

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



THE ONLY NAPPS CHARTERED STATE ORGANIZATION IN ARIZONA

ARIZONA PROCESS SERVERS ASSOCIATION

NEWSLETTER

VOLUME 16, ISSUE 3

CONFERENCE EDITION 2014

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

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

2nd Vice Pres. (Vacant)

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

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

Larry Ratcliff
 Director, 928-367-0510,
 lrp1@frontiernet.net

Ron Ezell
 Director, 520-623-8436,
 ronezell@premiersupportservice.com

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

Luis Figueroa, 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

It's Conference Time Again!!!

Another year has passed and we are busy putting the final touches on this year's Conference which will be held again at the Wild Horse Pass Hotel and Casino. I have heard from several members throughout the year providing feedback on the Conference (both positive and negative), and I wanted to take a moment to recap some of the questions that have received and my responses.

As most of you know, last year we made two significant changes to the Conference, moving the Conference to Wild Horse Pass and joining forces with ALPI. The majority of the members I have heard from really enjoyed the Conference and the broader options for CLE that it provided. When we made this decision, we knew we were taking a risk. It is always safer and easier to simply do what we have done in the past because it seems to be working.

I am going to take a moment and try to share with you why we chose to make this change. One of the most common concerns I have received from our members is that the Association appears stagnant. Our membership

ranges between 150 and 200 members; we see the same people

involved year in and year out, and the CE classes are all the same. The Conference has been viewed simply as a place to go to get your 10 hours of CE.

It is my belief, that in order to be effective as an Association, we must increase both our membership numbers and their participation in the Association. With that in mind, we have tried to create a Conference that can offer more than just another place to take a CE class. We are trying to make the Conference an event where our industry and its partners come together to discuss the issues that are affecting us and to interact with other industry leaders. While this is not an overnight endeavor, I hope that we can continue to generate new interest and involvement by process servers throughout the State.

The other concern that I have heard has to do with the classes being offered which may be more targeted to private investigators rather than process servers. A few members have stated that they worry that the classes would not qualify for credit from the Supreme Court for renewal of their certification. Because CE training by the Association does not require

There's more inside:

- **Secretary's Corner**
- **In Memoriam: Frank Brinkman**
- **Editor's Column**
- **Getting Iced...For a Good Cause**
- **The Brief**
- **Training Corner: Disciplinary Actions...**

prior approval from the Supreme Court, the only requirement for CE credit is that the classes comply with the standards set by the Supreme Court for CE credit. The classes being offered have been structured to ensure compliance with those standards.

I look forward to seeing you all at the Conference!!! 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.

Changes & Corrections

Members, please note changes to contact the following Board members:

Tom LaVance
 President, (800) 460-8081,
 tom.lavance@ezmessenger.com
 Ron Ezell
 Director, 520-623-8436,
 ronezell@premiersupportservice

From the desk of *Larry Ratcliff...*
 September 2, 2014

To the members of APSA:

Well, it's that time of year again, Labor Day Weekend is over and autumn starts in a few weeks.

That means it is time for the Annual APSA Conference and Training with our good friends from AALPI.

This year's conference will prove to be better than ever with guest speakers, new classes, door prizes, our annual meeting, elections and social hours.

Recently I had the opportunity to attend the training in Flagstaff Arizona and spoke with several of the members of APSA. I was surprised to hear the same old complaints from our members and they were shocked to hear that these issues had been taken care over the past several years.

Please plan on attending the annual Conference and Meeting and you too can find out that APSA

has worked with the Supreme Court for professional Identification Cards, We have also issued membership cards, and APSA has been working with Senators and Congressmen to educate them about process servers.



APSA has also made a training video with AZPOST that all Officers in the State of Arizona will be required to view. This video is to educate Officers as to our jobs and our lawful authority.

APSA has also been working with the Constable Association and Civil Deputy Association on various rules of services and to create a professional working relationship.

In short, if you want to know what YOUR Association is doing for you, please attend the annual conference, training and meeting. I am sure you will be impressed with what your elected board members are doing for you, your association and your profession.

