



# WSPSA CONFERENCE NEWS SEPTEMBER 2015

## BOARD 2015 – 2016



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*2015 - 2016*

Newly Elected WSPSA BOARD

Welcome to New First Time Members of the Board. We welcome each and every member of the Board for their service to this Industry and the members of WSPSA. The future of this Industry rests in your hands..... We all Thank You !!



Hello WSPSA Members & Friends. You are each invited to send your "Process Serving" stories about your personal experiences and challenges. This association is a great way to get the word out to all Process Servers. We need to stand together and protect our industry as a whole. Many of us are excited that Chris Ulin is our new President. If you have news to share with others we hope to hear from you. Please try to attend a Board Meeting scheduled in your area, and attend the next Annual Conference, bring your family, there will be activities for all! MaryLee Rustand



*Meet your New  
President*

**WSPSA PRESIDENT  
Chris Ulin**

Dear Fellow WSPSA Members:

The purpose of this letter is threefold: 1) Reiterate what it means to be a WSPSA member, 2) Summarize issues WSPSA is facing, and 3) Note important actions we are taking as an association to facilitate change within our industry. In my opinion, I feel I offer a fresh perspective on membership. I am newer to the industry and have been a fellow WSPSA member for the past several years. Last year, I was unable to attend the annual conference, but I made a point to attend the conference this year.

Shortly after the conference, I received phone calls from local process servers who are currently not members. There appears to be a recurring theme amongst existing and potentially new members about the WSPSA. Honestly, I had similar thoughts about the organization in the beginning, but those views were incorrect. Accordingly, I would like to share my perspective with existing and potentially future members.

Before the annual conference, I was informed that WSPSA membership has declined the past several years. In addition, there has been a lack of funds in the organization. As a result, we were unable to afford a lobbyist on a full-time basis. There was also some ambiguity regarding the passing of two recent bills that occurred this year. More specifically, those bills might not have passed if the WSPSA retained a lobbyist at least on a part-time basis for defense only. Moreover, there has been a misconceived notion that NAPPS would always be there to help bail us out or fight legislation if a bill were to ever pass considered deleterious to our industry.

As I made the trip to Leavenworth for the annual conference, I felt as though the organization may be dying or on the verge of dissolution. This made for a very depressing trip, especially if the association were dissolved after so many years of existence since its 1985 formation. In other words, I thought the WSPSA was like a sinking ship and who would want to ride on a sinking ship. Nonetheless, as it turned out, my thoughts were unequivocally inaccurate and false.

From my observation, some individuals have become members in order to source new work. This should not be an expectation or the sole reason for joining, but a potentially added benefit if the opportunity arises. Alternatively, prospective members should be encouraged to join despite fear of competition. We may be competitors at times, yet we need to come together as a whole. As the idiomatic expression goes, "Strength in numbers." If a party could be served electronically via email, for instance, then we could all suffer.

There is a sense of comradely when we monitor legislation together that could adversely impact our profession. Moreover, we can educate each other and take active measures to address and invalidate potentially detrimental legislation. For example, in the 1990s, the WSPSA was victorious in reversing an attempt by the Washington Collectors Association (WCA) to allow service by mail.

Two bills have recently passed in the State of Washington: Senate Bill 5387 and House Bill 1730. SB 5387 added new sections 1405 and 1411 to the original bill highlighting the manner in which process service can be effectuated on registered agents of corporations. HB 1730 amended RCW 4.28.080 and allows that a party to a real estate purchase in certain circumstances can serve by doing a first class mailing, as opposed to traditional service by a process server.

SB5387 and HB 1730 represent key issues the association is facing. Despite the foregoing, the WSPSA will be taking active measures toward reversing SB 5387 and HB 1730. First, our Legislative Committee will be gathering statistics related to the service of small claims actions, which may be served by certified mail return, receipt requested, and restricted delivery. As mentioned previously, the organization was successful in the 90s, but we need to gather data for a new study. If the results are similar, then we have a powerful argument to make an attempt to delete Paragraph 15 of HB 1730.

Our Legislative Committee will obtain data from at least 1,000 files from a variety of courts around the state. More specifically, various members will be looking at 100 cases per county. By the first Board Meeting in December 2015, we will already have compiled data to determine the next step in the process. After we have enough data and a full report, we will focus our efforts on overturning first HB 1730 and then SB 5387. Further, we are considering having a lobbyist again on a part-time basis.

