

# Highlights of the NAPPS Board of Directors Meeting August 17, 2002 Boston, Massachusetts

By: Joe Butler

Old New England lore says if you don't like the weather here, all you have to do is wait a minute. Unfortunately, it took nearly a week for the heat wave that recently gripped New England to subside. However, two days after our meeting in Boston had concluded, the oppressive humidity and stifling heat gave way to dry, pleasant days with temps in the mid seventies. Sorry guys. Sightseeing is much more fun when you don't have to be concerned with dehydration.

This event marked the first time in NAPPS' history that a meeting was held in New England. In addition to the

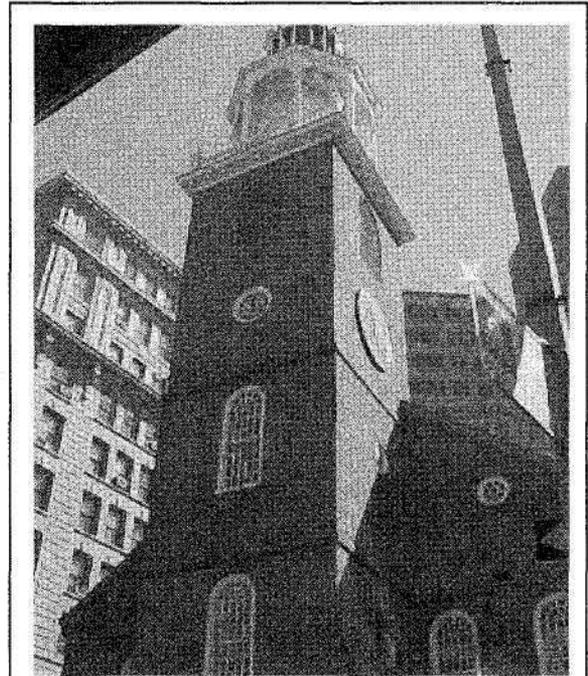
administrator and all nine officers and directors (listed on page 2 of this publication), nearly a dozen members and guests attended the meeting; representing Massachusetts, Rhode Island, Connecticut, New York, Florida, Georgia, Missouri and Nevada.

Several people came early and turned the trip into a short, summer vacation. After all, Boston is loaded with historical sites that many of us who live here among them take for granted most of the time. The real trick for Boston visitors these days is to find the sights they wish to see amidst all the construction! If you've been here lately, you know what I mean.

Well, down to business. The meeting was held at the Hilton Hotel at Boston's Logan Airport. We were called to order at 9:15 AM and the usual formalities were attended to, i.e.: the Pledge of Allegiance, roll call and approval of minutes from previous meetings. Guests in attendance included Paul Tamaroff, Larry Roth, Jim Carey, Paul Hughes, Stu Perlmutter, Jack Lippman, Arnie Segal, Sandy Lazetich, David Schirtzer and Vinnie Gillis.

Treasurer Ron Ezell provided a very complete and concise Treasurer's Report. As of 8/7/02, NAPPS has \$359,000.00 in its account. In addition, Ron prepared special books for Board members which show the following: NAPPS Account Balance Report as of 6/30/02; NAPPS Account Balance Report as of 6/30/01, NAPPS Comparison Report 7/1/00 through 6/30/02, NAPPS Itemized Categories Report 07/01/01 through 6/30/02 and NAPPS Itemized Categories Report 7/01/00 through 6/30/01. Anyone who wishes to do so may now examine and compare the past two fiscal years and then look up any inflow or expenditure

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*The Old South Meetinghouse was the largest building in Colonial Boston and a natural gathering spot for the colonists as they grew increasingly weary of English rule. In fact, a group of colonists got so stirred up about the tea tax here on December 16, 1773, that they left the Old South Meetinghouse for the harbor, where they dumped a boatload of tea into the sea.*

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in the Categories Reports to see where it came from or where it went. Both the treasurer and the administrator did a tremendous amount of work on this project and they are to be commended.

In his Administrator's Report, Alan Crowe indicated that we received nearly an identical amount this year in donations to the Special Legislative Fund as we did last year. As of 8/7/02, we received \$25.00 donations from 513 members for a total of \$12,900.00. When deposited to the Vanguard Prime Money Market Fund in which these funds are kept separately, we will have a total of approximately \$29,500.00.

Alan also reported that 130 members out of 1425 have not yet renewed their membership. They've been classified as "delinquent" and placed on the "inactive list", which means their names are removed from the NAPPS website, pending payment of their dues. If they have not paid their dues by 8/31, their membership will be forfeited. The administrative staff is to be commended on their efforts to retain members. They make repeated attempts to contact every delinquent member in order to determine their reason for not renewing. Most non-renewals happen for the same reasons: They've sold their business or are no longer in business for a variety of reasons, they have died or they've been expelled. Historically, NAPPS loses approximately 8% of our membership each year at renewal time. However, the number of new members that join each year exceeds that number.

