



CALSPRO PRESS

THE OFFICIAL QUARTERLY NEWS & OPINION MAGAZINE OF THE
CALIFORNIA ASSOCIATION OF LEGAL SUPPORT PROFESSIONALS

Volume 5 / Issue 4 / Winter 2012



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■ New Laws & Lawmakers

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■ Conference, Education, Legislation & Membership

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■ Sewer Service

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■ Anaheim 2012

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CALENDAR Of Events...

2013 CONFERENCE

October 4-6, 2013
Harrah's Tahoe

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PRESIDENT'S MESSAGE

MICHAEL KERN

2013 CALSPRO PRESIDENT

I can't believe after 25 years in the legal profession that I have been elected president of CALSPRO. After serving this great association and working with many of our dedicated members over the years, I felt it was time to take this step and contribute at this level. I appreciate the support and look forward to a productive year. There is a lot to do and I know that the work will not be easy, but I am confident we will face the challenges and overcome them.

As I look back on another successful year, I reflect on all of the hard work invested on behalf of our association. Through the efforts of the CALSPRO Board of Directors, committee chairs and legislative team, I have observed many goals achieved over the past year. The successful launch of the new CALSPRO website which has provided additional advertising benefits to our members and vendors. Examples of these benefits include banner ads and the California Certified Process Server (CCPS) designation. The ecommerce sign-up for conference and workshops as well as the CALSPRO blog with court changes and updates are up & running on our new site. We were pleased with the negotiated reduced rates for pouch members. And as many of you know, we successfully blocked passage of the workers' compensation Bill SB 863. This bill would have had a dramatic impact on the photocopy industry. For over 40 years, CALSPRO has been a leader in the legal support industry and this past year has been no exception.

I would like to thank everyone who attended and supported the Annual Conference in Anaheim, and offer a special thank you to Stephanie Sayler and her committee for a job well done. I would also like to congratulate the new Board of Directors and Committee Chairs for making the commitment to serve this association.

The Board of Directors for 2012-2013:

- **Chad Barger**
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- **Clifford Jacobs**
- **Steve Janney**
- **Michael Kern**
- **Brett Peters**
- **Robert Porambo**
- **Mark Schwartz**
- **Kraig Vorsatz**
- **Fred Welch**
- **Patrick Woodman**

2012-2013 CALSPRO Committee Chair Appointments:

- **Legislation – Steve Janney**
- **Membership – Larry Kirlin**
- **Continuing Education – Cliff Jacobs**
- **By-Laws – Brett Peters**
- **Newsletter – Wendy Bowman**
- **Forms – Tony Klein**
- **Advertising – Robert Porambo**
- **Dispute Resolution – Jeremiah Jones**
- **Assault Advisor – Mark Schwartz**
- **Technology – Kraig Vorsatz**
- **Website – Chad Barger**
- **Conference – Stephanie Sayler**

Committee work is already in progress and here are goals and projects for the term:

- **E-filing Partner:** Technology is ever-changing and the courts are no exception. I would like CALSPRO to partner with a provider to offer e-filing to our members with a personalized portal at a reasonable cost.
- **Legislative:** To take the steps necessary towards mandatory statewide RPS education and testing in order to provide education, knowledge and protection to the legal community.
- **Continuing Education:** Our Continuing Education Committee will continue to provide superior seminars and testing. We also plan to move forward this year with the development of an online CCPS webinar and to become MCLE accredited. This will bring our CCPS program to our members directly and allow legal professionals to attend our workshops to obtain CCPS designations and to satisfy MCLE requirements.

Clearly, there is much to do in the coming term. We have defined goals and will be working hard to make the year productive. It is also time to remember the importance of our membership and the value it provides all of us; a very wise investment in legislative advocacy, education and our continued success. You will soon be receiving your dues notices. Through

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CAPITOL REPORT

MICHAEL D. BELOTE, ESQ.
CALIFORNIA ADVOCATES, INC.



Changes Coming to Sacramento

The theme for this column is the old cliché: out with the old, in with the new. The 2011-2012 two-year session of the California Legislature ended a little after midnight on August 31, 2012. As this is the second year of the session, the slate is wiped clean, with no bills carrying over from this year to the next. Everything which has not been passed and signed by the Governor is now dead.