For the next calendar year, we will be concentrating more of our time on increasing membership through various methods. There are many process service companies not members as well as individual process servers who could benefit from membership. Not to mention out of state and vendor members. One idea is to bring back some of the "fun aspects" of the conference, which would also help with fundraising, i.e., golf tournament, silent auction, bottle auction, and so forth. In the past, we also had educational seminars at conferences that benefited everyone.

Even though I initially just wanted to be more involved in the organization, I was not expecting to be nominated and elected as President of the WSPSA. With that said, it is an honor and a privilege to be the President of the association. I am confident that we will create positive change in our industry. We will do our very best as an organization to reverse SB 5387 and HB 1730.

Your President,  
Chris Ulin

## Board Meetings

- 12/05/15 @ 10:00 a.m. at Pacific Coast Attorney Services 15215 52<sup>nd</sup> Ave S #202, Seattle 98188, Ph # 206-652-2692
- 03/12/16 @ 10:00 a.m., Titanium Legal at 12204 SE Millplain Blvd, Vancouver 98684, Phone # 541-285-0101
- 06/11/16, 10:00 a.m., Eastern WA Attorney Services, Meet at Gail & John's in Spokane. Cell #509-879-6084
- 09/17/16, 10:00 a.m., Annual Conference, Icicle Village, Leavenworth (tentative)

## PAY-BY-MILE

**Need keep this up-dated.  
Check with WSPSA  
Legislative Committee, Robin  
Mullins, Committee Chair or  
WSPSA President**

The News Tribune put the word out. PAY –BY-MILE could be tested on Washington Roads. State Transportation Commission voted to ask the Legislature for permission to do a yearlong demonstration project on charging drives by the mile instead of by the gallon of gas. A per-mile charge might be vetted by volunteer drives up and down the West Coast, with the goal of eventually replacing the gas tax. Oregon has carried out two tests using volunteer drivers – the most recent one with 21 Washingtonians among it's 88 participants and is getting ready for a third. California in September approved its own test.

Now Washington Transportation Commission wants to run it's own yearlong test of a road usage charge, voting unanimously to ask Legislature for permission and funding.

Formerly climbing gas tax proceeds have platitude and are expected to head downward. An alternative based on miles traveled would be a more fair lucrative and dependable source of money, state consultants have concluded after more than two years of sturdy at costs approaching \$\$2 Million.

The commission wants to offer drivers four different ways to pay:

- Flat fee to drive unlimited miles over a time period
- A charged based on an odometer reading
- A charge based on miles tallied by a reporting device in the vehicle
- A charge based on miles tallied by an application on a Smartphone.

Word is there is going to be a consumer choice. The advantage of a device or app would be its ability to ignore miles driven out of state or on private land. Some might see it as invasive, but consultant Jack Opiola told the



## WSPSA Annual Conference

September 12, 2015  
Icicle Village Resort  
505 HWY 2 Leavenworth, WA

10:00 a.m. - Meeting called to order by President Gary Turpen. Quorum established.  
Present: Gary Turpen, President; Gail Sauerland, 1<sup>st</sup> Vice President; Bryan Milbradt, 2<sup>nd</sup> Vice President; Matt Klein, Secretary; Jon Sauerland, Eastern Director; Jerry Nootenboom, Southwest Director; Greg Rustand, NW Director; Eric Vennes, At Large Director.  
Regular Members- Ken Taylor; Randy Bennett; Robin Mullins; Lynn McKinster; Diane Crawford; Yvonne Carson, RM; MaryLee Rustand; Chris Ulin;  
Bob Dukat, Out of State Member  
Guests- Mark Matthews and John Knight from Yakima;  
Absent: Charles Rhodes, Treasurer.

Pledge of Allegiance

### Reports:

President: Gary greeted the members, recapped past year. Talked about the potentially harmful legislation that passed before anyone from WSPSA was aware of it. He wanted to have more discussion on this during the legislative committee report.

<u>1<sup>st</sup> V.P.:</u>	Gail had nothing to report.
<u>2<sup>nd</sup> V.P.:</u>	Bryan had nothing to report.
<u>Secretary:</u>	Matt had nothing to report.
<u>Treasurer/ Finance:</u>	Charles was absent, financials submitted in writing by Darcel.
<u>East. Dir.:</u>	Jon had nothing to report.
<u>SW Dir.:</u>	Jerry had nothing to report.
<u>NW Dir.:</u>	Greg had nothing to report.
<u>At Lg. Dir.:</u>	Eric had nothing to report.