Reporting on the Fall 2002 Membership Directory, Alan indicated that it will go to print on September 23 and be in the mail to members by the third week in October. Although the cost of printing and shipping each edition of the directory is approximately \$16,000.00, the income derived from the additional listings has mushroomed to double that figure.

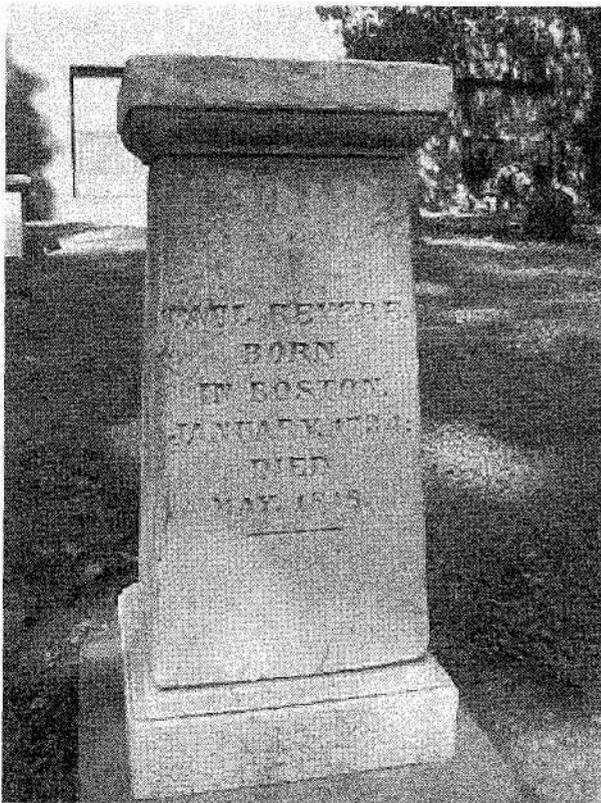
Alan has signed the contract with the Marriott City Center Hotel in Charlotte, North Carolina for the 2003 Conference to be held May 15-17.

Among additional topics that were brought to the board's attention for discussion was the signing of proofs of service by someone other than the person who actually served the document. Not only has this been a hot topic on the Internet forums, but also Alan and NAPPS were recently brought into the fray when a firm asked him to put in writing that it is "industry practice" in California to prepare proofs in this manner. Of course, he refused. However, considering the current political climate that currently exists where CEOs and other officers are turning a blind eye to the misconduct of others, it will be difficult for NAPPS to have any credibility enforcing ethical standards if we sit idly by and ignore such conduct.

Following the Administrator's Report, Fred Blum reported that Alan's contract to provide Administrative Services will expire this coming January. Fred suggested that the board consider putting the job out to bid. There was much discussion both for and against putting out an RFP. Ultimately, it was decided to announce the position in "*The Docket Sheet*". Any member who wishes to put in a serious bid to serve as NAPPS' Administrator must identify himself or herself and they will be provided with a list of duties to assist them in preparing their proposals. The board will review any proposals received at our November 2002 Meeting and a decision will be rendered at that time.

In his Arbitration & Grievance Committee Report, Chairperson Paul Tamaroff informed us that the number of cases filed seems to have taken a downturn since last May. In that time, he has received only four new unethical / unprofessional conduct complaints. Paul indicated that he had several cases that required the board's attention in Executive Session. He also reported that he lost two panel members due to

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last May's elections. Both MaryLee Rustand and Lee Russell are no longer eligible to sit on A&G Panels, as it is policy not to use sitting board members for this purpose. Michele Dawn and Dana Miller have replaced them. So that members may see the types of cases the A&G Committee has been handling, Paul's report to the 20<sup>th</sup> Annual Meeting has been included in this issue of "The Docket Sheet".

Reporting on the Continuing Education Committee, Chairperson John Perez said that he was in the process of lining up instructors on various topics as well as identifying educational sources for process servers. After discussion, John will be checking with Alan Crowe on this endeavor, as the Administrator's office has amassed much of the credible educational material available to process servers from across the country. A budget of up to \$2,000.00 was unanimously approved for use in conjunction with these efforts. John's committee will also be exploring the possibility of running a NAPPS-Sponsored educational seminar somewhere in the country during this fiscal year. John also announced that, after discussions with the Administrator, he and his committee has taken over the educational portion of our annual conferences, beginning with our 21<sup>st</sup> Annual Conference in Charlotte, North Carolina.