I look forward to seeing you all there on September 26th and 27th 2014.

Sincerely,

Larry Ratcliff

APSA Board Member
 President Emeritus



L.R. Investigations L.L.C. & Process Service

P.O. Box 1293
 Lakeside, Arizona 85929
 Phone (928) 367-0510
 Fax (928) 367-5328

Secretary's Corner

Jenna Jones ACPS, Secretary

It is hard to believe we are approaching the Annual Conference! Where has the year gone? Are you joining us? We are happy to report that for the second year, we are combining resources with the Arizona Association of Licensed Private Investigators to put on an even better conference for both organizations.

I would like to express my deepest thanks to Sabine Hilten and Dana Young for putting in countless hours of hard work to make this year's event a success. These two ladies have gone above and beyond in planning to get things right and to make your experience at this year's conference a great one. If you run into them at the conference, please tell them thank you!

We have a number of new sponsors this year that I would also like to thank. Sabine Hilten's company, LAWGRLL, is sponsoring

the Happy Hour. Ron Ezell on behalf of Premier Support Service is also a lead sponsor of the event. Tempe Process Service, on my behalf, is sponsoring the Saturday afternoon speaker. We have a number of other wonderful sponsors that I do not want to forget, so please visit their tables, meet them, and see if they can assist you with your business needs.

We are dedicating this year's event to those members of our organization that we have lost this past year, Frank Brinkman and Bobby Candelaria. Both well respected professionals. Our thoughts and prayers go out to their families.

The meeting will be held at the Wild Horse Pass Hotel and Casino in Chandler, Arizona. Last year's event was great fun and we expect an even better program this year. New classes! New information! We are having two panel discussions on

Saturday afternoon that should be very interesting and informative. If you



haven't already made your reservations, please do so now. We look forward to seeing you.

We apologize if the changes in the registration process have thrown you for a loop but in the past we received comments for not being able to register online. AALPI was kind enough to include our members in their online payment and registration. We also have the paper version, so whatever you choose, sign up now.

We also are not making you pick your classes ahead of time. We found that last year a lot of people changed their minds at the conference and it was difficult to keep up with the certificates of attendance.

(Continued on Page 10)



Maricopa County Court Clerk/Process Server Quarterly Meeting

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

Next meeting is scheduled for October 14, 2014. This meeting was regularly attended by Frank

Brinkman. Since the loss of Frank, APSA would like to have a volunteer to regularly attend and report on this meeting. If you are interested in getting involved and committing to this opportunity, please let our President or Secretary know about your interest. It will be greatly appreciated. — Ed.



In Memoriam... Francis "Frank" Brinkman, III

Frank was the 2nd Vice President of APSA, elected to fill the position for the 2013-2014 year. He was active in our association, and looked forward to helping other process servers. Frank lived in Mesa, AZ, and was born November 26, 1965. He passed away at home July 21, 2014. Frank is survived by his father, Francis Brinkman, Jr., his mother Shirley Brinkman, his sister Kara, brother Ken, grandmother Mary Lydic and several aunts, uncles and cousins. Frank was a Boy Scout all his short life and was an Eagle Scout and Scoutmaster for Troup 296 from 1986-89. Frank was interred at Holy Cross Cemetery in Avondale.



Editor's Column

 Barry R. Goldman

"Good friends". It's a phrase used by many of us to describe those who are close to us. It doesn't necessarily matter whether we are related by blood or otherwise, the term can be universally applied.

It's unfortunate that sometimes the best people around us are good friends, and we lose them. It is also disconcerting that the good friend we thought we knew is more of a good friend than we thought. He or she may be a Boy Scout or Girl Scout leader, active in their church, or one who regularly helps those less fortunate.

It is somewhat upsetting and pleasantly eye opening at the same time that the person we knew as a good friend was actually much more than that. The person was a good friend to others. Many others. Were it not for those who speak of our good friends at w a k e s , celebrations of

life and funerals, many of us would not know what the good in that good friend was.