### Committee Reports:

Legislative: Gary discussed the past legislative session and the potentially negative bills that made it through virtually unnoticed. Robin Mullins asked if members would volunteer to search court records for proofs of service so WSPSA could compile data to bring to the legislature regarding service by certified mail. He stated his company had searched Whatcom County records and found a large number of the records, as much as 35% did not have proofs of service in the files. With this information, WSPSA could approach the legislature to repeal the certified mail service statute. Discussion turned to how we can prevent negative legislation slipping by in the future. Robin asked if the Association could consider a part time lobbyist to act as a watchdog during the legislative session. It was decided we would consider a lobbyist later, as we needed to know where our budget stood.

Newsletter: MaryLee stated she only put out the one newsletter as no one provided any information for a second one.

Technology: Matt had nothing new to report, just keeping website current. Welcomed any input.

Grievance and Arbitration: Jerry and Matt said no grievances received.

Finance: Darcel presented numbers for annual budget. Noted we were slightly over budget, but that was due to we were still paying off the lobbyist contract. More discussion regarding how to increase money in treasury. Decline in membership was discussed and what could be done to increase membership. Gary asked how we could attract the younger generation.

Gary called for a 5 minute recess at 11:11AM.

Meeting resumed at 11:20 AM

Finance: (continued) Gary addressed dues. Current dues are: 1<sup>st</sup> voting- \$ 175; 2<sup>nd</sup> voting- \$95; Out of State- \$50; Vendor- \$75; Members Ken Taylor and Chris Ulin shared their thoughts on the benefits of membership from the viewpoint of fairly new members. Eric Vennes noted there are several Washington Servers that are members of NAPPS, but not WSPSA. He pointed out this is an untapped field we should be mining.

Eric moved that dues should be: 1<sup>st</sup>- remain at \$175; 2<sup>nd</sup> increased to \$100; Out Of State remain at \$50; Vendor remain at \$75. Second by MaryLee, motion carried.

Eric moved to accept budget presented by Finance chair Darcel. Second by MaryLee. Discussion concerning cost of directory. Gary called for vote, motion carried.

Gary opened bidding on personally designed shoulder bag by MaryLee Rustand. Bag sold to Bob Dukat for \$130.00 Thank you Bob!

Membership: Gail stated there has been no new applications. Gary said he had gone to court house to look for proofs to get names of servers, but there were none in any of the files he reviewed. It appears courts are not filing proofs. Discussion as to what can be done to increase membership ensued. Some options were discussed. There was no consensus on what could or should be done at this time.

Meeting adjourned for lunch at Noon.

Meeting reconvened at 1PM.

The by-laws were addressed by Gary regarding declaring an emergency so that a by-law could be suspended in order that a change in a by-law could be made without the required 15 day notice. Gary explained that under the current bylaws, officers cannot serve more than 2 consecutive terms. With the dwindling membership and the lack of qualified, experienced people, such as Darci who has been treasurer, WSPSA is hard pressed to be able to fill all positions on the Board.

Matt moved that an emergency be declared. Eric seconded. Motion passed by a vote of 12 yes, 1 no.

Jerry moved that the bylaw Article VIII, Paragraph B, Number 1: "No amendment to these bylaws may be considered at any meeting unless the membership was informed of its contents and nature at least 15 days prior to any meeting at which such amendments are to be acted upon." be suspended. Eric seconded. Motion passed by a vote of 12 yes, 1 no. Robin moved to delete bylaw Article V, Paragraph B, Number 7: "No officer shall serve more than two consecutive terms in the same office." Matt seconded. Motion passed by a vote of 13 yes, 1 no.

Election of Officers: Gary read the bylaws stating the qualifications for holding office and for voting. He then opened the floor for nominations for Officers, starting with president.

**President:** MaryLee nominated Chris Ulin for the office of President; Motion 2<sup>nd</sup> by Jerry N. There were

no further nominations. MaryLee moved that the nominations for President be closed and that Chris Ulin be declared President by acclamation, and is 2<sup>nd</sup> by Matt. Motion carried.

**1<sup>st</sup> Vice President:** Eric V. nominated Gail Sauerland for 1<sup>st</sup> V.P. Motion 2<sup>nd</sup> by Greg R. There were no further nominations. MaryLee moved that the nominations for 1<sup>st</sup> V.P. be closed and that Gail Sauerland be declared 1<sup>st</sup> Vice President by acclamation, 2<sup>nd</sup> by Matt. Motion carried.

