

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 7: Administrative Office of the Courts
Chapter 2: Certification and Licensing Programs
Section 7-204: Private Process Server

A. Definitions. The following definitions apply:

“Accredited” means placement on a list of nationally recognized authorizing agencies the United States Secretary of Education determines to be reliable authorities as to the quality of education or training provided by the institutions of higher education, and the higher education programs they sanction.

“Active” means a valid and existing certificate to practice as a certified process server.

“Advisory letter” means written communication notifying a certificate holder that conduct, while not warranting discipline, may result in future disciplinary action if not modified or eliminated. An advisory letter is not a disciplinary action.

“Applicant” means a person who has submitted a completed application and all required application and fingerprint processing fees.

“Censure” means a written formal discipline sanction, finding a certificate holder has violated one or more provisions of the statutes, court rules, or this ~~code~~ section.

“Certificate holder” means any entity or individual granted and currently holding valid certification under statutes, court rules, and this ~~code~~ section.

“Certification” means a certificate issued by the presiding judge once an applicant meets all the requirements of a private process server, under statutes, court rules, and this ~~code~~ section.

“Clerk” means the elected clerk of the Arizona Superior Court in each county.

“Complainant” means a person or organization that initially files a complaint regarding the conduct of a private process server. The complainant is not a party to the proceeding.

“Community college” means an accredited educational institution providing training in the arts, sciences, and humanities beyond the twelfth grade of the public or private high school course of study or vocational education, including terminal courses of a technical and vocational nature and basic education courses.

“Consent agreement” means a written statement resolving a certification or complaint matter, voluntarily signed by the applicant or certificate holder.

“Director” means the administrative director of the courts, or the director’s designee.

“Division director” means the director of the certification and licensing division of the

Administrative Office of the Courts or the division director's designee.

"Division staff" means all members of the certification and licensing division of the Administrative Office of the Courts, including the division director.

"Disciplinary action" means either informal or formal proceedings against a certificate holder after a finding of probable cause that the certificate holder has committed acts of misconduct or violations of statutes, court rules, or this code section.

"Dismissed with prejudice" means final disposition barring future action under this section on the same issue, claim, or cause.

"Dismissed without prejudice" means final disposition with the right to bring future action under this section on the same issue, claim, or cause.

"Expired" means the certificate has lapsed on a specified date.

"Filing" or "filed" means a document has been received and date-stamped by the clerk.

"Formal statement of charges" means the document issued by the presiding judge and served on the certified process server setting forth allegations of the certified process server's specific acts of misconduct by a certified private process server under of statutes, court rules, or this code section, including any amendments approved by the court, on a determination of for which the presiding judge finds probable cause to believe the certificate holder has committed misconduct and finds the complaint is not appropriate for resolution by informal discipline.

"Formal disciplinary proceedings" means the process initiated ~~on a determination of probable cause the alleged acts of misconduct or violations of the statutes, court rules, or this code section by~~ with the issuance of a formal statement of charges to a certified process server that, if true, would warrant imposing formal discipline ~~a censure, consent agreement, or other negotiated settlement, restrictions, probation, additional training, a cease and desist order, suspension, or revocation of certification under subsection (H).~~

"Formal discipline" means one or more of the following: censure of a certified process server; suspension or revocation of a process server's certification; and probation of a certified process server with terms that may include provisions such as restrictions on the certification or additional education or training. Formal discipline may be imposed by consent agreement or other negotiation settlement or following a disciplinary hearing.

"Government employee process server" means an individual who, in the normal scope of the individual's responsibilities as a government employee, serves process for the governmental agency that employs the individual.

"Inactive" means a certified private process server who voluntarily decides not to practice in the specified profession or occupation for a specified period of time and who ~~is not the subject of any pending disciplinary action.~~

“Informal disciplinary proceedings” means the process initiated when the presiding judge finds probable cause to believe the certificate holder has committed misconduct under a statute, court, rule, or this section and finds the complaint is appropriate for resolution by informal discipline ~~determination of probable cause the alleged acts of misconduct or violations of the statutes, court rules, or this code section by a certificate holder that, if true, would warrant in the form of a letter of concern, under subsection (H).~~

“Injury” means harm to a client, customer, the public, the judicial or legal system, or the profession or occupation of private process servers resulting from a certificate holder’s misconduct.

“Knowledge” is the conscious awareness of the nature or attendant circumstances of the conduct, but without the conscious objective or purpose to accomplish a particular result.

“Letter of concern” means a written, informal ~~discipline~~ disciplinary sanction finding a certificate holder has violated one or more ~~provisions of the statutes, court rules, or this code section.~~

“Minimum competencies” means having the required skills for an adequate level of performance.

“Presiding judge” means the presiding judge of the ~~superior court in the~~ Arizona Superior Court in each county or the presiding judge’s designee.

“Probable cause” means reasonable grounds for belief in the existence of facts concerning alleged acts of misconduct or violations by a certificate holder that, if true, would warrant informal or formal discipline against the certificate holder.

“Probation” means a written formal discipline sanction finding a certificate holder has violated ~~one or more provisions of the statutes, court rules, or this code section,~~ but allowing the certificate holder to practice as a process server under specified conditions for a set period of time.

“Private process server” means ~~a person~~ an individual who is an officer of the court certified under this section ~~certified under the requirements in A.R.S. § 12-3301, this code section, and any other applicable statute or rule. As defined by A.R.S. § 12-3301, a private process server:~~ to serve all process authorized under A.R.S. § 12-3301 except as may be limited by supreme court rule:

1. All writs, orders, pleadings, or papers that are required or permitted by law to be served before, during, or independently of a court action; and
2. Including process required or permitted to be served by a sheriff or constable under A.R.S. §§ 11-441(A)(6) and (7), -447, and -448, except writs or orders requiring the service officer to sell, deliver, or take into the officer’s custody persons or property.

~~[M]ay serve all process, writs, orders, pleadings or papers that are required or permitted by law to be served before, during or independently of a court action, including all such as are required or permitted to be served by a sheriff or constable pursuant to section 11-441, subsection A, paragraphs 6 and 7, section 11-447 and section 11-448, except writs or orders requiring the service officer to sell, deliver or take into the officer's custody persons or property, or as may otherwise be limited by supreme court rule. A private process server is an officer of the court.~~

“Professional regulatory entity” means a government or private unit associated with and having authority over a group of qualified and practiced individuals in a profession or occupation.

“Revoked” or “revocation” means a written, formal ~~discipline~~ disciplinary sanction ~~finding~~ against a process server resulting in the process server's certificate holder has violated one or more provisions of the statutes, court rules, or this code section and the certificate to practice as a process server is rescinded to serve process being of no further effect without reinstatement.

“Sanction” means an explicit and official action resulting from an informal or formal disciplinary action finding a certificate holder has violated or failed to comply with one or more of the statutes, court rules, or court orders applicable to a process server or this code section, ~~or court orders relevant to the certificate holder's profession or occupation.~~

“Section” means the referenced provision of Arizona Code of Judicial Administration § 7-204.

“Suspended” or “suspension” means a written, formal ~~discipline~~ disciplinary sanction ~~finding~~ against a process server resulting in the process server's certificate holder has violated one or more provisions of the statutes, court rules, or this code section and the private process server's certificate is not revoked, but the certificate holder is not permitted to exercise the privileges of the certificate having no effect for a set-specific period of time as the result of a final order of a disciplinary action after which the certificate's effect is restored automatically.

“Valid” means ~~a certificate issued by the presiding judge that is currently in effect and not expired, surrendered, suspended, or revoked.~~

“Voluntary surrender” means a certificate holder ~~decides~~ deciding to discontinue ~~practice~~ practicing as a process server and ~~returns~~ returning the certificate to the presiding judge for review and acceptance under subsection (E).

B. Applicability. This ~~code~~ section applies to the certification of process servers under A.R.S. § 12-3301 and the Arizona Rules of Civil Procedure. This ~~code~~ section applies to the application, certification, and discipline of all private process servers in the State of Arizona. This ~~code~~ section exclusively governs private process server certification ~~separately and without reference regard~~ to Arizona Code of Judicial Administration § 7-201: ~~General Provisions.~~

C. Purpose. ~~For eligibility~~ To become eligible to act as a private process server in Arizona, a ~~person an individual~~ must obtain certification and comply in compliance with the requirements of A.R.S. § 12-3301, ~~the Arizona Rules of Civil Procedure, administrative orders,~~ and this code section ~~as adopted by the Arizona Supreme Court to govern private process servers.~~ Certified private process servers may serve all process, writs, orders, pleadings, or papers that are required or permitted by law for service before, during, or independent of a court action, including all documents required or permitted for service by a sheriff or constable under A.R.S. § 11-441, subsection A, paragraphs 6 and 7, §§ 11-447 and 11-448, except writs or orders requiring the service officer to sell, deliver, or take into custody persons or property, or as otherwise limited by this code section. Under 4(e), Arizona Rules of Civil Procedure, a certified “private process server” is “entitled to serve in that capacity for any state court within Arizona.”