Losing someone should not be the only occasion to bring about memories of what a good person that good friend was. We should get to know our fellows — whether they be acquaintances or the best of friends. When we lose someone, it's permanent, not like in the movies. When good friends are gone, part of us goes with them. We hope that part of them stays with us, as well.

We all lost a good friend when Frank Brinkman recently passed away. Hearing people speak about him gave me food for thought.

What do each of us hope to be remembered by? Is it the good we have contributed to our fellow man, the wars we fought and bled in, or the job we did quite admirably and competently? We only have one go at this life. We need to live it with all the spirit our good friends expect of us and more. Some of us recognize this, while others still need to learn. Honoring our ancestors, the memories of those departed and the promise of

those who are here and yet to come are a w e s o m e responsibilities.

Being a good friend is taking the opportunity that life gives us and making the best of it. Having and being a good friend is part of this life. Let's live it to the fullest and honor life.

Good friends are people we know well. Acquaintances are persons who are yet to be good friends. Associates are people who have something in common with us but are kept at arm's length. Undesirables are people we just don't want in our lives. Strangers are people we just don't know well enough to know where they fit into our lives.

Where do the people you know fit into your life? Where do you think you fit into theirs? Let's be good to each other. Let us learn from each other so we can each be good friends.

Shalom to all. May peace be with you, and may you have and be good friends.



Getting Iced...For a Good Cause

If you weren't already aware, there's a challenge going around: The Ice Bucket Challenge. It's a way to bring awareness and benefit to the ALS Association. ALS (otherwise known as Lou Gehrig's Disease) can strike anyone, young or old. It's a devastating disease. The Ice Bucket Challenge is a way that the ALS Association has found to increase

their donations and education. According to the ALS Foundation website, "People have responded with such generosity it is truly remarkable and we couldn't be more appreciative," said Barbara Newhouse, President and CEO of The ALS Association. "These donations will truly help fuel our fight against ALS in ways that were

never before possible." For more info, the ALS Foundation website can be found at: www.alsa.org.



Mayor Christian Price of Maricopa taking the Ice Bucket Challenge on a warm 110 degree day in August with the city's Fire Department management.

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



TRISTAR

SOFTWARE



WWW.TRISTARSOFTWARE.COM
805.227.1213

ITS NOT TOO LATE! REGISTER WITHOUT A PENALTY UNTIL 9/18.

Half day (Saturday) or all day Sunday only fee is \$99. Full conference (both days) \$149.

Book your rooms and register now! Win door prizes! Meet new and catch up with old friends!

Your registration is the key to a successful event this year and in the future.

You can get up to 12 CEs for the conference. There will be 8 hours available on Saturday and 4 on Sunday.

The format has changed! You can decide which courses you want to go to at the time. You do not have to decide now.

Two panel discussions are scheduled for Saturday afternoon: "Digital Forensics and Evidence Technology", and Legislation that may affect us.



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.

July 2014

Electronic Appeals Expand to Juvenile Cases

Effective July 1, 2014, Juvenile case appeals will be processed through the Clerk's Appeals unit located at the Customer Service Center in downtown Phoenix. With this change, all adult and juvenile appeals will be processed electronically to the Court of Appeals, Division One. Parties are still required to file the Notice of Appeal in juvenile cases at either the Durango Street location in Phoenix or the Southeast Juvenile location in Mesa.

The effects of this change are:

- Document(s) associated with the record on appeal will no longer be provided on paper
- On request, CD-ROMs will be provided that include the index and accompanying documents. Minimum system requirements to view documents are a web browser that supports .html and Adobe Acrobat
- A formal Designation of Record will be required for the Clerk's Office to obtain and transmit the juvenile red/social file or other documents not maintained as part of the official

record to the appellate court. (See Juvenile Court Rules of Procedure, Rule 104(E) and (F))

Juvenile appeals filed before the July 1, 2014 implementation date will be processed on paper.

Electronic Processing of Minute Entries and Orders

The way minute entries are posted online for the public and distributed to attorneys and parties over the weekends and holidays will soon change, but most parties and practitioners will not notice a difference. Technology allows the Clerk's Office to improve the timing and accuracy of the court record by syncing its automated processes with the court's business days.