David Nill, Chairperson of the newly formed Membership Committee, reported that his committee was currently focusing on "member outreach". Committee members will be attempting to contact NAPPS members via telephone for the purpose of conducting a short survey so that the board will know the member's feelings on various topics. This will be an authorized survey and wary members can check the authenticity of a caller by contacting David Nill, 2<sup>nd</sup> Vice President & Committee Chair. Although written surveys may provide better information and allow less possibility for an interviewer to "color" the results with his / her own opinions, we are going with a verbal survey format as there has historically been a minimal response to written surveys among NAPPS members. Members taking part in the survey will be required to provide their name,

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as anonymous survey results really mean nothing.

As the administrator's office speaks with dozens of members each week, it is this writer's opinion that the board is in touch with how most members feel about most issues. The fact that this survey has been authorized should in no way be construed to mean that the board believes there is anything wrong with NAPPS as an organization. However, we do want to give other members the opportunity to weigh in on various topics. I want to convey the message that this board cares about the membership of NAPPS and we want to know what you think. We want to know how we can make your membership in NAPPS more valuable to you. Of course, you don't have to wait to be contacted by the Membership Committee to toss in your "two cents". Any member who wants to be heard should feel free to contact any board member, the administrator or myself.

Thomas MacDonald and MaryLee Rustand, co-chairpersons of the State Association Committee, shared the results of a survey they conducted among people who attended the past three Annual State Association Summit Meetings. Only a few people responded to the surveys, which were first sent by fax and then via electronic mail. Although it was agreed that past Summit Meetings served their purpose well, it was decided that the benefits would not outweigh the expense. Consequently, there will be no State Summit Meeting this year. Thomas and MaryLee are considering alternative methods of providing assistance to state organizations. Also, it should be clear to anyone wishing to form a state association or anyone currently involved with a state association that you don't have to wait for a Summit Meeting to obtain assistance from NAPPS. The State Association Committee can be contacted via Thomas and / or MaryLee any-time assistance is required.

Reporting on the International Relations Committee, Chairperson Fred Blum reported that five NAPPS members attended the May 2002 UIHJ (*Union Internationale des Huissiers de Justice or International Union of Bailiffs and Judicial Officers*) Conference in Rome - Fred Blum, Sue Collins, Alan Crowe, Thomas MacDonald and Paul Tamaroff. Each person paid for their own expenses and no NAPPS funds were expended at all.

The previous board voted to allow a budget of \$5,000.00 for both Fred Blum and Sue Collins to attend the UIHJ's June 2001 meeting in Antwerp. Sue attended the meeting, but Fred did not. Se was reimbursed \$1,591.00 for expenses.

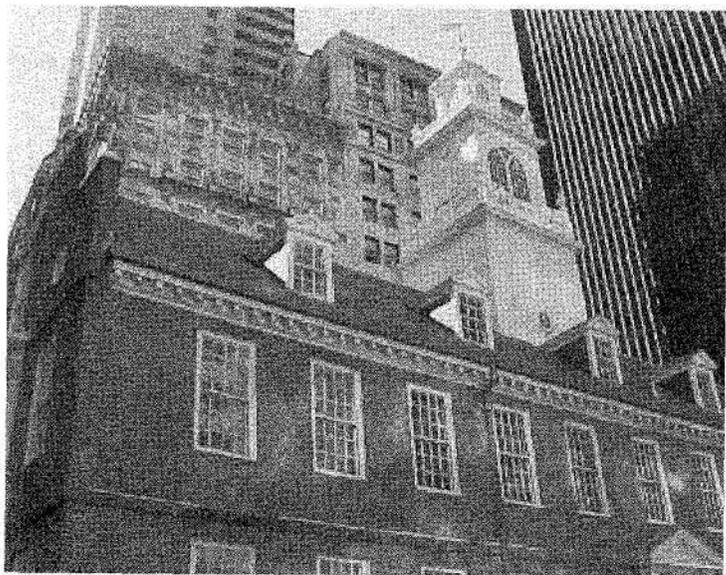
The fall meeting of the UIHJ Permanent Council will be held in Paris, December 10 - 14, 2002. The UIHJ is looking at having their 2006 Congress here in the United States. It is possible that NAPPS will play some sort of role in that event.

Fred reported that the UIHJ has invited NAPPS to become full members of the Union. However, the cost is prohibitive at roughly \$50.00 per member. This was passed along to the UIHJ and they are attempting to come up with a more realistic offer.

Although a separate issue from International Relations, Fred mentioned that there has been no word from the U.S. Justice Department concerning the bid to take over the duties of the Central Authority.

