

## PARKS, CHESIN &amp; WALBERT, P.C.

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July 30, 2013

**By Fax (770-477-4596) and U.S. Mail**Victor Hill, Sheriff  
Clayton County Georgia  
9157 Tara Boulevard  
Jonesboro, Ga. 30236**Re: Legal Claims Of Certified Process Server Candidates**

Dear Sheriff Hill:

This law firm has been retained to represent a number of persons who requested your office certify them as process servers, pursuant to O.C.G.A. §9-11-4.1.

At present, you have directed your office to refuse to accept and act on applications for certification as a private process server. This is contrary to the obligations imposed on you by O.C.G.A. §9-11-4.1(b)(2). That code section provides as follows:

A sheriff of any county of this state shall review the application, test score, criminal record check, and such other information or documentation as required by that sheriff and determine whether the applicant shall be approved for certification and authorized to act as a process server in this state.

The plain language of the statute creates a non-discretionary duty to receive, consider, and act upon applications for process server certification. In short, you are legally required to perform these functions. Should you continue to refuse to comply, we will be forced to seek compliance via Petition for Mandamus.

My clients prefer to avoid litigation over this matter, but, absent your immediate agreement to comply with the requirements §9-11-4.1(b)(2), we will be left no choice but to file a Petition for Mandamus on Monday, August 5, 2013, if we have not reached agreement with respect to a working certification process in Clayton County before that time.

Please advise me of your position.

Very truly yours,



A. Lee Parks

ALP:kt

cc: *Via Email:*  
Deborah A. Duchon, President  
Ga. Assn of Professional Process Servers  
Harlan S. Miller, Esq.