D. Administration.

1. Role and Responsibilities of the Supreme Court. Under A.R.S. § 12-3301 and Rule 4(e), Arizona Rules of Civil Procedure, the supreme court is responsible for administration of the private process server program and must adopt rules for administration of the program.
2. Role and Responsibilities of the Director. The director as designated by ~~the Az. Const. Art. article 6, § section 7 of the Arizona Constitution~~ must:
 - a. Approve or disapprove matters of administration of the Private Process Server Program that involve the expenditure of program funds;
 - b. Appoint and supervise all division staff;
 - c. Adopt policies and procedures, including forms, for administration of the Private Process Server Program; and
 - d. Ensure implementation of the applicable laws, court rules, and this ~~code~~ section.
3. Role and Responsibilities of Division Staff.
 - a. As designated or delegated by the ~~The~~ director:
 - (1) ~~may designate the~~ The division director and other division staff ~~to~~ must assist in the decentralized administration of the Private Process Server Program in each county in Arizona in compliance with the law applicable statutes, Arizona Rules of Court court rules, Arizona Supreme Court administrative orders, and this ~~code~~ section.
 - (2) ~~The division director may delegate any~~ Any other of the director’s duties and responsibilities ~~to division staff.~~
 - b. In assisting in administrating the Private Process Server Program, the ~~Division~~ division staff must:
 - (1) Perform tasks of administration of the Private Process Server Program to assist in the decentralized administration of the program in each county in Arizona;
 - (2) Provide updates to the ~~clerk~~ clerks;

- (3) ~~Make recommendations regarding on matters pertaining relating to certification, complaints, investigations, and other matters relevant to certified private process servers;~~
 - (4) ~~Maintain a list of certified process servers and post this list on the judicial department website. The judicial department website, which must include each certificate holder's name, certificate number, county of certification, and any disciplinary action imposed against a certified process server. At a minimum, division staff must update this list each quarter;~~
 - (4) Update the list if certified process servers at least quarterly;
 - (5) Refer any complaint received regarding the actions of a certified process server to the clerk of the county where the alleged violation took place, under as provided in subsection (H).
- c. Division staff may:
- (1) Charge for the costs of providing copies of the certification list or any other public records of the program; and
 - (2) Refer complaints to another state agency or entity with jurisdiction if the supreme court or superior court does not have jurisdiction over the complaint.
4. Role and Responsibilities of the Clerks of the Superior Court.
- a. ~~The~~ Each clerk must:
- (1) Distribute application materials, using the application forms provided by the director, and accept applications and fee payments for initial and renewal of certifications;
 - (2) Administer and grade the examination for initial certification;
 - (3) Process the application materials, including fee payments and fingerprints, and forward the application materials to the presiding judge;
 - (4) Issue initial and renewal certificates to qualified individuals on approval ~~by~~ of the presiding judge;
 - (5) ~~Process photographs and issue~~ Issue an identification card to individuals granted certification by the presiding judge;
 - (6) Maintain records ~~pertaining to~~ of applicants for certification and certified process servers, including:
 - (a) A current ~~list or~~ register of all ~~certified private process servers whose application was filed with that clerk and approved by the presiding judge of that county, in a format provided by the director, and as required under Rule 4(e), Arizona Rules of Civil Procedure, and in a format prescribed by the director;~~
 - (b) ~~Certificates~~ Records of applications filed and certificates issued or denied;
 - (c) Contact information ~~on~~ for certified process servers, including addresses, ~~and~~ phone numbers, and any changes to ~~the~~ contact information;
 - (d) Renewal applications and renewal certificates granted or denied;
 - (e) Complaints, investigations, and final decisions regarding complaints;
 - (7) Provide process server records maintained by the clerk to the clerk in another

county, a presiding judge, or a presiding judge's designee as necessary to process a complaint or discipline under subsection (H); and

(8) Provide the following information to division staff:

- (a) ~~A~~ At least quarterly, a report, at least each quarter, on all additions, deletions, and revisions to the certification list, including certificates issued, certificates denied, and changes of address;
- (b) ~~A~~ At least quarterly, a report, at least each quarter, listing all complaints, investigations pending completion, informal and formal disciplinary proceedings, and final disciplinary decisions regarding discipline. If a final disciplinary decision regarding discipline of a certified private process server results in suspension or revocation of a private process server's certificate, the clerk must provide the information to division staff within ~~five~~ 5 days of the final order; and
- (c) An annual report naming the staff assigned responsibility for administering the private process server program in ~~the~~ that county along with a current address, phone number, and e-mail address of each assigned staff member.

b. The clerk may:

- (1) Assign any duties and responsibilities to assigned staff; and
- (2) Coordinate with clerks in other counties for the provisions of services under this ~~code~~ section, including processing of identification cards and ~~administration of the~~ administration of the examination for initial certification.

5. Role and Responsibilities of the Presiding Judges of the Superior Court. The presiding judge in the county of residence of an applicant for private process server certification:

a. Must:

- (1) Review all application materials, including criminal history information, and make all final decisions regarding the granting or denial of applications for initial and renewal of certification ~~in the county of residence of the applicant;~~
- (2) ~~Review and make~~ Make all final decisions regarding any other certification issues, including ~~granting or denying whether to grant or deny an applicant's request for reexamination for an applicant who has previously failed the initial certification examination~~ under subsection (E)(3)(c)(4); and
- (3) Receive, ~~complaints under subsection (H) and~~ investigate, initiate, and adjudicate ~~disciplinary proceedings~~ complaints under subsection (H).

b. May vest in another judicial officer the authority to exercise or discharge any power, duty, or function originally vested in the presiding judge under the Private Process Server Program, whether ministerial or discretionary. The designated ~~person~~ judicial offer must exercise these powers while acting in the presiding judge's name and by delegated authority.

E. Initial Certification.

1. Exemptions from Certification. The following persons are exempt from the certification requirements:
 - a. Any person specially appointed by the court under Rule 4(d), Arizona Rules of Civil Procedure;
 - b. Any party to an action or that party's attorney serving process under Rule 4(d), Arizona Rules of Civil Procedure, and
 - c. Any person serving a subpoena under Rule 45, Arizona Rules of Civil Procedure.
2. Application for Initial Certification. ~~An applicant for initial certification must apply for initial certification on approved forms and meet the eligibility requirements and fulfill all the requirements of subsection (E)(2)(a).~~
 - a. Eligibility for Initial Certification. The applicant must:
 - (1) Be at least ~~twenty-one~~ 21 years of age;
 - (2) Be a citizen or legal resident of the United States; and
 - (3) Possess a high school diploma or a general equivalency diploma evidencing the passing of the general education development test.
 - b. Government Employee Process Servers.
 - (1) An individual who serves process entirely within the scope of the individual's responsibility as a government employee must be eligible for certification under subsection (E)(2)(a), apply for certification, pass the examination, and meet certification criteria. ~~As provided in A.R.S. § 12-3301, a government employee must submit a completed fingerprint card, and pay the applicable fees under subsection (E)(2)(c)(3). Government employee process servers are not subject to any fees other than only the fingerprint fee.~~
 - (2) A government employee process server may carry any employer-issued identification that accurately identifies the employee as a government employee process server in addition to the identification card issued by the clerk under subsection (E)(4)(~~a~~b).
 - (3) Government employee process servers who serve process in any capacity outside the scope of their government employment ~~as a government employee process server must obtain certification pursuant to this code section and must follow all policies that apply and pay all fees applicable to private process servers when serving process outside the scope of their government employment as a government employee process server.~~

c. Requirements for Initial Certification. An applicant must:

- (1) ~~Provide~~ File a completed application for certification in an approved the prescribed format obtained from and filed with the clerk in the applicant's county of residence. A non-Arizona resident may apply for certification in any county. To comply with Under A.R.S. § 41-1080, the applicant must submit documentation of U.S. citizenship or alien status with the application.
- (2) ~~Pass an the subsection (E)(3) examination for initial certification, as prescribed in subsection (E)(3);~~
- (3) ~~Submit a full set of fingerprints with the fee prescribed in A.R.S. § 41-1750 to the supreme court department of public safety for the purpose of obtaining a state and federal criminal records check under A.R.S. § 41-1750 and Public Law 92-544. If definitive fingerprints are not obtainable, the clerk must require the applicant to make a written statement, under oath, that the applicant has no prior arrests, charges, indictments, or felony or misdemeanor convictions other than as disclosed on the application. If the applicant is unable to provide this statement, the clerk must refuse to accept the application.~~
- (4) ~~Provide additional background information, on the request of as requested by the presiding judge, clerk, or their designees;~~
- (5) ~~Pay all fees authorized by law to the clerk under A.R.S. § 12-284(A); and~~
- (6) ~~Together with the application, provide one color passport size photograph, two inches by two inches, of the applicant's head, neck, and shoulders only. The applicant must ensure the photograph was taken within the last two years and clearly identifies the applicant a full-face image of the applicant in a format established by the clerk. An application submitted without a photograph full-face image of the applicant is deficient and will not be accepted.~~

3. Examination.

- a. ~~Initial Certification State Examination. All applicants must pass the initial certification examination of on Arizona court the rules, of the Supreme Court of Arizona and the statutes, of this state and this section relating to governing certified private process servers.~~
- b. ~~The director must provide multiple versions of the initial certification state examination to the clerk and the clerk who may not use any other examinations. Applicants and the public may not obtain copies of the The examination questions or the and answer sheet are confidential records exempt from disclosure under Rule 123, Arizona Supreme Court.~~
- c. ~~The director must establish the passing score on the initial certification state examination.~~
- d. ~~The clerk must determine whether an applicant has achieved a passing score on the examination and then communicate whether the applicant's passage passed or failure failed of the examination in writing to the applicant in writing not more than ten 10 business days from the date after the applicant took the examination:~~

- (1) The applicant will not receive the examination score.
- (2) If the applicant fails the examination, the clerk must ~~inform the applicant that a reexamination is required to meet all qualifications for initial certification and must~~ provide the applicant with information on the procedures for reexamination.
- (3) An applicant may, on written request, review the applicant's answer sheets and grades under the terms and conditions prescribed by the director; and:
 - (4a) The applicant must not copy materials provided for the applicant's review.
 - (5b) The applicant must conduct the review during business hours in the presence of the clerk.

e. Reexamination.

(1) Any applicant who fails to pass the initial certification ~~state~~ examination on the first attempt may retake the examination one time under the following conditions:

- (1a) The applicant is not otherwise disqualified ~~from retaking the examination;~~
- (2b) The applicant ~~takes~~ must take the reexamination within 90 days of the ~~date of application filing the application date;~~
- (3c) The applicant ~~is provided and~~ must take a different version of the initial state certification examination than the one the administered to applicant took for in the initial reexamination examination;

(4) If the applicant fails the reexamination, the applicant may request approval from the presiding judge to take a third examination as follows:

~~must wait 90 days from the date of reexamination to submit a written request for an additional reexamination under the following conditions:~~

- (a) The applicant must submit a written request in writing addressed to the presiding judge requesting consideration for an the opportunity to reapply and sit for the initial certification state examination for a third time;
- (b) The applicant must wait 90 days from the date of the failed reexamination to request this approval from the presiding judge.
- (bc) The applicant's request must be accompanied by Proof proof of attendance and satisfactory completion for of a course of study specific to the private process server profession must accompany the written request to assist in demonstrating the circumstances and together with a statement from the applicant of the reasons for believing the applicant now possesses the sufficient knowledge of the minimum competencies as a private process server to pass the examination; and.

(ed) If the presiding judge grants approval for the applicant to take the examination for a third time, the entire applicant must begin the application process begins again anew, including the payment of fees.

(e) A presiding judge's decision to deny the denial of an applicant's request to sit for a third examination must be in writing, is final, and there is no without any right to a hearing or appeal. If the applicant's request to sit for a third examination is denied, the The applicant may not must wait at least 12 months from the presiding judge's denial before file filing a new application until twelve months after the presiding judge's decision to deny.

