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**JUDICIAL BRANCH CERTIFICATION COMMISSION
MINUTES OF THE MEETING**

Third Court of Appeals
Price Daniel Sr. Building
209 W. 14th Street, Room 101
Austin, Texas 78701
Friday, May 1, 2015
(10:00 a.m. Until Adjournment)

The meeting of the Judicial Branch Certification Commission (JBCC or Commission) was called to order by Judge Lee Hamilton, Chair, at 10:00 a.m., Friday, May 1, 2015. Members present were Judge Lee Hamilton, Chair; Judge Ben Woodward; Judge Migdalia Lopez; Judge Sid Harle; Judge Polly Spencer; Velma Arellano; Mark Blenden; Don Ford; and Ann Murray Moore.

Staff members present were Jeff Rinard, Certification Division Director; Scott Gibson, JBCC General Counsel; Michele Henricks, Compliance Manager; Lesley Ondrechen, Licensing Manager; Tyees Holcombe, Judicial Regulatory Assistant; Chris Nelson, Licensing Specialist; Veena Mohan, Assistant Attorney General; and David Slayton, OCA Administrative Director.

Agenda Item III, Opening Remarks.

Judge Lee Hamilton, Chair, gave opening remarks. Jeff Rinard, Certification Division Director gave a status update on the JBCC and Certification Division. Mr. Rinard introduced advisory board members Melissa Fisher, Jamie MacLean and Justiss Rasberry. David Slayton briefly addressed the Commission.

Agenda Item IV, Approval of Prior Meeting Minutes.

November 21, 2014 and January 23, 2015 minutes were approved.

CLOSED MEETING

Agenda Item V, Consult with legal counsel on contemplated litigation.

The Commission went into closed session at 11:23 a.m., and reconvened in open session at 11:58 a.m. Commission members consulted with JBCC General Counsel and counsel from the Office of the Attorney General.

OPEN MEETING

Upon proper motion and second, the Commission directed counsel to prepare and send a response regarding contemplated litigation

Agenda Item VI, Reporting Requirements & Noncompliance with Final Order.

A. In the Matter of Helen Wooten, Cause No.12-5447-43.

Respondent Helen Wooten joined the meeting by telephone conference call, and testified before the Commission on this matter. The Commission did not adopt the recommendation for revocation of Ms. Wooten's certification for a period of two years from the date of final order.

After discussion, upon proper motion and second, the Commission voted to suspend Respondent's certification for 12 months or until all outstanding records are completed by the court's deadline, whichever is longer; to prohibit Respondent from working on matters other than those she reported prior to May 1, 2015 during the term of suspension; to require Respondent to give two weeks' notice of resignation to her judge no later than May 4, 2015; to apply for reinstatement in writing; and for staff to distribute copies of the compliance order to clerks of all district courts and courts of appeals in Texas.

Agenda Item VII, Approval of Determination for Disciplinary Action by JBCC and Issuance of Final Order – complaints considered by JBCC on January 23, 2015. Items A through D below were issued as default orders.

Court Reporters:

A. In the Matter of Gay Richey, Cause No. 14-7260-20.

Upon proper motion and second, the Commission voted to impose a private reprimand.

B. In the Matter of Breann Hays, Cause No. 14-4211-29.

Upon proper motion and second, the Commission voted to impose a private reprimand.

Process Servers:

C. In the Matter of Wanda Dowlearn, Cause No. CPS-15-04802-002.

Upon proper motion and second, the Commission voted to issue a letter of reprimand, with comment as set forth in the Notice of Determination letter provided to Ms. Dowlearn.

D. In the Matter of William Richardson, Cause No. CPS-15-02055-012.

Upon proper motion and second, the Commission voted to refuse to renew Mr. Richardson's certification to serve process statewide, which expired on April 30, 2015, for a period of one year from the date of the final order. Should he apply for a new certification, Mr. Richardson must complete the initial certification requirements.

E. In the Matter of Jason Lightner, Cause No. PS2014-0004 – continued from January 23, 2015.

Veena Mohan, Assistant Attorney General, advised the Commission that Mr. Lightner had accepted a proposed settlement by letter agreement. Upon proper

motion and second, the Commission voted to refuse to renew Mr. Lightner's certification to serve process statewide, which expired on March 31, 2015, for a period of one year from the date of the final order. Should he apply for a new certification, Mr. Lightner must complete the initial certification requirements.

Agenda VIII, Complaints – Review Committee Recommendations to Dismiss.

Court Reporter Complaint Review Committee – considered on April 1, 2015. Robin Cooksey, representing the Complaint Review Committee of the Court Reporter Certification Advisory Board, had no comment. Upon proper motion and second, the following matters were dismissed:

B. In the Matter of Jennifer Hunter, Cause No. CSR-15-06745-019

D. In the Matter of Meanette Salgado, Cause No. CSR-15-4210-026

E. In the Matter of Ruthye Cox, Cause No. CSR-15-06883-027

F. In the Matter of Lisabeth Kellett, Cause No. CSR-15-04416-028

A. In the Matter of Laura Bailey, Cause No. CSR-15-04475-016

Complainant Helen Mayfield was sworn and testified before the Commission on this matter. Upon proper motion and second, the Commission voted to dismiss the complaint, with comment on communication regarding requests for transcripts.

