

Highlights of the NAPPS February 2003 Board Meeting Las Vegas, Nevada

By: Joe Butler

Despite Old Man Winter stopping in for a cold one at various parts of the country, your board traveled to Daily's Las Vegas for our regular winter meeting on Saturday, February 22. In attendance was Administrator Alan H. Crowe; A&G Chair Paul K. Tamaroff; Directors Peter G. Lazetich, John Perez, Thomas J.C. MacDonald and Fred A. Blum; Treasurer Ronald R. Ezell; Secretary Lee H. Russell; 2nd Vice President David S. Nill; 1st Vice President MaryLee Rustand; and yours truly, your humble President.

We were honored to be joined by several guests, including: Andy Estin, Jeff Karotkin and Robert Defilippis of California; Sue Collins of Utah; Danny Callahan of New Jersey; and Cindy Lazetich and Kristopher Nicholson of Nevada.

After the meeting was called to order and the formalities were handled, minutes from the November board meeting were corrected. They were unanimously approved on a motion by MaryLee and seconded by Thomas.

Treasurer Ron Ezell provided several in depth financial reports, including account balances as of 12/31/02 and 1/31/03; a cash flow report from 1/1/02 through 12/31/02; and a cash flow comparison report from 01/1/01 through 12/31/02. The Treasurer's Report was unanimously accepted on a motion from Thomas, which was seconded by John. *(None of NAPPS' money was used at the gaming tables. No, Really!!)*

Alan Crowe included the following important topics in his Administrator's Report:

- NAPPS' special Legislative Fund is earning approximately \$30.00 interest per month. As of 12/31/02, the fund's balance was \$29,843.84.
- NAPPS current membership count is 1419, after deducting the 109 people who did not renew their NAPPS membership this year. This is roughly 7%, which I believe is a percentage point or two lower than normal. The reasons for these non-renewals vary, but they are the same as in most years. Several members retired or otherwise sold or closed their businesses. Ten others passed away and five were expelled. However, most either failed to respond to messages, or couldn't be reached due to their failure to update their contact information. Thanks to the NAPPS Administrative staff, who work tirelessly to track down, contact and retain members during each "renewal season."
- The Spring 2003 Membership Directory will be sent to the printer the first week in April and will be ready for shipment a few weeks later. All members are expected to have their copy prior to the Charlotte conference.
- « Two important additions have been made to the NAPPS Website. First, the ZIP Code lookup feature is up and running. The link is right on the main page. No more wondering which member is closest to a particular service address! It allows you to input a ZIP Code and the mileage you wish to select. You can then view a list of the members closest to your input Zip Code and click on their name to bring up their listing. A section has also been added which displays NAPPS merchandise for sale. If you haven't seen the site recently, you should check it out!
- It was previously reported that APS International of Minnesota had contested the awarding of the DOJ con-

(Continued on page 43)

(Continued from page 41)

tract. The latest development is that the GAO (*Government Accounting Office*) dismissed APS' appeal and found in favor of ABC Legal Services. Speaking on behalf of ABC, NAPPS Member Marshall West reports that they will officially take over the duties of the Central Authority on June 1, 2003. For more information, see Marshall's open letter to the NAPPS membership appearing on page 17 of this issue of *"The Docket Sheet"*.

- Fred Blum and Sue Collins were delegated to attend the 50th annual meeting of the UIHJ's permanent council in Paris last December. Member Larry Roth traveled with them. (*A report was published in the last issue of "The Docket Sheet"*.) Of the \$5,000.00 expense budget that the board approved for the meeting, only \$2,557.98 was used for travel & hotel expense reimbursement - \$1,230.06 to Fred and \$1,327.92 to Sue. A \$1,000.00 payment was made directly to the UIHJ via wire transfer to cover Registration fees.

Reporting on the Arbitration & Grievance Committee, Chairperson Paul Tamaroff indicated that unprofessional / unethical complaints are on the rise. Paul also informed us that he planned to present five cases to the board in executive session following the regular meeting. Paul mentioned that he has received several compliments concerning the A & G Case Examinations that have appeared in recent issues of *"The Docket Sheet."* I mentioned that I have also received approving comments from members. I cannot thank Paul enough for the tremendous job he does as A&G Chair. It takes an incredible amount of time to do that much work and do it as well as Paul does. The A&G Committee serves an important function by enforcing our policies and procedures. This is one of the best methods NAPPS has of educating members and ensuring professionalism. I'd like to express special thanks to Paul and his panel members.