2012 was a very good year legislatively for CALSPRO. No legislation we opposed became law, and amendments were achieved on a number of bills. CALSPRO members should be aware of the following newly-enacted bills, all of which are available 24/7 through the association website:

- **AB 929 (Wieckowski): Bankruptcy Exemptions.** Modifies debtor exemptions from bankruptcy for vehicles, tools of the trade, and other areas. Chapter 678, Statutes of 2012.
- **AB 1529 (Dickinson): Trial Courts.** Technical clean-up bill relating to trial courts, including writ petitions in small claims. Chapter 470, Statutes of 2012.
- **AB 1481 (Budget Committee):** As a trailer bill to the main state budget, AB 1481 changed jury deposits from per party to per side, effectively immediately upon the Governor's signature on September 17, 2012. Chapter 342, Statutes of 2012.

- **AB 1720 (Torres): Private Investigators.** Gives licensed investigators the right to enter gated communities for the purpose of serving process. Extends only to the investigator him or herself. Chapter 113, Statutes of 2012.
- **AB 1865 (Alejo): Unlawful Detainers.** Modifies the contents of certain eviction notices to include information about the State Bar. Chapter 241, Statutes of 2012.
- **AB 2073 (Silva): E-Filing.** Creates an e-filing pilot project for Orange County until July 1, 2014. Chapter 320, Statutes of 2012.
- **AB 2364 (Wagner): Attachment.** Makes significant changes to the law on attachments, particularly relating to financial institutions. Chapter 484, Statutes of 2012.
- **AB 2372 (Hill): Transcript Costs.** Requires attorneys who are judgment debtors in actions for nonpayment of transcript fees to provide an actual address for service of post-judgment documents. Chapter 125, Statutes of 2012.
- **SB 825 (Corbett): Unlawful Detainers.** Extends the sunset date on requirements for notices to quit until December 31, 2019. Chapter 210, Statutes of 2012.

CALSPRO members are encouraged especially to read and understand the contents of AB 2364, as important changes to levies upon financial institutions are involved.

With the old session concluded, far-reaching changes are on the horizon for the California Legislature. The combination of redistricting, term limits changes and the "top-two" primary are creating unprecedented turnover in the Legislature. Further, the changes to term limits enacted in June mean that new members may serve up to 12 years in either house, an increase of 100% percent from the old six-year limit in the Assembly, and 50% more than the old eight-year limit in the Senate.

The result is that the new Legislature sworn in on the first Monday in December, and returning in earnest to Sacramento in January, will look very different from the current Legislature, and serve far longer. The hope and expectation is that the changes will reduce the constant electioneering which took place under the old term limits law, allowing members to slow down and more thoughtfully consider the important policy questions affecting our state.

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Sewer Service: A Catalyst for Mandatory Process Server Certification in California

by **Cliff Jacobs**

2012 Education Chairman

In April 2009 the New York Attorney General Andrew M. Cuomo arrested the owners of a Long Island process serving company based on a pattern of filing false affidavits claiming service had been effectuated when it actually had not. This was not a new concept in New York. It had actually been on the radar for decades as evidenced by a 1971 ruling affirming the conviction of 2 process servers for their systematic practice of signing affidavits affirming delivery to named defendants when they had not served, or in many cases even attempted to effectuate service. (*United States v. Wiseman* - 455 F.2d 792 (2d Cir.), *cert. denied*, 404 U.S. 967 (1971)). What brought this matter into the limelight in 2009 was the fact that this case prompted the Attorney General's office to seek to vacate over 101,000 court judgments throughout the state, which were obtained by debt collection law firms that had used this Long Island process serving firm; thereby popularizing the term "sewer service" as commonly referring to the practice of affirming service, when in fact service had not been effectuated (and in some instances not even attempted). Due to the magnitude of potentially vacating this huge number of judgments, national attention was brought to this matter and

with it came scrutiny of process serving practices throughout the nation.

