

NEW YORK STATE  
PROFESSIONAL PROCESS SERVERS ASSOCIATION

MINUTES - BOARD MEETING

DATE/TIME: SEPTEMBER 23, 2016, 3 P.M.

AT: SARATOGA HOTEL & CASINO

342 Jefferson St., Saratoga Springs, NY 12866

MEETING CALLED TO ORDER BY PRESIDENT

PLEDGE OF ALLEGIANCE

ROLL CALL OF OFFICERS AND DIRECTORS BY SECRETARY, KIM LETUS

- President, Larry Yellon PRESENT
- 1st Vice President, Jillina Kwiatkowski PRESENT
- 2nd Vice President, Gail Kagan PRESENT
- Secretary, Kim Letus PRESENT
- Treasurer, William Mlotok PRESENT
- Director, Ellen Eakley PRESENT
- Director, Erin Burruto PRESENT
- Director, Bernard E. Hughes PRESENT
- Past President, Irving Botwinick ABSENT
- Past President, Robert Guilinello ABSENT
- Past President, Mark McClosky ABSENT
- Past President, Vincent Gillis ABSENT
- Past President, Joel Graber PRESENT
- Past President, Jillina Kwiatkowski PRESENT

- Past President, Larry Yellon PRESENT
- Administrator, Brenda Geedy PRESENT

MEMBERS AND GUESTS PRESENT:

- Jason Tallman
- Denise Klass
- Michael Kuhner
- Bob Musser
- Gary Crowe
- Eric Vennes
- Paula Ashcraft
- Victor Hertz
- Daniela Panetta
- Heather Mathe
- Dan Clothier
- Alan Goodman
- Bobby Musser
- Robert Letus
- Joey Knight

## MINUTES FROM PRIOR BOARD MEETING ON JUNE 2, 2016

A motion was made by Jillina Kwiatkowski to approve the minutes. Motion was seconded by Ellen Eakley. Motion passed/minutes approved.

### OFFICERS' REPORTS:

#### PRESIDENT, LARRY YELLON:

A lawsuit was filed two weeks ago in New York City in which NYSPPSA is a petitioner. It is an Article 78 hybrid proceeding pertaining to DCA and their activity over the past six months to hinder agencies and process servers.

NYSPPSA's future president should have on his/her agenda furtherance of the log book bill, as well as legislation to remove the requirement of a notarized affidavit in favor of a certificate of service, which would solve the problem of needing a certificate of conformity on some services.

#### FIRST VICE PRESIDENT, JILLINA KWIATKOWSKI:

Jillina welcomed attendees to the meeting/convention and thanked them for taking the time to attend and for their loyalty to the association. She indicated that the hotel will accommodate requests from guests, so to ask hotel staff for whatever is needed.

#### SECOND VICE PRESIDENT, GAIL KAGAN:

Under committee.

#### SECRETARY, KIM LETUS:

Under committee.

#### TREASURER, WILLIAM MLOTOK:

Under committee.

#### DIRECTORS' REPORTS:

BERNARD E. HUGHES: Under committee.

ELLEN EAKLEY: Under committee.

ERIN BURRUTO: Under committee.

#### ADMINISTRATOR'S REPORT:

BRENDA GEEDY:

There are two new full members and two new basic members. We have also lost several members, so membership numbers are basically the same as last year. The website has been helpful in bringing attention to the association.

#### COMMITTEE REPORTS:

ADVERTISING (BRENDA GEEDY/GAIL KAGAN):

Brenda is currently working on advertising for the new directory.

ARBITRATION & GRIEVANCE (BERNARD HUGHES):

Nothing to report.

#### AWARDS (LARRY YELLON/BOB GUILINELLO):

Larry Yellon has the awards for the convention in his possession.

#### BENEFITS (ERIN BURRUTO):

Erin Burruto has made contacts with Monroe Muffler and Wegmans Grocers regarding discount programs. It was indicated to him that neither offer any benefits options or discount programs to assist groups.

#### BUDGET/FINANCE (WILLIAM MLOTOK):

The Treasurer distributed his Profit and Loss for review by the board. Most of our expenses in prior years were legal expenses, so not much is happening right now. None of the convention expenses have yet been included in the Profit and Loss. William Mlotok reviewed the statement with the board. He specifically noted the cost of web design in the amount of \$6,500 in 2015 as opposed to \$1,800 in 2016. The various expenses were discussed by members of the board, and questions were asked and answered. Gail Kagan asked Bill for his assessment of our current situation. He responded that we could probably cut expenses but run a lean organization. Although Brenda has done a good job of collecting money for the additional assessment, some members have still not paid. We need to decide whether they are still considered members in good standing. Larry Yellon asked where we stand on repayment to NAPPS. Bill responded that the balance owed NAPPS currently is about \$17,000. Bill recently paid the current payment. The original amount of the loan was \$25,000. Brenda Geedy asked where the \$25 voluntary additional contribution goes. Bill indicated that it goes into the operating fund. The stipend from NAPPS is applied to the loan. Jillina Kwiatkowski inquired whether it would be advisable to pay the NAPPS loan off faster by making extra payments. Bill indicated that it is an interest free loan, so that would not be in our best interest. Gary Crowe, NAPPS Administrator, agreed with Bill. Gary indicated he does not want to financially strap our association. Bob Musser offered to host the website, which costs \$1,800 per year, at no charge to NYSPPSA. Fundraising options were also discussed, such as sports fund raising (Ellen Eakley) and casino night or card game (Joel Graber). Joel noted that there are limitations on what we would be allowed to do. Bob Musser stated that poker night at FAPPS took a percentage of the profits for the association. Gary Crowe indicated that similar activities at NAPPS conventions did not raise money for NAPPS. Membership was also discussed as a means to raise more money. Details of this discussion are set out in the Membership Committee section below.