Minute entries and orders filed electronically by the court during the business day are processed in nightly batches. These batches of approved documents receive an electronic file stamp overnight as the automated process runs. The electronic file stamp shows the next business day's date and a time of 8:00 a.m. The nightly batch process appears seamless from Monday through Thursday in weeks that don't have a holiday.

Documents placed in queue for automated processing on Fridays and the day before a holiday have been electronically file stamped with the next business day's date for many years.

However, those documents used to post to the Clerk's public website and were distributed electronically as soon as the automated batch process completed overnight. Updates to the automated system's programming will post the documents online and distribute them electronically on the business day reflected on the electronic file stamp. Parties who receive paper copies of minute entries and orders will continue having their documents distributed during business hours on business days.

This change reduces confusion caused by the automated release of copies of records during weekends and holidays and improves the accuracy of the record while maintaining the efficiency of overnight processing. Attorneys and parties with internet access can also view documents filed-in to their cases by registering on the Clerk's ECR Online website at <https://ecr.clerkofcourt.maricopa.gov/login.aspx>.

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



Hi, I'm Patty Chlebanowski, former long-time Secretary of APSA. Frontier Insurance Agency, Inc. has been in business for 48 years. I have run this business side by side with my Process Serving business since 1989. Our process serving business was sold in 2013, but we kept our insurance agency. Frontier Insurance Agency, Inc. wants to help members and friends of APSA and AALPI to write your Notary Bonds, Court Bonds (Appeal and Cost Bonds), and Probate Bonds (Personal Representative, Conservatorship & Guardianships). We also write MVD (Lost Title Bonds). If you know an attorney who handles Probate matters, please drop my name to them. If you have any needs, please give us a call. Frontier can usually get a bond written in about 24 hours.

APSA

PATRICIA CHLEBANOWSKI
Agent
receptionist@frontierpps.com

FRONTIER INSURANCE AGENCY, INC.
Surety Bonds

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

CONFERENCE 2014

**ARIZONA PROCESS SERVERS ASSOCIATION and
ARIZONA ASSN OF LICENSED PRIVATE INVESTIGATORS**

2014 Annual Educational Conference Schedule



Saturday, September 27, 2014 Seminars:

7:00 a.m. – 7:30 a.m. Registration-Continental Breakfast

Applicable for all Registrants-Non Refundable \$ 149.00

7:30 a.m. – 7:50 a.m. Conference Welcome by APSA and AALPI Presidents

8:00 a.m. – 12:00 p.m. A. Process Server Law 4 hrs CE

OR B. Changing the Game of Business to Increase Your Profits – Diana Garren

12:00 p.m. - 1:30 p.m. LUNCHEON & ANNUAL MEETING

Special guest speakers at lunch (1 hr CE) – Marc Wilson, AZ Supreme Court & Captain Enteman from AZ DPS

(Must be registered to attend)

1:40 p.m. – 3:10 p.m. A. 7 Things to Never Say to Anyone by Kevin Wellard 1.5 hrs CE

OR B. Panel Discussion – Changes in Digital Forensics and Evidence Technology

3:30 p.m. – 5:00 p.m. A. Subtle Clues to Avoid Assaults by Keven Wellard 1.5 hrs CE

OR B. Panel Discussion – Legislative Updates and Changes to Employees status'

5:00 PM – HAPPY HOUR – ALL INVITED (appetizers, cash bar) included

Sunday, September 28, 2014 Seminars:

7:30 a.m. – 8:00 a.m. Registration and Continental Breakfast included

8:00 a.m. – 10:00 a.m. A. ACPS Condensed course (part 1)

OR B. Inside workings on Online Dating Scam with Diana Garren 2 hrs. CE

10:15 a.m. – 12:15 a.m. A. ACPS Condensed course (part 2)

OR B. Investigating Fraud Rings and Runaway Investigations with Dana Young 2 hrs CE



Wild Horse Pass resort and Casino

September 27 and 28, 2014

Wild Horse Pass resort and Casino

5040 Wild Horse Pass, (i-10 and 202), Chandler, AZ 85226



CONFERENCE 2014

Join us at
Wild Horse Pass!

