The Offices of
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January 10, 2014

Donald S. Clark, Secretary of the Commission
Edith Ramirez, Chairwoman
Julie Brill commissioner,
Maureen K. Ohlhausen commissioner,
Joshua D. Wright commissioner,
Armando Irizarry commission attorney,
Christopher G. Renner, FTC Acting Deputy Assistant Director (signer)
Geoffrey M. Green FTC Acting Assistant Director (signer)
Deborah L. Feinstem FTC Director (signer)

Federal Trade Commission,
Office of the Secretary, Room H-113 (Annex D),
600 Pennsylvania Avenue, N.W.,
Washington, DC 20580
Submitted Via Electronic submission at:
https://ftcpublic.commentworks.com/ftc/californiaprofessionalsconsent/

Re: California Association of Legal Support Professionals (CALSPRo),
CASE NO. File No. 131-0205

Dear Honorable Donald S. Clark, Secretary of the Commission,

I applaud the guidance of the Federal Trade Commission in this matter of process serving industry. It is with hope that the solution will provide for competition that causes professionalism in the industry. That the solution additionally provides for fair trade with competitive prices that assure consumers that related prices are based on the proper and just skills of the competitive participants.

In the news release, issued December 16, 2013 the commission titled "Professional Associations Settle FTC Charges by Eliminating Rules That Restricted Competition Among Their Members" the commission combined CALSPRo with the Music Teachers National Association, Inc (MTNA) in one release. I further take notice that the position of MTNA is in the following:

> **"In addition, MTNA is an umbrella organization for more than 500 state and local music teaching association affiliates throughout the country. Some of these affiliates have codes of ethics that restrain their members from charging fees that are lower than the average in the community, offering free lessons or scholarships, or advertising free scholarships or tuition. The proposed settlement requires MTNA to, among other things, stop affiliating with any association that MTNA knows is restricting solicitation, advertising, or price-related competition by its members."**

In this statement, the COMMISSION is clearly aware of the implication and impact the national association MTNA has over the trade through its regional affiliates. I request that the COMMISSION reconsider its position and apply that same standard with the NATIONAL process serving industry. The National Association of Professional Process Servers (NAPPS) to the process serving industry is as the MTNA is to the music teacher industry. I request the FTC declines to certify this CALSPRO consent order and refocus on consenting NAPPS. I have attached to this submission the code of ethics, the bylaws, policy, and Policy on Standards for Chartered State Associations of NAPPS. In the Policy on Standards for Chartered State Associations of NAPPS indicates that the state associations are obligated under section C (3) :

> **…. state association articles of formation clearly state that the purpose(s) of the association include, but is/are not necessarily limited to, such purpose(s) consistent with those of NAPPS."**

In NAPPS code of ethics most recently updated 4/17/2012 it reads:

> **'1. Duties to Clients, General Public, Legal Entities**
> **All work shall be performed in a lawful, professional and ethical manner.** ***In the conduct of a member's professional and non-professional activities, nothing shall be done that would impugn the position, reputation, or name of this Association, its members, or the process serving profession.*** **Everything possible shall be done to avoid an appearance of impropriety and to protect the rights, interest and confidentiality of clients, entities being served, and the legal profession as a whole." Emphasis added**

As recognized in the MTNA the national association has clear guidance on its state charters or affiliates. In this CALSPRo matter, it is even more obvious that NAPPS is such an influence. Of its 21 state charters and/or affiliates, 15 of them have the same language nearly verbatim. Its members cannot disparage or "impugn" competitors. Yet in NAPPS the expulsions and resignation under threats of expulsion of three past presidents in the past 5 years have all applied the code as the alleged aggrieved were their peers on the NAPPS board and in the NAPPS administration. I have appended their states applicable code of ethics within this report. Reasonable consideration based on the material FTC has presented about MTNA shows NAPPS would have been the preferred entity to address this concern in the national trade of process serving.

In the FTC published proposed complaint agreed to by CALSPRo in the first paragraph it reads:

> **"Respondent conducts business for the pecuniary benefit of its members and is therefore a "corporation," as defined in Section 4 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 44."**

This statement is true AND is in conflict with the Internal Revenue Service in the operation of a nonprofit. IRS rules state that no part of a non-profit can go to the pecuniary gain (particular services) of any entity or individual in a non-profit. I share this portion to show that the matter before the FTC maybe resisted by the NAPPS. Any investigation by the government would uncover multiple operational actions of improprieties from antitrust to IRS concerns. The IRS offers the following examples:

> **In the following situations IRC 501(c)(6) exemption was denied because the organization's primary activities were found to constitute the performance of particular services for individual persons:**
>
> **"An organization that publishes and distributes to its members' customers and potential customers a directory containing members' names and addresses. Rev. Rul. 76-409, 1976-2 C.B. 154."**
>
> **"Commodity and stock exchanges, which serve their members as a convenience and economy in buying and selling. Reg. 1.501(c)(6)-1.**
>
> **"An organization of florists to promote the exchange of orders by wire among its members. Florists Telegraph Delivery Association, Inc. v. Commissioner, 47 B.T.A. 1044 (1942). "**
>
> **"An organization that furnishes particular information and specialized individual service to its members through publications and other means to effect economies in the operation of their individual businesses. Rev. Rul. 56-65, 1956-1 C.B. 199, clarified by Rev. Rul. 65-164, 1965-1 C.B. 238 and Rev. Rul. 72-211, 1972-1 C.B. 150."**
>
> **"A nurses' registry controlled and financed by participating nurses where its activities consist of assigning nurses to jobs. Rev. Rul. 61-170, 1961-2 C.B. 112."**

The COMMISSION identified CALSPRo as a small professional organization consisting of 350 business and individual members. CALSPRo is the incubating organization of NAPPS. The two are inseparable in practices and structure and share resources and board members. At first glance NAPPS may also be defined as a small professional organization. In a limited review of the competitive import in the trade of process serving and the small member numbers many may perceive them small. However, NAPPS has over 2200 members. Prior to my expulsion, my business reflected a high of 1000 service of process a year from the list in NAPPS nonprofit directory. If my numbers are extrapolated to other NAPPS members that represents 2.2 million process a year. At an average price between $40.00 and $80.00, each service with a mean of $60.00 the annual amount filtered through NAPPS exclusive directory of members is $132,000,000.00. This trade of process servers through NAPPS are to and from courts across state lines and with NAPPS administration offices relationship with Union International des Huissiers de Justice (UIHJ) across international boundaries. To be a club member of the UIHJ approval by the NAPPS administrator Gary Crowe is required. UIHJ denied my application and payment returned in July 2013. With such a large competitive market controlled by a 501(c) 6 nonprofit organization via NAPPS exclusive online directory is the most important significant entity to be guided in antitrust issues involving the trade of

process serving. Additionally since this 132 million annual revenue streams is the first step in 2.2 million service of process that can reasonable reflect to have a multi-billion dollar impact to the interstate economy of the judicial system in awards, judgments, and fees.

I have also attached and incorporated within this statement a published list by NAPPS of its expelled members. This list has no other purpose other than a nonprofit blacklist of process servers. Many of these expulsions completed under the code of ethics anti disparagement clause that the FTC reasonable considers anti competitive. The published blacklist becomes further self-fulfilling in the anti competitive cause the FTC is charged to correct. I ask in your reconsideration of CALSPRo's consent order that you expand it towards NAPPS situated identically to MTNA's national influence.

I conclude my comments with a request that any consent orders relating to the disparagement anti competitive provision of any process server association or any of its affiliated partners incorporate a look back provision. The look back should state that any member expelled relating to the disparagement clause in the code of ethics, in whole or any part, for a period of at least 5 years (or whatever time period this commission deems necessary to secure its purposes), to be immediately reinstated.

Kimberley Strassel of the Wall Street Journal on Nov. 28, 2013 4:51 p.m. ET wrote an opinion piece unfavorable to the MTNA FTC inquiry. In that news story Kimberly Strassel wrote:

> **"MTNA Executive Director Gary Ingle, who has been at the organization 17 years—and who agreed to talk when I reached out about this case—said that he and the group's attorneys immediately flew to Washington to talk to federal investigators. They explained that this provision had been in the group's code for years, and that it was purely aspirational. <u>The association has never enforced its code, and no member has been removed as a result of it.</u>" Emphasis added.**

This comment in the article is huge because if any association exercises it position to impact a person's economic vitality in order to cause a person to submit to a code of ethics against public policy that organization is ripe for review and correction. The NAPPS is such an organization that has enforced its code and expelled members. That action, unless guided, will grow within the membership to continue the erred nonprofit administration leading to further competitive concerns and a general lack of respect for rules, law, and order. One such bold pronouncement of a general disrespect of federal law is by the acting president of NAPPS who chaired my expulsion hearing Bob Musser. He made a statement via email that IRS forms are "valuable government garbage". That comment was in response to a basis of my expulsion that I complained to the IRS. Certainly the jurisdiction of the commission is not to decide these extraneous matters but they are shared to show the culture of the organization and why the COMMISION

determined the guidance on them is a positive correction for consumers and members alike.

I further ask that the commission does not just look at the words but consider the culture that caused the words to be enforced. This has created the systemic associated problems of antitrust behavior and its related enterprises. The code of ethics “contract” used to control a trade via expulsions is against numerous public policy issues. Specifically the unconscionable unilateral contract is designed to chill discussions of all violations of law including antitrust, IRS and eliminate speech that facilitated disclosure of errors. In these controlling actions, consumers lose. These actions of the affiliated associations lead by NAPPS create a competitive chill placed upon all members of process serving associations propagating silence through the threat of economic retaliation. In effect, NAPPS leaders have made NAPPS a proportional goliath preventing free trade through enforcement of a code of silence couched as a code of ethics.

Should the COMMISSION find my comments compelling and move for further considerations of the NAPPS I will submit to the COMMISSION further comments regarding the import of anticompetitive legislative activity of the ASSOCIATIONS from federal antitrust scrutiny under the state action doctrine. Specifically and timely is the Georgia Association of Professional Process servers with the support of legislative activity has created a monopoly of the certification

process with a stated goal of raising prices and excluding competitors. That has ancillary legal Proceedings happening at this time in Georgia. CIVIL ACTION IN THE SUPERlOR COURT OF FULTON COUNTY STATE OF GEORGIA FILE NO. 2013CV2377446 it is noted on page 12 paragraph 27, 28, 29 the monopoly that this association has created under the state immunity doctrine will cost process server expenses that undoubtedly will reduce supply and increase costs to consumers. GAPPS was the recipient of over $60,ooo.oo from NAPPS since 2004 to effect the market competition downward thereby increase prices and secure the ASSOCIATIONS as a forced membership. Making them the exclusive gatekeeper to the trade of process serving. Several other NAPPS associations have embarked on similar efforts to reduce competition increase prices and increase profits under the state immunity doctrine.

Florida Association of Private Process Servers (FAPPS) was actively involved in this similar practice. In 2010 when I attempted to get a license to serve process I was met with a government cap of 125 and told by the board “we don’t need any more process servers”. I successfully challenged the order and FAPPS agents on that board were removed by the judge the board was shuttered. The task went in house to the courts thereby creating a free and open trade of process serving in Lee County Florida. In addition the court now offers free continuing education and have cut off the association from the gain of it prior exclusive

position. FAPPS are also the organization that created the geographical maps dividing up the Florida market to its 10 preferred companies in which they are approved by NAPPS administrator Gary Crowe to advertise that geographical division in the NAPPS trade publication.

Should the commission find any portion of my testimony compelling yet would like some clarifications or further support please advise.

Sincerely yours,

Randy Scott
343 Hazelwood Ave S
Lehigh Acres, Florida
33936

Canons of Professional and Ethical Conduct for Professional Process Servers

Introduction
These canons of professional and ethical conduct are recommended as the standard for all persons who serve civil process in the State of Arkansas regardless of whether the process served is issued from any court within the state, the federal courts, or the courts of other states. These Canons, in their entirety, shall be binding upon all members of the Arkansas Professional Process Servers Association.

The purposes of these canons of professional and ethical conduct is to upgrade the professional quality of the services provided by process servers and, thereby, support the orderly administration of justice and enhance the public, legal profession, and judiciary's confidence in the integrity of the services so provided.

Canon 1. Personal Standards
A process server shall maintain high personal standards that do not impugn upon the reputation of the process service profession.

Canon 1.1 Exclusion for Criminal Convictions
No person shall be permitted to be a process server who has been convicted of a crime involving moral turpitude unless such record of conviction has been expunged or pardoned, or a certificate of rehabilitation, or like equivalent, has been issued by an appropriate governmental entity.

Canon 2 Professional Standards
A process server shall know and observe all standards that govern professional process service performance.

Canon 2.1 Education and Training
It is the responsibility of a process server to obtain sufficient education and training in process serving so as to be knowledgeable of the statutes and courts rules of the jurisdiction from which the process is issued, and of the jurisdiction in which the process is being served.

Canon 2.2 Timely Performance of Assignments
Once having accepted or undertaken an assignment from a client or court, a process server shall strive to be prompt in the execution of the assignment consistent with the requirements of the client and of the relevant court rule or statute. When an unforeseen or unavoidable event prevents fulfillment of such obligation, the process server shall promptly report his or her inability to complete the assignment to the appropriate person.

Canon 2.3 Proofs of Service
A process server shall promptly execute and deliver to the appropriate person an affidavit, proof or declaration of service, or non-service, as the case may be, in the form and content and within the time required by the court or agency before which a matter is pending and the process issued.

Canon 3 Ethical Conduct
A process server shall not engage in unethical conduct.

Canon 3.1 Impropriety and Conflict of Interests
A process server shall avoid the appearance of impropriety and conflict of interests, and shall not render services in any matter in which he or she is a party to the action.

Canon 3.2 Protection of Rights and Confidentiality
A process server shall do all things possible to protect the rights and confidentiality of a client, and of any person to whom legal process is directed.

Canon 3.3 Unauthorized Practice of Law
All process servers are bound by the rules governing the practice of law and shall, accordingly, refrain from the unauthorized practice of law.

Canon 3.4 Misrepresentations
A process server shall not misrepresent himself or herself as a law enforcement officer, an officer of the court, or other such similar title unless that person has been so designated and appointed by a court or governmental agency, and is in the actual performance of duties related to such appointment when the representation is made.

Canon 3.5 False Statements
A process server shall not falsify or misrepresent the facts surrounding the delivery of legal process to any person or entity.