#### BY-LAWS (VINCENT GILLIS):

None submitted, per Larry Yellon (Vincent Gillis was not present).

#### CERTIFICATION/EDUCATION (LARRY YELLON):

As only four individuals were enrolled for the certification class planned to immediately follow the convention on Sunday, the class was cancelled. It was not financially feasible to proceed with the class with only four enrollees.

The option of selling the reference books that go with the class was discussed. Per William Mlotok, papers have been submitted to the State of New York to obtain sales tax exempt status before we proceed with selling the books. The books must be sold as an “educational material” to be exempt from sales tax. Jillina Kwiatkowski questioned whether there was any way to make the application online. Treasurer responded that there is not, but that he would follow up on the application. Larry Yellon noted that the books should be reviewed and updated before being sold.

#### CONVENTION (ELLEN EAKLEY & JILLINA KWIATKOWSKI):

The Saratoga Casino and Raceway has been very good to work with. The hotel went above and beyond to accommodate our request. Our convention is only the fourth one held there, as the hotel is new. It opened in July of 2016. Ellen Eakley expressed her appreciation to her staff for having given up a good deal of their free time to assist with the convention. Jillina Kwiatkowski announced there would be a prime rib buffet Friday night and provided direction to the location.

Jason Tallman asked if there were dates known for next year’s convention. Jillina advised that, as always, we would have to determine when the Jewish holidays fall in 2017 before we set the dates. Jason responded we should schedule the dates as soon as possible. Bob Musser suggests that future conventions should be scheduled 18 months ahead. Victor Hertz suggested that we consider holding the convention at a set venue every year, as some hotels provide 30-40% discounts for doing so. It was noted that the cost of the current venue was much less than the other venues we’ve used. Downstate venues are much more costly. The concern is that most members are located downstate. The benefits of a central location for all members was discussed. Victor stated that FAPPS always holds their conventions in Orlando. Florida is already in process of planning convention dates and booking for 2018 and 2019 conventions. Larry Yellon suggests that we explore further with the new board the possibility of a fixed venue. Ellen Eakley stated that she called every single person who is a member in an effort to boost interest in the convention. She believes that no matter where the convention is held, those who are interested will attend, and others won’t. Kim Letus asked if registration was more or less than last year’s convention. Ellen indicated that she does not plan to work on the convention for next year. Brenda Geedy will be working on the 2017 convention with Jillina Kwiatkowski

#### DIRECTORY (BRENDA GEEDY):

The current directory has been distributed, and Brenda is working on next year’s directory.

#### ELECTION (VINCENT GILLIS):

Vincent Gillis was unable to attend. Larry Yellon announced that Vincent Gillis will be running for treasurer. He put in an application by email to the Secretary.

#### FUND RAISING (ELLEN EAKLEY):

Ellen Eakley volunteered to be the new chair of the Fund Raising Committee. She indicated she has some great ideas she would like to pursue.

#### LEGISLATIVE (LARRY YELLON and GAIL KAGAN):

Larry Yellon stated that the process server assault bill would not have passed without the efforts of Gail Kagan. She received a lot of assistance from Gary Pretlow as well. No other association has achieved this type of legislation without a lobbyist; it's unheard of.

Log Book: Per Gail Kagan, the log book bill will be resubmitted. Court Administration is staying neutral on the bill. The Codes Committee is still reluctant after meeting with Gail Kagan, Larry Yellon and Rob Gillis. Consumer credit advocates are against the bill. Based on the path to success in getting the assault bill passed, Gail suggests we pursue those who are not on board and attempt to convince them of the integrity and accessibility of electronic records. Larry Yellon noted the reluctance of and Judge to use GPS as evidence in a hearing. Gail would like to put together a book with formatted digital records so that can be compared to the log book records. Bob Musser stated that we should obtain anything needed to make the point that the records are accessible from companies such as Independent Server, etc. Jason Tallman commented that problems have been found. He believes we need feedback from users of GPS company services. Gail indicated that the Chairman of the Codes Committee, Joseph Lentol, believes that the problem with the bill is the sewer service issue. The arguments being offered against the bill are not sufficient. Larry believes that the log book gives NYC more opportunity to punish and fine agencies. Gail indicated that the DCA does not have a good understanding of what we do. She reiterated Larry's opinion that the DCA wants to keep the log book as a means to impose fines on agencies. It is a "cash cow".