Our annual Conference and Educational Event is again scheduled for the Wild Horse Pass Hotel & Casino near Chandler, AZ.



Located just off the I-10 freeway at the Queen Creek exit, the hotel offers our members a comfortable learning and social environment, as well as great rooms!

Hotel rooms are still available at discount rate of \$86 while available. Very nice accomodations.

Pre-conference fun - Come Friday night and join us at 6:30 pm for a no host dinner at Ling & Louie's, and at 8:00 pm a Journey Tribute concert for \$10.



Set the date...

September 27-28, 2014
Wild Horse Pass Hotel & Casino
5040 Wild Horse Pass Blvd,
Chandler, AZ 85226



All registration for AALPI & APISA members attendance, booths & sponsorships can be quickly and securely ordered on the AALPI shopping cart website. Attendee's just printout your paid invoice and bring to the conference for registration. Vendors and sponsors will be contacted to get logos and give further conference details. For conference questions & please Call Dana Young 480-946-7173.

KAYE KING
602.703.8368



Training Corner: Disciplinary Actions



Barry R. Goldman

©2013 Barry R. Goldman



Disciplinary actions. Dreaded words that are avoided at all costs.

Section 7-204 of the Arizona Code of Judicial Administration (the Code) defines "Disciplinary action" as either informal or formal proceedings against a certificate holder after a finding of probable cause that the certificate holder has committed acts of misconduct or violations of statutes, court rules, or this code section.

According to the Code, "Formal disciplinary proceedings" means the process initiated upon a determination of probable cause the alleged acts of misconduct or violations of the statutes, court rules, or this code section by a certified process server that, if true, would warrant a censure, consent agreement, or other negotiated settlement, restrictions, probation, additional training, a cease and desist order, suspension, or revocation of certification pursuant to subsection (H). "Informal disciplinary proceedings" means the process initiated upon a determination of probable cause the alleged acts of misconduct or violations of the statutes, court rules, or this code section by a certificate holder that, if true, would warrant a letter of concern, pursuant to subsection (H).

Where a server finds him or herself the subject of a disciplinary action, it is often due to incorrectly serving a defendant in some way. Although each county's presiding judge has their own approach to disciplinary actions, certain rules must be followed in investigating and determining whether formal or informal disciplinary actions will be brought against the process server.

Complaints received against a process server are filed with the Clerk of the Superior Court in the county of the alleged violation. In addition to his or her other duties, the Presiding Judge must receive and review all complaints against process servers. Each process server is certificated by the Superior Court of Arizona in the

county of their residence. Any disciplinary action taken against the process server is to be done in accordance with the ACJA §7-204(H), which specifies that the presiding judge "...direct court staff to investigate allegations of misconduct or violations of statutes, court rules, or this code section that may result in a complaint, if such investigation protects and serves the best interest of the public." Anonymous complaints are not heard.

Often, in reviewing the complaint, the judge or his staff may "weed out" what may be considered founded versus unfounded complaints. Keys to weeding out complaints are usually derived from reading the narrative of the person complaining. Valid complaints will often take the form of an organized narrative, itemizing the exact nature of the alleged violation, and contain complete contact information of the complainant. Many complaints which are declined cited lack of contact information for the complainant, illegible information, and items which are out of the purview and authority of the courts, such as disputes about fees charged. According to ACJA §7-204(H)(3), "The presiding judge shall determine if a complaint warrants further investigation and evaluation. If the complaint is outside the jurisdiction of the Private Process Server Program, the presiding judge shall dismiss the complaint. The presiding judge may refer the complaint to another state agency or entity with jurisdiction."

If the violation indicated in the complaint appears to have probable cause as a violation of law, rule of court or administrative regulation, further action may be taken on the complaint outside of the process server disciplinary procedure. If it appears that the complaint does not fall outside of this jurisdiction, the judge may assign the matter for additional investigation, including interviews with the complainant and witnesses. Facts are gathered to determine if

probable cause exists to warrant the complaint. The process server may also be called in for interviews. The presiding judge may assign the matter to a hearing officer.

