Not provided before publication date   |
| Greenlee   | Pam Pollock                                 | 928-865-4242     | Not provided before publication date   |
| La Paz     | Barbara Kubacki                             | 928-669-6131     | Not provided before publication date   |
| Maricopa   | Sharlette Wright                            | 602-506-1909     | 2014 dates: April 10th, May 8th, June 12th, July 10th, Aug. 14th, Sep. 11th, Oct. 9th, Nov. 13th, Dec. 11th                              |
| Mohave     | Mim Quesenberry                             | 928-753-0713x416 | Not provided before publication date   |
| Navajo     | Rene Fuentes                                | 928-524-4177     | Not provided before publication date   |
| Pima       | Alan Walker (Call him the day before exam.) | 520-724-3282     | Check in at 8:30 am on exam day. Apr. 15/30; May 15/30; June 13/30; July 15/30; Aug, 15/29; Sept, 15/30; Oct.15/30; Nov.15/26; Dec.15/30 |
| Pinal      | Marsha Tucci                                | 520-866-5305     | Wed. at 9:30 am & Thur. at 1:30 pm   |
| Santa Cruz | Karla Zuniga                                | 520-375-7700     | Not provided before publication date   |
| Yavapai    | Kelly Gregorio                              | 928-771-3312     | 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. Advertisements may be written by APSANews.com staff or outside writer at cost to advertiser. Publication of advertisements is charged by the column inch.



## **Back page: E-mail Scams & Other Wastes of Time**

*From an actual email received in my office. — BRG*

Hello, please do accept my sincere apologies if my mail does not meet your personal ethics although, I would like to start by introducing myself as James Anderson, the Assistant Director of the (insert bank name here). I have decided to contact you urgently on a very important confidential deal which needs immediate attention.

The decision to contact you was based on the fact that I trust your capability to receive on our behalf a sum of £47,000.000.00 {Forty Seven Million British Pounds Sterling} this sum in question was a credit balance of

(insert name and occupation here) who died on (insert date and cause here).

This credit was held with our bank here. The Director of Account Operations approached me since he cannot transfer this fund alone without going through my desk ( i.e. The International Remittance Department). With my position and experience, I have worked out the modalities in such a way that the transaction will be accomplished. On the receipt of your approvals, I will be in a very good position to

give you details on the agreed sharing ratio.

If you promptly contact me, I also have a bridge to sell you on an unfinished road that spans swamp grass in the Antarctic, passable only during the Southern Hemisphere summer monsoon season.



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Naomi Berg  
480.570.1728

Arizona Process Servers Association  
PO Box 2233  
Phoenix, AZ 85002  
(602) 476-1737  
[apsadmin@cox.net](mailto:apsadmin@cox.net)

# **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.

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Divorce ~ Family Law ~  
Child Custody  
Family & Spousal  
Support  
Evictions  
Judgment Enforcement