Canon 4 Duties to Association Members
It shall be the duty of a member of the Arkansas Professional Process Servers Association to not engage in, nor suffer others to engage in, any activity detrimental to another member or associate member of this association

Canon 4.1 Respect of Clientele of Fellow Members
No member of this association may make willful and determined attempts, nor suffer it to be done by any employee or agent of the member's business, to gain as a client an attorney known to have established a client relationship with another member.

Cannon 4.2 Communication with Client of Fellow Member
Unless otherwise instructed by a member who has forwarded work, no member may make contact with the forwarding member's client while in the performance of any assignment.

Canon 4.3 General Solicitation and Independent Contact Exempted
Notwithstanding Canons 4.1 and 4.2, it shall not be considered a violation of these Canons if contact is made with an existing client of a member as a result of a general solicitation, marketing or advertisement for business, or if contact was initiated by an attorney or his/her representative.

Canon 4.4 Employees of Members
No member of this association shall employ or sub-contract to a person who has been determined to have violated these Canons, or who does not meet the requirements set forth herein.

Canon 4.5 Exchange Work
Each member agrees to handle work forwarded to him by another member in a timely, professional and ethical manner consistent with these Canons.

Canon 4.6 Financial Responsibility
Each member shall promptly pay to another member the amount agreed upon for services rendered unless other specific arrangements have been made. No member shall withhold submission of a proof, affidavit or declaration of service in exchange for payment.

National Association of Professional Process Servers

Chartered State Associations

Non Chartered State Associations

Looking for process servers in your area? Find a member of the National Association of Professional Process Servers with our online directory.

Arizona Process Servers Association (APSA)
Chartered in 1986
President: Thomas LaVance
Phone: (602) 256-9700
For membership Info contact:
APSA Admin. Office (602) 476-1737
P.O. Box 2233
Phoenix, AZ 85002
website: www.arizonaprocessservers.org

California Association of Legal Support Professionals (CALSPro)
Chartered in 1985
President: Michael Kern
Phone: (213) 483-4900
For membership info contact:
CALSPro Admin. Office (916) 239-4065
2520 Venture Oaks Way, #150
Sacramento, CA 95833
e-mail: info@calspro.org
website: www.calspro.org

Process Servers Association of Colorado (PSACO)
Chartered in 2013
President: Steven Glenn
Phone: (720) 253-5773
For membership info contact:
Steven Glenn (720) 253-5773
8457 E. Arapahoe Road, J-593
Greenwood Village, CO 80112
e-mail: sdg@mdpriority.com
website: www.psaco.org

Florida Association of Professional Process Servers (FAPPS)
Chartered in 1993
President: Lance Randall
Phone: (954) 944-3900
For membership info contact:
Diana Wardwell (877) 383-2777
P.O. Box 72
Melbourne, FL 32902-0072
e-mail: administrator@fapps.org
website: www.fapps.org

Georgia Association of Professional Process Servers (GAPPS)
Chartered in 2013
President: Deborah Duchon
Phone: (404) 872-1200
For membership info contact:
Paul Tamaroff (404) 872-1200
P.O. Box 7710
Atlanta, GA 30315-4403
e-mail: deb@aps-ga.net
website: www.gappsprocess.com

Michigan Court Officer, Deputy Sheriff & Process Servers Association (MCODSA)
Chartered in 2007
President: Tim Sutherland
Phone: (586) 939-0880
For membership info contact:
MCODSA Admin. Office (800) 99-CIVIL
3105 S. Martin Luther King Blvd.
Lansing, MI 48910
e-mail: president@mcodsa.com
website: www.mcodsa.com

New Jersey Professional Process Servers Association (NJPPSA)
Chartered in 2002
President: Gerald Colasurdo
Phone: (973) 403-1700
For membership info contact:
Ethel Smith (732) 431-9112
378 Taylors Mills Road
Englishtown, NJ 07726
e-mail: info@njppsa.org
website: www.njppsa.org

New York State Professional Process Servers Association (NYSPPSA)
Chartered in 2002
President: Bruce Kenney
Phone: (716) 372-1001
For membership info contact:
Brenda Kolniak (888) 258-8485
PO Box 925
Orchard Park, NY 14127
e-mail: admin@nysppsa.org
website: www.nysppsa.org

Oregon Association of Process Servers, Inc. (OAPS)
Chartered in 1995
President: Aaron Crowe
Phone: (503) 241-0636
For membership info contact:
Pat Bennett (503) 990-6637
e-mail: membership@oapsonline.com
website: www.oapsonline.com

Tennessee Association of Professional Process Servers (TAPPS)
Chartered in 2012
President: James C. Belli
Phone: (615) 573-4708
For membership info contact:
Paul M. Moore, Secretary (615) 969-2443
P.O. Box 426
Gallatin, Tennessee 37066
e-mail: info@tntapps.org
website: www.tntapps.org

Texas Process Servers Association (TPSA)
Chartered in 2002
President: Kathy Burrow
Phone: (254) 399-9400
For membership info contact:
Brenda Atteberry (254) 399-9400
815-A Brazos Street, Ste. 548
Austin, TX 78701
e-mail: tpsaoffice@gmail.com
website: www.texasprocess.org

Washington State Process Servers Association (WSPSA)
Chartered in 1988
President: Robin K. Mullins
Phone: (360) 671-2455
For membership info contact:
Eric Vennes (206) 356-0875
13300 Bothell Everett Hwy., Box #674
Mill Creek, WA 98012
e-mail: exdirector@wspsa.com
website: www.wspsa.com

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APSA
ARIZONA PROCESS SERVERS ASSOCIATION

Code of Ethics

Each member agrees to abide by the revisions and principles set forth herein when dealing with clients, general public, associate members and associates in business as follows :

1. **Duties to Clients, General Public, Legal Entities**

All work shall be performed in a professional and ethical manner. Nothing shall be done which would impugn the position or name of this Association or its members or the process serving industry. Everything possible shall be done to protect the rights, interest and confidentiality of clients, entities being served and the legal profession as a whole.

2. **Licenses, Permits, Bonds, Other Requirements**

Each member agrees to comply with and keep current during the tenure of his membership all necessary business licenses, bonds, permits and any other requirements mandated by the city, county, and/or state in which the member conducts business.

3. **Exchange Work**

Each member agrees to handle work sent to him by another member in a professional and ethical manner.

4. **Proofs of Service, Not Found Returns, Other Reports**

All documents shall be returned timely upon completing the work order. Each member shall comply with all instructions given by the forwarding agency. If a proof of service is provided by the sending party, it is

Code of Ethics

Each member agrees to abide by the provisions and principles set forth herein when dealing with clients, general public, members and associate members.

Duties to clients, general public, legal entities

All work shall be performed in a lawful, professional and ethical manner. In the conduct of a member's professional and non-professional activities, nothing shall be done which would impugn the position, reputation, or name of this Association, its members, or the process serving profession. Everything possible shall be done to avoid an appearance of impropriety and to protect the rights, interest and confidentiality of clients, entities being served, and legal profession as a whole.

Respect of clientele of fellow process servers

No member of this Association may make willful and determined attempts to gain as a client, an attorney known to have an established client relationship with another process server, but that it shall be permitted to mail literature to said attorneys to introduce them to yourself or to your agency. Solicitation and/or marketing of your services, by phone or in person, to an attorney of another process server, excepting should such attorney specifically request continued discussion. Any solicitation initiated by an attorney or his/her representative shall be deemed honorable, notwithstanding any existing relationship the attorney may have with another process server.

Conduct before court

Each member shall conduct himself professionally and with dignity while on or in the premises of the courthouses. Conduct with the Judges, Bailiffs, Clerks, Deputy Clerks and other employees of the court system shall at all times be respectful of their position and authority.

Proofs of service, not found returns, other reports

Each member shall service process in a timely manner and shall execute the appropriate Return of Service according to prevailing Rules and Statutes, and shall be returned to the client or filed with the Court expeditiously. All Mississippi Rules of Civil Procedure and any/all applicable civil statutes pertaining to the service and return of service of civil process shall be observed at all times. If a proof of service is provided by the sending party, it is mandatory that the serving party use that proof and fill it out in the manner requested.

Financial responsibility

UPCOMING EVENTS

No events currently scheduled.

RECENT NEWS

Process servers case before Miss. court

The Associated Press JACKSON, Miss. – The Mississippi Supreme Court will review contempt of court citations filed by... MORE »

National Due Process Day

Join MAPPS in celebrating National Due Process Day on September 25th (9/25/2012). National Due Process Day is a... MORE »

CODE OF ETHICS

Each member agrees to abide by the provisions and principles set forth herein when dealing with clients, general public, associate members and associates in business as follows:

1. DUTIES TO CLIENTS, GENERAL PUBLIC, LEGAL ENTITIES

All work shall be performed in a lawful, professional and ethical manner. In the conduct of a member's professional and non-professional activities, nothing shall be done that would impugn the position, reputation, or name of NCAPPS, its members, or the process serving profession. Everything possible shall be done to avoid an appearance of impropriety and to protect the rights, interest and confidentiality of clients, entities being served, and the legal profession as a whole.

2. LICENSES, PERMITS, BONDS, OTHER REQUIREMENTS

Each member agrees to comply with and keep current during the tenure of his/her NCAPPS membership all necessary business licenses, bonds, permits, and any other requirements mandated by the city, county, and/or state in which the member conducts business.

3. EXCHANGE OF WORK

Each member agrees to handle work sent to him/her by another member in a professional and ethical manner. It is unethical for a member to contact another member's client unless specifically directed to do so. A member should never quote his/her rates to another member's client.

4. PROOFS OF SERVICE, NOT FOUND RETURNS, OTHER REPORTS

All documents shall be returned timely upon completing the work order. Each member shall comply with all instructions given by the forwarding agency. If a proof of service is provided by the sending party, it is mandatory that the serving party use that proof and fill it out in the manner requested.

5. MEMBER RESPONSIBILITY

Each member agrees to promptly pay for services rendered by another member unless other specific arrangements have been made. A member, whether or not an owner of the firm or business for which he/she works, is responsible for the lawful, professional and ethical conduct of that firm or business, and its employees.

Adopted by BOD and Founding Members 10-03-11

Apply for Membership »

UPCOMING EVENTS

09.22.2012 NCAPPS Annual Conference Sept 22, 2012

RECENT NEWS

04.23.2012 *NCAPPS April Conference Call*
The next meeting of NCAPPS will be on Monday April 23, 2012 at 7:00 PM. This will be a... **More »**

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Free NC Court Forms

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FLORIDA ASSOCIATION OF PROFESSIONAL PROCESS SERVERS, INC.

Each member agrees to abide by the provisions and principles set forth herein when dealing with clients, general public, members and associate members.

DUTIES TO CLIENTS, GENERAL PUBLIC, LEGAL ENTITIES

All work shall be performed in a professional, ethical manner. Nothing shall be done which would impugn the position or name of this Association. Everything possible shall be done to protect the rights interest and confidentiality of clients, entities being served and legal profession as a whole.

RESPECT OF CLIENTELE OF FELLOW PROCESS SERVERS

No member of this Association may make willful and determined attempts to gain as a client, an attorney known to have an established client relationship with another process server, but that it shall be permitted to mail literature to said attorneys to introduce them to yourself or to your agency. Solicitation and/or marketing of your services, by phone or in person, to an attorney of another process server, excepting should such attorney specifically request continued discussion. Any solicitation initiated by an attorney or his/her representative shall be deemed honorable, notwithstanding any existing relationship the attorney may have with another process server.

CONDUCT BEFORE COURT

Each member shall conduct himself professionally and with dignity while on or in the premises of the courthouses. Conduct with the Judges, Bailiffs, Clerks, Deputy Clerks and other employees of the court system shall at all times be respectful of their position and authority.

PROOFS OF SERVICE

Each member shall service process in a timely manner and shall execute the appropriate Return of Service according to prevailing Rules and Statutes, and shall be returned to the client or filed with the Court expeditiously. All Florida Rules of Civil Procedure and any/all applicable civil statutes pertaining to the service and return of service of civil process shall be observed at all times.

FINANCIAL RESPONSIBILITY

Each member shall agree to promptly pay for services rendered on behalf of another process server unless other specific arrangements have been made.

REPRESENTATION ON BEHALF OF THIS ASSOCIATION

Only the Officers of this Association, or their duly designated representative, may make any representation on behalf of this Association before the officials and employees of the court systems, the general public or legal community.

Non Chartered State Associations

Looking for process servers in your area? Find a member of the National Association of Professional Process Servers with our online directory.

Arkansas Professional Process Servers Association (ARPPSA)
President: Shawn McKinney
Phone: (501) 354-2111
For more information: www.arppsa.com

Illinois Association of Professional Process Servers (ILAPPS)
President: William "Bill" Clutter
Phone: (217) 528-5997
For more information: www.ilapps.com

Louisiana Professional Process Servers Association (LPPSA)
President: William Humble
Phone: (225) 270-4633
For more information: www.lppsa.org

Mid Atlantic Association of Professional Process Servers (MAAPPS)
President: Stephen Folcher
Phone: (410) 523-4980
For more information: www.maapps.org

Minnesota Professional Process Servers Association (MNPPSA)
President: John Levesque
Phone: (612) 332-0202
For more information: www.mnppsa.org

Mississippi Association of Professional Process Servers (MAPPS)
President: Davy Keith
Phone: (601) 319-2675
For more information: www.mappsprocess.org

North Carolina Association of Professional Process Servers (NCAPPS)
President: Ruth Reynolds
Phone: (704) 338-1775
For more information: www.ncapps.org

South Carolina Professional Process Servers Association (SCPPSA)
President: Ron Grossberg
Phone: (803) 216-1621
For more information: scppsa.weebly.com/

Utah Professional Association of Legal Services (UPALS)
President: Ronda Godard
Phone: (877) 986-1200
For more information: www.upals.org/

Policy on Standards for Chartered State Associations

Canons of Professional and Ethical Conduct for Professional Process Servers

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Canon 3 – Ethical Conduct
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Canon 3.2 – Protection of Rights and Confidentiality
Canon 3.3 – Unauthorized Practice of Law
Canon 3.4 – Misrepresentations
Canon 3.5 – False Statements

Canon 4 – Duties to Association Members
Canon 4.1 – Respect of Clientele of Fellow Members
Canon 4.2 – Communication with Client of Fellow Member
Canon 4.3 – General Solicitation and Independent Contact Exempted
Canon 4.4 – Employees of Members
Canon 4.5 – Exchange Work
Canon 4.6 – Financial Responsibility

Introduction

These Canons of Professional and Ethical Conduct are recommended as the standard for all persons who serve civil or criminal process in the States of Virginia, Maryland and the District of Columbia regardless of whether the process served is issued from any court within the state, the federal courts, or the courts of other states. These Canons, in their entirety, shall be binding upon all members of the Mid-Atlantic Association of Professional Process Servers.

