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Winter 2019



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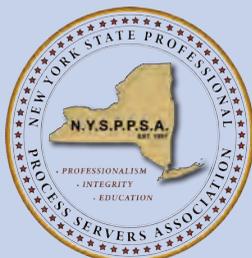
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Administrator's Report
Brenda Geedy

Congratulations to our newly elected President, Jason Tallman and the rest of the elected Board of Directors. I look forward to another productive year working with everyone.

Just a reminder that membership renewals will begin shortly after the first year. Visit the website at www.nysppsa.org to renew your membership. Please feel free to contact me should you have any questions.

I.D. cards are still available to the members. You can now place your order on-line and email your photo to me at admin@nysppsa.org. Please be sure to follow the proper procedures for taking your photo, which is included in the newsletter. Submitting a photo that doesn't meet the proper requirements may delay the ordering process. Please contact me should you have any questions regarding your photo.

As always, please do not hesitate to contact me or a board member should you have any questions or comments; admin@nysppsa.org or 888-258-8485.

*** HAPPY HOLIDAYS *** HAPPY NEW YEAR ***





2019-2020

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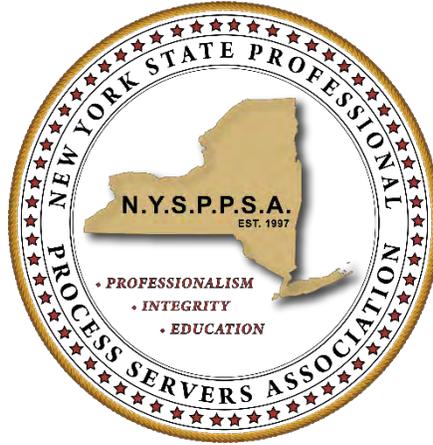
ADMINISTRATOR

Brenda Geedy

WNY Admin Services, Inc.
admin@nysppsa.org

*Christopher Fragette, Founding Member

*Founding Member
**Past President
***Founding Member & Past President



Robert Marcus Award for Professionalism & Distinguished Service

The NYSPPSA Board unanimously voted to establish an award intended to recognize a member who has demonstrated professionalism and distinguished service to our association and the process serving profession. The award was named after Robert Marcus, a devoted member of NYSPPSA, who has since passed away. He had always embodied the spirit of the award.

Past winners of this prestigious award are:

Irving Botwinick

Bob Gulinello

Vincent Gillis

Joel Graber

Jillina A. Kwiatkowski

Larry Yellon

Gail Kagan

Brenda Geedy

Kim Letus

H. Eric Vennes

A Message from President, Jason Tallman

The board has made significant progress since September on a number of initiatives. These all revolve around the goals I laid out when I ran for president. Below is a summary of what we have accomplished so far.

We purchased a subscription to a product called Boardable. Boardable is a software platform that centralizes all communications between the board. It gives us a place to securely store files, schedule meetings, vote on topics outside of board meetings and most importantly it simplifies the transition each year when new board members are voted in.

We also added a new membership benefit. All full, supporting and basic members will now receive a NYSPPSA ID card free of charge. We have heard so many positive stories about how the ID card has helped members in the field. The board decided that we should include it as a membership benefit at no additional cost. ID cards will be ordered during renewals in April and will be valid for two years. We will send out directions next year before renewals that will walk you through submitting a picture for your ID card.

Beginning in November 2019 we announced our end of year Basic Membership drive. One of my goals as president was to continue the amazing growth the association has seen over the past 2 years. So far, we have added 29 new members as a result of the membership drive. While that's great I know we can do even better. A prorated Basic Membership as of December 2019 will cost less than \$25. If you know anyone that isn't yet a member now is a great time to join. If you're a current member and refer at least 5 new members you will be entered into our contest for a chance to win a free full year membership.

Lastly, we will no longer be mailing membership directories or newsletters to members. We will continue to invest in our online membership directory and will be transitioning to an online newsletter. This represents a significant financial savings to the association. We will continue to provide a downloadable copy of the membership directory on our website for legacy purposes.