John Perez, Education Committee Chair, has been working with the NAPPS Administrative staff to secure speakers for the Educational Seminar portion of our upcoming annual conference in North Carolina. Through their combined efforts, the services of several speakers have been secured. Although some of them have been highlighted in recent issues of *"The Docket Sheet"*, updated speaker information appears on page 22 of this issue. The major topics will include:

- Computer Security;
- Employment Law; and
- Effective Sales & Marketing.

In addition to our featured speakers, roundtable discussions will be also be held on a variety of topics. Moderators with appropriate expertise will lead these discussion groups. The topics that are being considered include:

- Proper procedures for forwarding & receiving work from NAPPS members;
- Affidavits of service;
- Service of process on military bases;
- Avoiding assault, trespass or misrepresentation offences;
- » Foreign deposition subpoenas;
- Upgrading computer systems to save time & money;
- Marketing tips that work

In addition to preparing for the annual conference's educational seminar, John and his Education Committee's Advisory Council are attempting to identify all of the process server training material in the country so that a bibliography can be created. People requesting such information could then be referred to the appropriate resources within their state. It was pointed out that over the years, the NAPPS Administrative Office has amassed much of the credible material that exists.

Speaking on behalf of the State Association Committee, Thomas MacDonald mentioned that Arizona is now requiring ten hours of continuing education per year in order to maintain Arizona State Process Server Certification. Training provided by NAPPS has been approved and will count toward Arizona's continuing education requirement.

(Continued on page 45)

(Continued from page 43)

Discussion was had concerning the State Association Cocktail party. It was ultimately thought that it would be a good idea for NAPPS to pay for the function. Fred Blum made a motion to that effect, which was seconded by Thomas. The motion passed by a margin of 7 to 1.

Reporting on the International Relations Committee Fred Blum indicated that the next meeting of the Union Internationale des Huissiers de Justice (*UIHJ*) will be their triennial congress held in Tunis the week before our meeting in Charlotte. As Fred will not be able to travel to this meeting, Sue Collins was delegated to attend and represent NAPPS. The UIHJ's next triennial congress will be held in 2006 Washington, D.C. Representatives of the UIHJ recently met with Sue in Salt Lake City, where they made a video of her staff serving various types of process and levying on executions. This video will be shown at the UIHJ's congress in Tunis. Discussion was held concerning setting up a budget of \$5,000.00 meant to defray the costs of attending these meetings. Thomas MacDonald moved that the IRC receive a budget of \$5000.00 for the purpose of attending the UIHJ meetings both now and in the future. Mary-Lee seconded the motion, which passed 6 to 1 with Fred abstaining.

Alan has raised the issue of establishing a probationary membership status at previous meetings, but the idea gained little support among board members. The Administrative staff continues to get phone calls and emails on the topic. These calls are coming from process servers who are seeking the guidance of a professional organization, but are new enough to the industry that they don't have the required experience to qualify for regular membership. Both Alan and I are of the opinion that our failure to have such a membership status is giving NAPPS somewhat of a negative, elitist image in the world of public opinion. It can be seen on the Internet's process serving lists when someone asks about NAPPS as an organization. Amidst the several positive postings are always a few disgruntled people who post accusations of NAPPS not being there to help them when they were starting out - when they really needed it.

As I understand it, the reason for requiring letters attesting to a prospective member having at least one year's experience in the industry was so that members didn't send work to someone that didn't know what they were doing. This wouldn't have been an issue, as probationary members would not have been listed in the directory or on the web site until they qualified for full membership. It is felt that NAPPS should be an organization of inclusion and that if someone turned out to be a problem; they could either be educated or expelled, if necessary.

John Perez moved that we establish a probationary membership. However, despite my urging during the extensive discussion, the motion died for want of a second.

Under Old Business, Alan reminded the board that the Legislative Fund continued to grow, but we had no clear guidelines to govern how the funds can be disbursed. Andy Estin reminded us that he made the original motion that established the fund and that the motion had some built-in controls that should be examined. At the president's request, Andy drafted the following guidelines, which are expected to be adopted and made part of the NAPPS Policies & Procedures manual at the next board meeting.

"The fund was created to, (a) promote legislation and rule changes that are of major benefit to the private process servers of the states and provinces or (b) opposing legislation and rule changes that would harm the private process server in a significant way in the states and provinces. It is funded by voluntary contributions by members.

Policy of Legislative Fund

1. Who may request funds
 - A. In any state or province that has been granted a charter from NAPPS only the chartered state association may apply for funds. If a request is received from anyone other than the chartered association in a state where a charter has been granted it will be referred to the chartered association.
 - B. In states or provinces where no charter has been granted by NAPPS any individual or group may apply for funds.

(Continued on page 47)

(Continued from page 45)

2. Limits and Approval

- A. Up to ten percent (10%) of the available funds may be approved for a state or province by a majority vote of the total Board of Directors.
- B. An additional ten percent (10%) of the available funds may be approved by three fourths (3/4) of the total Board of Directors.
- C. No state or province may receive money from this fund in 3 consecutive Years.