The purposes of these Canons of Professional and Ethical Conduct is to upgrade the professional quality of the services provided by process servers and, thereby, support the orderly administration of justice and enhance the public, legal profession, and judiciary's confidence in the integrity of the services so provided.

Canon 1 – Personal Standards

A process server shall maintain high personal standards that do not impugn upon the reputation of the process service profession.

MICHIGAN COURT OFFICERS, DEPUTY SHERIFFS & PROCESS SERVERS ACCOCIATION

Code of Ethics

The members of the MCODSA have joined together in agreement that all work and professional relationships must be of the highest ethical and moral standards. Process Servers, Court Officers, and Deputy Sheriffs shall provide professional and competent services to all clients. This code of ethics constitutes those values agreed to by the members, by virtue of their affiliation with the MCODSA. This code is to be honored and practiced as a guideline for all professional activities.

1. A member shall provide professional services in accordance with local, state, and federal laws.

2. A member shall observe, and adhere to the precepts of honesty, integrity and truthfulness.

3. A member shall be truthful, diligent, and honorable in the discharge of their professional responsibilities.

4. A member shall honor each client relationship, adhering to all responsibilities by providing ethical services within the limits of the law.

5. A member shall safeguard confidential information and exercise the utmost care to prevent any unauthorized disclosure of such information.

6. A member shall refrain from improper and unethical solicitation of business; including false or misleading claims or advertising.

7. A member shall use due diligence to insure that all employees and co-workers adhere to this same code of ethical conduct; respecting all persons, performing the job diligently and working within the limits of the law.

8. A member shall never knowingly cause harm or defame the professional reputation or practice of colleagues, clients, employers, or any member of the MCODSA.

9. A member shall never undertake an obligation that is contrary to the Constitution of the United States of America or violates the laws of this country.

10. All members and/or attendees shall be expected to conduct themselves in a professional manner at all association events.

MNPPSA

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Canons of Professional and Ethical Conduct for Professional Process Servers

Introduction

These canons of professional and ethical conduct are recommended as the standard for all persons who serve civil or criminal process in the State of Minnesota regardless of whether the process served is issued from any court within the state, the federal courts, or the courts of other states. These Canons, in their entirety, shall be binding upon all members of the Minnesota Professional Process Servers Association.

The purposes of these canons of professional and ethical conduct is to upgrade the professional quality of the services provided by process servers and, thereby, support the orderly administration of justice and enhance the public, legal profession, and judiciary's confidence in the integrity of the services so provided.

Canon 1 - Personal Standards

A process server shall maintain high personal standards that do not impugn upon the reputation of the process service profession.

Canon 1. 1 - Exclusion for Criminal Convictions

No person shall be permitted to be a process server who has been convicted of a crime involving moral turpitude unless such record of conviction has been expunged or pardoned, or a certificate of rehabilitation, or like equivalent, has been issued by an appropriate governmental entity.

Canon 2 - Professional Standards

Code of Ethics

By accepting membership into the Oregon Association of Process Servers, I pledge to respect and uphold the following Code of Ethics.

1. To recognize the rights of all parties involved in legal actions, and serve process in a professional, impartial manner to ensure that those rights are preserved.

2. To handle work sent to me and my company by other members in the same professional and ethical manner in which I handle my own work. To refrain from contracting another member's client unless specifically directed to do so. To refrain from quoting my rates to another member's clients.

3. To promptly pay for services rendered by another member unless different specific arrangements have been made.

4. To observe and abide by the laws and constitution of the United States of America and the State of Oregon, and to conduct my personal and professional activities within their bounds.

5. To promote and exemplify high standards of loyalty, cooperation, and courtesy among the members of the Oregon Association of Process Servers.

Amended 2/28/06

Oregon Association of Process Servers ©, 2006

CANONS OF PROFESSIONAL AND ETHICAL CONDUCT

Introduction

These canons of professional and ethical conduct are recommended as the standard for all persons who serve civil or criminal process in the State of New York regardless of whether the process served is issued from any court within the state, the federal courts, or the courts of other states. These Canons, in their entirety, shall be binding upon all members of the New York State Professional Process Servers Association.

The purposes of these canons of professional and ethical conduct is to upgrade the professional quality of the services provided by process servers and, thereby, support the orderly administration of justice and enhance the public, legal profession, and judiciary's confidence in the integrity of the services so provided.

Canon 1. Personal Standards

A process server shall maintain high personal standards that do not impugn upon the reputation of the process service profession.

Canon 1.1 Exclusion for Criminal Convictions

No person shall be permitted to be a process server who has been convicted of a crime involving moral turpitude unless such record of conviction has been expunged or pardoned, or a certificate of rehabilitation, or like equivalent, has been issued by an appropriate governmental entity.

Canon 2 Professional Standards

A process server shall know and observe all standards that govern professional process service performance.

Canon 2.1 Education and Training

It is the responsibility of a process server to obtain sufficient education and training in process serving so as to be knowledgeable of the statutes and courts rules of the jurisdiction from which the process is issued, and of the jurisdiction in which the process is being served.

Canon 2.2 Timely Performance of Assignments

Once having accepted or undertaken an assignment from a client or court, a process server shall strive to be prompt in the execution of the assignment consistent with the requirements of the client and of the relevant court rule or statute. When an unforeseen or unavoidable event prevents fulfillment of such obligation, the process server shall promptly report his or her inability to complete the assignment to the appropriate person.

Canon 2.3 Proofs of Service

A process server shall promptly execute and deliver to the appropriate person an affidavit, proof or declaration of service, or non-service, as the case may be, in the form

Code of Ethics

PROCESS SERVERS ASSOCIATION OF COLORADO, LLC (PSACO)

Each member agrees to abide by the provisions and principles set forth herein when dealing with clients, general public, members and associate members.

DUTIES TO CLIENTS, GENERAL PUBLIC, LEGAL ENTITIES

All work shall be performed in a professional, ethical manner. Nothing shall be done which would impugn the position or name of this Association. Everything possible shall be done to protect the rights interest and confidentiality of clients, entities being served and legal profession as a whole.

RESPECT OF CLIENTELE OF FELLOW PROCESS SERVERS

No member of this Association may make willful and determined attempts to gain as a client, an attorney known to have an established client relationship with another process server or process serving company, they currently or previously worked for in the last two (2) years. Solicitation and/or marketing of your services, includes: by phone or in person, via email, fax, letter or sending a representative to an attorney of another process server or process serving company for whom you currently or previously served for during the two period. Any solicitation initiated by an attorney or his/her representative shall be deemed honorable, notwithstanding any existing relationship the attorney may have with another process server or process serving company.

CONDUCT BEFORE COURT

Each member shall conduct himself professionally and with dignity while on or in the premises of the courthouses. Conduct with the Judges, Bailiffs, Clerks, Deputy Clerks and other employees of the court system shall at all times be respectful of their position and authority.

PROOFS OF SERVICE

Each member shall service process in a timely manner and shall execute the appropriate Return of Service according to prevailing Rules and Statutes, and shall be returned to the client or filed with the Court expeditiously. All Colorado Rules of Civil Procedure and any/all applicable civil statutes pertaining to the service and return of service of civil process shall be observed at all times.

FINANCIAL RESPONSIBILITY

Each member shall agree to promptly pay for services rendered on behalf of another process server unless other specific arrangements have been made.

REPRESENTATION ON BEHALF OF THIS ASSOCIATION

Only the Officers of this Association, or their duly designated representative, may make any representation on behalf of this Association before the officials and employees of the court systems, the general public or legal community.

Adopted March 17, 2011

TAPPS Code of Ethics

Each member agrees to abide by the provisions and principles set forth herein when dealing with clients, general public, associate members and associates in business as follows:

Duties to Clients, General Public, Legal Entities
All work shall be performed in a professional and ethical manner. Nothing shall be done which would impugn the position or name of this Association or its members or the process serving industry. Everything possible shall be done to protect the rights, interest and confidentiality of clients, entities being served and the legal profession as a whole.

Licenses, Permits, Bonds, Other Requirements
Each member agrees to comply with and keep current during the tenure of his membership all necessary business licenses, bonds, permits and any other requirements mandated by the city, country and/or state in which the member conducts business.

Exchange Work
Each member agrees to handle work sent to him by another member in a professional and ethical manner. It is unethical for a member to contact another member's client unless specifically directed to do so. A member should never quote his rates to another member's client.

Proofs of Service, Not Found Returns, Other Reports
All documents shall be returned timely upon completing the work order. Each member shall comply with all instructions given by the forwarding agency. If a proof of service is provided by the sending party, it is mandatory that the serving party use that proof and fill it out in the manner requested.

Financial Responsibility
Each member agrees to promptly pay for services rendered by another member unless other specific arrangements have been made. A member, who is not an owner of the firm for which they work, is responsible for the ethical conduct of the firm for which they work.
Amended 04/27/09

Texas Process Servers Association
Code of Ethics

Each member agrees to abide by the provisions and principles set forth herein when dealing with clients, the general public, public officials, associate members and associates in business as follows:

I. Duties to Clients, General Public, and Legal Entities

All work shall be performed in a lawful, professional and ethical manner. In the conduct of a member's professional and non-professional activities, nothing shall be done that would impugn the position, reputation, or name of this Association, its members, or the process serving profession. Everything possible shall be done to avoid an appearance of impropriety and to protect the rights, interest and confidentiality of clients, entities being served, and the legal profession as a whole.

II. Professional Standards

A. Members shall keep current and knowledgeable of the laws and rules on service of process.
B. Members should never give legal advice. Members shall handle all legal documents with care and safeguard their preservation.
C. Members shall never attempt to decide the merits of a lawsuit.
D. Members should never use profanity, vulgarity, or violence in the performance of their duties.
E. Members are encouraged to promote in a positive manner the profession and encourage membership, education, participation and fellowship within the Association.
F. Members shall treat each other in a courteous, professional, and ethical manner.
G. Members are expected to report any unethical or illegal conduct by any process server or any company engaged in the service of process.

III. Certification & Other Requirements

Each member agrees to comply with and keep current during the tenure of his membership all necessary certifications, court orders, business licenses, bonds, permits and any other requirements mandated by law and the Supreme Court of Texas for delivering process in this state.

IV. Representation of the Association

No member shall make any representation or speak on behalf of this Association without prior authorization from its President or Board of Directors.

V. Exchange Work

A. General: Each member agrees to handle work sent to him by another member in a professional and ethical manner. Each member shall comply with all instructions given by the member or agency. All documents shall be returned as requested in a timely manner upon completion of each job.

B. Contacting Clients: It is unethical for a member to contact another member's client unless specifically directed to do so. Should a member be asked to contact another member's client,

OUR INFERIORITY COMPLEX

Paul Tamaroff, Director
aps@aps-ga.net

Several recent news articles involving attorneys and doctors gave me some pause to consider concerns that have been raised regarding unlawful and unprofessional acts by process servers. In one article, an Atlanta attorney admitted to orchestrating a scheme to steal more than $500,000 from his law firm. Another article concerned the suspension of the law license of a Florida attorney over his handling of a class action settlement that benefited only seven people of a class that included all city taxpayers. In New York City, a family practice doctor pocketed more than $2 million in 2008 from Medicare, making her one of the best-paid family-medicine physicians in the Medicare system. According to experts who examined her records, her pattern of billing strongly suggested abuse or outright fraud. The legal newspapers and bar journals throughout the country, including here in Atlanta and in Los Angeles note the disciplinary actions taken by the state bar associations against hundreds of attorneys every month for engaging in unethical, unprofessional and criminal conduct.

More interesting to me than the actual bad acts of the attorneys and doctors however, is the silence in almost every case of the American Bar Association, the respective state bar associations and, in the case of doctors, the various medical associations. I am not suggesting that these associations had some duty to come to the aid of these transgressors of the law. Indeed, it would be most inappropriate for them to take such action. What is interesting is that these associations felt no obligation to come to the defense of their respective professions. No press releases and no television or radio appearances by leaders of these professions to extol the virtues of the ninety-nine percent of lawyers and doctors who are law-abiding professionals.

Some of you who have read this far may be asking, "So what?" What has all this to do with our profession? Well, over the past year we have had to deal with several stories regarding misconduct by process servers; the "sewer service" in New York and other cities, theft and murder, and a couple of other colorful stories that did not present the involved process servers in the best possible light. The Federal Trade Commission conducted three "Roundtable" discussions in different cities around the country that, in part, raised concerns that in many debt collection cases the defendants might not have been properly served. NAPPS representatives participated in these "roundtables" and did an excellent job in presenting to the participants the fact that our profession, as a whole, is made up of dedicated professionals who take their job seriously and are proud to be an integral part of our justice system.

These incidents have raised the concerns of some of our members, including members of our Board of Directors, that we must be alert and respond to those incidents involving process servers who are alleged to have engaged in inappropriate conduct. In this regard, it has been suggested that we have a prepared press release to issue in such cases in which we extol the virtues of the 90% of the profession that professionally perform their responsibilities. In response to such calls to action I wonder if there is something we can learn from the restraint exercised by the bar and medical associations when their members go astray. Are they concerned that, like the frequently misquoted phrase by Shakespeare in Hamlet, the public will say, "The lady doth protest too much, methinks."

Clearly, there may be moments when it is appropriate for our leadership to act to protect the profession. However, I believe that, for the

most part, we should be confident in ourselves and our profession and avoid needlessly acting defensively every time a process server makes the local news. Too often I find that those who act defensively tend to become the story. On the other hand, we are vulnerable to attack by legislators who attempt to score points with their constituents by attacking a convenient scapegoat. Here too we can learn from the legal and medical professions.