Unlike most occupations, persons who take an oath as a condition of certification (i.e.: process servers and others) must submit to, and be cooperative in any investigation relating to their professional certification. We may be familiar with this in the way TV depicts "internal affairs investigators" working over a favorite character. The term, "candor" comes significantly into play, here. "Candor" is often stated as the quality of being open, honest and sincere. An interview with a judge in chambers or otherwise is where the process server has the opportunity to provide the court with honest information about the incident. It is also where the process server has the opportunity to shoot himself in the foot by being indignant, uncooperative or displaying a lack of honesty. Judges often will gauge a person's candor as an indication of their tendency to hide or obfuscate (an attempt to confuse, make unclear, blur or muddle) required information. The lack of candor may lead to formal disciplinary proceedings, while admitting to an error or lack of good judgment and showing how future errors in judgment will be avoided may result in a letter of concern being placed in the process server's record, rather than stiffer penalties.

Whether or not the proceeding is formal or informal, the certificate holder would do best to take the matter very seriously. A process server in such proceedings may wish to consider retaining counsel. A person under disciplinary proceedings may retain and be represented by an attorney. Disciplinary proceeding procedures are (*continued...*)

APSA

Training Corner: Disciplinary Actions

(continued)

set forth in ACJA §7-204(H), and detail the outline of not only the hearing procedure, but the ramifications of finding that the process server committed a violation under the jurisdiction of the code. Hearings may be conducted "...in an informal manner and without adherence to the rules of pleading or evidence." However, "All persons appearing before the hearing officer in any proceeding shall conform to the conduct expected in the Arizona Superior Court." Aside from dismissing the case after hearing, the hearing officer may issue an advisory letter to the process server, or if finding that the process server did violate "...any of the provisions of the statutes, court rules or this code section..." order an emergency suspension or other sanctions, including:

Issue a letter of concern; Issue a censure; Resolve any found acts or violations by consent order or other negotiated settlement; Place specific restrictions on a certificate; Place the certificate holder on probation for a set period of time under specified conditions; Mandate additional training for the certificate holder; Order suspension of a certificate for a set period of time not to exceed three years with specified conditions for reinstatement; Revoke a certificate with specified conditions for reinstatement; or Any other action the hearing officer determines appropriate, including return or refund of service fees to a harmed person or entity. This shall not include imposition of a fine.

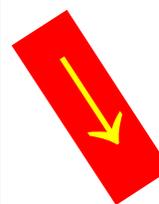
When a process server's certificate is suspended or revoked, the ability and authority of that process server to serve legal papers is effectively rescinded, cutting off his or her way of

Under ACJA §7-204(G)(6)(c), "The presiding judge shall not issue any certification under this section to any person whose certification has been revoked until: (1) One year has passed from the date of the presiding judge's final order of revocation...". In the instance where a process server is convicted of a crime and their civil rights are taken away, under ARS §13-904(E), "...A person...who has had his civil rights restored may be denied a license, permit or certificate to engage in an occupation by reason of the prior conviction of a felony or misdemeanor if the offense has a reasonable relationship to the functions of the employment or occupation for which the license, permit or certificate is sought." In other words, although a process server who has a revoked certification may apply for reinstatement, if that server was convicted of a crime relating to their certification (i.e.: perjury) he or she may be denied future reinstatement of their certification. Those whose certifications are revoked must re-qualify for certification and are subject to additional scrutiny.

When a process server is found to have committed a violation, he or she has 35 days to request a "special action" (essentially an appeal) to overturn the ruling by the hearing officer. These special actions are indicated in ACJA §7-204(H)(22): "Decisions of the presiding judge, hearing officer or other designee regarding certification, renewal of certification, or disciplinary action pursuant to this code section are final. Parties may seek judicial review through a petition for a special action within 35 days after entry of the final order of the hearing officer. The petition for special action shall be pursuant to the Arizona Rules of Procedure for Special Actions."

Your process server certification is valuable. Don't take it for granted.