**2<sup>nd</sup> Vice President:** MaryLee nominated Bryan Milbradt for 2<sup>nd</sup> V.P. Motion 2<sup>nd</sup> by Chris U. There were no further nominations. MaryLee moved that the nominations for 2<sup>nd</sup> V.P. be closed and that Bryan Milbradt be declared 2<sup>nd</sup> Vice President by acclamation. 2<sup>nd</sup> by Matt. Motion carried.

**Treasurer:** Eric V. nominated Darcel Nootenboom for Treasurer. Motion 2<sup>nd</sup> by MaryLee. There were no further nominations. MaryLee moved that the nominations for Treasurer be closed and that Darci Nootenboom be declared Treasurer by acclamation. 2<sup>nd</sup> by Eric. Motion carried.

**Secretary:** Jerry N. nominated Matt Klein for Secretary. Motion 2<sup>nd</sup> by Eric V. There were no other nominations. MaryLee moved the nominations for Secretary be closed and that Matt Klein be declared Secretary by acclamation, 2<sup>nd</sup> by Jerry N. Motion carried.

**Eastern Director:** Robin M. nominated Ken Taylor for position of Eastern Director. Motion Carried by Greg R. There were no other nominations. MaryLee moved the nominations for Eastern Director be closed and that Ken Taylor be declared Eastern Director by acclamation. 2<sup>nd</sup> by Greg R. Motion carried.

**NW Director:** Randy B. nominated Robin Mullins for the position of Northwest Director. Motion 2<sup>nd</sup> by Ken T. There were no other nominations. Jerry N moved the nominations for NW Director be closed and that Robin Mullins be declared NW Director by acclamation. 2<sup>nd</sup> by MaryLee. Motion carried.

**SW Director:** MaryLee R. nominated Jerry Nootenboom for the position of Southwest Director. Motion 2<sup>nd</sup> by Matt K. There were no other nominations. MaryLee moved that the nominations be closed and that Jerry Nootenboom be declared SW Director by acclamation. 2<sup>nd</sup> by Greg R. Motion carried.

**Director @ Large:** Per the bylaws, Gary Turpen assumed the position of At Large Director.

Old Business: Greg asked if we were still in emergency status as he wanted to address another bylaw change. Matt said we were to the end of the meeting. Greg wanted to address the bylaw regarding the number of meetings. After a discussion, no changes were recommended.

New Business: None

Meeting Adjourned by Gary at 1:43PM

Minutes submitted by Matt Klein, Secretary

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## MEMBERSHIP

Bob Dukat travels from Hawaii every year to attend the WSPSA annual conferences. Bob has agreed to help this year's Conference Committee line up entertainment and a fun return of the Auction Event to the 2016 Annual Conference. The committee is looking forward to returning to Leavenworth, hoping members will bring their families to join in the Hawaiian Theme, there will be a miniature family golf games. Families can enjoy time around the pool and Saturday night all are invited to a Hawaiian Luau cook out.



Hope to see you all there!

Mahalo

Bob Dukat



## Treasurer' Report

Darcel Nootenboom

At the WSPSA conference, the Finance Committee gave a 2014 end of year report, as well as a 2015 year to date. For 2014, the income of \$12,621.25 and expenses of \$9,762.60, bringing WSPSA's ending bank balance to \$6,030.83.

For 2015's year-to-date report, we've had income of \$8,832.00 and expenses of \$2,641.11, and left a bank balance of \$8,671.94 on September 7, 2015. This balance represents a gain of over \$5,600.00 over the last two years, enabling WSPSA to start setting aside 10% of its yearly income for a "rainy day" fund which is mostly due to the decision to not hire a lobbyist for 2015. There may be reason to hire lobbying expertise in 2016 or 2017, but decided to leave that decision until after the legislative committee's report.

Dues were established by the membership for 2016 as follows:

1st voting	\$ 175.00
2nd voting	\$ 100.00
Out/State	\$ 50.00
Vendor	\$ 75.00

2016 Budget was approved by the members as follows:

### **INCOME:**

Advertising	\$1,500.00
Conference	\$1,000.00
NAPPS Member Charter	\$ 450.00
Membership Dues	\$9,000.00
<b>TOTAL INCOME</b>	<b>\$11,950.00</b>

### **EXPENSE:**

Conference	\$2,000.00
Office Sup & Postage	\$ 90.00
Directory	\$1,000.00
PO Box Rental	\$ 180.00
Insurance	\$ 1,550.00
Legislative Affairs	\$ .00
Licenses & Fees	\$ 10.00
10% Rainy Day Fund	\$ 1,195.00
<b>TOTAL EXPENSE</b>	<b>\$ 6,025.00</b>