What the legal and medical professions have are strong associations, national and state, with substantial treasuries, and favorable legislation that provides for medical boards to oversee the medical profession, and for state bar associations to oversee the professional conduct of attorneys. Thus, these professions are practically immune from legislative action based on scandal. The legislation is already in place, and legislators feel comfortable in deferring to medical boards and bar associations to put out fires caused by member misconduct. We have seen where this relationship with the legislature has benefited our own profession. The New York association has been instrumental in preventing bad laws from being enacted in New York. CALSPro was recently instrumental in preventing the enactment of a California law that would have substantially imposed on the flexibility of California process servers regarding the times during which they could serve process. Similarly, our state associations have been developing valuable relationships in states such as Florida, Tennessee, Georgia, etc.

I feel comfortable now that we process servers in Georgia have established a good relationship with our legislature, the Judicial Council and the Administrative Office of the Courts. Indeed, we have also established a working relationship with the sheriffs. Our efforts in this regard have resulted in legislation that basically gives us substantial control over the profession in our state. Our legislators, knowing that the profession can take care of itself, will not feel obligated to engage in knee jerk responses to the occasional bad act committed by one of our process servers.

TDS

What is H.R. 4678 and how will it affect NAPPS members?

By Gary A. Crowe, Administrator

H.R. 4678 is a piece of federal legislation that began as Senate Bill 1606 nearly a year ago. It is now cited as the "Foreign Manufacturers Legal Accountability Act of 2010."

The main reason for this Bill is to require all foreign manufacturers to designate an agent for service of process which would constitute consent by the foreign manufacturer to the jurisdiction of the U.S. courts.

While the underlying issues may be complex, one of the main components of this Bill, that would affect our members, seeks to remedy the current costly, time consuming and often cumbersome service processes encountered when service via the Hague Service Convention is required. To better understand why this Bill would be considered a major benefit to U.S. litigants and our members, it is important to outline the current situation and how it would change if this Bill passes.

The United States and 60 foreign countries are signatory to the Hague Service Convention ("Convention"), a federal treaty for the service of documents (excluding subpoenas). Under the Convention, signatory countries have the option of declaring whether or not they consider this convention exclusory by objecting to the alternative methods outlined in Article 10 of the Convention (which includes private process service). Since the United States became signatory to the Convention, U.S. courts have deemed the use of the Convention mandatory IF the country where service is to be made objects to the alternative methods outlined in Article 10 (of course an exception to this already exists in the case of Volkswagen v. Schlunk in which the court ruled that if a domestic registered agent for service exists – through voluntary designation by the foreign entity –, and the law of the forum court provides for service upon it, the Hague Service Convention does not apply).

However, this Bill would REQUIRE ALL foreign manufacturers to designate an agent if they have applicable products or component parts that are placed in the stream of commerce in, or that would likely lead to, the United States. Some believe that this Bill would affect only those foreign entities that place their products DIRECTLY into the stream of commerce and not those that sell their products to U.S. businesses that go to their country and purchase their products and then import them into the United States.

On the surface, if this Bill passes, the obvious benefit to members is that MANY services in foreign countries that are currently subject to the mandatory nature of the Hague Service Convention, as well as those that are not, could now be easily and validly effected by private process servers upon the registered agents within the United States. This could potentially bring a large number of these services to our members.

Of course while this Bill could initially bring business to our members, it should also be noted that the above changes would only be beneficial to a case IF THE FOREIGN MANUFACTURER HAS ASSETS WITHIN THE UNITED STATES (or US based business transactions) that can be seized/levied to satisfy a judgment. In most instances, the service of process upon a U.S. agent would likely render a U.S. judgment unenforceable in the foreign country where the manufacturer resides.

The scary part of the Bill is that it gives the Food and Drug Administration, the Consumer Product Safety Commission and the Environmental Protection Agency rule making authority. Within one year of enactment of the Bill, the Secretary of Agriculture and Commissioner of Food and Drugs are directed to jointly study the feasibility and advisability of requiring foreign producers of food "distributed in commerce" to establish a registered agent in the U.S. I think everyone agrees that giving administrative agencies the ability to create their own rules is never a good thing.

On February 25, 2010 the Bill was referred to the Subcommittee on Commerce, Trade and Consumer Protection.

On June 22, 2010 the Bill was referred to the Subcommittee on Horticulture and Organic Agriculture.

On June 30, 2010 the Bill was forwarded by the Subcommittee to the full Committee by voice vote.

Look for an update on this Bill in the next edition of The Docket Sheet.

Crowe Foreign Services

Crowe Foreign Services has been on the cutting edge of serving process and obtaining evidence in foreign countries for over 30 years. International service is all we do. Don't be misled by others claiming to be the only entity authorized to serve documents abroad.

Why We Are the "Experts"

Our experience and knowledge are well known around the world and allows our clients to avoid costly mistakes and potential problems. Our personal relationships and regular dealings with the judicial authorities in many countries give us a better understanding of their procedures and requirements.

As the leading provider of legal support services abroad, we received special invitation in 2003 and 2009 to attend the Special Administrative Session of the Hague Conference on Private International Law, held at The Hague, Netherlands. Our presence is also expected at the upcoming 2014 session.

These sessions, typically held every five years, are organized by the Hague Administration to discuss the current mechanics and problems of the Hague Service Convention, Hague Evidence Convention, and Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents, and are attended by judicial representatives of signatory countries. Our attendance and participation in these sessions gives us insight into the current problems encountered by each country relating to documents they receive from the United States and how to avoid these problems as well as how they interpret and implement their obligations to the Conventions.

Because of our association with the Hague Administration, our director of operations was invited by the Hague Administration to be part of a "training" session in Mexico City presided over by the Hague Administration to provide guidance to the Mexican Central Authority and Mexican courts on their practical obligations with respect to service under the provisions of the Hague Service Convention. This session was attended by 140 of Mexico's top level court judges and judicial officials. Following this session, the Mexican Central Authority indicated that they would make every effort to ensure that their procedures would be modified to comply with their Convention obligations and have service requests accepted in a more unified manner.

Unlike other international service agencies, we do not serve documents within the United States (although we do facilitate services in the United States for our clients in foreign countries). Our ONLY focus is legal support services abroad, from service to investigation to acquisition of evidence.

Our Convention service fees are a flat rate that is all inclusive. This fee includes shipment of the documents abroad using next day air courier and all support for any service we provide (including affidavits, consultations and recommendations, etc.). Costs for all requested services are quoted in advance.

NAPPS Members Only

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Expelled Members

Alphabetical By Name Alphabetical By Company By Date By State

Name	Company	State	Year
Scott, AFPS, Randy A.	All Claims Process LLC	FL	2013
Patrick, Michael	Wiregrass Constable Process Serving and Delivering	AL	2012
Pelchar, Adam J.	Judicial Civil Process	TX	2012
Wirkkala, Wayne W.	Vancouver Legal Messengers, Inc.	WA	2012
Allen, Michael P.	A California Process & Attorney Service, Inc.	CA	2011
Bannister, J.B.	Serve-One, Inc. Process Serving	SC	2011
Duncan, Bradley Reed	Clear Vision Process Serving	MO	2011
Fritz, Tyler	A Better Process	CA	2011
Goldstein, Marge S.	Atlas Judicial Service Co., Inc.	NY	2011
Palma, Dawn L.	C.R.I.A. Process Service	IA	2011
Perry, Melissa	Integrias, LLC	NY	2011
Roccograndi, Sgt., Thomas	Roccograndi Legal Services	PA	2011
Vincent, Terry	AV Investigations, Inc.	IL	2011
Allen, Stephanie	A California Process & Attorney Service, Inc.	CA	2010
Butler, Joseph P.	Butler and Witten, Constables	MA	2010
Carmona, Christian M.	Carmona & Associates	CA	2010
Holderman, John C.	An Investigative Solution	KY	2010
Nichols, Jeffrey	Click File Serve, Inc.	CA	2010
Reyes, Sergio S.	LegalServe Consulting Service	TX	2010
Wages, Joseph	Liberty Bail Bonds & Legal Services, LLC	MS	2010
Beaver, TCPS, Lisa	Texas Serve 'Em	TX	2009
Bray, Chris	Delphic Investigative Services	CO	2009
Figueroa, Luz	Expedient Legal Support	TX	2009
Goodkowsky, Scott D.	Constables' Office	MA	2009
Harman, TCPS, Roger	Texas Serve 'Em	TX	2009
Holl, D. John	Holl & Associates Civil Process & Attorney Services	TX	2009
Litle, Harrison C.	5 Star Civil Process	TX	2009
Mack, Harold	Northshore Process Service	IL	2009
Sais, Ramon A. 'Ray'	Intercounty Subpoena & Investigative Agency	FL	2009
Wigginton, Michael E.	Smart Choice Process Service, Inc.	TX	2009
Wraich, Linda C.	Action Attorney Support Service	CA	2009
Andry, Sr., Mark David	Statewide Process Servers, LLC	LA	2008
Burton, Sam	Burton Professional Services	WA	2008
Cook, Chad R.	SunCoast Civil Process, Inc.	FL	2008
Frontela, Carlos	We Serve Process	FL	2008
Funes-Kitamura, Suzanne M.	American Legal Eagles, LLC	HI	2008
Marziale, Scott	Nationwide Process Svc & MD Investigative Bureau	MD	2008
Olds, Brian	Milestone Legal Support	CO	2008
Robbio, Jr., PhD, Anthony J.	AAA Security Task Force, Inc.	RI	2008

Schirtzer, David M.	Alpha Judicial Service	FL	2008
Tepie, Pierre G.	Delta Legal Support Services	VI	2008
Thorpe, Robert	Checkmate Investigations	CO	2008
Woelfel, Terry J.	Woelfel & Associates, Inc.	IL	2008
Yepko, Michael L.	Vegas Legal Support Services, Inc.	NV	2008
Allhands, Jerry		MS	2007
DeVito, Dean	Constable's Office	MA	2007
Fraser, John Dayton	Attorney Service of California	CA	2007
Lapperelli, NJCPS, Jennifer	Certified Judicial Process Service & Legal Support	NJ	2007
Genter, E.C. "Chuck"	Court Service, Inc.	GA	2006
Hughes, Anthony	ASAP Process Servers, Inc.	AL	2006
Roebuck, Jessica M.	The Roebuck Legal Process Agency	WV	2006
Yoder, Jim	Professional Investigative Services	CA	2006
Barron, Patricia	1-800-SERVE-EM, Inc.	FL	2005
Evans, Alonzo	Professional Process Service of Atlanta, Inc.	GA	2005
Hoover, Tim	Confidential Investigations	PA	2005
Rivett, Dean	Prestige Legal Process	FL	2005
Suttles, Joanna	Virginia Court Services, Inc.	VA	2005
Watkins II, Larry V.	Buffalo Attorney Support Services, Inc.	NY	2005
Arrojo, Ramon A.	Eagle-Eye-PI.com & Information Broker, Inc.	FL	2004
Church, James D. 'Jim'	JD Church & Associates	FL	2004
Erkenbrack, CCPS, Phil	Hassle Free Small Claims & Collection Service	CA	2004
Gibson, Robert	Serve-em.com, Inc.	FL	2004
Tomlinson, Kenneth	First Legal Support Services	CA	2004
Tucker, Fedelis B.	Legal Express	CA	2004
Damskey, Barbara J.	Tracer, Inc.	MD	2003
Dolif, Robert D.	Intrepid Investigative & Security Services, Inc.	CO	2003
Miller, Jr., William A.	Palm Beach Process, Inc.	FL	2003
Pritzker, Howard M.	State-Wide Process Servers	NY	2003
Raphael, Byron R.	Select Document Services Inc.	ON, Canada	2003
Rinsky, Michael J.	Express Process & Subpoena Company, Inc.	NJ	2003
Saltz, Irwin G.	Alternative Investigative & Attorney Services	CA	2003
Teplitz, Marcella	Teplitz and Co.	IL	2003
Cheek, Leslie	Civil Matters Litigation Support	TX	2002
Rafferty, Charles E.	C & B Legal Services	CA	2002
Savastano, Patt	Pacific Coast Services	CA	2002
Torres, Brenda I.	Alliance Legal Service / ELSI	VA	2002
Lamb, Hugh E.	Attorney and Court Services of Georgia	GA	2001
Sutton, Ileen	American Process Service	NY	2001
Van Derbur, Tony	Columbine Services, Inc.	CO	2001

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FLORIDA at YOUR FINGERTIPS

These firms have over 200 years of combined experience in the process service and/or investigative field. The companies provide instant service, status on service and immediate returns to your firm. All are members of professional organizations and have superior service ratings by law firms and process service companies nationwide.

Please mention you saw us in "FLORIDA at YOUR FINGERTIPS."

1 Ron Magee & Associates, Inc.

809 Via De Luna Drive, Pensacola Beach, FL 32561
850-934-0207 Fax 850-934-6899
850-206-9832 (Cell)
Servicing Escambia, Santa Rosa, Washington, Bay, Gulf, Walton & Okaloosa Counties.
Email: Ron_Magee_Inc@Bellsouth.net

2 Vause's Process Service

P.O Box 1777, Tallahassee, FL 32302 ~ 655 E. Tennessee St., Tallahassee, FL 32308
850-656-2605 Fax 850-222-2412
Servicing all of Northeast Florida and specializing in service on State Agencies in Tallahassee. Visit our Website: www.vpservice.com

3 Lehr's Process Service

1017 S.W. 86th Way, Gainesville, FL 32607
352-331-1010 Fax 352-332-3895
Servicing Alachua, Gilchrist, Union, Bradford, Levy & Marion Counties
Email: Steve@LehrsProcessService.com Visit our Website: www.lehrsprocessservice.com

4 M & M Process Service, Inc.

9140 Golfside Drive. Suite #2 S Jacksonville, Florida 32256
904-737-5494 Fax 904-737-5497
Servicing Duval, St. Johns, Clay, Nassau, Baker & Putnam Counties.
Also Serves South East Georgia.
Email: MMProc@bellsouth.net Visit our Website: www.MMProcess.com

5 Aallen Bryant & Associates, Inc.

P.O. Box 3828, Orlando, FL 32802-3828 ~ 511 E. Livingston St., Orlando, FL 32803
407-872-0560 Fax 407-872-1883 Toll Free 800-228-3463
Servicing Orange, Seminole, Osceola, Lake, Volusia & Flagler Counties.
Email: allen@aallen.com Visit our Website: www.aallen.com

6 Florida Litigation Support Services, Inc.

1901 W. Cass St., Tampa, FL 33606
813-254-8762 Fax 813-258-2258 Toll Free 800-747-9811
Servicing Hillsborough, Pinellas, Polk, Hardee, Pasco, Hernando, Sumter & Citrus Counties.
Visit our Website: www.flssi.com

7 World Class Investigations, Inc. d/b/a Process Express

818 East New Haven Avenue, Suite 2B, Melbourne, FL 32901
321-728-0641 Fax 321-728-0818
Servicing Brevard, Indian River, St. Lucie, Martin, Okeechobee & Highlands Counties.