— BRG



Filing a complaint:

If a complaint needs to be filed against a process server, the prescribed complaint form may be found on the Arizona Supreme Court's website under the Process Servers link.

Filing a complaint against a process server is not limited to plaintiffs or defendants. Process Servers who have knowledge of others violating the code of ethics, rules of court or statutes may also report such violations.

Case Study: Violating ARCP Rule 4(g)

I requested my assistant pull some proofs of service the other day from a local justice court. In examining the documents, I found some issues that if yours truly was sitting on the bench, would not have passed.

First, ARCP Rule 4(g) requires that the process server indicate "...clear reference to the county where that private process server is registered." Although the documents were signed, neither indicated in which county the process server was registered. Additionally, one of the documents signed had an illegible signature, while the other didn't indicate if the server was a junior or senior (their business is composed of a father/son with the same first and last name). Neither was the server's identification number placed, nor their name legibly printed.

This creates problems with identifying who the server is. The author recommends each process server not only sign his/her name, but print their name, identification number, county of registration and complete contact information on each document submitted.



Secretary's Corner (cont'd)

We hope this new method will work well and if you have feedback, please share it with us. We are also offering (mostly) new classes. There was a lot of feedback regarding the classes last year so again, we are trying to make it better. We look forward to your feedback after the conference.

Thanks again, we look forward to seeing you!

Jenna Jones
APSA Secretary

Only 1 face per ID card, please



APSA WOULD LIKE TO THANK:

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



Look for announcements from Score in our next edition.

*Geekware, Software, Hardware,
Cars & Phones:
Technology Flavors for All*



Are you a technology freak or geek? Do your interests lie in establishing great customer service with your clients? Are you driving a mobile office of just a get around? Motorcycle, SUV, sedan or smart car? Hybrid or eight cylinder gas guzzler? Smart phone or flip? Read on for answers to these questions and more.

When I first started my career in serving legal process, I drove a 1982 Subaru hatchback. The car was five years old, and had a five-speed transmission. It was a joy to drive in L.A. traffic, especially during rush hour (OK, it wasn't really a joy, but I'm trying to remain positive, here!). As time went on, I drove other vehicles. Nowadays, I switch between my beloved (almost 15 year old) Ford SUV and a 2008 Buick sedan. Either one gets me to where I need to be, but with my size (and girth), I naturally prefer the Ford.

Some process servers have the philosophy of driving cars into the ground and replacing them annually. Others (dinosaurs like myself) believe that tools should be well taken care of, and those that are will last the longest.

Either philosophy about inorganic tools can be applied to computers and office equipment, as well. I used to have a computer mounted in my SUV; however, since I changed computers and rotate my vehicle use, the computer I take with me is in a shoulder bag. I found that my smart phone handles much, if not the same amount of work that my laptop does. I can use it to communicate via email, text, shoot photos (and send them, too), as well as get on the internet to find most stuff. I use the computer (with

mobile hot spot) primarily for skiptracing when my smart phone doesn't have the screen capability.

Do you still have a fax machine? I had a hard time parting with it a few years ago, but found that E-Fax does quite well. Since I keep PDF copies of my client documents, learning to use the E-Fax account was a smooth transition. Of course, these days I find that I'm attaching more documents to emails, but with some clients, an E-Fax account still makes sense.

Then, there's DropBox. Having just started to use DropBox, I found for some clients or servers, placing their documents into a DropBox folder enables them to pick up their documents with ease. I have one process server out of state who still uses AOL, but due to the size limitations imposed by AOL, couldn't receive my PDF documents as attachments. Opening up a DropBox folder made the most sense for him getting the new assignment.

Texting? For years, I resisted texting. Now I cannot get enough. However, one thing I insist on is that service of process reports are still made via e-mail. A texting record is only as permanent as how long it is kept on a telephone.

Which brings us naturally to other questions: "IBM or Mac?", "Laptop or desktop?", "Color cartridge or laser?", "Scanner or multi-function machine?", and more. We'll talk about technology in future issues of the APSA Newsletter. As always, your contributions are always welcome!

