

JUDICIAL BRANCH CERTIFICATION COMMISSION MINUTES OF THE MEETING

(Virtual Meeting Conducted by Zoom)
205 W. 14th Street
Austin, Texas 78701
Friday, February 4, 2022
(10:00 a.m. Until Adjournment)

The meeting of the Judicial Branch Certification Commission (JBCC or Commission) was called to order by Judge Sid Harle, Chair, at 10:02 a.m., Friday, February 4, 2022. Members in attendance were Judge Sid Harle; Judge Polly Spencer; Judge Victor Villarreal; Velma Arellano; Don Ford; Ann Murray Moore; and Mark Blenden. Judge William Sowder and Judge Glen Harrison were not present.

Staff members in attendance were Jeff Rinard, EPRS Director; Scott Gibson, JBCC General Counsel; Michele Henricks, Deputy Director of Regulatory Services; Sheryl Jones, Licensing Manager; Melinda Saucedo, Investigator; Tyees Holcombe, Judicial Regulatory Assistant; Rachel Davis, Legal Assistant; and Veena Mohan, Assistant Attorney General.

Complaint review committee members in attendance were Molly Pela, Court Reporters Complaint Review Committee; Jamie MacLean and Judge Gladys Burwell, Guardians Complaint Review Committee.

Agenda Item III. Opening Remarks

Judge Harle welcomed everyone to the meeting and thanked Judge Sowder for stepping in as chair during the last meeting.

Jeff Rinard, EPRS director, thanked the Commission members for their service and the JBCC staff for their hard work. Mr. Rinard introduced Megan LaVoie, Administrative Director for the Office of Court Administration (OCA) and the Executive Director of the Texas Judicial Council. Ms. LaVoie was previously the Director of Public Affairs and Special Counsel at OCA. Ms. LaVoie introduced herself, and noted she was appointed in December. Ms. LaVoie stated the JBCC runs very well, and she will step in when needed.

Agenda Item IV. Approval of Prior Meeting Minutes

The November 5, 2021 minutes were approved.

Assistant Attorney General Veena Mohan presented agenda items V, VI, VII and VIII.

Agenda Item V. Approval of JBCC Disciplinary Action, by Default, and Issuance of Final Order from Complaints

Court Reporters Certification

- A. In the Matter of LaToya Young, Cause No. 0282
Sanction: Reprimand and order to complete 2.5 hours in Rules and Ethics within 1 year after the date of the Final Order. The continuing education requirement is in addition to continuing education required for renewal of court reporter certification.

Guardianship Certification

- B. In the In the Matter of Kyla Baker, Cause No. 0306
C. In the Matter of Trilogy Guardian Services, Cause No. 0314
D. In the Matter of Kyla Baker, Cause No. 0307
E. In the Matter of Trilogy Guardian Services, Cause No. 0315
F. In the Matter of Kyla Baker, Cause No. 0308
G. In the Matter of Trilogy Guardian Services, Cause No. 0316
H. In the Matter of Kyla Baker, Cause No. 0312
I. In the Matter of Trilogy Guardian Services, Cause No. 0320
J. In the Matter of Kyla Baker, Cause No. 0313
K. In the Matter of Trilogy Guardian Services, Cause No. 0321
L. In the Matter of Kyla Baker, Cause No. 0309
M. In the Matter of Trilogy Guardian Services, Cause No. 0317
N. In the Matter of Kyla Baker, Cause No. 0310
O. In the Matter of Trilogy Guardian Services, Cause No. 0318
P. In the Matter of Kyla Baker, Cause No. 0311
Q. In the Matter of Trilogy Guardian Services, Cause No. 0319
R. In the Matter of Trilogy Guardian Services, Cause No. 0329
S. In the Matter of Kyla Baker, Cause No. 0330
T. In the Matter of Trilogy Guardian Services, Cause No. 0331
- Sanctions for the matters of Kyla Baker: Extend the 10-year revocation period effective February 25, 2021, for Cause No. 0261, for another 10 years for a total of 20 years. The Commission also assesses a total administrative penalty of \$7,450 for 28 total rule violations due within one year after the date of the Final Order.
 - Sanctions for the matters of Trilogy Guardian Services: Do not renew the guardianship program registration for a period of 10 years. Assess a total administrative penalty of \$10,950 for 35 total rule violations due within one year after the date of the Final Order.