What was a relatively unknown or seldom used term in our profession until 2008 is now widely used (sometimes misused) and is being thrown around often enough to have us all serving in its shadow, fending off generalizations that sewer service is a predominant occurrence. Those of us who strive to embrace the highest standards in ensuring due process are sometimes finding ourselves in a defensive posture, asserting that shoddy practices in our arena are the exception and not the rule. That brings me to the subject of process server certification.

In an effort to combat the negative press and connotations of sewer service, many of our peers are embracing the ideal of mandatory certification as a means to raise the standards of our profession, and the perception of process servers in general by having a more knowledgeable and better trained body of process servers in the field. At the very least, mandatory certification will surely send a message that we, as a group, profess to a higher standard. Sure, there are those in the opinion that less government oversight is better, and

that we can police ourselves; however, as Chairman of the Continuing Education program of our state association (the only body that currently certifies California process servers) I can attest that there are approximately only 125 servers currently maintaining their certified status. If it were mandatory there would be several thousand, and they will have been trained at least well enough to be able to pass the certification exam. This shows that only a tiny percentage of the registered process servers in California will voluntarily opt to be certified. In other states where voluntary certification is offered by passing an exam the numbers are similarly representative. New Jersey currently lists less than 40 certified servers on their state association website. New York lists fewer than 90 on theirs. The states where certification is required by code (like Arizona, where there are over 900 process servers, all certified; or Texas, having over 3,500 certified servers), demonstrate that a mandatory certification requirement will work; and ensures at least a basic level of process serving knowledge is possessed by these certified servers.

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SEWER SERVICE: A CATALYST

– continued from page 6

So, in my humble opinion, I believe that California should explore the possibility of a certification requirement in order to register as a process server, or in order to serve process as an exempt party; including ongoing continuing education requirements like some other states are currently doing. Not only will this raise the quality of our registered process servers and exempt servers, it would also elevate the standards of service of process in CA as a whole. Due process in California would become a greater valued commodity, and process serving professionals would be viewed with higher regard by the public, within the legal and legal support communities, and by the courts. Legislative changes will be required to allow for this to happen, but those engaging in service of process would become more relevant as an integral part of due process. What follows is a brief synopsis of the states that require process servers to pass a test; or offer testing to become certified:

Alaska – Applicants must pass a 50 question written certification Exam with at least a score of 40 correct answers.

Arizona – Applicants must pass a written certification Exam. 10 hours of Continuing Ed. Is required every 12 months.

Arkansas – Process servers are required to have “familiarity with the various documents to be served” per Order No. 20 § (b)(5); for which each judicial district can “prescribe additional qualifications”(i.e. testing).

California – Although not yet required by code, the State Association (CAPPS/CALSPRO) has been certifying process servers since the mid-1980s.

Connecticut – Passing an exam administered by State Marshal Commission with at least an 80% score.

Florida – Submit to an examination testing the applicant’s knowledge of the laws and rules regarding the service of process. The content of the examination and the passing grade thereon, and the frequency and the location at which the examination is offered must be prescribed by the sheriff.

Georgia – A 12 hour pre-certification class, and successful completion of an exam administered by the AOC is required.

Illinois – Training, passing exam and continuing education are required – Sheriffs and Private Detectives only

Michigan – Sate Association (MCODSA) offers 3 certifications: CPS - Process Server, CES - Eviction Specialist, and CCO - Court Officer. Certification is required on an individual court by court basis. 12th Judicial District Court was the first to mandate certification (2005), with additional courts also now requiring certification.



Missouri – St. Louis (only) requires a 5 night training course and passing a written examination administered by the Sheriff of the City of St. Louis.

Montana – Applicants must pass a written examination based on the Handbook for Process Servers. The exam is administered by the Montana State Board of Private Security.

Nevada – Applicants must pass a one hour 50 question written application with 75% or better, and may also be required to pass an oral examination.

New Jersey – Although not required by code, the NJ State Association (NJPPSA) certifies Process Servers who pass their exam. To maintain their certification they must obtain 8 hours of continuing education credits per year.

New York – Although not required by code, the NY State Association (NYSPPSA) certifies Process Servers who pass their exam. To maintain their certification they must obtain 8 hours of continuing education credits biannually.