— BRG



PRIVATE PROCESS SERVER PROGRAM DESIGNATED CLERKS' STAFF			
County	Contact person	Telephone	Email address
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	rornelas@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.

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.



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.

ADVERTISING RATES

All Payments for advertising must be paid in advance.

Please submit camera ready copy.

Business Card..... \$50.00

Size: 2.0 x 3.5 (Red border example)

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

4.75 x 3.75 (Blue border example)

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

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

Full Page.....\$375.00

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

ARIZONA PROCESS SERVERS ASSOCIATION

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

www.arizonaprocessservers.org



2014-2015 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

2014 APSA Board Meetings

September 6, 2014
 November 15, 2014
 All meetings begin at 9:00 AM.

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
 October 14th

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:

- The APSA Newsletter is published in March, June, September and December of each year.
- All advertising must be paid for in advance. Payment should be made to the Arizona Process Servers Association. A 15% discount is available for advertisers who pay for a full year in advance.
- Advertising rates are quoted for full-color camera-ready copy in electronic submission in an approved format.
- Advertiser is responsible for preparing & submitting ad copy. Copy must be submitted no later than the last day of the month preceding publication
- Acceptance, placement and publication of advertising is subject to the sole approval and discretion of the Editor.
- Inappropriate advertising content will not be accepted. Editor reserves the right to decline any advertisement.
- In the event that an item of advertising is rejected, a refund shall be made to the advertiser.
- Advertisement size quoted is approximate. Actual size may vary depending on page availability.
- Advertorials may be written by APSANews.com staff or outside writer at cost to advertiser. Publication of advertorials is charged by the column inch.



Instructor Profile: KEVIN WELLARD

I am from Yuma Arizona and I currently am a Licensed Private Investigator. I started Just N Case Investigations, PLLC in 2010 and conduct both criminal and civil investigations. Most of my clients are lawyers but I occasionally do private work as well.

I began my law enforcement career as a detention officer for the Yuma County Sheriff's Office in 1991 and moved on to the City of Yuma Police Department in 1994. I retired in 2009 after over 18 years in law enforcement. While at YPD I served many capacities including being a Bicycle Officer, a DARE Instructor, a Field Training Officer (FTO), a

General Instructor, a member of both the SWAT and the DIVE Team and served as a Sergeant. I was also tasked throughout my career with serving subpoenas.

In 2011 I began instructing for the University of Phoenix in the College of Criminal Justice and Securities and have taught over 20 courses.

Kevin's services include investigations in: Criminal Investigations, Accident Investigations, Case Preparation, Locating Witnesses, Locating Additional Evidence, Crime Scene Review, Digital Pictures, Timeline Preparation, Detailed Investigative

Reports, Court Testifying as well as Locating Missing Persons, Background Investigations, Consumer Fraud Insurance Investigations, Identity Theft, Employee Dishonesty, and Worker's Compensation Investigations.

Kevin can be contacted through his office at Just N Case Investigations, PLLC by telephone at (928) 304-3263

or by email at:

kevin@justncaseinvestigations.com.

His website is www.justncaseinvestigations.com.

— Ed.

CONFERENCE 2014



Naomi Berg
480.570.1728

SERVING ARIZONA & CALIFORNIA WWW.RAPIDRPS.COM

CERTIFIED PROCESS SERVERS

***Rapid* RPS.COM**

(877) 472-7431

SERVICE@RAPIDRPS.COM



**Process Serving
Court Filing
Skip Tracing
Legal Document
Preparation**

Summons / Complaints
Orders to Appear
Writs & Levies
Subpoena Preparation
Restraining Orders
Injunctions
Divorce ~ Family Law ~
Child Custody
Family & Spousal
Support
Evictions
Judgment Enforcement

MOVING YOUR LEGAL DOCUMENTS...Fast!

Arizona Process Servers Association
PO Box 2233
Phoenix, AZ 85002
(602) 476-1737
apsaadmin@cox.net

APSA

Serving Arizona Process Servers Since 1973

www.arizonaprocessservers.org

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