- f. An applicant is disqualified from taking any future examination if the presiding judge, based on information provided to the presiding judge by the clerk, determines the applicant engaged in fraud, dishonesty, or corruption while taking ~~the any~~ examination ~~or any subsequent examination~~.
4. ~~Decision Granting Certification.~~
- a. Decision Granting Certification.
- (1) On receipt of the state and national criminal history records checks, under A.R.S. §§ 41-1750 and -1758, and applicable federal laws, the presiding judge must consider the criminal history information together with the full application and either:
- (a) ~~grant or deny certification. Before granting certification, the presiding judge may require~~ Require additional background information reasonably necessary to determine if the applicant meets the qualifications specified in this code section.
- (b) Grant or deny certification.
- (2) If there is a delay in the processing of the criminal history check that is beyond the control of the applicant or the court, ~~For good cause shown, the presiding judge may grant provisional certification to an applicant pending receipt of the national criminal history record check~~ checks if there is a delay in the processing of the criminal history checks that is beyond the control of the applicant or the court.
- ab. Order. ~~If the presiding judge is satisfied that an applicant meets the qualifications for certification, the presiding judge will issue an order that the clerk must promptly:~~
- (1) ~~, on order of the judge, must promptly issue~~ Issue an identification card to an the applicant qualified for certification in accordance with this code section. Under Rule 4(e), Arizona Rules of Civil Procedure;
- (2) ~~Upon approval of the court or presiding judge of the county in which the application is filed, the clerk will register~~ Register the person applicant as a certified private process server approved by the presiding judge of that county in the register maintained by the clerk for this purpose, which will remain in effect unless and until the certification is withdrawn by the court. The clerk must maintain a register for this purpose. A certified private process server will be entitled to serve in that capacity for any state court within Arizona.
- b. —
- c. Certification Status.
- (1) A certification issued under this section, that is not a provisional certification, is valid until expired, surrendered, suspended, or revoked. The clerk must record a change in certification status in the clerk's register of process servers.
- (2) Although an applicant goes through the certification process in the county of the applicant's residence, a certified process server is entitled to serve process for any

state court in Arizona.

~~(2) The presiding judge may transfer the certification of an individual a process server to the another county of residence or another county if appropriate, including if the process server's residence changes to a different county. A process server's county of residence is determined under A.R.S. § 16-101(B).~~

~~d. Certificate Status. All certificates are valid until expired, surrendered, suspended, or revoked.~~

5. Denial of Initial Certification.

a. ~~The presiding judge must deny Certification certification must be denied~~ if the applicant ~~does not meet the qualifications or eligibility requirements is not eligible for certification~~ at the time of the application ~~described in under subsection (E)(2)(a) or has not submitted a complete application with all satisfied the subsection (E)(2)(c) requirements for initial certification after being given 30 days to correct any deficiencies corrected, with the applicable documents and fees.~~

b. The presiding judge may ~~refuse to certify deny certification if~~ an applicant ~~if one or more of the following is found:~~

(1) ~~Has engaged in Material material misrepresentation, omission, fraud, or dishonesty, or corruption on the part of the applicant in the application or in connection with any other requirements of subsection (E)(2)(c), including the examination for, or engaged in any corrupt activities in an attempt to obtain certification, including the examination;~~

(2) ~~A Has a record of committing any act constituting material misrepresentation, omission, dishonesty, corruption, or fraud on the part of the applicant in business or financial matters;~~

(3) ~~A Has a record of conduct showing the applicant is demonstrating incompetent incompetence or serving as a source of injury and or loss to any member of the public;~~

(4) ~~A Has a record of conviction by final judgment of a misdemeanor or felony, if the crime has, regardless of whether civil rights have been restored, for conduct having a reasonable relationship to the practice of the private process server profession or occupation, regardless of whether civil rights have been restored. Under A.R.S. § 13-904(E), if the person's applicant's civil rights have been restored and there is the conduct forming the basis for the conviction has no reasonable relationship to the practice of the private process server profession or occupation, the presiding judge must may not deny certification solely based on the record of such conviction;~~

(5) ~~A Has a record of denial, revocation, or suspension of, or any disciplinary action in connection with, of any professional or occupational license or certificate of the applicant by any federal, state, or local government or regulatory entity thereof. The judge must consider whether the underlying conduct in any other disciplinary action is relevant to certification as a private process server;~~

(6) ~~A Has a record of a termination, suspension, probation, or any other disciplinary action regarding in connection with current or past employment if the underlying~~

- conduct is relevant to certification as a private process server;
- (7) ~~The applicant has~~ Has been found civilly liable by final judgment in an action involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion;
 - (8) ~~The applicant is~~ Is currently on probation or parole or named in an outstanding arrest warrant;
 - (9) ~~The applicant has~~ Has violated ~~any~~ Arizona law, Arizona Rules of Court, this ~~code~~ section, or any court orders order governing relating to conduct as a private process servers server;
 - (10) ~~The applicant has~~ Has violated any decision, order, or rule issued by a professional regulatory entity;
 - (11) The applicant has violated any order of a court, ~~judicial officer, or administrative tribunal,~~ or officer serving in a judicial capacity;
 - (12) ~~The applicant has~~ Has made a false or misleading statement or verification in support of an application for ~~a certificate~~ licensing or certification filed by another person;
 - (13) ~~The applicant has~~ Has made a false or misleading oral or written statement to any court, judicial officers officer, court staff, judicial staff, or division staff;
 - (14) ~~The applicant failed~~ Failed to disclose information or provided false information on the ~~certification~~ application for certification ~~subsequently revealed through the background check~~; or
 - (15) ~~The applicant failed~~ Failed to respond or furnish information to the presiding judge, clerk, or judicial staff when the information is requested and is ~~in~~ within the applicant's control or is reasonably available to the applicant ~~and pertains to certification or investigative inquiries~~.
- c. The presiding judge must consider the following criteria when reviewing the application for certification of an applicant with a misdemeanor or felony conviction, under subsection (E)(5)(b)(4):
- (1) The applicant's age at the time of the conviction;
 - (2) The applicant's experience and general level of sophistication at the time of the ~~pertinent~~ relevant conduct and conviction;
 - (3) The degree of any violence, injury, or property damage, and the cumulative effect of the conduct;
 - (4) The applicant's level of disregard of ethical or professional obligations involved in the conduct;
 - (5) The reliability of the information regarding the conduct;
 - (6) If the offenses for which the applicant was convicted involved fraud, deceit, or dishonesty on the part of the applicant resulting in harm to others;
 - (7) The recency of ~~the~~ any conviction;
 - (8) Any evidence of rehabilitation or positive social contributions since the conviction occurred as offered by the applicant;
 - (9) The relationship of the conviction to the purpose of certification;
 - (10) The relationship of the conviction to the ~~applicant's field of certification~~ duties of a private process server;

- (11) The applicant's candor during the application process;
 - (12) The significance of any omissions or misrepresentation by the applicant during the application process, and
 - (13) The applicant's overall qualifications for certification ~~separate apart~~ from the conviction.
- d. The presiding judge must promptly provide written notification of denial to all applicants denied certification ~~of together with~~ the reasons for the denial, and notice of the applicant's right to a hearing.
 - e. An applicant is entitled to a hearing, ~~under this subsection,~~ on the decision to deny certification ~~on by submitting a written request received to the clerk within no later than fifteen~~ 15 days after ~~receipt of receiving~~ the notice of the denial. The applicant is the moving party at the hearing and has the burden of proof.
 - f. Computation of Time. For the purposes of this section, the computation of days is calculated under Rule 6(a), Rules of Civil Procedure.

F. Role and Responsibilities of Certificate Holders.

- 1. Code of Conduct. Each certified process server must adhere to the code of conduct in subsection (J).
- 2. Conflict of Interest. ~~Under Rule 4(d)(2), Arizona Rules of Civil Procedure, a specially appointed person~~ "A private process server must not be a party, an attorney, or an employee of an attorney in the action in which process is to be served."
- 3. Identification Cards.
 - a. ~~The only form of identification a certified private process server, other than a government employee process server under subsection (E)(2)(b), may use when serving process is the identification card is the only official process server identification the court issues issued by the clerk under subsection (E)(4)(b)(1).~~ A certified process server must carry the identification card at all times when serving process and promptly display it when requested by an interested party. ~~This is the only form of identification a certified process server may use except government employee process servers who may use a government issued identification card in conjunction with the private process server identification card.~~
 - b. ~~Certified~~ A certified private process servers-server must report a lost or stolen identification cards-card to the issuing clerk within ~~three~~ 3 days of ~~discovery of discovering~~ the loss. The clerk must issue a replacement for a reported lost or stolen identification card on ~~On reporting the loss with the clerk and~~ payment of any applicable fee, ~~the clerk must issue a replacement identification card.~~
 - c. ~~On~~ If a certification is no longer valid due to suspension, revocation, voluntary

surrender, or expiration of certification, the presiding judge must ~~notify~~ give written notice to the certificate holder and the clerk ~~in writing that certification is withdrawn of that fact.~~ The certificate holder must surrender the issued identification card to the clerk within ~~three~~ 3 days of ~~receipt of receiving notice from the presiding judge.~~ The clerk must ~~update record the change in the list of certified private process servers maintained under subsection (E)(4)(b)(2) to reflect this change in status and~~ notify division staff.

4. Change of Name or Address. A certificate holder must notify the clerk in the county of certification of any change in ~~the~~ legal name, business address, mailing address, home address, email address, or phone number ~~of the certificate holder~~ within 30 days of any the change.
5. Assumed Name. A certificate holder must not transact business in this state as a private process server under an assumed name or under any designation, name, or style, corporate or otherwise, other than the legal name of the individual.
6. Fees.
 - a. Applicant fees. ~~The All applicant fees must pay all required fees for certification, examination, and renewal of certification. The are paid to the clerk must collect in advance, these fees, which~~ All applicant fees are non-refundable.
 - b. Process server fees. ~~Under A.R.S. § 12-3301, “A private process server may charge fees for services as may be agreed upon between the process server and the party engaging the process server under A.R.S. § 12-3301(C).”~~
7. Continuing Education. Certified private process servers must complete ~~ten~~ 3 hours of continuing education ~~each every twelve~~ 12 months and must submit documentation of ~~completion of this~~ completed continuing education in a format approved by the director ~~with the~~ when submitting application for renewal of certification. Certified private process servers must complete continuing education classes that are relevant to the work of a process server, under subsection (L).
8. Employment Status of Private Process Servers.
 - a. Certified private process servers are not employees of the court, are not appointed by the court, and may not, in any way, represent themselves as such.
 - b. Private process servers may not, in any way, represent themselves as “peace officers” unless they are peace officers under Arizona or federal law. Approval as a certified private process server does not, in itself, confer peace officer status on the holder.