8 Here Comes The Judge Legal Process Services

3293 Fruitville Road, Suite 106-C, Sarasota, FL 34237
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NAPPS

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KNIGHTS OF THE ROUNDTABLE

Paul K. Tamaroff, President
aps@aps-ga.net

In my last message I noted that the Federal Trade Commission had become involved in the process serving scandal uncovered by Attorney General Cuomo in New York, and had set up a roundtable conference in Chicago to discuss protecting consumers regarding the failure of being notified of pending litigation by proper service. Unfortunately, we had not been invited to attend, and by the time we learned of it, it was too late to wrangle an invitation. The roundtable was web-cast however, and several of us watched the segment dealing with process service.

Inasmuch as we could not participate in the roundtable, I took advantage of the opportunity presented by the FTC to present comments on the discussion. Also, I forwarded a letter to the FTC project coordinator noting my belief that the future roundtables scheduled in San Francisco and Washington, D.C., could benefit by the participation of a NAPPS member who could respond to issues from the perspective of the process server. My letter was reproduced in the last issue of The Docket Sheet. I was thereafter invited to attend and participate in the San Francisco roundtable on September 29 and 30. That roundtable was also web-cast, and I hope many of our members took the opportunity to watch.

As I have previously noted, I had hoped our attendance would present an opportunity for NAPPS to market itself before the FTC and important figures, including representatives and judges of several states as the go-to expert for process serving. There are those who would argue that the FTC should take jurisdiction over process servers in the service of consumer complaints. On the other hand, it seemed to me that this was a wonderful opportunity to obtain the assistance of the FTC, collection attorneys and consumer advocates, as well as judges, to lobby state legislatures to enact legislation establishing licensing requirements for process servers that would include continuing education and testing leading to certification by the state. However, I was a bit disappointed upon being informed by several FTC officials at the San Francisco roundtable that we would probably not be invited to the third and final roundtable in Washington, as it was believed our presentation in San Francisco would be sufficient to assist the FTC to reach conclusions regarding what steps the FTC might take to better insure proper notice to consumers that they were being sued.

Just recently however, I received a telephone call from the project coordinator informing me that the FTC would appreciate our providing a representative to participate in the last roundtable. It appears that there will be further discussion regarding the situation in New York. We should be proud that the FTC did seek to have a representative of NAPPS present the process servers' position on the New York matter. The last roundtable will be December 4. Representing NAPPS and the process serving profession will be our 2nd Vice President Larry Yellon. Larry, who is also president of the New York State Professional Process Server's Association, is presently involved in discussions with New York City and State officials regarding the possible establishment of registration or certification procedures for process servers in New York. His knowledge of the situation in New York, as well as his experience with city and state officials, places him in an excellent position to represent NAPPS at this roundtable.

Administrator Crowe, as well as several members of the Board will also attend the roundtable. Like the previous roundtables, visitors will be allowed to sit in the audience and observe the proceedings, as well as submit questions to the participants. I hope that many of our members, especially those in and around the District, will find the time to attend. For those unable to attend, there will be a live web-cast. I encourage everyone to try to make time to view this roundtable, for it may have a substantial effect on our profession. To emphasize this point, I would refer to Congressional House Bill 3126, the Consumer Financial Services Protection Act. This bill, if enacted into law, would enhance the powers of the FTC. Additionally, language added by Congressman Barney Frank would transfer jurisdiction of the Fair Credit Reporting Act to a new agency. No doubt that this will also be discussed at the roundtable.

For those who wish to attend or view the program on the web, please check with Administrator Crowe for details. The details, including the website address, will be posted on the NAPPS website.

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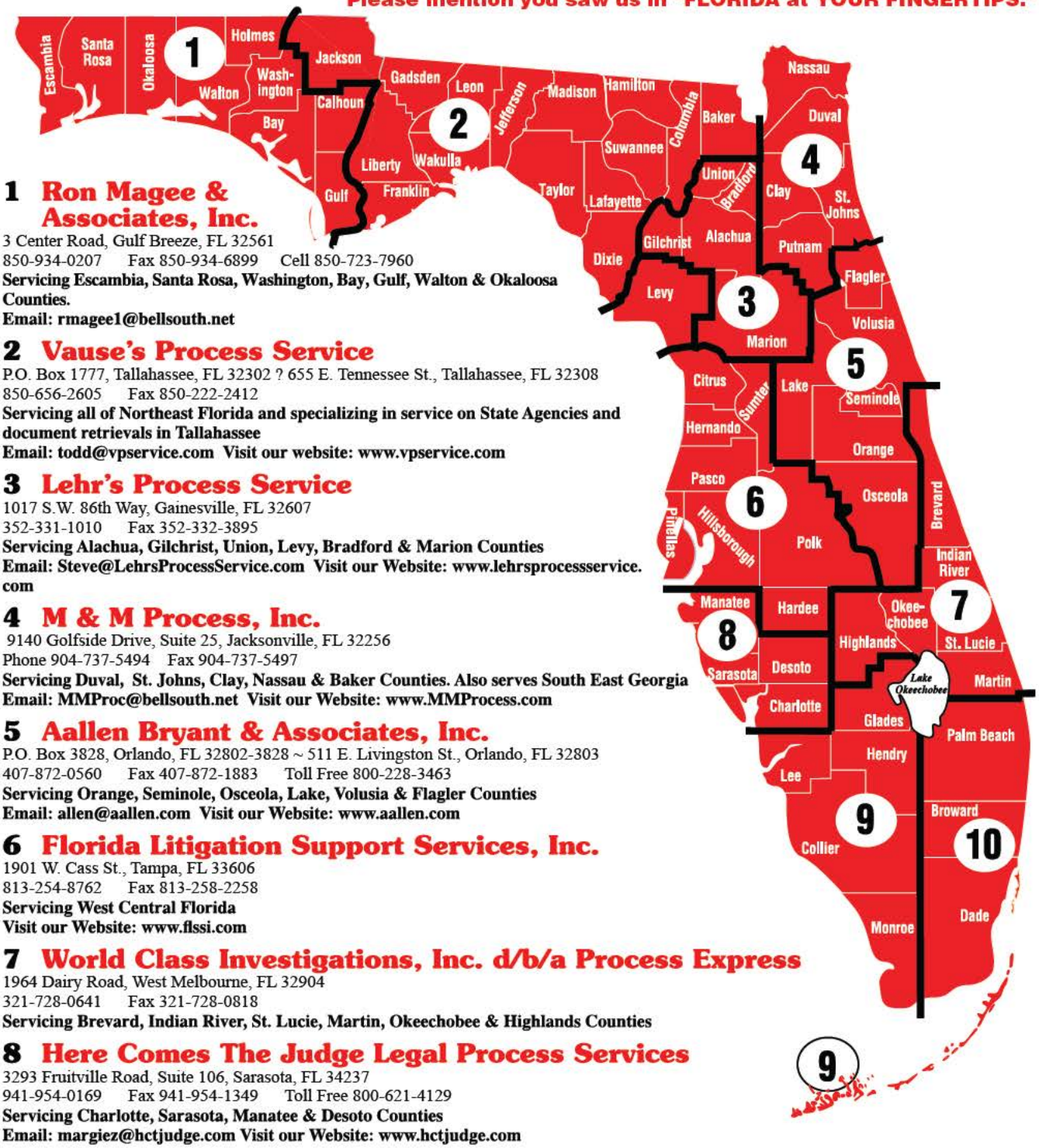

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APSA
ARIZONA PROCESS SERVERS ASSOCIATION

TO: NATIONAL ASSOCIATION OF PROFESSIONAL PROCESS SERVERS

FROM: TAMARA NIETO, APSA 2002 PRESIDENT

DATE: APRIL 22, 2002

RE: ANNUAL REPORT OF THE ARIZONA PROCESS SERVERS ASSOCIATION

Greetings to all NAPPS members! This has been my third consecutive year as APSA's President and according to our Bylaws, it will be my last for a while. I was very hesitant and nervous my first year, but with the support and advice of other Board members I have grown professionally and personally. The challenges I have encountered have only added to my insight and overall education.

APSA has been busy with two major concerns this year. At this time we are awaiting a hearing date to be set regarding House Bill 2272. This Bill addresses two process serving issues that have been on our "wish list" for years. Despite numerous attempts to get these matters into law, our efforts have not yet been rewarded. But APSA members do no give up easily. One part of the Bill, if passed, would allow process servers a legal defense to criminal trespass. The other part of the Bill, if passed, would make it a class 1 misdemeanor to obstruct or hinder the service of legal process.

Our other concern is the tendency for Justice Court Constables in some Arizona counties to serve Superior Court process, despite no legal authority to do so. This has been an ongoing problem for many years, but this is the first time that APSA will be taking a stance against it. The initial step taken is hiring an attorney to write a letter on our behalf to the appropriate authorities who have influence over Constables. The letter went out recently and we are waiting for a reply. What we do next will depend on the received response.

The date for our Annual Meeting has been set for October 19, 2002. It will be held at a casino situated on the Ak-Chin reservation. We have secured two speakers from the Ak-Chin tribe; the Chief of Police and a Tribal Attorney who will speak about tribal laws relating to service of process, as well as Federal laws and sovereignty issues. All process servers are welcome.

We would like to give a special THANK YOU to all out of state APSA members for your support. To show our appreciation, we ask our membership to look first to our out of state members when forwarding out of state process. If you are interested in joining APSA, please look for Sheila Cahill or Tamara Nieto at this NAPPS Annual Convention in San Diego or go to our website at www.arizonaprocessservers.org.

www.arizonaprocessservers.org

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

FILED IN OFFICE
OCT - 7 2013
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

GEORGIA ASSOCIATION OF PROFESSIONAL PROCESS SERVERS; DEBORAH DUCHON; KRISTY BORDERS ADAMS; WILLIAM LUTWACK, and RODNEY J. McCLELLAN,	*	CIVIL ACTION FILE NO. 2013CV237446
Petitioners,	*	
v	*	
THEODORE JACKSON, as Sheriff of Fulton County; NEIL WARREN, as Sheriff of Cobb County: BUTCH CONWAY, as Sheriff of Gwinnett County; THOMAS BROWN, as Sheriff of Dekalb County; VICTOR HILL, as Sheriff of Clayton County; DUANE PIPER, as Sheriff of Forsyth County; and GARY GULLEDGE, as Sheriff of Paulding, County,	*	**JURY TRIAL DEMANDED**
Respondents.	*	

PETITION FOR MANDAMUS,
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

NOW COME, the Georgia Association of Professional Process Servers and the above named individual members of said Association (collectively "Petitioners"), and file their Petition for Mandamus, Declaratory Judgment and Injunctive Relief ("Petition") against the Respondents who are sued in their official capacities as

27.

The AOC was delegated the responsibility of developing and approving, in consultation with the GSA, a 12 hour course of instruction that every applicant for certification must successfully complete. O.C.G.A. §9-11-4.1(b)(1)(B). GAPPS is the sole entity authorized by the AOC to conduct the required 12 hour course of instruction.

28.

The AOC was also delegated the task of preparing and approving a test designed to measure every applicant's knowledge of the laws applicable to the service of process. All applicants must pass this test as a condition of certification.

29.

GAPPS has suffered direct pecuniary loss in the form of lost revenues which, but for the conduct complained of herein, it would have earned by providing certification training. Persons who would otherwise have sought such training to secure their certification have elected not to do so because the certification process has been rendered meaningless by the unlawful conduct of the Sheriffs who refuse to recognize certification as the statutory authorization to serve process.

30.

O.C.G.A. 9-11.4.1(a) states that all persons desiring to become certified shall

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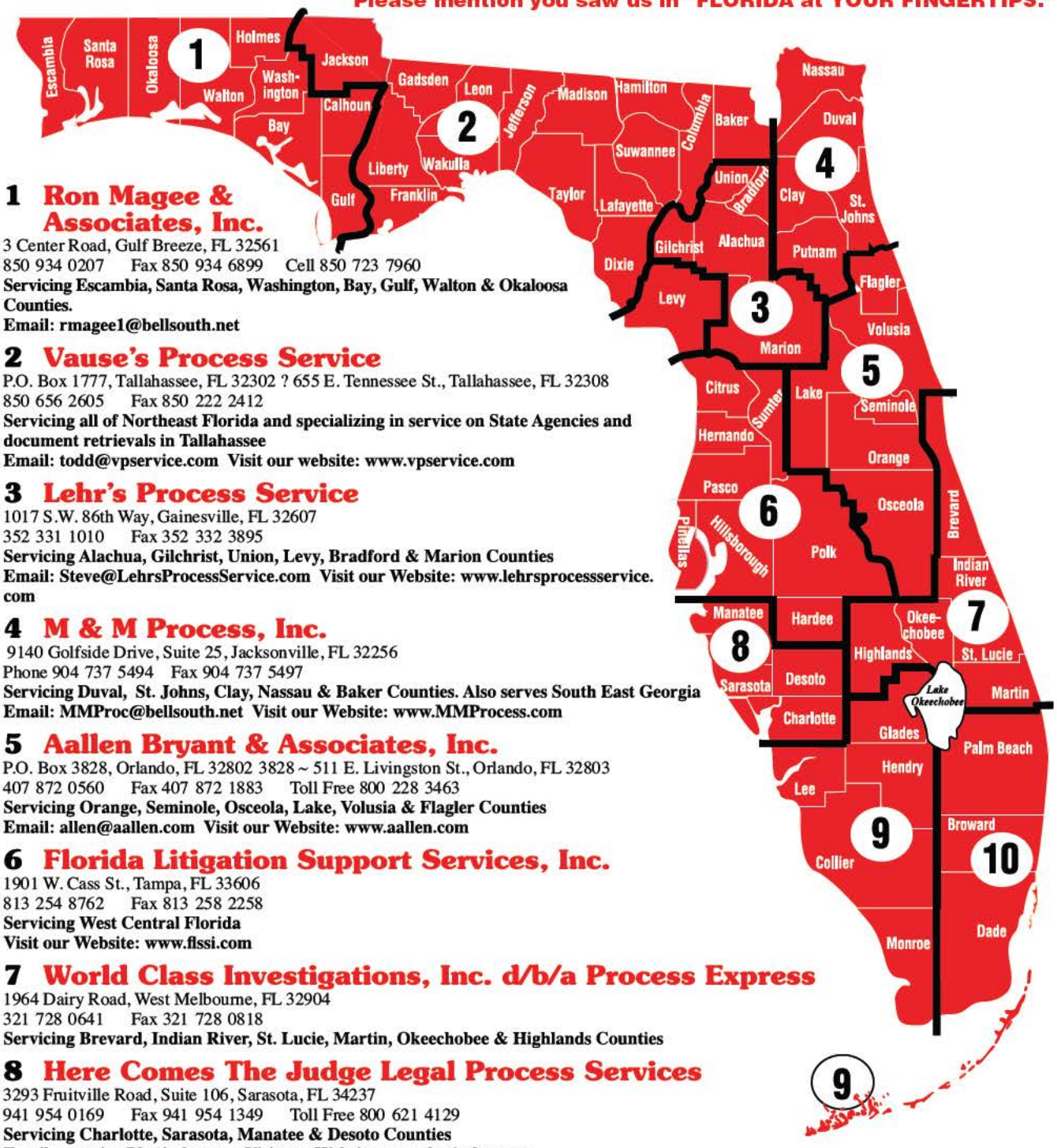

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Rick,

The issues you raise are very complicated, requiring a little background.