C. In the Matter of Diana Vargas, Cause No. CSR-15-05872-022

Upon proper motion and second, the Commission voted to dismiss the complaint, with comment on clarification regarding items actually requested in future transcript orders.

The Commission recessed at 11:00 a.m., and reconvened at 11:14 a.m.

Process Servers Complaint Review Committee – considered on April 6, 2015. Justiss Rasberry, representing the Complaint Review Committee of the Process Server Certification Advisory Board, had no comment. Upon proper motion and second, the following items were dismissed:

I. In the Matter of Gerard Hudspeth, Cause No. CPS-15-10812-020

J. In the Matter of John Holiday, Cause No. CPS-15-08367-023

K. In the Matter of Debra Aldape, Cause No. CPS-15-05183-040

The following complaints were continued from the January 23, 2015 Commission meeting for further investigation:

G. In the Matter of Brandon Gipson, Cause No. PS2014-0025

H. In the Matter of Brandon Gipson, Cause No. CPS-15-09714-006

Both Respondent and Complainant stated their intention to provide additional materials, but neither did so. Lacking any new information, upon proper motion and second, the Commission voted to adopt the Committee's recommendation

and the matters were dismissed.

Agenda Item IX, Complaints – Review Committee Recommendations for Disciplinary Action.

Upon proper motion and second, the Commission accepted the committee recommendations for disciplinary action in the following matter:

Court Reporters Certification Complaint Review Committee – considered on April 1, 2015:

A. In the Matter of William Felix Thompson, Cause No. CSR-15-01076-024
The Commission imposed a public reprimand, and required Mr. Thompson to complete an additional five hours of continuing education in rules and ethics. Continuing education requirements must be completed before the Respondent's renewal date of December 31, 2016.

Process Servers Complaint Review Committee – considered on April 6, 2015:

B. In the Matter of Vincent Zubras, Jr., Cause No. CPS-15-06091-025
Respondent's attorney participated by telephone conference call. Ms. Mohan advised the Commission that Respondent had presented a new legal argument. Upon proper motion and second, the Commission voted to refer the complaint back to the Process Server Complaint Review Committee for further review.

Agenda X, Administrative Matters Relating to the JBCC.

A. Proposed Process Server Certification Code of Conduct.

Pat Dyer, Chair of the Process Server Certification Advisory Board, joined the meeting by conference call. He reviewed the comments received during the thirty day comment period. After discussion, an amendment was made to Section 4 of the proposed Code. Upon proper motion and second, the Commission voted to adopt the Code as amended.

B. Proposed Process Server Curriculum and Examination.

Upon proper motion and second, the Commission voted to approve the curriculum as amended, to be effective September 1, 2015, and to give the advisory board the authority to begin developing an exam for process servers' initial certification.

The Commission recessed at 1:17 p.m. and reconvened at 1:26 p.m.

C. Proposed Licensed Court Interpreter Code of Ethics.

Melissa Fischer, representing the Licensed Court Interpreters Advisory Board, briefly addressed the Commission regarding Canon 3 of the proposed Code of Ethics and Professional Responsibility. Upon proper motion and second, the Commission voted to publish the proposed Code for a thirty-day public comment period.

D. Proposed Guardianship Certification Code of Ethics.

Upon proper motion and second, the Commission voted to publish the proposed Code of Ethics and Professional Standards for Guardianship Services for a thirty-day public comment period.

E. Status Update on Proposed Court Reporter Code of Professional Conduct.

Mr. Rinard informed the Commission that the Code is currently being re-formatted and re-renumbered. It will be reviewed by the Court Reporters Advisory Board at its next meeting.

F. Statistics on Guardianship Annual Reporting to the JBCC.

Mr. Rinard presented a summary of information reported by county clerks, private professional guardians, guardianship programs and the Department of Aging and Disability Services for calendar year 2014.

G. Selection of Alternate Complaint Review Committee Members.

Upon proper motion and second, the Commission voted to authorize Mr. Rinard to appoint an alternate member to a Complaint Review Committee if a member has a conflict.

H. JBCC Meeting Dates.

The next meeting is scheduled on August 7, 2015.

Upon proper motion and second, the Commission voted to accept the proposed meeting dates for fiscal year 2016: October 30, 2015; February 5, 2016; May 6, 2016; and August 5, 2016.

Agenda XI, Request for Reconsideration of a Denial of a Request for Endorsement to be a Certified Court Reporter in Texas.

Upon proper motion and second, the Commission voted to follow the recommendation of the Advisory Board to deny Lisa Blanks' request for reconsideration.

Agenda Item XII, Public Comment.

Public comment was received from Helen Mayfield.

Agenda Item XIII, Report from Chair.

The Chair expressed his appreciation to the JBCC staff for their conscientiousness and competence.

Agenda Item XIV, Adjournment.

The meeting was adjourned at 1:45 p.m.

JUDICIAL BRANCH CERTIFICATION COMMISSION
Minutes of the Meeting

May 1, 2015



Judge Lee Hamilton, Chair

8-7-15
Date