G. Renewal of Certification.

1. Expiration Date. All certificates, whether initial or renewed, expire at midnight, ~~three~~ 3

years after date of issuance. ~~All certifications continue in force until expired, voluntarily surrendered, placed on inactive status, suspended, or revoked.~~

- a. ~~When~~If a private process server has filed a timely and complete application for renewal of certification, the existing certification does not expire until the administrative process for review of the renewal application has been completed.
- b. If the presiding judge grants renewal of a certification, the effective date of the renewal is 12:01 a.m. of the first day following expiration of the ~~prior-existing~~ certification regardless of any expiration date extensions ~~provided in under this code section.~~ The ~~renewed certificate expires at midnight, three years from the date of issuance.~~
- c. The presiding judge may request an informal interview with ~~the~~an applicant for renewal to ~~establish~~determine if any additional information or ~~an~~an explanation of the information provided by the applicant is required to supplement the renewal application is needed to enable ~~determine a determination if of whether~~ the applicant continues to meet the qualifications for certification.
- d. If the presiding judge denies the renewal application, the existing certification does not expire until the last day ~~for seeking provided in subsection (H) to request a hearing on the decision to deny, under subsection (H),~~ or, if a hearing is requested, until the final decision is made by the presiding judge ~~under subsection (H).~~
- e. The certificate of a ~~certificate holder~~private process server who does not timely submit supply a complete and timely renewal application and payment of the renewal fee expires as ~~of the expiration date of the certificate provided in subsection (G)(1).~~
 - (1) If the former certificate holder files an initial application within ~~twelve~~12 months after ~~the~~the expiration of the certificate, the presiding judge must consider:
 - (a) ~~the~~The length of time ~~that has lapsed since the~~expiration of the certificate;
 - (b) ~~the~~The private process server's stated reasons for ~~failing to renew not~~renewing the certificate timely; and
 - (c) ~~the process server's~~The applicant's compliance with all other provisions of this ~~code~~ section, including the completion of continuing education credits.
 - (2) The presiding judge may require the ~~private process server applicant~~applicant to submit additional information; ~~or complete additional continuing education; or satisfy other conditions before renewing the certificate, or any other actions the presiding judge deems appropriate., except that the applicant~~The presiding judge must not allow a certified private process server be allowed to retake the initial certification examination as an alternative to completing continuing education credits.
- f. The expiration ~~provisions described in subsection (G)(1)(a) do~~ of a certificate does not affect the presiding judge's authority ~~of the presiding judge~~ to take disciplinary action, including suspension or revocation ~~of the certification of a certificate holder,~~ if a complaint or investigation is pending ~~prior to on or before~~ the expiration date.

2. Voluntary Surrender. A certificate holder in good standing may voluntarily surrender a certificate; ~~however, this~~ A surrender is not valid until accepted by the presiding judge.
 - a. ~~In determining whether to accept a surrender, the~~ The presiding judge may require additional information ~~reasonably necessary to determine if about whether the~~ certificate holder has violated any provision of the statutes, court rules, ~~and or~~ this code section.
 - b. The acceptance of a surrender~~surrendered certificate~~ does not prevent the commencement of subsequent discipline proceedings for any conduct ~~of the~~ surrendered certificate holder occurring ~~prior before~~ to the surrender.
 - ac. If the presiding judge accepts the voluntary surrender, the clerk must ~~designate~~ update the list of private process servers to reflect the change in status ~~certificate of the certificate holder~~ as a “surrendered certificate holder in good standing.” And must notify division staff.
 - d. Within 10 days after accepting the surrender, the ~~The~~ presiding judge must notify the certificate holder ~~in writing within ten days after of the acceptance of the surrender.~~ The clerk must update the list of certified private process servers to reflect this change in status and must notify division staff.
 - be. The presiding judge must not accept the surrender if ~~there is a complaint is~~ pending against the certificate holder. ~~However, this~~ This does not preclude the presiding judge from entering into a consent agreement to resolve the pending complaint, ~~by under~~ terms including that include the voluntary surrender of the certificate, ~~under subsection (H).~~
 - ef. ~~The~~ Within 120 days of a voluntary surrender, the presiding judge must, ~~within 120 days of the voluntary surrender of the certification,~~ either accept the surrender or institute disciplinary proceedings under subsection (H). If the presiding judge ~~subsequently accepts surrender and subsequently initiates disciplinary proceedings imposes resulting in a sanction under subsection (H) on the certificate of the surrendered certificate holder under subsection (G)(2)(b),~~ the clerk must change the list of private process servers to reflect the status of the certificate holder from “surrendered certificate holder in good standing” to that of a person certificate holder so disciplined in that manner.
3. Application. A certified private process server whose certificate is in good standing may ~~renew~~ apply for renewal by filing a completed certification application ~~for renewal with the clerk of the county of the applicant’s certification under (E)(2)(c)(1), paying all the fees, and submitting all required documents~~ fee required under (E)(2)(c)(5), including and submitting documentation of ~~completion of the required hours of compliance with the continuing education requirement for the 3-year certification period of certification under subsection (L).~~ The applicant must file the application with the clerk in the county of residence of the applicant. ~~A non-Arizona resident who has been granted certification as a~~

private process server, must apply for renewal of certification in the county where the initial application for certification was filed and certification was granted.

4. Additional Information. Before granting renewal of certification, the presiding judge may require additional information reasonably necessary to determine if the applicant continues to meet the qualifications specified in this code section. This may include fingerprinting, reexamination, background information, and an updated photographs full-face image of the applicant under (E)(2)(c)(6).
5. Decision Regarding Renewal.
 - a. If the presiding judge is satisfied that the applicant continues to meet all qualifications for certification, ~~as specified in subsection (E)(2),~~ the presiding judge must renew the applicant's certification of the applicant. ~~The presiding judge may refuse to renew the certification of an applicant for any of the reasons specified in subsection (E). The presiding judge must promptly provide the applicant with written notification to all applicants granted notice of the renewal of certification.~~
 - b. The presiding judge may refuse to renew the certification of an applicant for any of the reasons specified in (E)(5). The presiding judge must promptly provide the applicant with written notification to an applicant notice of the denial denied renewal of certification, of the reasons for the denial, and the applicant's right to a hearing.
 - c. An applicant is entitled to a hearing, ~~under subsection (H),~~ on the decision to deny renewal of certification ~~on~~ by submitting a written request to the clerk received within no later than fifteen 15 days after receipt of receiving the notice of the denial. The applicant is the moving party at the hearing and has the burden of proof.
6. Reinstatement after Suspension, Revocation, or Expiration of Certification.
 - a. A private process server whose certificate has been suspended or revoked by a final order of the presiding judge, ~~or whose certificate has expired,~~ or has been voluntarily surrendered in good standing, may apply for reinstatement ~~under the following conditions~~ as follows:
 - (1) An applicant for reinstatement must file a written application ~~for reinstatement~~ with the clerk, accompanied by the ~~appropriate fees~~ fee required fee under (E)(2)(c)(5), and with the following documents:
 - (a) A reinstatement form ~~and together with~~ a copy of the applicable final order of suspension or revocation, or date of voluntary surrender acceptance, or date of expiration of certification;
 - (b) A detailed description of the applicant's occupation and sources of income or earnings ~~derived during the period between the filing of the final order by the presiding judge or date of expiration or surrender of the certificate~~ end of the prior certification; and the ~~date of submission of the~~ application for reinstatement;

- (c) ~~A statement describing the nature and status of every civil or criminal action and a copy of the action, in which the applicant was either a plaintiff or defendant, since the submission of the last renewal application or, if no renewal application has been submitted, then since the initial application was submitted pending at any time during the period between the applicant's most recent application for initial or renewal certification and the submission of the application for reinstatement;~~
- (d) ~~A list of all criminal or civil final judgments since the submission of the last renewal application or, if no renewal application has been submitted, then since the initial application was submitted;~~
- (~~e~~) A list of all residences-residence and business addresses used by the applicant since the submission of the last renewal application or, if no renewal application has been submitted, then since the initial application for certification and the date the clerk receives the application for reinstatement during the period between the applicant's most recent application for initial or renewal certification and the submission of the application for reinstatement;
- (~~e~~) ~~A concise statement of facts showing demonstrating how the applicant for reinstatement has maintained the minimum competencies and knowledge necessary for process servers during the period of time from the date of the final order of suspension until the date the clerk receives the reinstatement application between the last date of the applicant's most recent certification and the submission of the application for reinstatement; and~~
- (~~g~~) ~~A concise statement of facts showing how the applicant for recertification has maintained the minimum competencies and knowledge during the time from the date of the order revoking the applicant's certificate until the date the clerk receives the application for certification;~~
- (~~h~~) ~~A concise statement of facts showing how the applicant for recertification has maintained the minimum competencies and knowledge during the time from the date of the expiration or voluntary surrender of the certificate until the applicant reapplies;~~
- (~~h~~) A—The applicant's statement of facts demonstrating the applicant's rehabilitation and supporting their reinstatement and recertification as a certified process server; and.
- (~~j~~) ~~A statement of facts demonstrating the applicant's rehabilitation.~~
- (2) A certificate holder whose certification has been revoked is not eligible for reinstatement for 1 year from the final order of revocation.
- (3) The presiding judge may require the applicant to provide additional information demonstrating that the applicant meets the minimum competencies of the profession necessary for process servers.
- (4) The presiding judge may require the applicant sit for and pass the initial certification examination in order to process the application or determine if to establish that the applicant meets the minimum competencies of the profession necessary for process servers.
- (5) The applicant has the burden of proof to demonstrate, by clear and convincing evidence, the applicant's rehabilitation, compliance with all discipline-disciplinary

orders and rules, and that the applicant meets the minimum competencies of the profession necessary for process servers.