Unfortunately, the situation in California is not an isolated instance. Just a few years ago, the New York Attorney General conducted an investigation of many instances of "sewer service" in New York by subcontractors of one large New York City process serving company. More recently, a similar situation arose in Florida involving another large process serving company. The Federal Trade Commission (FTC), became so concerned that it conducted several "roundtables" around the country, inviting representatives of the various entities involved (collection attorneys, consumer protection agencies, judges, lawyers, etc.). As president of NAPPS I was invited to be on the San Francisco Roundtable. Then NAPPS' Vice president Larry Yellon (presently NAPPS President) represented the profession at the Washington, D.C. Roundtable. The FTC recognized NAPPS as the representative of all process servers throughout the country. The roundtables dealt with only the papers served pursuant to the Fair Debt Collection Practices Act (FDCPA). The concern was that so many defendants were coming in and trying to re-open defaults against them, contending they were never served with the summons and complaint. Like I said, the California incident is not isolated. Additionally, most of the problems concern collection accounts. These are accounts that have been written off by the original creditor and sold and resold many times for pennies on the dollar, so that when the debtor is sued, he/she does not even recognize the entity listed as the plaintiff. In such situations, many debtors simply ignore the summons until they are being garnished several years later. By that time, many debtors may not even remember being served.

Process servers are exempt from the FDCPA, but they are also victims. The firms that purchase debts for pennies on the dollar insist on paying bottom dollar for everything, including service of process. We are not talking about a few papers; we are dealing with millions of collection accounts. So, the firms involved in this "industry" work with only a few large process serving companies. They pay very little. In New York for example, payment to the process serving company was about $25 per paper. The process serving company then would contract with process servers all over the state for as little as $5 or $10 per paper. As pointed out by Tony Klein (awarded the NAPPS MacDonald Award just a few years ago), this leads to corruption of the process. These process servers getting $5 or $10 per paper are not members of an association. In states without rules, like New York and California, they have no statutory guidance for their conduct. They know that in the vast majority of cases, the defendant will default. Therefore they weigh the risks and decide to engage in "sewer service".

The California Association of Legal Support Professionals (CALSPRO) is an association that represents process servers and other legal support professionals in California. CALSPRO is set up to support large companies in California. They do have individual members as well (less than 200 in a state that has thousands of process servers). My experience reflects that CALSPRO responds to legislation that adversely affects process servers, rather than engaging in a proactive way to propose and encourage legislation that raises the professional requirements of the profession. This may be a reason that CALSPRO, although having been in existence (previously as CAPPS) for many years, has a relatively small membership in a state that has a multitude of process servers.

Now to the specific issues you raise. Regarding Tony Klein, it is unfair to say he did not offer any solutions. We don't know what Tony told the reporter and what the reporter might have left out of the article. Tony did the original draft of what is now the NAPPS' "Best Practices" that GAPPS has adopted. Tony is recognized as one of the top authorities on process serving in the country. He has written a book on the subject. He is always available to respond to questions raised by process servers throughout the country. It is understandable that the news media would go to Tony for his thoughts on the subject of "gutter service".

What is unfortunate is that the writers of the article did not go to CALSPRO, or even NAPPS. I wrote a letter to each member of NAPPS Board of Directors noting this point, suggesting that there is something wrong when journalists do not interview representatives of the state association that contends it representatives of California process servers, or even the National Association. As a past president of NAPPS I recognize that much of NAPPS' strength comes from its development of state associations and vice versa. NAPPS has played no small role in the development of GAPPS.

Compare the situation in California with that of Georgia. In Georgia, GAPPS representatives have worked for over 8 years to get legislation that forces process servers to raise their level of knowledge and professional integrity. The actions of GAPPS representatives reflect that GAPPS was never intended to benefit these representatives, but was always for the higher purpose I have described. Indeed, in addition to the time devoted to pursuing the legislative goal, a great deal of money was donated by these same individuals. You can see in the pre-certification training that the instructors are volunteers who are not getting paid for their efforts. One rule we have is that, other than to identify ourselves, we do not even mention our companies during the sessions.

Our speaker in the February training was House Judiciary Chairman Wendell Willard. Without the Chairman on our side, we would still be struggling. This last time our speaker was Chief Judge Scott. We are now known by the entire Georgia Judiciary, including all the judges, the Judicial Council (chaired by the Chief Justice of the Supreme Court), and the Administrative Office of the Courts. For the first time, we have the courts on our side regarding certification and they are planning a Uniform Superior Court Rule for certification by the courts that will trump the sheriffs' plan to keep certified process servers out of their counties. We have found an insurance agent that will give each of our members a substantial discount for the required surety bond. Our efforts are designed to have all process servers in Georgia join GAPPS. That will make GAPPS an even stronger force than the sheriffs. We will be able to pursue even more legislation that benefits, not just the process servers, but all Georgia citizens.

It is true, as you say, that we are competitors. However, that does not make us enemies. There is enough work for all of us, and price competition is a small part of the equation. We have process servers whose prices will range from $50 to over $100 for the same service. While there are some attorneys who are concerned only with price, there are many more who want to have a professional relationship with their servers. And, there is good reason for all of us to want the prestige that comes with certification and the respect that brings from the legal community. As Judge Scott pointed out, certification will justify even higher charges. GAPPS cannot dictate prices. But, with the support of our membership, we can dictate professional conduct of our membership. I believe that, over time, all process servers will find it worthwhile to join GAPPS. When that happens, even the "big box companies" will be forced to pay reasonable charges if they want a process server in Georgia. Already, one of these companies has been in contact with us to insure that they retain the services of only those servers who get certified. I am sure they will get a break on price because they forward a substantial amount of work. However, I do not believe certified process servers will lower themselves to a level that demeans themselves and the profession. I am very excited about the future of the profession in Georgia.

PAUL K. TAMAROFF, President

Unprofessional/Unethical Complaint
Case No. 12-PT-UC-32
Larry Yellon v. Randy Scott

REVOCATION OF MEMBERSHIP

On January 4, 2013, the Board of Directors, in Executive Session and after a review of the above matter, determined that the membership of **Member Randy Scott** be revoked.

The above action is based on Member Scott's bad faith in obtaining NAPPS documents for the purpose of making them public on Scott's website and through e-mails to NAPPS members, as well as the public, including process servers who were considering applying for membership in NAPPS. Taking facts out of context and placing his own interpretation on state and federal laws and regulations, Scott attempted to embarrass the Board's officers and directors, as well as other NAPPS members, by making public accusations of malfeasance and violation of laws, in addition to other slanderous statements, in spite of his knowledge that actions raised had been thoroughly vetted through NAPPS legal representative and certified public accountant.

WHEREFORE, having concluded that Member Scott's actions violated the Code of Ethics, the Bylaws and Policies of the National Association of Professional Process Servers, the Board issues this, as notice of the Revocation of Membership for Member Scott's conduct.

-THE BOARD

Unprofessional/Unethical Complaint
Case No. 12-JL-UC-25
Dan Callahan v. Reginald O. Walker

PUBLIC REPRIMAND
AND SUSPENSION OF MEMBERSHIP

On November 17, 2012, the Board of Directors, in Executive Session and after a review of the above matter, determined that **Member Reginald O. Walker** be issued a public reprimand and be suspended for a period of six (6) months.

The above action is based on Member Walker's failure to provide appropriate status reports regarding a service being performed for a fellow member and failing to provide an appropriate return of service upon completion of service. Thus, after having the documents for service for over two months and being unable to provide appropriate status, the fellow member had to retain the services of another server to perfect service.

WHEREFORE, having concluded that Member Walker has violated the Code of Ethics of the National Association of Professional Process Servers, the Board issues this, as a Public Reprimand for Member Walker's conduct.

-THE BOARD

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Observations from a Founding Member

By Fred Blum
fred@brservices.com

In the beginning, 1982, there were 42 forward thinking process servers from across the country. I am proud to have been one of them. Since then, through the foresight of those 42, a foundation was built for the future. We are now over 2200 members strong. I worked very closely with many of those 42: Andy Estin, Donald "Mac" MacDonald, Mike Buter, Juanita Tanzer, Alan Crowe, Ron Ezell and Tom Bowman. In later years came Paul Tamaroff, Thomas MacDonald, Sue Collins, Larry Yellon and Eric Vennes to name a few. On many occasions we were on opposite sides of issues but we worked through those issues. From the start we were - and still are - dedicated to one purpose, to professionalize our profession and to become a source of education and leadership. We had the foresight to reach out to other associations that would advance our cause and standing in the legal profession.

As one of the younger members of the association and the Board, I was mentored by the likes of those mentioned above. One person in particular was Al Crowe. We became very close and I admired him more than he could ever know. He was a man of great integrity, morals and a passion for everyone to succeed. He was a great listener and educator and always helped anyone in need. His passing was a great loss to me, NAPPS and our profession. To see his good name impugned by expelled member Randy Scott; someone who never even knew Al is like being stabbed in the heart! Over the course of many years Al prepared his son, Gary Crowe to assume the administration of NAPPS. NAPPS has been left in very good hands, as Gary is a man of fine character like his father.

It has been very disturbing for me as well as others to see the relentless attack Gary has endured by Randy Scott, an individual that was expelled from NAPPS. The membership should understand that the board completely supports Gary. He has proven every one of Scott's outrageous claims to be false and without merit. The Board has had an opportunity to review the Association's financial reports and accounting records. We are in sound financial condition and all funds are in order. Scott has made every effort to spend much of the Association's assets in a retaliatory effort because of his expulsion, brought on by his own actions. This includes filing a Federal lawsuit against the Association and many members of the Board. Scott continues to assert that he is smarter than the paid professionals that NAPPS has engaged to perform specialized functions. He is misguided and does not understand many claims he makes. What has become very clear is the fact that Scott will wage an assault against anyone that does not agree with him.

Gary is not the only person to be maligned by Scott. I, too, have been painted with the same brush. In fact, most of the entire Board has been subjected to Scott's misinformation, innuendo and outright lies. Here is a person that first applied for membership in NAPPS in 2009, some 27 years after our founding. He has attended one Annual Conference and has not been present during any Board meeting to listen to the debates in an effort to understand why certain decisions have been made. I am not saying that one must attend annual meetings and board meetings in order to ask questions of the leadership. I do, however, wholeheartedly believe that someone who emails the membership almost daily (and sometimes more often) with innuendo and outright lies, might consider actually showing up to a meeting so he could at least get the facts straight!

Scott has made so many false claims that it is extremely difficult to address them all. He publishes snippets of people's lives without telling the whole story. He will try to link one person's misdeeds with others. When he cannot find "dirt" on someone he dislikes, he attempts to condemn them anyway by linking them to someone else who has a misdeed in their past. He continues to tout

the Constitution while condemning people that have never been convicted of anything. When the facts are shoved in his face, he merely looks the other way and continues the same attacks; often choosing a new victim.

I have attended every Annual Conference and all but two Board Meetings since the inception of NAPPS. I have had the good fortune to participate in debates on numerous issues over the years. I understand what it takes to listen to others and to compromise. I, as well as many others have spent their own money and time away from business and family to work on behalf of the membership. For many years there was no money to provide a stipend for Board members to attend meetings around the country. Rarely have I seen anyone out to promote their own interest over the best interest of the entire membership. There have been a few individuals, but, they are the exception. The membership has every reason to be proud of its leaders.

Scott rants about expelled past Presidents; questioning finances of the association. This could not be further from the truth. One resigned on his own accord; one was expelled for embezzlement from another NAPPS member; one for not paying his outstanding invoices to other members and one for ethical violations. As a Board member, I take my oath and position very seriously to ensure adherence of the Bylaws and Code of Ethics. If a member, or even a past President, violates our Bylaws or Code of Ethics that he or she agreed to uphold when joining, they face the same consequences as every other member.

Scott has attacked me on many issues. As previously stated, Scott likes to condemn people for the actions of their associates. Regarding my former business partner, who has had his share of legal problems, Scott has used my former business partner in an effort to damage my reputation. Contrary to Scott's assertion that my partner was a founding member, official records prove he was not. He also has not been a NAPPS member since 2004. Once my partner's legal problems became known, our partnership was severed and he has not been affiliated with my company since 2011.

If you chose to read Scott's unending emails, if you were able to understand them, ask yourself "what does this person have to gain?" He claims to want transparency, yet he blocks some people from access to his emails and his Facebook site if they disagree with him. He has cost YOU the NAPPS members a large sum of money to defend his now dismissed Federal lawsuit against the Association and the Board of Directors. His lawsuit was dismissed because Scott failed to produce any evidence supporting his claims. He was given an opportunity by the Judge assigned to his case to amend his complaint with facts, and he failed to do so. Why? Because there is no truth in his complaint. His claims were based on misguided "information & belief." Keep in mind, here is a person that has filed numerous bankruptcies (the most recent being in 2007) and changed his name within the past few years (for reasons unknown). He claims his bankruptcies are "old news" yet he republishes articles from the 1980's in an attempt to discredit and defame others. Oddly, while trying to gain credibility by proclaiming an education in non-profit management, he has proven only that he does not have the ability to handle his own finances let alone those of a non-profit where the monies are not his own. Clearly, paying creditors and is not at the top of his list of priorities.