3. Use of Funds

Funds may be used at the discretion of the party to whom they were sent.

Under new business, Larry Roth spoke about the NAPPS 2004 Annual Conference and presented the hotel sites he checked out in St. Louis, MO. After discussion, Thomas moved and MaryLee seconded that the Adams Mark Hotel be the site of the 2004 meeting. The motion passed unanimously.

It was brought to the board's attention that a member had recently sent business solicitations to several of our members in the form of e-mail. When people asked to be removed from his mailing list or otherwise failed to respond in a manner the member considered to be positive, the member became hostile and threatened to contact all the clients in a given area directly. NAPPS Member Kristopher Nicholson addressed the board and spoke of his experience with this e-mail.

Following discussion, it was agreed that there is no feasible way for NAPPS to stop SPAM, when the government and the entire Internet community can't do so. However, it was pointed out that an unethical / unprofessional conduct complaint can be filed via the A&G Committee, should a member use email or any other method to become hostile, abusive or threatening toward another member. Another point was made that our members should have the right to opt out of having their information published in the directory or on the Internet, although no one could figure out why any member in business as a process server wouldn't want the benefit of being listed. Even though NAPPS only disseminates the information a member authorizes for their listing, it was agreed that a privacy policy of some kind wouldn't be a bad idea. Due to time limitations, Ron Ezell moved to table this discussion for the time being. MaryLee seconded the motion, which passed unanimously.

This writer asked that the board consider establishing a new policy that would allow NAPPS to accept and process grievances / complaints from non-members. Such a policy became inevitable once our membership directory was posted to the Internet. An attorney who claimed to have had a bad experience with a process server he found on our site recently contacted me. He said he wanted to let our organization's president know just what kind of people we had as members. Of course there are a dozen sides to every story and I don't know if his allegations were completely true or not. However, without clear policies and procedures in place, I could do nothing more than placate the man as best I could and try to turn his opinion of NAPPS around. Alan has observed an upswing in non-members complaining to the administrative office as well. Another attorney who recently called Alan was so upset that he threatened to sue NAPPS over substandard service that a member he contacted through our site allegedly provided. When Alan contacted our member to inform him of the complaint, the member's solution was simple... "Just tell him NAPPS doesn't accept complaints from non-members." Wow! Can that be this "professional process server's" idea of customer satisfaction? What would the attorney's perception of our association be then? A non-member grievance procedure is definitely overdue.

Andy Estin suggested that the right to file non-member grievances be limited to attorneys, law firms or collection firms. Members of the lay public would not be allowed to file complaints, nor would process servers who are

(Continued on page 50)

(Continued from page 47)

not NAPPS members. Instead, non-member process servers would be informed that the A&G procedure is a benefit of membership that they can enjoy by joining the association,

A problem for which we will have to compensate is that our bylaws, policies and Code of Ethics do not bind non-members. Paul Tamaroff suggested that we draw up some type of form that a non-member complainant would be required to sign, thereby establishing a binding arbitration. David Nil! suggested that a fee be charged to non-members who file a grievance, Paul agreed to draw up some policies and procedures for the board's consideration. As the number of legal professionals that use our website increases, this project will become an even more important method of ensuring professionalism among our membership.

Danny Callahan suggested that some kind of statement be put up on the NAPPS home page. It would suggest that even though our membership directory is available, visitors might still consider the benefits of having their local process server forward their work to trusted colleagues. Following discussion, Andy

Estin agreed to write some samples for the board to consider at the next meeting.

Lee Russell moved to adjourn at 4:30 PM. Pete Lazetich seconded the motion, which passed unanimously.

The next Board meeting will take place at a time to be announced during our 21st Annual Conference in Charlotte, North Carolina. On behalf of the NAPPS Board and myself, I look forward to seeing you there!

Keith Investigations LLC



Private Detective Agency

P.O. Box 6260
Laurel, MS 39441
(601) 428-1177 office
(601) 428-1150 fax
keith@megagate.com



Davy Keith
Chief Investigator
B.A. Criminal Justice
University of Southern MS

“The Docket Sheet”

The Official Newsmagazine of the
National Association of Professional Process Servers

DEADLINE INFORMATION

For the March—April 2003 Issue

Advertising deadline: Friday, April 4, 2003

News, articles, letters: Friday, April 4, 2003

To submit material or to discuss an idea, contact the Editor:

Joe Butler

1895 Centre Street, Suite 202,
Boston, Massachusetts 02132

PHONE: (800) 477-5445

E-MAIL: bostonpi@msn.com