Reporting on "*The Docket Sheet*", this writer informed the board that the July -August issue would be delayed so that the Highlights of this Board Meeting as well as other material not received on deadline could be included. Although ad revenues have increased overall during the past three years, the question

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*Boston's Old State House dates to 1713. This building served as the first headquarters for British government in Boston and was later a landmark in the early days of the founding of the United States. The Boston Massacre happened just outside its doors.*

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was raised as to why TDS is not self-supporting. Part of the answer is that we stopped treating the publication as a 16 to 24-page newsletter. Instead, we've increased the size and improved the content so that it can serve as the industry's official journal. This attracted more advertisers and made them willing to pay the increased ad rates that I was directed to enforce upon taking over the editor's duties. Unfortunately, the ad revenues haven't been enough to cover increased production and postage costs. Although an increase in ad prices was suggested, no changes were made. Jack Lippman voiced his positive opinion of "The Docket Sheet" and indicated it is something NAPPS can be proud of.

Secretary Lee Russell reported on his activities as Chairperson of the Public Relations Committee. The president asked that he research ways of publicizing the NAPPS website and getting it listed with the many search engines that paralegals and attorneys might use when searching for process servers. Although Lee did have information on services that could accomplish this for us, it was decided that the administrator would first check to see what our Webmaster suggests. It may be something he can do for us, perhaps at a reduced fee as he already does work for us.

Discussion was held wherein it was stated that we should avoid expensive print ads in lawyer's newspapers and other publications as a means of making NAPPS known. It was also brought up that NAPPS does not exist to get work for its members. While that is true, it is this writer's opinion that NAPPS can promote its website via search engines, paralegal forums and other cost effective means. The result will be that these legal professionals will learn about NAPPS from our own website. They will also learn why and how NAPPS is different from other "associations" that are no more than sites that people pay to be listed on. They will also find our search engine and perhaps they will use our site to send their work to NAPPS members. Seems like a win - win situation.

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Ron Ezell addressed the Board on behalf of the Award Committee. As everyone should be aware, the NAPPS / D.C. "Mac" MacDonald Award for Professionalism and Distinguished Service was established by last year's Board. It was presented to the man after whom it was named, Donald "Mac" MacDonald" at our 20<sup>th</sup> Anniversary Banquet last May in San Diego. Ron asked that board members nominate members that fit the award's criteria: that is to say they must demonstrate "uncompromising dedicated service, exceptional visionary insight and unwavering leadership for the betterment of the National Association of Professional Process Servers." Sitting officers and directors are not eligible to receive this award. In addition to the board members, all NAPPS members are invited to nominate someone they believe deserves this award. Nominations must be made in writing. Identify the member and write a short paragraph detailing why you believe the nominee should receive the award. Be sure to identify yourself and send the nomination to Ron Ezell via email or fax. ronezell@e-zmessenger.com or (480) 632-5366.

In discussing future conventions, the board unanimously voted to extend Larry Roth's contract with NAPPS through 2004. He will bring suggestions from which the board can choose at the next meeting.

Discussion was held concerning \$500.00 application fees, which were to have accompanied the NAPPS Chartered State applications of the three state associations that received NAPPS Charters at the May Board Meeting. Prior to the August meeting, The Texas Association took advantage of Washington State Process Servers Association's generous offer to pay the \$500.00 fee. (*The WSPSA initiated this program a few years ago as a means of giving something back to NAPPS for assistance they received in the past.*) The New York State Association presented a check to the administrator and indicated they would apply to the WSPSA for reimbursement. The New Jersey association felt it shouldn't be required to pay

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the application fee simply to demonstrate they are a viable organization. However, it was felt that the requirement for a \$500.00 application fee is in place and that the rules should apply to everyone equally. Consequently, it was voted that the New Jersey Association be required to pay the \$500.00 fee, especially where the WSPSA stands ready to reimburse them upon receipt of an application.

The issue of allowing a Probationary Membership Status for process servers with less than one year's experience in the industry was discussed. Such probationary members would not be listed in the directory until they satisfied the one-year requirement. No further action was taken after a straw poll showed one board member in favor and the rest against.

Extensive discussion was held concerning ethical standards, particularly with regard to the issue of people signing blank service affidavits or persons other than the actual servers signing proofs. Possible changes to the NAPPS Code of Ethics were discussed. However, it was felt that the first paragraph of the Code of Ethics covers any type of wrongdoing, even though the language is somewhat vague. This topic will be revisited.

Dates of the remaining regular Board Meetings for this term were announced as follows:

November 16, 2002 - Washington, D.C.  
February 22, 2003 - Las Vegas, NV

The meeting was adjourned at 5:05 PM.



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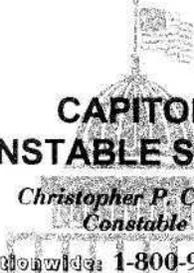


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