- ~~(6) An applicant who has timely provided the presiding judge with all requested information but is denied reinstatement by the presiding judge has the right to a hearing under subsection (H), except if the applicant fails to provide the information within the requested time frame. Failure to provide the information may result in automatic denial of reinstatement without the right to a hearing.~~
- ~~(3) On submission of all reinstatement requirements of subsection (G), the applicant must meet all requirements of initial certification under subsection (E). The applicant for reinstatement after a suspension or revocation must also pay the fee for reinstatement.~~
- b. The presiding judge must not ~~issue~~ reinstate any certification ~~under this section to any person whose certification that~~ has been suspended until:
 - ~~(1) The person the individual seeking~~ reinstatement of a suspended certificate has demonstrated that all the requirements of the suspension order have been met, and
 - ~~(2) The person qualifies in accordance with the applicable provisions of this section satisfied.~~
- c. The presiding judge must not ~~issue~~ reinstate any certification ~~under this section to any person whose certification that~~ has been revoked until:
 - ~~(1) One year has passed- elapsed from- since~~ the date of the presiding judge's final order of revocation; and
 - ~~(2) The person individual seeking certification provides proof of satisfaction~~ reinstatement of any revoked certification has demonstrated satisfaction of any and all requirements in- of the order of revocation, and
 - ~~(3) The person again qualifies in accordance with the initial certification provisions of subsection (E).~~

H. Complaints, Investigation, Hearings, and Disciplinary Action.

1. Complaints. Filing and General Provisions.

- a. Filing of Complaint. All judicial officers, clerks of court, court employees, and certificate holders must, and any ~~person individual~~ may, notify the presiding judge in writing if it appears that a certificate holder has violated applicable statutes, court rules, or this code section. The complainant must ~~make the complaint in writing with include~~ sufficient ~~specificity facts~~ to permit further investigation. ~~The complaint must and include~~ the name, telephone number, and address of the complainant. The complainant must ~~file submit~~ the complaint ~~with to~~ the clerk in the county where the alleged violation by the certified process server occurred. The clerk must obtain records from the clerk of the county in which the process server is certified, as provided in ~~subsection (D)(4)(a)(7)~~ and forward those records and the complaint to the presiding judge of the county where the violation occurred.
- b. Complaints Initiated by the Presiding Judge. ~~In accordance with subsection (H),~~ If necessary to protect and serve the best interest of the public, the presiding judge may

direct court staff to investigate allegations of misconduct or violations of statutes, court rules, or this code section that ~~may result in~~ could form the basis of a complaint, if such investigation protects and serves the best interest of the public. Investigation may be ordered even if the complainant does not wish to have his or her identity disclosed to the certificate holder.

- c. Anonymous Complaints. The presiding judge must not accept anonymous complaints. But a complaint may be accepted even if the complainant asks that their identity not be disclosed to the certificate holder.
- d. ~~Authority after Expiration.~~ If a complaint or investigation is pending prior to the expiration date of a certificate, ~~the provisions of subsection (G) regarding the expiration of the certificate do not affect the authority of the presiding judge to:~~
 - ~~(1) Initiate a complaint;~~
 - ~~(2) Investigate a complaint; or~~
 - ~~(3) Take disciplinary action regarding the certificate of a certificate holder.~~
- e. Standing of Complainant. A complainant does not have standing ~~regarding any proceedings and is not a party to any proceedings concerning the complaint.~~ On the If requested by the complainant's request to, and approval approved by, the presiding judge, the complainant may receive notice of any public proceeding or any consent agreement concerning the complaint or any consent agreements.
- f. Non-abatement. The complainant's Unwillingness unwillingness or failure of the complainant to cooperate with judicial officers, judicial or division staff, or staff of the clerk of the court, or division staff; withdrawal of the complaint or a specific allegation of misconduct or violation contained in the complaint; settlement or compromise between the complainant and the certificate holder; or restitution by the certificate holder must does not abate the processing of any complaint or disciplinary proceeding.
- g. Confidentiality. Information or documents obtained or generated by the presiding judge, clerk, director, division staff, or court employees during an ~~open~~ investigation, or received in an initial report of misconduct, are confidential except as ~~mandated by provided in court rules~~ Rule 123, Rules of the Supreme Court, or this section.
 - (1) Confidential information or documents may be disclosed during the course of an investigation:
 - (a) To judicial officers, court staff, the attorney general, county attorney, law enforcement, and other regulatory officials; or
 - (b) If the presiding judge makes a finding the disclosure is in the best interest of the public and the interest is not outweighed by any other ~~interests~~ interest or is not contrary to law.
 - (2) ~~On a determination of~~ If the presiding judge determines there is probable cause for belief in the existence of facts warranting formal disciplinary proceedings, all information and documents are open for public inspection unless:
 - ~~(a) Confidential made confidential by law or public record rules adopted by the supreme court~~ Rule 123, Rules of the Supreme Court, or,
 - ~~(b) If the presiding judge determines further investigation is necessary, the all information or documents and those compiled in the further investigation must~~

remain confidential until probable cause is determined.

(34) The address and phone number of the complainant must remain confidential.

2. Grounds for Discipline. A certificate holder is subject to disciplinary action if the ~~presiding judge finds the~~ certificate holder has ~~engaged in one or more of the following:~~
 - a. Failed to perform any duty or discharge any obligation in the course of the certificate holder's responsibilities as required by law, court rules, or this ~~code~~ section;
 - b. Failed to cooperate or supply information to the presiding judge, clerk of the court, judicial staff, or division staff by the specific time stated in any request;
 - c. Aided or assisted another person ~~to provide in providing~~ services requiring certification if the other person does not hold the required certification;
 - d. ~~Conviction~~ Been convicted by final judgment of a criminal offense ~~while certified by final judgment of a felony~~ relevant to certification;
 - e. Failed to provide information regarding a criminal conviction;
 - f. Exhibited gross negligence;
 - g. Exhibited incompetence in the performance of duties;
 - h. Evaded service of a subpoena or notice of the presiding judge;
 - i. ~~The existence of any cause~~ Engaged in any conduct that could have been grounds for which original denial of initial certification or any renewal of the renewed certification could have warranted denial as described in subsection (E) or (G).
 - j. Engaged in unprofessional conduct, including:
 - (1) ~~Assisted~~ Assisting an applicant or certificate holder in the use of deception, dishonesty, or fraud to secure an initial certificate or renewal of ~~certificate certification~~;
 - (2) ~~Failed~~ Failing to comply with any court ~~order~~ or ~~other~~ regulatory agency order ~~relevant to~~ to the certificate holder or private process servers generally;
 - (3) ~~Failed~~ Failing to comply with any federal, state, or local law or rule governing the practice of ~~the profession or occupation~~ process servers;
 - (4) ~~Failed~~ Failing to comply with terms of a consent agreement or any restriction of ~~imposed on~~ a certificate;
 - (5) ~~Failed~~ Failing to retain client or customer records for a period of ~~three~~ 3 years unless ~~law or rule allows for~~ a different retention period is provided by law, rule, or regulation;
 - (6) ~~Failed~~ Failing to practice competently as evidenced by ~~use of~~ unsafe or unacceptable practices, including unacceptable client or customer care practices,

on one or more occasions;

- (7) ~~Failed during~~ During the performance of any responsibility or duty of the ~~profession or occupation a process server~~ to use the degree of care, skill, and proficiency commonly exercised by the ordinary skillful, careful, and prudent ~~professional certificate holder~~ certified process server engaged in the same or similar practice activity under the same or similar conditions, regardless of any level of harm or injury to the client or customer;
 - (8) ~~Failed to practice competently by reason of any cause on a single occasion or on multiple occasions by performing unsafe or unacceptable client or customer care or failed~~ Failing to conform to the ~~essential-accepted~~ essential-accepted standards of ~~acceptable and prevailing practice~~ practices of process servers;
 - (9) ~~Used~~ Using advertising intended to or having a tendency to deceive the public;
 - (10) ~~Used~~ Using a court certification to deceive the public ~~in~~ about the process server's level of skills or abilities;
 - (11) ~~Willfully~~ Having willfully made or filed false reports or records ~~in the practice of the profession or occupation;~~
 - (12) ~~Failed~~ Failing to file required reports, records, or pleadings ~~in the practice of the profession or occupation;~~
 - (13) ~~Performed~~ Performing the responsibilities or duties of ~~the profession or occupation~~ a process server when medically or psychologically unfit to do so;
 - (14) ~~Engaged~~ Engaging in habitual substance abuse;
 - (15) ~~Engaged~~ Engaging in undue influence over a client or customer to the benefit, financial or otherwise, of the certificate holder or a third party; or
 - (16) ~~Violated~~ Violating a confidentiality requirement of any statute, court rule, or this code section ~~regarding a confidentiality requirement.~~
3. Initial Screening. The presiding judge ~~may~~ must evaluate the complaint to determine if a ~~complaint warrants further investigation and evaluation is warranted.~~ If the complaint is alleges conduct outside the jurisdiction of the Private Process Server Program, the presiding judge must dismiss the complaint. ~~The presiding judge and~~ may refer the complaint to ~~another state agency or entity with~~ the appropriate jurisdiction.
 4. Preliminary Investigation. If an investigation is warranted, the presiding judge ~~may have~~ must appoint anyone qualified to serve as a hearing officer under (H)(10) to conduct a prompt, discreet, and confidential investigation of the complaint made. For purposes of conducting investigations, the appointed investigator may subpoena witnesses or documentary evidence, administer oaths, and examine under oath any individual concerning the subject of the complaint. Subpoenas must be issued, served, and enforced in compliance with the Arizona Rules of Civil Procedure. An employee of the court or any other person as designated by the Arizona Rules of Civil Procedure may serve subpoenas.
 5. Response from Certificate Holder. If an investigation is warranted, the ~~The~~ presiding judge must ~~have cause~~ the complaint to be sent to the certificate holder ~~within a reasonable period of time after commencement of the investigation~~ and must direct the certificate holder to provide a written response by a specified date. The presiding judge ~~must~~ may not proceed with disciplinary action under this code section without first providing this notice and the opportunity to respond.