In closing its been an exciting first couple months as your new president. Our February board meeting will be virtually hosted through Zoom. This is another tool that has been invaluable to the association. It allows us to drastically reduce the costs associated with hosting board meetings. It also allows members to easily get involved from the comfort of their home or office. 2020 is going to be a big year for NYSPPSA and I'm excited to get to be a part of it.

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1st Vice President's Message

Jillina Kwiatkowski

It seems to me that lately I'm having more and more conversations with other process servers regarding the same subject...the frustration of having to chase down affidavits of service after the work has been completed. I've had this discussion so many times now that I feel compelled to remind everyone that an assignment is not complete with just the service of process; the affidavit of service must follow in a timely manner.

So often lately, I have had to make follow-up phone calls to ensure that I receive my affidavits in time for proper filing deadlines. I know that there are only so many hours in a day, but this is something that we have to keep on top of. When you accept an assignment from a client, whether it is a law firm or another process serving company, you are agreeing to follow through with the assignment to its completion. Not only is this the right thing to do, but it just may set you head and shoulders above your competition.

This time of year, with the holiday season quickly approaching, can get crazy in an office or business. There are so many hurdles to deal with - closing for the holidays, staff members taking vacation time, weather, the slower mail service, end-of-year paperwork, and the list goes on. It's at times like these that the wheels can fall off the track so easily. I always try to take extra time to double check and make sure that work is flowing smoothly. A little bit of extra attention to detail can make a huge difference.

Be careful out there during these winter months. I hope you all have a happy holiday season. I wish everyone a happy, healthy and prosperous New Year!

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Heather Mathe, Secretary

It was such an honor to be elected for the position of secretary for this upcoming year! I know I have some very big shoes to fill, as Kim Letus was a wonderful secretary. (I wonder if she can give me a crash course in shorthand???)

Being involved in NYSPPSA has been such an amazing journey for me. From my early days, seven or so years ago - just attending as a guest, to more recent years - assisting Ellen with convention planning, to now - being able to serve on the board of directors, these are all things I am truly proud to add to my resume.

As the 2019 convention chair, I want to thank everyone who attended this year's convention, and for all the help Ellen, Daniela, and I received throughout the year. It has been such a delight to assist in planning our organization's yearly event, and it certainly could not have been done without Brenda, Jillina, or our wonderful IJS office team, who are always willing to chip in with brainstorming, bag stuffing, or myriad of other tasks we delegate out to them. A special thank you to Bob Musser, for being our perfect "Game Show Host" at our awards dinner. Also, a very heartfelt thank you to all NAPPS members, and out of state attendees that joined us this year – you all make our conventions even better! I know I always value the input and wisdom of Gary Crowe, Eric Vennes, and a multitude of other NAPPS members. I am always tuned in whenever they have something to add to our meetings and discussions.

I am excited for this upcoming year and looking forward to serving NYSPPSA!

Happy Holidays to you all, and a Healthy and Happy New Year!

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GROWING YOUR BUSINESS WITH 4 FACEBOOK AD CAMPAIGNS

By Ellen Eakley, Director and Past President

Marketing is really what I know best, so I hope this article helps you on some level. If you want to spread the word about your business, Facebook, Instagram, Messenger and the WhatsApp ad campaigns can really help you to reach more people. Online ad campaigns allow you to discover which images or video connect with your audience, get real-time stats to check the live performance of your campaign, scale what's working and stop what's not performing. The following are some tips to grow your business using the four apps mentioned above, all platforms are owned by Facebook.

Boost Your Posts

I used this during my years as Marketing Chair for NYSPPSA and found that we reached so many people, some of which joined the association. Look at the posts you published in the last seven days. Which ones received the most likes, comments and shares. It's those metrics that show what your audience is interested in. When you find your best post, boost it. Decide on a budget, timeframe, audience and placement. Then monitor that boost for likes, comments and shares.