In his Pro Se Federal lawsuit against NAPPS, he filed in March of 2013 an "Affidavit of Indigence" was filed (which is in the public record USDC Middle District of Florida 2:13-cv-157-FtM-38DNF). In it, Scott swore under oath that he earns ONLY $60 per week and claims to have cash assets of $900. I believe most would agree that, given his current financial status, he should be trying to earn a living and not spending day and night writing libelous posts on websites and sending emails.

For the past 31 years, I have worked with many hard working individuals to make a difference in our profession. I stand by and am very proud of the work we have and will accomplish in the future. I have spoken with many NAPPS members who tell me that joining NAPPS is the best thing they have ever done to advance their business. Scott is clearly obsessed with trying to discredit NAPPS, its members and the past and present leadership. His efforts will undoubtedly fail.

TDS

Editor's Note: *The below article was emailed to the NAPPS Membership on August 13, 2013. As expected, since that date, Randy Scott continues to barrage the Membership with outlandish emails while falsely claiming membership in NAPPS.*

Randy A. Scott vs. NAPPS

Anatomy of a Lawsuit: Fiction vs. Fact

Expelled NAPPS member **Randy A. Scott**, who operates **All Claims Process, LLC**, located in Lehigh Acres, Florida, filed a federal lawsuit on March 4, 2013, against NAPPS, FAPPS, many board members, the administrator and the Chair of the A&G Committee that presided over his expulsion proceedings. It is case number 2-13-cv-157-FtM-29DNF and it was filed in USDC for the Middle District of Florida. On July 12, 2013 USDC Judge Sheri Polster Chappell granted defendants' Motion to Dismiss.

Until Judge Chappell dismissed Scott's complaint, the thought of providing Scott with this forum to publicly proclaim his outrageously false accusations was quickly dismissed by our Board of Directors. Now that the federal court has spoken, quickly dismissing Scott's complaint, the slander spewed by Scott in his relentless Facebook posts, e-mails and on his website has been shown to be what it in fact is – a desperate attempt to damage and embarrass NAPPS and its leadership. Scott did not limit his defamation campaign to only NAPPS members, but to anyone who would listen. Now is the time to fulfill our responsibility to our members, all those associated with the profession, and the legal community, by providing the truth. Before addressing Scott's slanderous allegations, made through the internet, electronic communications, complaints to federal and state authorities and his lawsuit, it is important that everyone understand Scott's background.

The Plaintiff:

Randy Allen Scott, also known as **Randall Scott Dienethal**, filed for bankruptcy protection on multiple occasions (under each name), the most recent being in 2007 where he requested that nearly $200,000 in personal debt be discharged against his $1250 per month income. While listing 54 unsecured creditors, he told the court that he was an unemployed student and that he did not file tax returns.

Almost immediately after resigning his membership in the Florida Association of Professional Process Servers (for unknown reasons), Randy A. Scott joined NAPPS in 2009. On July 4, 2012, Scott created an association called the Independent Professional Process Servers of America (IPPSOA). In November, 2012, Scott sent a barrage of emails to the entire membership which contained a host of false claims against various board members, committee chairs and the administrator. The common thread with each of his defamatory emails is that they contained a solicitation for the recipient to join his association, the IPPSOA, where Scott listed himself as the

Administrator. As a result, Larry Yellon (the then current NAPPS President) filed a grievance against Scott, alleging Scott's false allegations were in violation of our Code of Ethics, Numbers 1 and 5. On January 7, 2013, the IPPSOA was voluntarily dissolved. At that time it had no known board of directors or listed bylaws. It appeared to be a one man operation.

In December, 2012, prior to his expulsion from NAPPS, Scott sent an email blast to all NAPPS members proclaiming **"I am writing to let you know I have closed my business,"** followed by a request for 500 members to send him $100 each to fund his continued slanderous attacks.

On January 4, 2013, after then President Yellon's grievance was fully processed in accordance with NAPPS grievance procedure contained in Policy No. 4 of our Policy Manual, Scott's membership was revoked (see Jan-Feb, 2013 issue of *The Docket Sheet*). Scott requested reconsideration and appeared in person at the February board meeting. When asked if he would discontinue sending his defamatory emails to the membership if he were allowed to retain his membership he said he would not stop. His request for reconsideration was denied.

On March 4, 2013, Scott filed the federal lawsuit. On March 19, 2013, Scott filed an Affidavit of Indigency with the court, claiming a current income of $60 per week. His request that the affidavit be sealed was denied, thereby making it a public document. Two motions by Scott seeking the Appointment of Counsel, to have the government provide him with a cost-free attorney to pursue his lawsuit were similarly denied.

The Plaintiff's Goals:

Randy A. Scott has not made a secret of the fact that he does not have any financial resources. While claiming to the federal court that he has earnings of $60 per week, he claims in various postings on the internet (emails and Facebook) that he is losing $7,500 per month by having his membership in NAPPS revoked. His belief that the NAPPS website should be made available to all process servers, not just our members, is based on his stated claim that a process server cannot survive without being listed on the site. Scott justifies this claim based on his personal, albeit incorrect, interpretation of antitrust laws.

Despite the fact that the NAPPS leadership never publicly engaged or responded to his relentless defamation campaign, and the fact that he had publicly announced he closed his business prior to his expulsion, Scott claimed in his lawsuit that he sustained damages including: "***pain and suffering; emotional distress; humiliation, embarrassment and degradation; loss in wages and benefits; loss of career prospects and job opportunities; and continuing unemployment."***

His prayer for relief demanded ***"A full make-whole remedy including but not limited to lost income, lost future income, consequential and punitive damages, and pre-judgment and post-judgment interest; compensatory damages in an amount to be determined at trial to compensate Plaintiff for the damage to reputation, loss of career, humiliation, anguish and emotional distress."***

Scott's filing of the lawsuit did not cause him to cease or slow down his efforts to damage the Association and those NAPPS officers and directors who voted to revoke his membership. Nor were his efforts directed only to NAPPS members and other process servers. NAPPS has spent countless hours and substantial resources establishing a relationship with the National Sheriffs' Association that allowed our NAPPS leadership to motivate the sheriffs toward consideration of outsourcing service of process to the private sector. During the NSA's Annual Conference in June, 2013, Scott sent a letter to the NSA leadership repeating his slanderous allegations. He also claimed to have hired someone off of Craigslist to hand out flyers to attendees, directing the sheriffs to his website where his defamatory remarks are most serious. These actions by Scott leave no doubt as to his true motivations. He has been out to cause as much damage to the reputation of NAPPS and its membership as possible.

The Allegations:

A common thread throughout Scott's federal complaint is that his basis for his many allegations is "upon information and belief." Thus, he essentially admits that his supported "facts" are not actual, but based only on information and belief. This was noted by the judge in her Order of Dismissal. This has also been a common theme in all the defamatory allegations Scott made by e-mails and on his website. In Scott's case, he engineered "facts" to fit the allegations that were simply a figment of his imagination.

Fraud and Tax Evasion

Through the rambling 56-page complaint, which consisted entirely of unsupported and outrageous false allegations far too numerous to address in this article, Scott alleged that NAPPS (and defendants) misused Association funds, evaded taxes and used nonprofit resources in a manner that is inconsistent with the guidelines of the Internal Revenue Service. Specifically, he claimed that "over the past 30 years and specifically the last 5 years NAPPS has materially misstated" advertising income and evaded taxes. In an attempt to support his claim, Scott made the following specific allegations:

- **NAPPS misstated income advertising "by combining improperly as program services revenue, member revenue or other various improper entries over time," and that over $100,000 in advertising revenue has not been reported."**

- **NAPPS's administrator "misstates the total revenue and evades 80K in taxes."**

- **NAPPS program services revenue contains advertising revenue in an attempt to fraudulently evade taxes and NAPPS misreported "Unrelated Business Taxable Income…of over $500,000 over the past 3 years or a potential tax avoidance of over $200,000."**

What Scott is claiming is that all revenues NAPPS received for BRANCH OFFICE LISTINGS should be considered advertising income, and thus taxed at a rate of 41%. He also claims that administrator (me), **"supplies, prepares, and otherwise exclusively directs the completion of the IRS forms" and that "By not paying taxes NAPPS artificially and illegally increases total revenue that is**

then computed into CROWE'S contract for his personal gain related to the evasion of taxes CROWE himself prepares."

Contrary to Scott's assertion, NAPPS pays a team of very competent professional CPA's specializing in non-profit tax law to not only prepare ALL of the association's tax forms, but also to provide ongoing advice on what is proper and in conformity with existing tax laws. Our CPA's are not directed on how to classify revenues. Attached is a letter from Jason Orme, the association's CPA, that provides his professional analysis of Scott's tax evasion claim and also Scott's odd assertion that over $500,000 miraculously appeared out of nowhere on the tax filings in 2009 and 2010. Scott's claims, made on countless occasions, can only be a result of either his inability to understand, or his intentional distortion of the facts and the law.

Administrative Contract

At the heart of Scott's claim is that I "chaired" the ad hoc committee to establish a policy for branch office listings. Scott's allegation goes like this: the committee would allow me to create a policy that would benefit me by allowing more branch office listings. Additional listings would increase the revenues, thereby increasing my income under my contract with NAPPS because – as he erroneously continued to assert – the contract is percentage based. Note however, there are three fact based inconsistencies with this scenario: 1) I was never the chair, Jack Lipmann was appointed Chair and was always present; 2) the policy that was adopted (and that I supported) actually REDUCED the number of branch offices; and 3) my contract is not, and never has been, based on a percentage of the NAPPS annual budget (a fact that Scott knew full well based on a telephone conversation he had with me).

Scott sent out an email blast in November of 2012, just days after the contract was reviewed and approved by the board, stating that the contract was $210,000 annually for five years. After having his membership revoked, he has sent out countless email blasts, posted on his website and claimed in this lawsuit that my 5-year contract is for $1,200,000.00, a far cry from the previous number he reported. The actual numbers are $208,725.00 for three years, followed by $214,986.75 for two years, for a total of $1,056,148.50 over the 5-year period. So, one might question why Scott, after being informed of the actual numbers in November, chose to intentionally misstate the figure over and over again, by nearly $150,000 after he was expelled.

As I explained in great detail to the attendees at the 2012 annual conference in Boston (where Scott was also present), the Administrator's Contract is not my personal salary and I am not an employee of NAPPS as Scott continues to assert. The contract pays for me, two full-time employees that work only on NAPPS business; office space, computers, telephone system, office equipment, supplies, technical support, etc. Scott, while knowing these facts, continues to compare the amount of the NAPPS contract against the individual salaries received by the executive directors of other non-profit organizations.

Defamation

Scott claimed, as stated above, that he suffered ***"pain and suffering; emotional distress; humiliation, embarrassment and degradation; loss in wages and benefits; loss of career prospects and job opportunities; and continuing unemployment."*** However, in his claim for defamation, he states only that NAPPS published his membership revocation in the newsletter.

Nowhere in the complaint does Scott allege that defendants ever made a false statement about him (a required element for proving defamation).

Wrongful Termination
Scott claimed Wrongful Termination because his membership was revoked. This claim can only be used when an employee is wrongfully terminated. Randy Scott was never an employee of NAPPS.

Sarbanes-Oxley Act, Retaliating Against a Witness
Scott claimed, and continues to claim, that he was expelled from NAPPS due to his communications with the IRS concerning our tax filings (he being the witness against NAPPS). It should be noted that Scott has sent letters to the Internal Revenue Service, United States Department of Justice and the Oregon Department of Justice, requesting an investigation of NAPPS. NAPPS has never been contacted by any government agency regarding Scott's claims or for any impropriety whatsoever. The leaders of the Association have never second-guessed the professionals NAPPS uses to perform its various technical functions. This includes the professional team of CPA's specializing in non-profit tax law that prepares the Association's tax forms each year.

Frauds and Swindles
Scott claimed the treasurer and I prepared the "fraudulent IRS 990's" (tax forms) and mailed them to the IRS. See explanation above.

Additional Claims Not in Lawsuit:

Scott has made many untrue claims both before and after he filed the lawsuit against NAPPS. The following are several examples. They are statements made by Scott in email blasts to the entire membership. They are followed by supported facts:

November 12, 2012, Scott writes: **"Look at the 2009 990's it has a 160K surplus…it is like extra money just appeared"**

April 21, 2013, Scott writes **"Now it is clearer to me than ever. That Alan H Crowe and Associates have been in charge of many events that are illegal and fraudulent and based on available financial records even includes over $250,000.00 of branch office money missing since at least 2004."**

July 25, 2013, Scott writes **"What didn't Gary Crowe tell NAPPS members about the gift of found money of $350,000.00 reported to the IRS in 2010? Reasonable people conclude is there is something fishy with the reporting of these funds."**

For one who had been a member for just three years to question my integrity, after I have spent my entire adult life working on behalf of this Association, is both contemptible and sickening. And, Scott's basing such statements solely on his unprofessional and uninformed interpretation of the bulk numbers on the form 990 is saddening. Instead of attempting to explain how anyone could come to Scott's conclusions, I will refer members to various NAPPS publications; wherein it was widely reported the Association hired the professional accounting firm of Talbot, Korvola and

Warwick to perform a detailed review of accounting records, investment records and stored documents for years 2008, 2009 and 2010. After countless hours of time spent with their accountants in the NAPPS Administrative Office going over physical records and viewing the files on our computers, no accounting discrepancies were found. This is yet another clear example that facts do not play a role in Scott's agenda, leading to the reasonable and unavoidable conclusion that Scott's motivation is to destroy the Association, its leadership and my reputation and livelihood.

April 27, 2013, Scott writes **"While you were sleeping NAPPS leaders stole from the membership"**

While this was the subject line of an email blast, Scott never addresses how the leaders supposedly stole from the membership; all it did was direct the reader to his website.

April 27, 2013, Scott writes **"[NAPPS board member] Steve Glenn files AG complaint because process server would not lie and indicate the process contained paper that were not there"** (sic).