6. Review of Complaint and Investigation. On completion of an investigation, the presiding judge must determine whether there is probable cause concerning alleged acts of misconduct or violations and may:
 - a. If the presiding judge Determine does not find probable cause that no violation, the judge must exist and dismiss the complaint;
 - b. If the presiding judge does not find probable cause and dismisses the complaint but finds the certificate holder's actions need correction, the judge may issue an advisory letter to the certificate holder;
 - bc. Order May order further investigation conducted in the same manner as preliminary investigations;
 - ed. Determine May determine that the complaint is appropriate for resolution without proceeding to formal disciplinary proceedings; or
 - de. Determine that there is If the presiding judge finds probable cause for belief in the existence of facts warranting formal disciplinary proceedings, the judge must prepare a formal statement of charges.
7. Emergency Suspension. ~~If the~~ The presiding judge may order emergency suspension of a certificate pending formal disciplinary proceedings on a finds finding that the public health, safety or welfare requires emergency action and the judge incorporates a finding to that effect in the order of emergency suspension, the presiding judge may order emergency suspension of the certification of a certificate holder pending proceedings for revocation or other action. The presiding judge must institute ~~these~~ formal disciplinary proceedings within 30 days of the issuance of the emergency suspension order. ~~On order of the presiding judge, the~~ The clerk must immediately provide written notification to all presiding judges, other clerks, and the division staff of any emergency suspension of a certificate holder. On receipt of the notice of emergency suspension, division staff must immediately update the website ~~listing list of the private process server servers to designate reflect~~ the emergency suspension of the certificate.
8. Formal Disciplinary Proceedings.
 - a. Commencement. The presiding judge ~~may commence commences~~ formal proceedings with a formal statement of charges as provided in (H)(6)(d) if the judge finds probable cause to believe the certificate holder has committed misconduct under this code section and the complaint is not appropriate for resolution by informal discipline. The presiding judge may, on On commencement of formal proceedings, the presiding judge select must appoint a hearing officer ~~or other appropriate designee~~ under subsection (H)(10). For uniformity, consistency, and ease of reading, the term "hearing officer" throughout this code section refers to the presiding judge, the hearing officer, or other officer designated by the presiding judge.
 - b. Notice to Certificate Holder. The ~~presiding judge hearing officer~~ must have cause the formal statement of charges to be served on the certificate holder together with a the

~~notice of hearing advising the certificate holder under of the certificate holder's rights under this code section. This notice must comply with the provisions of subsection(H)(12).~~

9. Request for Hearing. All ~~demands~~ requests for hearing must specify:
 - a. The ~~section of this code provision under this~~ section that entitles the ~~person~~ individual to a hearing;
 - b. The factual basis supporting the request for hearing, and
 - c. The relief demanded.
10. Appointment of Hearing Officer. The presiding judge may appoint a ~~judge or a hearing officer to hold~~ conduct a hearing when required ~~to do so~~ under this ~~code~~ section; or on written demand by a person entitled to a hearing under this ~~code~~ section. A hearing officer appointed by the presiding judge to investigate the matter resulting in a statement of charges may not be appointed to conduct the hearing. For purposes of this section, the term "hearing officer" means the presiding judge, an administrative hearing officer, or other judicial officer designated by the presiding judge.
11. Timeline for Hearing. If a certificate holder requests a hearing, the hearing officer must ensure that the hearing is held hold the hearing within 45 days of receipt of receiving the request, if the request is made by a certificate holder, unless postponed by mutual consent for good cause. -If the request is from the presiding judge, the hearing officer must hold the hearing as soon as practical-practicable as determined at the discretion of by the hearing officer.
12. Notice of Hearing. The hearing officer must prepare and give the parties written notice of the hearing at least ~~fifteen~~ 20 business days prior to before the hearing date set for the hearing by a method documenting the date of delivery. The notice must include ~~the following information:~~
 - a. A statement of the time, place, and nature of the hearing;
 - b. A statement of the legal authority and jurisdiction for conduct of the hearing;
 - c. A reference to the particular sections of the statutes, this ~~code~~ section, and any policies involved;
 - d. A short and plain statement of the allegations or factual bases supporting the relief requested. Amendments to the statement are permissible; and
 - e. If the hearing date has not ~~previously~~ been set, a statement indicating that, ~~on request,~~ the certificate holder will be afforded a hearing if the certificate holder makes the on a written request in writing submitted within ten 10 days of receipt of receiving the

notice.

- f. Personal service; ~~or~~ service by certified mail, return receipt requested; or by any method that provides tracking and date of delivery sent to the last business address of record with the clerk of the superior court will accomplish service of the notice. For proof of service, a verified statement service was completed must be filed with the hearing officer. Service by mail is complete on deposit in the United States mail. The hearing officer must record the date on which service was received in the docket for the matter.
 - g. If a party is represented by an attorney, the attorney must receive ~~service~~ a copy of the notice served on the certificate holder.
13. ~~Filings, Answers and Pleadings~~ Motions. ~~A party~~ The certificate holder must file an answer answer to notices the statement of charges within ten 10 business days after the date receiving service the notice is served, unless otherwise ordered by the hearing officer. Answers must comply with Rule 8, Arizona Rules of Civil Procedure. -If a party the certificate holder fails to file an answer within the time provided, the person certificate holder is in default and the statement of charges may be deemed admitted, in whole or in part, by the hearing officer may determine the proceeding against the party and admit one or more of the assertions contained in the notice. The hearing officer may determine any defenses-Defenses not asserted not raised in the answer are may be deemed waived by the hearing officer.
- a. Parties must file all motions at least ~~five~~ 5 business days prior to the scheduled hearing date unless otherwise ordered by the hearing officer.
 - b. Parties must file responses to motions ~~within five days no later than 48 hours of the filing of the motion~~ before the time set for the hearing. Replies are not permitted.
 - c. Copies of all answer, motions, and responses must be hand-delivered or e-mailed to the hearing officer and all other parties to the proceeding must receive copies of all filings immediately upon filing.
 - d. All filings must comply with Rule 5(h), Arizona Rules of Civil Procedure The date and manner of service must be noted on the last page of the original of the document being served.
14. Discovery.
- a. No discovery is permitted, except as provided in this code section, unless agreed to by the parties or ~~permitted~~ granted by the hearing officer. The parties may not agree to discovery that would require a change in the hearing date unless approved by the hearing officer.
 - b. ~~The hearing officer, on written request~~ On the written request of a party, the hearing

~~officer must~~ may order a party to allow the requesting party to have a reasonable opportunity before the hearing to inspect and copy, at the requesting party's expense, admissible documentary evidence or ~~non-privileged~~ documents reasonably calculated to lead to admissible evidence ~~prior to a hearing, unless the evidence is privileged.~~

c. ~~The hearing officer, on the hearing officer's motion or on request,~~ may require the parties, prior to the hearing, to disclose to each other before the hearing any non-privileged, documentary evidence intended for use at the hearing, ~~provided the evidence is not privileged.~~

d. Depositions are permitted only with approval of the hearing officer.

(1) ~~Parties may take depositions for use as evidence of~~ depose witnesses who cannot be subpoenaed or are otherwise unable to attend the hearing and introduce their deposition in lieu of live testimony.

(2) Parties may take deposition for purposes of obtaining discovery. If approved by the hearing officer, the party must serve a deposition subpoena on the witness commanding the witness to appear at a deposition no sooner than 5 days after service of the subpoena unless the time is shortened by the hearing officer; the date, time, and location of the deposition; and a list of any documents to be produced at the deposition. A copy of the hearing officer's order allowing the deposition must be attached to the subpoena. To take

(3) Before taking a deposition, a party must file with the hearing officer a written motion, with copies to all parties, setting forth stating the name and address of the any witness the party seeks to depose, the substance of the witness's expected testimony, subject matter of the deposition, any documents, if any, the parties are seeking for production party intends to use in the deposition, the time and place proposed for the deposition, and the reason the party believes it necessary for the witness to testify by justification for the deposition or the reason the party requires this form of discovery.

e. Parties must file responses to ~~requests motions~~ for depositions, including and motions to quash subpoenas to witnesses within five days after the filing of the ~~request motion~~ for deposition or the service of the subpoena.

~~f. If a deposition is permitted, a subpoena and written order must be issued. The subpoena and order must identify the person to be deposed, scope of testimony to be taken, documents, if any, to be produced, and time and place of the deposition. The party requesting the deposition must arrange for service of the subpoena and order, with service on all parties five days before the time fixed for taking the deposition, unless, for good cause shown, the time is shortened by the hearing officer.~~

15. ~~Subpoenas.~~ For the purposes of ~~investigations, hearings, or other proceedings~~ under this code section, the hearing officer may ~~subpoena witnesses or documentary evidence,~~ administer oaths; ~~and~~ examine under oath any individual concerning the subject of any hearing ~~or investigation.~~ Subpoenas must be issued, served, and enforced in compliance

~~with the Arizona Rules of Civil Procedure. An employee of the court or any other person as designated by the Arizona Rules of Civil Procedure may serve subpoenas.~~

165. Prehearing Conference. The hearing officer may order a prehearing conference at the request of any party or on the hearing officer's own initiative. ~~The~~ for any of the following purpose of the conference is to consider any or all of the following actions purposes:

- a. To reduce or simplify the issues for adjudication;
- b. To dispose of preliminary legal issues, including ruling on pre-hearing motions;
- c. To stipulate to the admission of uncontested evidence, facts, and legal conclusions;
- d. To ~~identify~~ finalize the list of witnesses who will be called to testify; and
- e. To consider any other matters that will ~~aid in the expeditious conduct~~ streamline the conduct of the hearing without prejudicing any party.

176. Procedure at Hearings.

- a. Powers of Hearing Officers. A hearing officer must preside over the hearing. For purposes of hearings or other proceedings under this section, The ~~the~~ hearing officer ~~has the authority to decide all motions, conduct prehearing conferences, may administer oaths; examine under oath any individual concerning the subject of any hearing or proceeding; determine the order of proof and manner of presentation of other evidence ;issue subpoenas, place witnesses under oath;; recess, continue, or adjourn the hearing;; and prescribe and enforce general rules of conduct and decorum. Informal disposition may be made of any case by stipulation, agreed settlement, consent order, or default.~~
- b. Rights of Parties. ~~At a hearing:~~
 - (1) A party is entitled to enter an appearance, introduce evidence, examine and cross-examine witnesses, make arguments, and generally participate in the conduct of the proceeding; and
 - (2) Any ~~person~~ individual may represent ~~him or herself~~ themselves or appear through counsel. An attorney who intends to appear on behalf of a party must promptly notify the hearing officer, providing the name, address and telephone number of the party represented and the attorney's name, address, ~~and telephone number of the attorney, and e-mail address.~~
 - (3) ~~All persons appearing before the hearing officer in any proceeding must conform to the conduct expected in the Arizona Superior Court.~~
- c. Conduct of Hearing.
 - (1) The hearing officer may conduct the hearing in an informal manner and without adherence to the rules of pleading or evidence. But the hearing officer must exclude

~~irrelevant, immaterial, or unduly repetitious evidence. The hearing officer shall requires evidence supporting a decision is substantial, reliable, and probative and must exclude irrelevant, immaterial, or unduly repetitious evidence. There is no right to a jury. All hearings are open to the public.~~

- (2) ~~The hearing officer must require that all testimony considered is given under oath or affirmation, except matters of which judicial notice is taken or entered by stipulation. The hearing officer may administer oaths and affirmations.~~
- (3) ~~All persons appearing at the hearing must conform to the conduct expected in the Arizona Superior Court.~~
- (4) ~~All hearings are open to the public.~~
- (5) ~~The hearing officer must ensure that the evidence supporting a decision is substantial, reliable, and probative.~~

d. Record of Hearing.