Run a Messenger Ad

A messenger ad encourages people to communicate with your business in Facebook Messenger. This type of ad can create conversations with business prospects. You can prompt people to receive more information about your services. When you send a message in Facebook Messenger, a notification will appear on the lock screen of their mobile device. If someone messages your Facebook page, you can build a list of Messenger subscribers. Make sure if you use this feature, you create authentic conversations or answer people's questions. Messenger protects its community from spam and can ban your account if you don't follow protocol.

Create an Email Conversation Campaign

You can send people to a landing page to collect their name and email address in exchange for a free item of value. That item can be a PDF, checklist, video, audio file etc. A landing page is a page that someone lands on when they click on your ad. The person viewing the landing page should have two options. Provide their contact information or leave the page. Place the opt-in box at the top of the page for people to enter their name and email address so they don't have to scroll down. You can put media outlets, testimonials or a quote explaining how transformative your resource can be for the viewer.

Create a Lead Form Campaign

This type of ad can help you acquire someone's name, email address, phone number and other information without the person leaving Facebook. For example, someone is scrolling through their Facebook feed. They see your ad and they are interested so they click it. A rectangle opens in Facebook asking the person to submit their name, email, phone number etc. That information is pre-loaded into the rectangle by Facebook so the person does not have to type it out. If the person clicks submit, their information is sent to your Facebook Ads account. Download that information and follow up with that lead.

Bringing it All Together

Did you know that there are 7.5 billion people in the world and 2.5 billion of them use at least one of Facebook's apps. There are so many people I know today that do not believe in social media. They are missing out. Don't be one of them.

Josh Miller
2nd Vice President

I would like to wish all of our members and their families a safe and happy holiday season. I hope the new year brings everyone success in both their business and personal lives. Do not forget the value in taking some down time to reflect on the last year and to create new goals for the upcoming year. I know that taking a step back to evaluate where you are and where you want to be can be truly beneficial.

I am grateful to have been elected the 2nd Vice-President for this upcoming year after having served as a director over the past couple of years. It has been a privilege and I appreciate the support of our membership in allowing me to continue to work towards the growth and protection of our profession. I am very excited for the direction the association is moving including incorporating new technology and ease of access for our members. We need to keep current with the times, and I believe that our newly elected board will help take us that direction. I am honored to be working with such an attentive and dedicated group of professionals. We really do have a great organization that tries to meet all our member's needs - whether you are upstate, downstate, from a large company, a sole proprietor or somewhere in between.

As always, please reach out to me by email, Josh@thechaseagency.com, or give me a call, 607-930-4800 if you have any questions, comments or issues. I am always happy to help where I can or to bring feedback to our meetings. It is our membership that we are working for, so hearing your concerns and ideas is always appreciated. I truly enjoy this profession and enjoy connecting with others.

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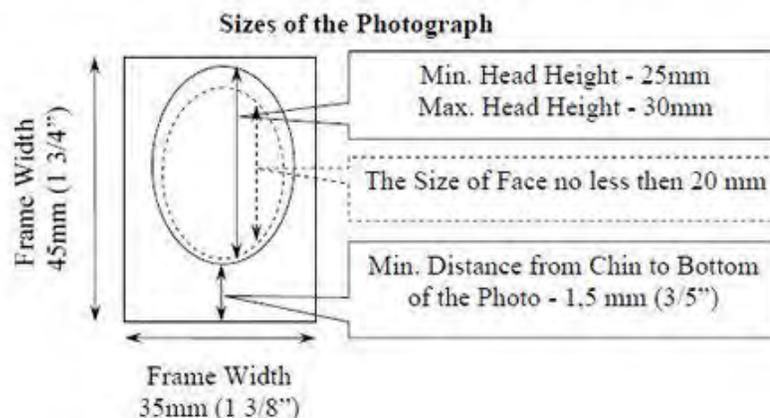
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- It is recommended to get as close as possible to the subject, capturing from the shoulders up.
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- Use a solid color backdrop. A matte finished backdrop acts as a light diffuser and reduces glare. (NO RED BACKGROUND)
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Facebook is the Process Server's "Friend"

**By: Paula Parrino, Esq.
Director**

Many years ago, I worked as a foreclosure attorney. Our office had taken over a problem case involving a defendant, who was an attorney, and unfortunately for us, very skilled at evading service. The Court decided to effectuate service against this defendant by sending certified mail, return receipt requested. The problem ... our wily defendant never picked up the mail. After much frustration (for both our office and the Court), the Court decided service could be accomplished by (1) regular, first class, mail and (2) fax (with confirmation of the fax provided). The case had been going on for over 8 years, which at the time was almost unheard of ... as a matter of fact, when I left the firm, the case was still ongoing and eventually the property was successfully foreclosed.