Texas – Attendance at a 7 hour training course followed by taking and passing a basic competency test is required. 🐶

WWW.CALSPRO.ORG/BLOG/





CALSPRO Members Went To A Happy Place & They Had Fun!



*by Stephanie Sayler
2012 Conference Chairperson*

It was October 2012 and our membership came together at the Sheraton Park in Anaheim. It was another remarkable Conference with plenty of entertainment, education, camaraderie and inspiration to keep our tools sharp, as well as our minds. My heartfelt "thank you" goes out to everyone that made an effort to support each other and our industry. Our speakers were engaging, our vendors shared their wealth of knowledge, and we truly had a cohesive group of industry professionals, friends and families. And our outgoing President, Chad Barger, is even more outgoing than we could've imagined. He can "Wow" a crowd with his amazing voice and on-stage presence. Thank you, Chad, for the personalized entertainment that we all enjoyed very much.

We had ample networking time this year, as we had a free Friday night with a designated

meeting place. We also had a hot breakfast buffet on Sunday morning, which included all family members. I enjoyed this extra time to mingle and re-connect with many of you.

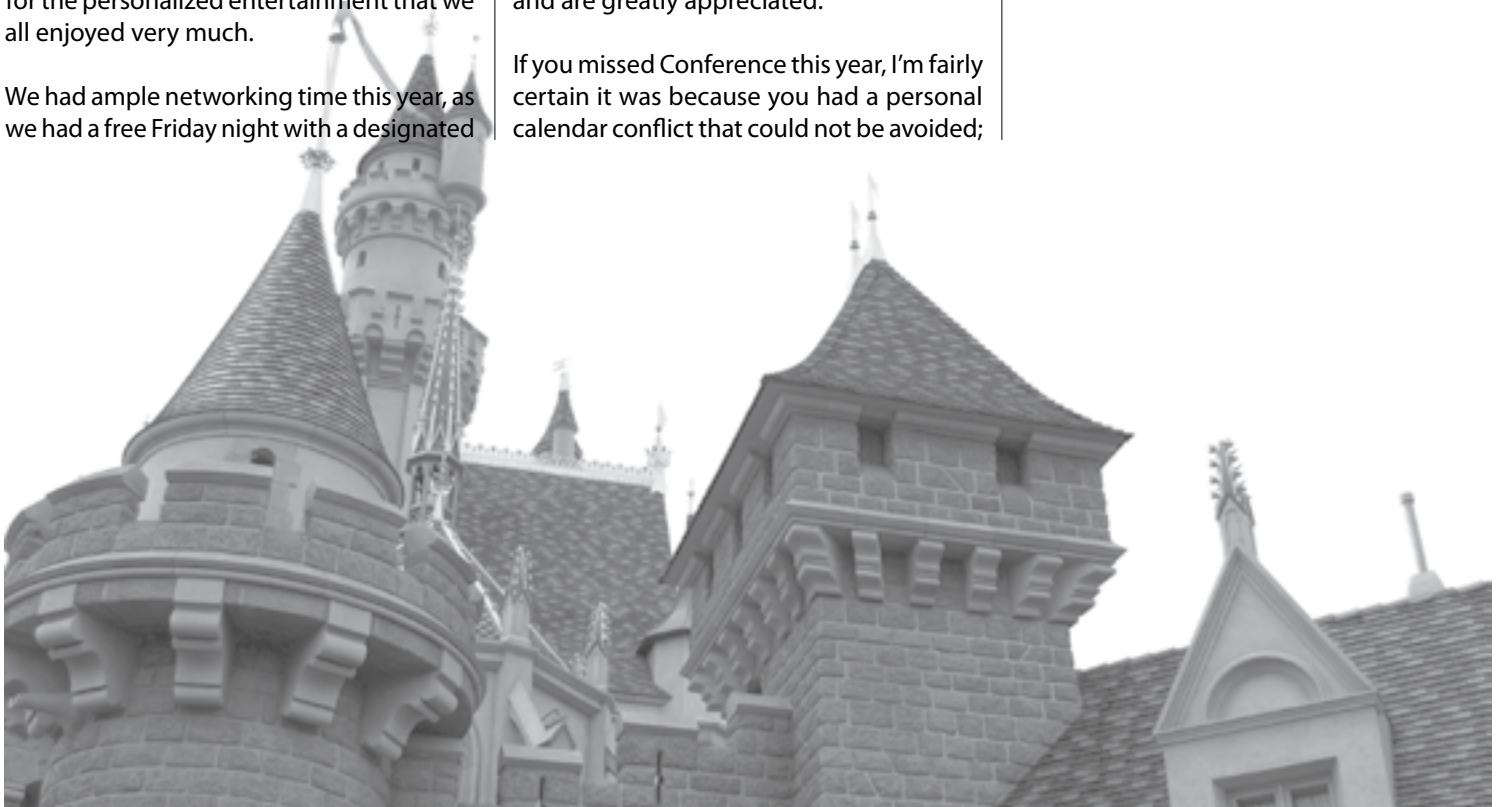
Another "bear hug" thank you to all of our sponsors this year. The generosity of our sponsors amazes and delights me to no end. They not only give financial support, but also caring guidance to our entire membership. Our sponsors provide time, energy, thoughtfulness and gifts. The silent auction items alone raised over \$2,400. There were some fierce bidding wars that let members unleash their competitive spirits! These donations benefit all of us and are greatly appreciated.