This is yet another example of Scott fabricating his own NAPPS scandal. Not true. Not only did Steve Glenn not file a grievance against this unnamed member, Glenn has never filed a grievance since he's been a NAPPS member.

July 17, 2013, Scott writes **"MITCHELL RUBIN, A NAPPS FOUNDER HEADING TO TRIAL" rules Judge William Wenner"** (sic).

This is a classic example of Scott fabricating his own NAPPS "scandal." Not true. The judge never said this. What was reported was "[the judge] told each of the six (defendants) they were headed for trial on all charges."

Contrary to what Scott continues to tout is that Mitchell Rubin **is not a founding member of NAPPS!** He did not join NAPPS until 1984, two years after NAPPS was formed, and he relinquished his membership when he did not pay his dues in 2004. In addition, he has not been affiliated with any NAPPS member for more than 2 years.

June 7, 2013, Scott writes (to the President of the National Sheriff's Association) **"In 1999 in the State of New York in a criminal indictment, alleging sewer service was brought against NAPPS immediate past president [Yellon]. In it he pled guilty to notary fraud"** (sic).

August 10, 2013, Scott writes **"Did you know under the rules of the DCA that Larry "Norman" Yellon and B & R Services would be ineligible to obtain a license. New York law states a principal or applicant cannot have any convictions relating to the process serving industry and/or crimes of moral turpitude. How can these types be leaders of an industry propagating laws upon those who are already honest"** (sic).

These statements are outright slanderous and blatant fabrications. Both in fact are eligible for licenses. Larry Yellon has NEVER been convicted of any crime whatsoever. What Scott has erroneously claimed over and over is that Larry Yellon was convicted of notary fraud. Not true.

Yellon was fined and cited for a violation over a decade ago for using an expired notary stamp on three affidavits. There was no fraud and no sewer service, only an expired stamp which did not even negate the affidavits on which it was used. Scott bases his "facts" on an old newspaper article written by an over-zealous reporter that contained several factual errors, for which Yellon sued the newspaper. Scott, while knowing the truth behind the article, continues to post it and disseminate it whenever possible.

In addition, Fred Blum – the sole owner of B&R Services – and Sue Collins (both past Presidents of NAPPS) also have NEVER been convicted of any crime whatsoever.

Summary:

As any long-term member of NAPPS realizes, this type of article would not normally be sent to the membership or be included in *The Docket Sheet*. However, the time has come to respond to the outlandish ravings of an expelled member who has been spewing for many months that NAPPS is a corrupt organization whose leadership has engaged in self-dealing. Nothing could be further from the truth. We have been fortunate over the years to have elected a leadership comprised of members who have been selfless in devoting their time, money and energy to the betterment of the Association and the profession. I am honored to have had the opportunity over many years now to work with these professionals.

It is laughable that Scott claimed "standing" to make his federal complaint by alleging that the Association was fraudulently evading taxes and, as a taxpayer, Scott is a victim of the alleged fraud. Yet, he admitted he does not even file tax returns, much less pay taxes. This, combined with his asking a bankruptcy court to discharge well over $200,000.00 in personal debt; his request that the court appoint a government paid attorney to represent him; that all Scott's court fees be paid by the government; and, that NAPPS should pay the costs of having NAPPS and the named defendants served with the complaint, makes it clear who the real victims are. They are our membership, leadership and committee chairs that give their time and money for the benefit of us all. This, while enduring Scott's vindictive defamation campaign for well over a year.

Scott claims to be a tax paying "whistleblower" with regard to our alleged wrongdoing and says he wants to bring "transparency" and right the wrongs of our profession. When viewing his actions it is obvious that his true goal is to destroy the Association and the profession. He has done NOTHING for the betterment of the profession.

I thank the membership for their patience and continued support of this Association, its Board of Directors and the Administrative Office.

Respectfully,

Gary A. Crowe
NAPPS Administrator

Talbot, Korvola & Warwick, LLP

Certified Public Accountants & Consultants

4800 Meadows Road, Suite 200
Lake Oswego, Oregon 97035-4293

P 503.274.2849
F 503.274.2853

www.tkw.com

August 12, 2013

Mr. Gary Crowe
National Association of Professional Process Servers
PO Box 4547
Portland, OR 97208

Dear Mr. Crowe:

This letter is in response to your request for clarification of two separate matters. The first is an explanation for the similarity of the dues income between the full year from July 1, 2009 through June 30, 2010, and the six month short year from July 1, 2010 through December 31, 2010. The second is regarding the treatment of the branch office directory listings revenue as not subject to the unrelated business income tax.

We have used the information you have provided to us to perform our services. This information includes bank statements, brokerage statements and accounting reports. We have not audited or otherwise verified the information. Our statements in this letter are based upon the information we have been provided.

Dues Revenue

In 2010, the Association changed its accounting year end from June 30th to December 31st, necessitating a short year from July 1, 2010 through December 31, 2010. According to the Forms 990 filed for the tax years ended June 30, 2010 and December 31, 2010, revenue from membership dues was $367,219 and $373,803, respectively.

Article IV, Section 2 of the Organization's bylaws states that dues cover the period from July 1st through June 30th of the following year. Article IV, Section 3 of the bylaws states that dues are considered delinquent if paid after July 31st. Based on our discussions with you, we understand that the vast majority of dues are paid during July. This seems reasonable as the dues do not become delinquent until July 31st. So, the dues revenue for the year ended June 30, 2010 would include the dues received in July 2009. The dues revenue for the short year ended December 31, 2010 would include dues received during July 2010. Therefore, it is reasonable that the dues amounts are similar between the two years.

Branch Office Directory Listings

Based on our review with you of the branch office directory listing process and revenue, and a review of the applicable tax authority, we believe that the branch office listing revenue has been and continues to be properly treated as not subject to tax as unrelated business income.

Very truly yours,

Jason R. Orme

An Independently Owned Member McGLADREY ALLIANCE | McGladrey

The McGladrey Alliance is a premier affiliation of independent accounting and consulting firms. The McGladrey Alliance member firms maintain their name, autonomy and independence and are responsible for their own client fee arrangements, delivery of services and maintenance of client relationships.

What is NAPPS?

Gary A. Crowe, Administrator
administrator@napps.org

I ask this question for a couple of reasons. On one level, I ask it because I continue to be surprised by comments from members who compare us with private entities that are paid to advertise their client's services. Our bylaws do state that we are to "promote" the association to the legal community and the public; not to market the services of our members. It is a mistake if we begin to compare ourselves to, or attempt to compete with, those entities whose purpose is to drive business to their clients. The major difference that NAPPS is a professional association, comprised of members with common interests and a common desire to learn and improve the services we provide. Yes, NAPPS having one of the most used websites to find process servers in the country is beneficial to our membership, but our use as marketing tool is only a byproduct of our success as a professional organization.

As a professional association, we have rules, including a Code of Ethics by which our membership is bound. On this level, our members, many of whom are longtime members, do not completely understand what this means. However, one's signature on our application for membership is a commitment by the applicant to abide by this Code of Ethics, as well as our rules regarding professionalism in the performance of services. Our Code of Ethics establishes our duties to clients, the general public and legal entities and states, "All work shall be performed in a lawful, professional and ethical manner. In the conduct of a member's professional and non-professional activities, nothing shall be done that would impugn the position, reputation, or name of this Association, its members, or the process serving profession." The standards established by this Code separate us from those entities that simply market our services. Too often we have had members who have spewed derogatory comments regarding another member or the Association and then defend their conduct by claiming a right of "free speech." However, there is no First Amendment argument to the violation of our Code of Ethics. NAPPS is not a governmental entity bound by the First Amendment. The glue that holds our association together is the commonality of interests of its membership and the agreement by the membership to be bound by the organization's rules. By entering into this pact with the membership, one forfeits one's rights to impugn another who is a member or the Association. Even speaking the truth is not a defense. The Code does not prohibit impugning another's reputation "unless what you say is true." The Code is also why you cannot use profanity when dealing with another member or hang up the telephone and end a conversation with another member when the mood strikes. It is why members are not only responsible for their own actions, but for the actions of their employers and other employees in their office. This is the price that is paid for being part of a professional organization and the price of actually being a professional. It means we hold ourselves to higher standards of ethics and professionalism that separate us from the non-professional organizations of society.

State Association Conferences

In September I attended the New York State Professional Process Server conference in Saratoga Springs, New York. The location of

UIHJ Club

Become a Member of the UIHJ Club

What is the UIHJ Club?

The UIHJ Club is exclusively reserved for the judicial officers and equivalent professions (enforcement agents, Procuradores, Solicitadores, Messengers-at-Arms, Legal receivers, etc.).

It was created in 2005 to enable its members to be personally concerned by the works of the UIHJ and to profit from various advantages.

What are the advantages of joining the UIHJ Club?

When becoming a member of the UIHJ Club (contribution of **100€** per year from 1st January to 31st December), you profit from the following advantages:

- Delivery of a personal card with your photography
- Registration on the UIHJ international electronic Directory
- Free subscription to the international Magazine (2 issues per year)
- Subscription to the UIHJ Internet Newsletter
- Free access to the UIHJ Extranet website
- Preferential rates for events organised by the UIHJ

UIHJ
Union Internationale des Huissiers de Justice et Officiers Judiciaires
International Association of Judicial Officers

Louise LOZANO

Monsieur,

Vous trouverez ci-joint en retour votre dossier concernant l'adhésion au Club UIHJ.

Avant de nous être adressé le dossier doit être validé par l'association nationale membre de l'UIHJ et doit comporter l'agrément de celle-ci.

Cordialement.

42, rue de Douai - 75009 PARIS - Tél. 33 1 -

THE DOCKET SHEET

THE OFFICIAL NEWSLETTER
OF THE
NATIONAL ASSOCIATION OF PROFESSIONAL PROCESS SERVERS

DECEMBER 1990

DELAWARE STATE AGENCY GIVES BIG BOOST TO NAPPS

Child Support Enforcement contract mandates that only NAPPS members can serve process

Delaware Health and Social Services becomes the first state agency in the nation to officially recognize the vitally important role NAPPS performs as the leader in our industry.

The agency, which previously used the services of the sheriff for serving its Child Support Enforcement process, now has switched to using private process servers. But when making this change, the agency, having no prior experience in using private process servers, faced a serious problem - how to distinguish the competent from the incompetent process servers.

Fortunately for NAPPS, member **Bill Golt** was one of the persons agency director **Barbara Paulin** turned to for advice. He obviously did an excellent job in promoting this Association.

In her recent letter to NAPPS, Director Paulin stated that as a result of her meeting with Mr. Golt, **"the membership requirement became a part of our contract specifications."** And, she added, **"We support having professional standards for such important work."**

This is a milestone for NAPPS. Being singled out as the standardbearer for an entire industry is a great honor. It's the kind of recognition most associations strive for but never receive.

Bill Golt, we salute you!

President's Message

HOLIDAY GREETINGS!!!

As the season of merriment and taxes approaches we look back over the past 12 months which I hope has been prosperous for all. Amidst the celebrations of good cheer we should take this opportunity to assess what we have achieved this year, to view whether we have accomplished all that we wanted and to set our goals for the next year as individuals and as an association. I am pleased with all that NAPPS has done this year and look forward to ringing in the New Year with your support and ideas for the future.

I wish each and every one of you and your families a safe and a peaceful holiday season. I hope you all enjoy the cheer of those office parties, the bustle of holiday shopping and the warmth of friends and family.

Most importantly, I hope you celebrate safely and wisely. Don't drink and drive and don't take unncessary chances. I want each of you still to be with us when the partying is over.

On behalf of myself, my family and the NAPPS board of directors, I extend heart-felt wishes of peace, happiness and good will to all. HAPPY HOLIDAYS!!!

David M. Schirtzer
President

Randy Scott-All Claims Process, LLC

From: Bob Musser [BobM@dbsinfo.com]
Sent: Wednesday, November 21, 2012 1:30 PM
To: 'Randy Scott'; 'RANDY SCOTT CAPE CORAL FLORIDA PROCESS SERVER'; 'Ron Ezell'; 'Ruth Reynolds'; 'Steve Glenn'; 'Andy Estin'; 'Jillina Kwiatkowski'; 'Eric Vennes'; 'Larry Yellon'
Cc: 'Gary Crowe'
Subject: RE: UPDATE 2011 990 already filed ! Agenda Louisiana - financials inconsistent charges/expenses for the Fort Lauderdale meeting/trip February 2012

Randy, I'm curious about one concept. What benefit do you think you are providing the members by stirring this pot? Are you trying to trigger a tax audit? That will cost the members money. If you are simply trying to help us ride the straight and narrow, you would confine your comments strictly to the board, not on any Facebook or personal website. And you wouldn't need to be starting discussions or retrieving documents from the IRS. I have no idea how they work, but I can't imagine that your additional traffic with them could do NAPPS any good.

Thank you for pointing out what you believe to be an error. I would think that simply raising the point would be enough that our treasurer and administrator will make sure we see the form next year.

I think you're making a mountain out of a molehill. I'll tell you right now, that as an owner of multiple businesses, I've never reviewed any of my 990's. I pay my accountant to handle that kind "valuable government garbage", and trust her to let me know when I need to pay more attention. I also removed the tag from my mattress.

Bob Musser
Database Services, Inc.
www.dbsinfo.com
BobM@dbsinfo.com
407-679-1539

-----Original Message-----
From: Randy Scott [mailto:naples@naplesprocess.com]
Sent: Wednesday, November 21, 2012 12:43 PM
To: 'RANDY SCOTT CAPE CORAL FLORIDA PROCESS SERVER'; 'Ron Ezell'; 'Ruth Reynolds'; 'Steve Glenn'; 'Lance Randall 'Andy Estin'; 'Jillina Kwiatkowski'; 'Eric Vennes'; 'Bob Musser'; 'Larry Yellon'
Cc: 'Gary Crowe'
Subject: RE: UPDATE 2011 990 already filed ! Agenda Louisiana - financials inconsistent charges/expenses for the Fort Lauderdale meeting/trip February 2012

The IRS states they received the 990 2011 on May 15th, 2012. I understand this board was in place at the time of the preparation of the 990 and then the subsequent filing of it. I also know based on conversations with some, that ALL board members did not review it first and I speculate the majority of you did not.

I am hopeful that you are not now as a group discussing that check box on that form that has already been filed. The time to do that was before the