- (1) ~~The hearing officer must ensure that the all oral proceedings or any part of the oral proceedings are electronically recorded if no party requests a court reporter. And The recording may be transcribed on the request of any party. The party making the request must pay the cost of the transcript transcription.~~
- (2) ~~On the request of any party, A competent a certified court reporter must make a full stenographic record of the proceedings. if requested by a party The request must be made within no later than five 5 days prior to a before the hearing. The cost of the any transcript is the responsibility of the requesting party. The hearing officer may require the prepayment or a monetary deposit to cover the estimated cost of the transcript. If transcribed, the record is a part of the court's record of the hearing and any other party with a direct interest may receive a copy of the stenographic record, at their on request and at their own expense. If no request is made for a stenographic record, the hearing officer must ensure that the proceedings are recorded as described in subsection (H)(17)(d)(1) of this code section.~~

187. Rehearing. ~~The hearing officer may grant a rehearing or reargument of the matters on any matter involved in the hearing on the written request motion of a party to a hearing filing the request with the hearing officer conforming to, and based on one of the grounds listed in, Rule 59, Arizona Rules of Civil Procedure. The party must make the request must be filed within fifteen 15 days after any issuance of the order made under a hearing deciding the matter the party seeks to have reargued or reheard was mailed or delivered to the person entitled to receive the order issued. A party desiring to respond must do so within 15 days after the motion is filed. The hearing officer must decide to grant or deny the request within the motion within 30 days of the date of filing of the request after the motion is filed. A party must base the request for rehearing or review on one or more of the grounds listed in Rule 59, Arizona Rules of Civil Procedure, which materially affected the rights of a party, and shall conform to the requirements of Rule 59. The hearing officer must permit any party served with a request for rehearing to file a response within fifteen days of service.~~

198. Decisions and Orders. ~~The hearing officer must render the issue a final decision within 30 days of the closing of the record of a the hearing. The hearing officer must render the~~

~~final decision~~ The decision must be issued in writing and must include separate findings of fact and conclusions of law, separately stated. A concise and explicit statement of the underlying facts must accompany findings of fact. Parties must receive notice of any decision or order either personally or by certified mail return receipt to the last known address. The hearing officer must order one or more of the following:

~~20. Possible Actions for Resolution of a Complaint.a.~~ On completion of an investigation concerning alleged misconduct by a certificate holder, which may or may not include informal or formal disciplinary proceedings or a hearing, the hearing officer must do one or more of the following:

~~a.(1)~~ Determine that no violation exists and dismiss the ~~complaint~~ statement of charges with or without prejudice;

~~b.(2)~~ Determine that no acts of misconduct or violation occurred and no discipline is warranted; ~~however, but that the certificate holder's actions need modification or elimination~~ correction and issue an advisory letter;

~~_(3)~~ Determine that the certificate holder has violated any of the provisions of the statutes, court rules, or this code section and order an emergency suspension;

~~c.(4)~~ Determine that the certificate holder has violated any of the provisions of the statutes, court rules, or this ~~code~~ section and issue an order imposing any or a combination of the following informal or formal disciplinary sanctions:

~~(a)~~ Issue a A letter of concern;

~~(b)~~ Issue a A censure;

~~(c)~~ Resolve any found acts or violations by consent order or other negotiated settlement;

~~(dc)~~ Place Placing specific restrictions on certificate;

~~(d)~~ Place Placing the certificate holder on probation for a set period of time under specified conditions;

~~(fe)~~ Mandate Mandating additional training for the certificate holder;

~~(gf)~~ Order suspension of Suspending a certificate for a set period of time not to exceed ~~three~~ 3 years with specified conditions for reinstatement;

~~(hg)~~ Revoke Revoking a certificate with specified conditions for reinstatement; or

~~(ih)~~ Any other action the hearing officer determines appropriate, including return or refund of service fees to a ~~harmed~~ person or entity harmed by the certificate holder's conduct. This may not include imposition of a fine.

~~b19. Effect of sanction.~~ The hearing officer must issue an order specifying in what manner and to what extent any failure or violation is found and any sanctions under this code section. Any disciplinary action ~~must have~~ has statewide effect ~~statewide~~. The clerk must, within ~~five~~ 5 days of any such action an order imposing any sanction, ~~notify in writing provide written notice to the division staff~~ of the action taken and ~~of any subsequent changes in the status of the individual's approval authority~~ to serve process. ~~If the hearing officer issues an emergency suspension of a certificate, the clerk must immediately provide written notification to the presiding judges, clerks, and division staff of the action.~~

~~21. Procedure after Suspension or Revocation.~~

- ~~a. On suspension or revocation of any certification, the presiding judge must have notice promptly served on the certificate holder either in person or by certified mail, return receipt requested, addressed to the last address of record with the clerk. Notice by mail is complete on deposit in the United States mail.~~
- ~~b. The presiding judge may only issue certification to any person whose certification had previously been revoked under this code section after the expiration of one year from the date of revocation, and after the person again qualifies in accordance with the reinstatement provisions of this code section.~~

~~220. Filing of Special Action. Decisions A party other than a complainant aggrieved by a final decision of the presiding judge, or hearing officer or other designee regarding certification, renewal of certification, or disciplinary action under this code section are final. Parties may seek judicial review through a by filing a petition for a special action in the superior court within 35 days after entry of the final order of the hearing officer. The petition for special action must be under in compliance with the Arizona Rules of Procedure for Special Actions.~~

I. Reserved.

J. Code of Conduct

1. Preamble. The Arizona Supreme Court adopts the following Code of Conduct to apply to all private process servers under A.R.S. § 12-3301, the Arizona Rules of Court, and this ~~code~~ section. The purpose of this Code of Conduct is to establish minimum standards for performance by private process servers and to ensure they conduct the service of process in a professional manner.
2. Rules and Applicable Laws. The private process server must perform all services and discharge all obligations in accordance with current Arizona and federal law, Arizona Rules of Civil Procedure, administrative orders, and this ~~code~~ section.
3. Skills and Knowledge. The private process server must demonstrate adequate skills and knowledge to perform the work of a private process server and must seek training opportunities to maintain professional competency and growth.
 - a. The private process server must possess sufficient verbal and written communication skills to perform the private process server role.
 - b. The private process server must manage service proficiently. Skills required include those necessary to perform the service, maintain records, and communicate with the client in a timely fashion.
 - c. The private process server must keep the client reasonably informed about the status of the service and promptly comply with reasonable requests.

- d. The process server must ensure all affidavits and certificates prepared by the private process server are complete, accurate and understandable, and ~~are~~ timely filed with the court.
4. Professionalism. The private process server must exercise the highest degree of professionalism in all interactions with clients, the party located, and others they come in contact with during the service. The private process server must utilize professional judgment and discretion at all times.
 - a. The private process server must handle all legal documents with care and maintain required records in a professional manner.
 - b. The private process server may act as a mentor to assist an inexperienced certified private process server for the purpose of increasing skill level and successful service of process.
 - c. The private process server must not provide or offer to provide legal advice.
 - d. ~~The private~~ Private process server ~~servers~~ must not violate any rules adopted by the Arizona Supreme Court or conduct ~~him- or herself~~ themselves in a manner that would reflect adversely on the judiciary, the courts, or other agencies involved in the administration of justice.
 - e. The private process server must respect the confidentiality of information and must preserve the clients' confidences; this duty outlasts the employment of the private process server.
 - f. The private process server must maintain a professional appearance at all times.
 - g. The private process server must be courteous and polite in all dealings.
 - h. The private process server may explain the general nature of the served papers but must never engage in any unnecessary discussions regarding the action being served with the persons receiving service.
 - i. The process server may provide general legal information to a client and persons receiving service but must not represent that he or she is authorized to practice law in this state, nor may the process server provide any kind of legal advice, opinion or recommendation about possible legal rights, remedies, defenses, options, or strategies.
 - j. The private process server must know the protocol for service of process in a court building before proceeding with service and must take appropriate steps to avoid impairing security or creating a security issue in a court building.
 - k. The private process server must only serve the legal documents and papers included in the civil action for which the process server has been retained to serve process. No additional papers, advertisements, or brochures may be included in the service of process.

5. Ethics. The private process server must perform services in a manner consistent with legal and ethical standards.
 - a. The private process server, having located the sought-after party or persons receiving process for those persons intended for service, must perform the service of process in a professional manner, utilizing sound judgment, and avoid rudeness and unprofessional conduct.
 - b. The private process server must present service in a nonjudgmental manner.
 - c. The private process server must not misrepresent the private process server's qualifications, fees, or any other information relating to the role of the private process server.
 - d. The private process server must not utilize certification in any manner to gain access to information or services for purposes other than those of the Private Process Server Program.
 - e. The private process server must ~~maintain~~act in the best interests of the client by maintaining a high standard of work and reporting to a client the full facts ~~determined as a result of~~concerning the work and effort expended whether they are advantageous or detrimental to the client.

6. Candor.
 - a. A private process server must not knowingly:
 - (1) Falsify or misrepresent the facts surrounding the delivery of legal process to any person or entity;
 - (2) Make a false statement of material fact or law to a tribunal; or
 - (3) Fail to disclose a material fact to a tribunal, except as required by applicable law.
 - b. A private process server must notify the presiding judge within ~~ten~~10 days of a misdemeanor or felony conviction. The private process server must provide this notice to the presiding judge in the county of certification of the process server.
 - c. A certified private process server may not wear a uniform, use a title, insignia, badge, or identification card, or make any statement that would lead a person to believe the certificate holder is an employee of a federal government, state government, or any political subdivision of a state government unless the certificate holder is so authorized by proper authorities. No badge of any type may be used, shown, or offered as identification in conjunction with the identification card or independently.