If you missed Conference this year, I'm fairly certain it was because you had a personal calendar conflict that could not be avoided;

so please know I will not chastise you for not attending. Missing out is punishment enough, because your fellow industry professionals benefited greatly from experiencing this event.

Put us on your calendar for next year for an earlier conference on October 4-6, 2013 at Harrahs in South Lake Tahoe. You won't regret it, and I look forward to seeing you next year. 🐻

Stephanie Sayler
2012 Conference Chair



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CONFERENCE AWARDS



Congratulations Cliff Jacobs and thank you for your tremendous contributions to CALSPro and the legal support profession!

CALSPro 2012 Member of the Year

by Chad Barger

Each year at conference, the president of CALSPro selects a member who shines above all others to receive the Member of the Year award. We have many great contributors, but one person stood out for me. Cliff Jacobs, an enormous help and a true friend, is our 2012 CALSPro Member of the Year.

Cliff's CAPPs / CALSPro career began in 2004, when he became Area Governor for Los Angeles County. Although not yet a CAPPs member at the time, Cliff knew the importance of the association and wanted to get involved. His CAPPs experience grew through 2005; and in 2006, Cliff became a member of the Association. Cliff worked with the Board as Area Governor Coordinator for the entire State. At the annual conference in 2006, he received the "Rookie of the Year" award. This was just the beginning of even better things to come. At the annual conference in 2007, Cliff was elected to the Board of Directors and appointed as Area Governor Liaison.

In 2008, he was again elected to the Board, and when the Chairman of the Continuing Education Committee had to bow out, Cliff stepped up and became the acting Chairman. At the annual conference in 2009, he received the "Member of the Year" award for the first time. Cliff always took the bull by the horns and reinvented the continuing education program. Cliff called upon his committee of experienced members who began to take a closer look at the CCPS workshop materials and set up a new presentation packet for the day of the events. The CCPS program was offered at many locations throughout the state, where record numbers of people attended. His efforts not only brought forth an even stronger continuing education program; but have continued to generate thousands of dollars of net revenue for the Association. Cliff continues to serve as the chair of the Continuing Education Committee and is our Association's Vice President. 🐾



Congratulations to Mike Belote, this year's recipient of the Bert Rosenthal Memorial Award!

Bert Rosenthal Memorial Award

by Mark Schwartz

Mike Belote is one of the most generous, intelligent and funny people I know. He has served for over 20 years as our advocate, advisor and friend and has done more for this Association, and many of our members, than I could recount in such a small space. It was my honor to present the award to him at the Annual Conference in Anaheim, on October 6th. Thanks for all you have done for us Mike, and congrats!