Agenda Item VI. Advisory Board Complaint Review Committee & Staff Recommendations to Dismiss Complaints

Upon proper motion and second, the Commission voted to dismiss the following

complaints:

Process Servers Certification

- A. In the Matter of Joe Gandara, Cause No. 0234
- B. In the Matter of Lucious Buggs IV, Cause No. 0239

Court Reporters Certification

- C. In the Matter of Terry Spangler, Cause No. 0278

Guardianship Certification

- D. In the Matter of Phillip Walker, Cause No. 0281
Judge Polly Spencer recused
- E. In the Matter of Lindsay Howell, Cause No. 0284
- F. In the Matter of Samantha Webster, Cause No. 0290
- G. In the Matter of Sarah Haugen, Cause No. 0297
- H. In the Matter of Alexis Haden, Cause No. 0328

Agenda Item VII. Administrative Dismissals of Complaints

Upon proper motion and second, the Commission ratified administrative dismissal of the following complaints:

Process Servers Certification

- A. In the Matter of Cause No. 0248
- B. In the Matter of Cause No. 0253
- C. In the Matter of Cause No. 0408

Court Reporters Certification

- D. In the Matter of Cause No. 0390
- E. In the Matter of Cause No. 0394

Guardianship Certification

- F. In the Matter of Cause No. 0334
- G. In the Matter of Cause No. 0367
- H. In the Matter of Cause No. 0395

Agenda Item VIII. Request for Reconsideration on Administrative Dismissal of Complaints

Upon proper motion and second, the Commission affirmed its previous decision to ratify administrative dismissal of the following complaints:

Court Reporters Certification

- A. In the Matter of Cause No. 0379
- B. In the Matter of Cause No. 0380
- C. In the Matter of Cause No. 0389

Agenda Item IX. Administrative Matters Relating to the JBCC

Jeff Rinard, EPRS Director, gave an update on the following agenda items:

- A. Update on Court Reporter Reciprocity Outreach
In the past year, the JBCC has been attempting to establish reciprocity agreements with other states. California rejected a proposed agreement due to issues with the exams. JBCC sent out requests to 31 states and is currently working with 5 states that have shown interest in reciprocity (Iowa, Mississippi, New Jersey, New Mexico, Oklahoma).
- B. Update on JBCC Examinations
 1. LCI and Guardian Online Written Exams
Both exams are now administered online. The LCI exam will start the week of February 7th, and the Guardian exam will be conducted in April. The examinees will be able to complete the exam on their own device with JBCC security measures in place. JBCC is working with BlackBoard and Sam Houston State University to put this in place. The examinee will apply for the exam, meet the qualifications, and then will receive a timeframe of 3 – 4 hours to take the exam. The security measures in place for examinees are as follows: a webcam check is completed by examinees showing what is in the room; they must download the testing application, which takes over the computer for the test and the examinee is unable to do anything else; and BlackBoard takes pictures of the examinee throughout the exam. If the examinee is found not to be taking the exam, it will be brought to the attention of JBCC staff. Scoring is done immediately. All future exams that JBCC administers will be online except for the LCI oral exam.
 2. Guardianship Written Examinations
The JBCC plans to work with the Guardians Advisory Board and other subject matter experts (SME) to re-write some of the questions on the exams. It has been a few years since the questions have been updated. The JBCC wants to update questions with the registration and the changes to the state's code that have happened in the past few legislative sessions. The JBCC is working with the Advisory Board to form a work group and Commissioners Judge Polly Spencer and Don Ford are invited to participate. JBCC staff will do an initial review to take back to the SME group for feedback. The JBCC is also discussing security for the exam as it relates to examinees sharing questions.
 3. LCI Oral Exam Administered in El Paso, Texas

During the last legislative session, a bill was passed to administer exams in El Paso. 4 JBCC staff members traveled to El Paso to administer the exam to 11 examinees. The JBCC is uncertain if administration of exams like this will be continued due to the expense. However, the JBCC continues to reach out to different parts of the state.

- C. Update on Guardianship Program and Guardianship Registrations
JBCC has become the centralized unit for guardianship matters in the state and is working hard to work with certified guardians. Auditors need to remain unbiased and independent, and the JBCC works hard to maintain that. The JBCC is going to start conducting financial reviews and has been working with counties. In Travis County, the JBCC has been working with Judge Herman to have visiting statute or probate court judges go out on matters that are complicated and that county judges cannot handle; specifically, small counties that have large estates. The JBCC sends auditors out to assist the judge and identify problems.
- D. JBCC Meeting Dates
1. Next JBCC Meeting – Friday, May 6, 2022

Agenda Item X. Public Comment

The following individuals provided public comment:

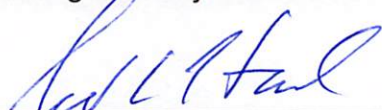
- Sonia Trevino

Agenda Item XI. Closing Remarks

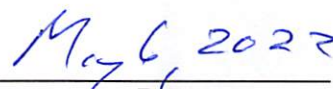
Judge Harle thanked everyone for attending the meeting and commended the JBCC staff for the work they put into the Commission meetings. Judge Harle also thanked Mr. Rinard for his hard work and dedication.

Agenda Item XII. Adjournment

The meeting was adjourned at 11:24 am.



Judge Sid Harle, Chair



Date