Luckily for us, times and technology have changed quite a bit. With the advancements in technology, we as process servers, have gained valuable tools to assist us in effectuating service against defendants who might be evading service, transient or living abroad with no known address to be found (although it may be questionable if such a judgment can be enforced against an expatriate or foreign citizen using this alternate means of service). What once may have been considered a "novel concept" can now be an acceptable means for effectuating service of process.

The U.S. Supreme Court stated in the Murphy Bros., Inc. case, 526 U.S. 334, 350 (1999), that "in the absence of service of process, a court ordinarily may not exercise power over a party the complaint names as a defendant." What better way to provide adequate notice than to serve a defendant through a social media platform which they actively use and participate in? Certainly, one could argue it is substantially better than service by publication, which is far less likely to reach the intended recipient.

Social media (which may include Facebook, LinkedIn, Twitter, and other platforms), was designed so that users can associate and communicate with one another using technology for social interaction by a collaborative connectivity. Many of these platforms require that a user must input personal information to create an account. Such personal information

may include selecting a password, entering an email address and providing a phone number. Businesses can even create pages.

CPLR 308(5) allows the court to devise other methods of service of process when the regular methods have failed. There is a growing line of cases throughout the country wherein courts are ordering service via Facebook, email, text message and other social media outlets. Even our New York court system has analyzed the issue of using social media for service of process. The New York County Supreme Court case of Baidoo v. Blood-Dzraku in 2012 allowed service of process via Facebook only. Prior to this case, there had been a fairly even split among New York courts as to whether to allow service via social media. Baidoo clearly analyzed why the use of Facebook was a suitable method with the facts presented in that case and the Judge even went on to state that the traditional publication method was less likely to be viewed by the defendant.

Those Courts that did allow Facebook service prior to Baidoo allowed it as a supplementary form of service only. Since Baidoo, there have been mixed findings on the use of Facebook. A June 2012 United States District Court for the Southern District of New York addressed the service issue of service via Facebook. In Fortunato v. Chase Bank USA, N.A. (2012 U.S. Dist. LEXIS 80594), the court rejected the use of Facebook.

The issue was then further addressed in a 2013 United States District Court for the Southern District case of FTC v. PCCare247, Inc. (2013, U.S. Dist. LEXIS 31969 (S.D.N.Y. Mar. 7, 2013)). The case involved a foreign defendant and held that Facebook and email were permitted as India had not formally and specifically objected to such service. The defendants ran an online business and advertised on Facebook and emailed communications to their customers. Thus, the court reasoned, while a "novel concept" technological advances should be considered by the courts.

Then, in 2014, the Richmond County Family Court allowed service via Facebook when a father sought to modify child support payments. The case of Noel B. v. Anna Maria A., No. F00787-13/14B, 2014 N.Y. Misc. LEXIS 4708 (Fam. Ct. Sept. 12, 2014) had the court allowing Facebook service as the mother was clearly an active Facebook user, but directing that a mailing should also be sent to the mother's last known address.

As social media sites continue to gain followers, and new sites arise in popularity (Twitter, Instagram and Pinterest, to name a few), we have increasingly handled services directing the use of social media. Facebook service, LinkedIn service and service via text message, when the court has directed said service, are now a more frequent part of our service requests, although still rare when looking at the total volume of serves we perform. As technology continues to advance many courts are now slowly recognizing the impact social media can have on due process rights and protections and the opportunity the use of social media affords to a defendant to actually receive notice by a cost-efficient method.



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