Footnote: The first Bert Rosenthal Memorial Award was awarded to Bert himself, In Memoriam, in 1978. Bert was one of the founding members of CALSPro and as such, is represented by one of the thirteen diamonds in the pin that Mike received at the Conference. Mike also received the perpetual trophy, which has

every recipient's name inscribed upon it, and has been held by each of them (except Bert and Jack Janney, the only two posthumous recipients), since 1979. Mike will exchange it at next year's Conference for a smaller version so that it can continue to be handed down for years to come. The award plaque on both trophies reads: "Awarded for outstanding and dedicated service toward perpetuation and elevating the photocopy and process serving industries." You can read a bit more about Mike and the other nominees, and see a list of all past recipients, in our blog. 🐾



CELEBRATING OUR 129TH ANNIVERSARY!

by Larry Kirlin

Membership Committee Chairman

Huh? Weren't we founded in the late 60's by a bunch of hippie process servers? Not exactly. To be accurate, we were founded as the California Association of Professional Process Servers (CAPPS) in 1969. I don't think anyone would think of our founders as hippies but I digress...

What happened 129 years ago is that the American Seed Trade Association was formed to promote the mutual benefit of its members, becoming one of the first trade associations in the United States. Seeing the advantage of working with their competitors on certain issues, many other industries also created associations. Today we have over 7,600 national trade associations in the U.S., not including many more at the state and local levels. Through the diligent effort of our founders and the vision of our leaders and board members, CAPPS evolved into the CALSPro we know today. If you compare CALSPro to the behemoths like

the American Bar Association, American Medical Association and Motion Picture Association, we all have the same basic cornerstones: Conference, Education, Legislation & Membership. Had you considered that we are following the same playbook as those giants?

The fact is, shrewd business people see the return on investment of membership. Collaboration and standardization have kept businesses healthy and prosperous for over a century. As this newsletter is being published, our membership drive is beginning. Isn't it time you reach out to your local competitor and encourage them to join CALSPro? Do it for yourself. Do it for your country. Do it for the hippies! 🐸

Get Involved With the Legislative Committee

by Steve Janney, Legislative Chair



I remember thinking as a child "I can't wait to grow up so nobody can tell me what to do." Boy, was I wrong on that assumption! Seems like every time I turn around somebody is telling me what to do. Clients, courts and government agencies all take turns at "telling me what to do." One of the great legacies of CALSPro is our Legislative Cornerstone. While we can't always control what our clients ask of us and we have to tow the line with many rules and regulations as business owners we can influence, through our legislative efforts, what the courts and government require. CALSPro has a proud history of both proactive and reactive legislative victories. This is our opportunity to be the one calling

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the shots. Our Legislative Committee for 2012-13 consists of myself as chairman, Chad Barger as co-chairman, Michael Kern, Cliff Jacobs and Mike Hylan. And here's more good news: Every member can also play a part and be proactive in the process. Here's some ways to contribute:

1. Read your local newspapers for articles regarding courts and process serving. It is important for your Legislative Committee to know what is being written about our profession and to respond appropriately as an association. When you find an article forward it to me.
2. Keep us apprised of changes of local rules and policies in your courts. While a change of hours or how a document is filed may seem insignificant at the local level, it may have important ramifications at a state level. Please notify me of these types of changes.

3. Do not be hesitant to make legislative suggestions. While every suggestion will not be implemented for a variety of reasons, I can guarantee it will be discussed. The five members of our committee do not have "corner" on legislative ideas.

4. Attend a CALSPro Board meeting and the Legislative Committee meeting that is a part of the agenda. Our first board meeting is December 8 in San Jose. We will discuss the legislative goals for 2013 in light of the recent elections and make-up of the new legislature. This meeting is open to all and I encourage you to attend.