K. Reserved.

L. Continuing Education Policies.

1. Purpose.
 - a. Service of process is integrally related to the prompt, effective, and impartial operation of the judicial system. Private process servers are required to demonstrate a basic level of competency to become certified and practice in Arizona. Ongoing, continuing education (CE) is one means to ensure a certified process server maintains continuing competence as a process server after certification is obtained. It also provides opportunities for process servers to keep abreast of changes relating to the service of process, the law, and the Arizona judicial system.
 - b. These continuing education policies are intended to provide direction to certified private process servers and to the presiding judges and clerks who administer the Private Process Server Program in each county; to ensure compliance with this ~~code~~ section regarding continuing education credits; and to provide for equitable statewide application and enforcement of the continuing education requirements.
2. Applicability. Under ~~subsection~~(F), all certified private process servers must complete at least ~~ten~~ 3 hours of approved continuing education every ~~twelve~~ 12 months in an area relevant to the work of a certified private process server, including subjects applicable to the Code of Conduct under (J) and the subject areas listed in (L)(4)(a). The private process server must submit documentation of completion of the continuing education for the 3-year certification period in an approved format with the application for renewal of certification. Any hours completed after the filing of the renewal application do not apply to that prior certification period. Hours completed after filing a renewal application will apply to the continuing education requirements for the certificate holder's current 3-year certification period.
3. Responsibilities of Certified Private Process Servers.
 - a. It is the responsibility of each certified private process server to ensure compliance with the continuing education requirements, maintain documentation of completion of continuing education, and to submit this documentation with ~~the~~ a renewal application.
 - b. On request, each certified private process server must provide any additional information required by the presiding judge when the judge is reviewing the renewal application and documentation of continuing education compliance—~~and documentation.~~
 - c. If a continuing education activity has not been pre-approved, the rejection of any activity completed by a private process server and submitted with the application for renewal does not diminish the responsibility of the process server to comply with the continuing education requirement.

4. Authorized Continuing Education Activities.

- a. Continuing education activity must address the areas of proficiency, competency, and performance; impart knowledge and understanding of the service of process, the Arizona judiciary, and the legal process; and must increase the participants' understanding of the responsibilities of a certified private process server and the process server's impact on the judicial process. Acceptable topics for continuing education activities include:
 - (1) Ethics for private process servers and court employees, including cooperation with lawyers, judges, and fellow private process servers; professional attire; courtesy and impartiality to all litigants; information vs. legal advice; and public relations;
 - (2) The Arizona court system, including the state and federal constitution, branches of government, Arizona court jurisdiction and responsibilities, Arizona tribal court system; resource materials including Arizona Revised Statutes, Arizona Rules of Court, case law, and administrative orders; and current issues in the Arizona court system; and
 - (3) Role and responsibilities of the certified private process server including this ~~code~~ section.
- b. Persons developing and presenting continuing education activities must have expertise in the curriculum, knowledge of adult education principles, and the ability to prepare and present educational material effectively. The education faculty presenting a continuing education activity should consist primarily of individuals with experience and expertise in the service of process, legal, and judicial community; faculty from other disciplines is permissible when their expertise will contribute to the goals of a specific program. The continuing education activity must specify for whom the program is primarily designed, the course objectives, course content, and teaching methods. All continuing education activity must be conducted in an organized setting free from distractions.
- c. Pre-Approved Activities. Subject to the conditions specified in this policy, programs, seminars, and courses of study offered or approved by the following entities are pre-approved and accredited:
 - (1) Arizona Process Servers Association (APSA);
 - (2) Arizona Supreme Court Committee on Judicial Education and Training (COJET);
 - (3) United States Private Process Servers Association (USCRA);
 - (4) Arizona Courts Association (ACA); and
 - (5) National Association of Court Management (NACM).
- d. Sponsoring Entities. Unless a continuing education activity has been pre-approved, entities wishing to administer a continuing education activity must submit the proposed continuing education activity on the approved form to the division staff of the Arizona Supreme Court, Administrative Office of the Courts (AOC), for consideration prior to

conducting the activity. Applications submitted by a sponsoring entity after the continuing education activity has been completed or conducted will be rejected.

- (1) At a minimum, the proposal must meet all requirements of this policy and must include the following:
 - (a) location, date, and time of the proposed activity with an agenda that identifies the time allocated for each topic and the time allocated for breaks and other activities that do not qualify for continuing education credit;
 - (b) proposed audience;
 - (c) course content, objectives, teaching methods, and the evaluation method;
 - (d) names and qualifications of the faculty;
 - (e) written materials for the participants (a copy of the materials must be included with the proposal); and
 - (f) number of continuing education credits the sponsoring entity is recommending division staff grant for completion of the activity.
 - (2) In addition, the proposal must include ~~a statement the sponsor agrees~~ the sponsor's agreement to verify attendance of the participants; provide a certificate of attendance ~~for to~~ each participant who successfully completes the activity; and, on request of division staff, provide any additional information requested to assist the division in evaluating whether to approve the activity or to ensure compliance with this policy.
- e. Serving as Faculty. Continuing education credit may be granted for serving as faculty, an instructor, speaker, or panel member of an approved continuing education seminar directly related to the service of process. Continuing education credit will be granted for the actual presentation time, plus actual preparation time up to ~~two 2~~ two 2 hours ~~for each hour of presentation time~~. A maximum of ~~five 3~~ three 3 hours of continuing education credit will be granted for serving as faculty in any renewal period and a private process server may not receive credit for presenting a program repeatedly throughout the renewal period. A private process server may receive continuing education credit for actual presentation time for duplicate programs presented in subsequent renewals periods but will not be granted continuing education credit for preparation time for those programs.
- f. Authoring or Coauthoring Articles. Continuing education credit may be granted for authoring or coauthoring an article directly related to the service of process if the article is published in a state or nationally recognized professional journal relating to the service of process and if the article is a minimum of one thousand words in length. A maximum of ~~one 1~~ one 1 hour of continuing education credit may be earned for authoring an article or articles in any one renewal period. Credit ~~must~~ may not be granted for the same article published in more than one publication or republished in later editions of the same publication ~~in later editions~~.
- g. University, College, and Other Educational Institution Courses. A certified private process server may receive continuing education credit for a course provided by a university, college, or other educational institution, if the private process server successfully completes the course with a grade of "C" or better or a "pass" on a pass/fail system. The private process server may receive continuing education credit of up to

two times the number of credit hours awarded by the educational institution if the course is relevant to the service of process. The maximum hours of credits earned from educational course work may not exceed 50 percent of the total number of continuing education hours required during the certification period.

- h. Minimum Time. Each continuing education activity must consist of at least 30 minutes of actual clock time spent in actual attendance at or completion of an approved continuing education activity. “Actual clock time” includes the total hours attended, minus the time spent for introductory remarks, breaks, meals, and business meetings. After completion of the initial 30 minutes of continuing education activity, credit may be given in 15-minute increments. A process server may not use additional earned continuing education credits for subsequent renewal periods.
- i. Maximum Credit. Unless a continuing education activity is directly related to the private process server profession, a private process server may not receive more than 50 percent of the credit requirement for the certification period through one activity.
- j. Conferences. Continuing education credit may be requested for attendance at a conference relevant to the work of a process server. A process server may receive 100 percent of the continuing education credits for attendance at the conference if the conference is directly related to the work of a process server. The process server must provide documentation of the specific sessions of the conference attended with documentation of the hours for each session of the conference the process server attended. Credit may be granted for attendance at general sessions of the conference.
- k. Repeat of an Activity. Generally, credit will not be granted for process servers who repeat an activity within the same renewal period. Exceptions maybe granted if it is determined that the activity is directly related to the work of a process server profession and duplication of the continuing education activity will enhance the process server’s knowledge, skill, and competency.
- l. Documentation of Attendance or Completion. When attending or completing a continuing education activity, each process server must obtain documentation of attendance or completion from the sponsoring entity. —At a—minimum, this documentation must include the:
 - (1) name of the sponsor;
 - (2) name of the participant;
 - (3) topic of the subject matter;
 - (4) number of hours actually attended or the number of credit hours awarded by the sponsoring entity;
 - (5) date and place of the program;
 - (6) signature of the sponsor; or ~~the documentation must be an~~ official document of the sponsoring entity (for example, a college grade report, etc.); and
 - (7) signature of the process server, either in the space specifically provided on the form for this purpose or ~~the process server may sign~~ across the documentation (for example, the college grade report) to indicate attendance and completion at the

activity; and.

- ~~(8) if the continuing education activity comprises eight or more hours of credit within one day, the documentation must include an agenda that specifies the time allocated to each topic and the time for breaks and a lunch break.~~
- m. A process server must not request and credit must not be granted if the process server attends part, but not all, of the provided activity. Notwithstanding the signature of the sponsoring entity regarding the continuing education credits for an activity, it is the responsibility of the process server to accurately calculate the number of hours attended, subtracting out any time for general introductions and other activities that do not qualify for credit.
- n. Self-Study. A process server may receive all continuing education ~~credit credits~~ for through self-study activities, including taking correspondence courses, reviewing procedure manuals, watching video presentations, listening to audio materials, attending online seminars, and other methods of independent learning. ~~The maximum hours of continuing education credits earned in a self-study format may not exceed 50 percent of the total number of continuing education hours required during the certification period. The remaining hours must be obtained through live training, meaning training or education provided by one or more faculty or facilitators to an individual or a group using real-time interaction.~~
5. Non-Qualifying Activities. The following activities, regardless of whether the activity is approved for COJET credit, do not qualify for continuing education credit for certified private process servers:
- a. Completion of the examination required for initial certification;
 - b. Attendance at or participation ~~at-in~~ professional or association business meetings, general sessions, elections, policymaking sessions, or program orientation;
 - c. Serving on committees or councils or as officers in a professional organization; and
 - d. Activities completed as required by the presiding judge as part of a disciplinary action.
6. Decision Regarding Continuing Education Credits.
- a. On ~~a~~ review of an application for renewal of certification and the required accompanying continuing education documentation, the presiding judge may:
 - (1) Approve the continuing education credit;
 - (2) Approve part but not all of the requested continuing education credit;
 - (3) Require additional information ~~from the requester~~ before making a decision; or
 - (4) Deny the continuing education credit.
 - b. The private process server must be notified in writing of the decision regarding the

continuing education credit.

7. Compliance and Non-Compliance.

- a. An applicant for renewal of certification may be requested to supply additional information to verify compliance with the continuing education requirements. If the applicant fails to provide the requested information, the presiding judge may deny the continuing education credit.
- b. Under ~~subsection~~ (H)(1), a certified private process server who fails to meet the continuing education requirement; falsifies continuing education documents; willfully misrepresents continuing education activities ~~and~~ or attendance at continuing education activities; or attempts to circumvent the continuing education requirements by submitting an initial application for certification within ~~twelve~~ 12 months of the expiration of the original certificate, is subject to denial of renewal of certification, disciplinary action, or both.