

2007 Annual Meeting Minutes
Tennessee Association of Professional Process Servers

Saturday, February 17, 2007
Educational Meeting – 9:00 am

President Don Sargent called the meeting to order.
Invocation and Pledge of Allegiance to the American Flag
Introduction of members present

Members – 10

Guests – 1

The president reviewed history of the Association.

Introduction of guest speaker – Benny Walker

Harry Brooks – Tennessee State 19th District Representative, presented information on the introduction of legislation. Rep. Brooks suggested using “Caption Bills” on Chapters that apply to private process. He reviewed several issues that are currently being considered that affect our personal and business situations as well as process service specific bills.

House Bill 936/Senate Bill 1165 – bill affects return of service fee for process returned “not to be found”. If passed and enacted, service fees will be retained by process service (sheriff, constable, etc.). Presently, a portion of the service fee may be refunded if the service is returned “not to be found”. As written, current bill does not include all manner of process service.

House Bill 863 by Harry Brooks – bill addresses service of process at a business after at least one attempt at a residential address. Current law does not specifically address service at a defendant’s employment or if the employer may refuse to allow service of an employee. Current law (TCA 39-16-602(c)) making it an offense for a person to intentionally prevent or obstruct a process server from serving process may be interpreted to include a business or employer, but there is no specific language to support this interpretation.

Copies of these bills in current form are attached as a part of these minutes.

A general discussion was held concerning fee increases, bill support, and other issues that have been addressed in the past. No legislative action is currently active on these issues.

Meeting was adjourned for lunch.

President Don Sargent called the business meeting to order at 1:30 pm.

The secretary read minutes from the February, 2006, annual meeting and the November, 2006, board of directors meetings. Motion was made to accept the minutes from both meetings. Motion was seconded. Motion passed.

Treasurer's Report

Amsouth Bank - \$1000.00

1st Tennessee Bank - \$1291.00 less expenditures and deposits from membership and annual meeting.

General discussion was held on website costs and annual fee increases to cover website maintenance. No specific action was taken at this time.

Committee Reports.

Bylaw Committee report was presented by Barry Kaley. Based on a recommendation from the last annual meeting, the Association bylaws were updated to the current organization. Each article of the proposed bylaws was read and discussed. Minor revisions to wording and intent were made by the membership.

Four written bylaw revisions recommended by James Hudgins were reviewed for inclusion in the bylaws.

1. Membership application should include a background investigation through the TBI. The one time cost of the investigation would be included in the initial application fee for a new member. Recommendation was unanimously rejected by the membership.

2. Membership fees are already addressed in Article 7.01, Individual Membership. No action is required on this recommendation.

3. No standing committees (investigation, legislative, etc.) are included in the bylaws. It was a consensus of the membership that no standing committees were required at this time, and that committees may be designated as required based on Article 5.01, Committees.

4. No mention of allowing or disallowing voting by proxy. It was unanimously determined by the membership that proxy voting should not be allowed and if a member wanted to vote, the member should attend the annual meetings of the organization.

Charlie Fineberg made motion to accept the Bylaws as revised by the committee. Marti Miller seconded. Motion carried by unanimous vote.

Old Business

Marti Miller reported on the Website Committee. Home page is set up (infancy stage), but is not yet accessible to the general membership. At the request of the membership, Ms. Miller was requested to secure the domain name TNTAPPS.COM and TNTAPPS.ORG for the association.

New Business

Marti Miller requested an increase in dues to cover the ongoing expense of the website maintenance. Barry Kaley made motion that there be a \$20.00 increase in dues for 2007 for individual business owners for website development and maintenance. Seconded by Charlie Fineberg. The motion carried by unanimous vote.

Benny Walker presented information from the NAPPS State Charter Association. The national association no longer requires a \$500.00 charge to be a chartered state association. Benny reviewed the requirements of the charter association.

Don Sargent made a motion to pursue the steps necessary to become a chartered association. Jeff Fowler seconded the motion. A discussion was held concerning the benefits of becoming a chartered association. There being no obvious benefit to the Association, the motion and second was withdrawn pending the gathering of additional information.

Jeff Fowler inquired as to how process servers can be certified by TAPPS to become a member. A general discussion followed reviewing the background of legislation that has been proposed in past years and the possible liability of the Association certifying members without legislative authorization. No action was taken.

Barry made a motion to maintain membership fees at \$35.00 for 2008. Motion was seconded by Charles Fineberg. Motion carried.

Nomination and Election of Officers.

Tom Mercer was nominated for president.
Don Sargent was nominated and declined the nomination.
Tom Mercer was elected by acclamation.

Sue Lynch was nominated for vice-president and declined the nomination.
Marti Miller was nominated for vice-president and was elected by acclamation.

Barry Kaley nominated for secretary and was elected by acclamation.

Charlie Fineberg nominated for treasurer and was elected by acclamation.

The 2008 Annual Meeting will be held at the Holiday Inn Select, Nashville, TN on April 12, 2008, and will convene at 9:30 am.