If you have an idea, find an article or just want to discuss legislation, I invite you to contact me. Email: steve@janneyandjanney.com. Telephone: (213) 628-6338. Become an active participant in your Legislative Committee and have a voice in what you are being told to do! 🐾

PRESIDENT'S MESSAGE
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our membership in CALSPro we invest in the premise that we are stronger and more successful when we are working together to meet our goals. I look forward to working this year as your President. I believe we will continue to move in the right direction, and I plan on another great year. I wish you all happy holidays and a healthy & prosperous 2013. 🐾



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Each issue, Continuing Education will provide a relevant case law cite to use as a resource:

Trujillo vs. Trujillo (71 Ca. App. 2d 257)

In this case an evader got into his car and rolled up the windows. The server placed the papers under the windshield wiper in front of the driver. The driver drove off and the papers blew off the car. The court held that a good personal service had occurred because the defendant knew he was being served, and had a reasonable opportunity to get the papers.



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TECHNOLOGY COMMITTEE REPORT

by Kraig Vorsatz, Technology Committee Chair



“In the Field” Technology

Having a smart phone, lap top, or tablet in our normal use of business these days can really help us to be organized, responsible, and ultimately more successful. Many of us move around to different locations throughout the day; and use our mobile devices to pass along information on to our clients and the people we work with. Whether Smartphone, Laptop or Tablet is used in the field, most people are probably using what they are most comfortable or familiar with; which may or may not be the best tool providing optimal effectiveness. By removing what you are used to from the equation, and by looking at these three mobile options from an objective viewpoint you may discover that what you are currently using may not be the best for your needs. Cost, ease of use, versatility and effectiveness all need to be considered to reach the conclusion of which will be best for you. What follows is a comparison of the current and emerging devices that you may find useful.

The laptop as you may have already heard is undergoing a dramatic change. A new Windows 8 hybrid laptop equipped with touch screens, that flip, fold and function as either a laptop or tablet has arrived!! These hybrids are laptops trying to be more like tablets, tablets trying to be more like laptops to offer the best of both worlds; the fun of an Ipad and the productivity of a laptop. This has been described as a strange beast having two screens, one on the outside which is a touch screen and one on the inside which is not. Depending on the manufacturer and how many bells and whistles you'd like, the price ranges from \$599-\$1599. How good is this new device? The verdict is still out as it is barely reaching the marketplace, but stay tuned for future updates.

As with most things, there are disadvantages and advantages with using any of the available devices, whether smart phone, laptop, tablet, or netbook; with each fighting for technological reign in the market. Below are some thoughts and ratings inspired by an article from PC World comparing laptop vs. netbook vs. smartphone:

Generally speaking, consideration should focus on creation and viewing documents, spreadsheets, multimedia presentations, outward and inward facing communication and your commitment to IT resources depending on your level of customization.

Laptops have high resolution and can also have large screens to view wider spreadsheets. They typically will be able to accommodate multitasking quickly and efficiently based on a having a larger keyboard, ample RAM and high powered CPUs. Of all the devices being considered, a good quality laptop will carry a much higher price tag than the other devices, and if you travel extensively, the weight could be a drawback. When you need a tool to handle larger, more complex functions fast and efficiently the laptop is a great choice.

Netbooks are much lighter and less costly, but offer much smaller viewing area and a smaller, crowded and clumsier keyboard. Also, limitations of CPU and RAM make larger projects slower and more difficult to manage. If your field work requires less complex tasks and simpler communication the netbook may be right for you.

Smartphones are light, portable, fun, easy to use for calling, texting, emailing, scheduling and web surfing. They can download and use many convenient

apps; however, document or spreadsheet creation and management, as well as making modifications are extremely difficult and unfeasible. For fast and efficient communication, scheduling and basic web surfing this is a good choice; however, for any type of document or spreadsheet management a netbook or laptop will be a better choice.

There is currently an emerging technological hybrid of sorts coming into prominence. The “Tablet” is quickly evolving into the tool of choice for many, due to its combining the best qualities of the Netbook and Smartphone. Current dominance of the market is held by Apple’s I-Pad; however, many other tech providers are now making a strong foray into the tablet market utilizing Android as their operating system. Although not nearly as robust as a laptop, the tablet could develop into the “must have” of the future.

We will continue to follow these technologies as they evolve, and report on other products as well to help you and your business prosper now and in the future. The holidays are upon us, so it is the perfect time to look for special sales and discounts on those products that will give you the edge; and we hope this article will help you make a great decision on your next purchase! Best wishes for safe and happy holidays. 🐾



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