We are also working on a law to replace Affidavits of Service with Certificates of Service.

#### MARKETING/PROMOTION (ELLEN EAKLEY):

Due to budgetary constraints, Ellen states that her hands have been tied with pursuing marketing. She has had to take a step back, except for social media promotion, which she does regularly. She has several ideas that she plans to pursue, including doing a new video to put on YouTube.

## MEMBERSHIP (KIM LETUS):

Jason Tallman noted that he believes the biggest barrier to membership is the letter of recommendation from another member. He stated his belief that anyone should be allowed to join. Jillina Kwiatkowski voiced her disagreement. Brenda Geedy suggested speaking with applicants by telephone to determine if they are qualified. Larry Yellon noted that someone attempted to join that was found to have a felony conviction, which is against our by-laws. Gary Crow is against the sponsorship requirement. He believes that it prohibits a lot of people from joining. With NAPPS, the requirement is to establish how long the applicant has been in business. However, he did note that it would be a bad idea to have unvetted process servers listed on our website. If they act improperly, it will be a reflection on the association. Bernard Hughes believes we should allow people to join as a basic member without sponsorship. We could give a time period that they must remain a basic member before applying for full membership. Joel Graber suggested six months of free membership to give us time to vet them and allow them exposure and time to be trained. Joey Knight does not agree there is a barrier to membership. Joey asked for clarification on what the benefits are of being a basic member. Larry Yellon replied that that receive email and information that go to all members. Gary Crowe asked how many basic members we current have. Larry responded that we have 10. Jason Tallman noted that there are hundreds of servers using Independent Server. Jason believes they should be targeted. Brenda noted that basic membership does not require a letter of recommendation but the names get published to membership in case there are any valid objections. Eric Vennes stated that limited free membership are very hard to keep track of. They tried it in Washington and it didn't go well. Joel Graber suggested we could do it by quarters. Bobby Musser indicated that larger membership numbers would NYSPPSA an edge in legal areas. Ellen Eakley commented that there are some bad process servers, and brought up the person with the felony conviction who had applied as previously discussed. Alan Goodman made the point that when standards are dropped, strides that have been made could be lost. One bad member can hurt us all. Kim Letus agreed that all members should be vetted. Bob Musser reiterated that standards should not be lowered. Membership should, instead, be increased by outreach. He believes this is the best way to grow membership. Per Brenda Geedy, the majority of those who start as basic members eventually become regular members. Bernard Hughes indicated he had a 470-contact mailing list. Brenda indicated she only got one response to the mailing. Larry believes we should work with Independent Server and others in order to offer an enticement to get a percentage off of subscription with membership. Victor Hertz believes we should raise the basic membership fee. He also suggested that we could give a membership dues discount for new members for attending and paying for the convention and/or the education class. He believes that new members possibly should consent to a preliminary background check. Ellen noted that attorneys can join the association. She indicated she would reach out to other clients. Jillina believes we should treat membership as a large chore that we all work on. Bobby Musser discussed secure document trading as a lure to boost membership. This is a real benefit that could be used to promote the association. Joey Knight reiterated that we should pursue those who use Independent Server. Joey has the current DCA list with addresses. Joey will send the list to Larry. Bob Musser also stated that he has a list of 241 servers using Independent Server. He will furnish Larry with that list. Gail Kagan stated that it is clear that membership is important. Gail believes we should break it down to a committee and prepare a package addressing the advantages of membership. Kim Letus will



do a Supporting Membership promotion article and distribute to bar associations with request to publish in newsletters.

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NEWSLETTER (DANIELA PANETTA/ELLEN EAKLEY):

Most recent newsletter has been distributed. Nothing further to report.

PROMOTIONS/PUBLIC RELATIONS (GAIL KAGAN):

Already discussed under other committees. Nothing additional.

SUNSHINE (KIM LETUS):

Nothing to report.

WEBSITE (BRENDA GEEDY):

Already discussed under other committees. Nothing additional.

OLD BUSINESS:

None.

NEW BUSINESS:

Per Larry Yellon, John Perez sent an email which he will be discussing at the meeting on Saturday. It is regarding a change to NYSPPSA's Canons of Professional and Ethical Conduct for Process Servers.

Brenda Geedy will further communicate with Bob Musser regarding secure document trading.

Larry advised that Bob Guilinello is doing much better and is up and around. He has been recuperating from a liver transplant. Larry advised that Bob is still interested in the organization and keeps track of what NYSPPSA is doing.

GOOD OF THE ORDER:

Nothing new.

MOTION TO ADJOURN: JILLINA KWIATKOWSKI

SECONDED: GAIL KAGAN

MEETING ADJOURNED.