

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

First Floor Conference Room
Tom C. Clark Building
205 W. 14th Street
Austin, Texas 78701
Friday, February 3, 2023
(10:00 a.m. Until Adjournment)

The meeting of the Judicial Branch Certification Commission (Commission) was called to order by Judge Sid Harle, Chair, at 10:01 a.m., Friday, February 3, 2023. Members in attendance were Judge Sid Harle; Judge William Sowder; Judge Polly Spencer; Judge Victor Villarreal; Judge Glen Harrison; Velma Arellano; and Mark Blenden. Ann Murray Moore and Don Ford were present via Zoom.

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

Complaint review committee member in attendance was Justiss Rasberry, Process Servers Complaint Review Committee.

Agenda Item III. Opening Remarks

Judge Harle thanked everyone for being at the meeting. Judge Harle thanked Judge Sowder for chairing the previous meeting while he was in trial. Judge Harle noted he was reappointed for another term and was looking forward to working with everyone, and congratulated the other Commission members who were reappointed to the Commission.

Jeff Rinard, EPRS director, thanked the staff for their hard work and the Commission members for their service.

Agenda Item IV. Approval of Prior Meeting Minutes

The November 4, 2022 minutes were approved.

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

Agenda Item V. Approval of Commission Disciplinary Action, by Default, and Issuance of Final Order

Process Servers Certification

A. In the Matter of Mousa Ramadan, Cause No. 0275

Sanction: Reprimand, suspension of certification for six months, and order Respondent to complete the seven-hour precertification civil process service education course approved by the Commission, within six months after the date of the Final Order. The continuing education requirement is in addition to continuing education required for renewal of process server certification. An administrative penalty of \$500 is assessed for each violation for a total of \$1000, due within six months after the date of the Final Order.

B. In the Matter of Greg Allen, Cause No. 0291

Sanction: Reprimand and order Respondent to complete the seven-hour precertification civil process service education course approved by the Commission, within six months after the date of the Final Order. The continuing education requirement is in addition to continuing education required for renewal of process server certification. An administrative penalty of \$500 is assessed for each violation for a total of \$1000, due within six months after the date of the Final Order.

Agenda Item VI. Approval of Agreed Final Orders – Acceptance by Respondent of Penalty or Sanction

Guardianship Certification

A. In the Matter of Nicole Clarke-Smith, Cause No. 0365

Sanction: Reprimand and assess an administrative penalty in the total amount of \$1,000 for 2 violations of rules at \$500 each, due within 1 year after the date of the Final Order.

Process Servers Certification

B. In the Matter of Morgan Durrett, Cause No. 0285

Sanction: Reprimand and assess an administrative penalty of \$500 for each violation for a total of \$1000, due within six months after the date of the Final Order.

Agenda Item VII. Advisory Board Complaint Review Committee Recommendations to Dismiss Complaints

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

Process Servers Certification

October 6, 2022 Committee meeting

A. In the Matter of Johnnie Robinson, Cause No. 0274

B. In the Matter of Lakeysha Smith, Cause No. 0294

December 15, 2022 Committee meeting

C. In the Matter of Casey Littlejohn, Cause No. 0292

D. In the Matter of David Bush, Cause No. 0303

E. In the Matter of Chris Green, Cause No. 0304

F. In the Matter of Jason Whiddon, Cause No. 0323

Agenda Item VIII. Administrative Dismissal 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. 0356

B. In the Matter of Cause No. 0444

C. In the Matter of Cause No. 0506

D. In the Matter of Cause No. 0520

Court Reporters Certification

E. In the Matter of Cause No. 0504

F. In the Matter of Cause No. 0511

G. In the matter of Cause No. 0512

H. In the Matter of Cause No. 0514

I. In the Matter of Cause No. 0517

J. In the Matter of Cause No. 0508

K. In the Matter of Cause No. 0524

Guardianship Certification

L. In the Matter of Cause No. 0432

M. In the Matter of Cause No. 0446

N. In the Matter of Cause No. 0447

O. In the Matter of Cause No. 0503

Guardianship Program

P. In the Matter of Cause No. 0502

Non-Jurisdictional

Q. In the Matter of Cause No. 0501

R. In the Matter of Cause No. 0510

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

Upon proper motion and second, the Commission voted to affirm its previous

decision to ratify administrative dismissal of the following complaints:

Court Reporters Certification

- A. In the Matter of Cause No. 0401
- B. In the Matter of Cause No. 0424

Agenda Item X. Voluntary Surrender of Certification – Beverly Dixon, CSR

Upon proper motion and second, the Commission accepted the voluntary surrender of the court reporter certification for Beverly Dixon.

Agenda Item XI. Administrative Matters Relating to the Commission

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

- A. Pending Litigation – Holmgren and Preferred Legal Services, Inc. v. JBCC, Storycloud et. al. – The Commission did not meet in Closed Session as there were no updates.
- B. Supreme Court Appointments to the Commission and Advisory Boards
New appointments are as follows:
 1. Judge Catherine Torres-Stahl, Chair, Court Reporters Certification Advisory Board
 2. Mellony Ariail, Court Reporters Certification Advisory Board
 3. Dan Brouillette, Process Servers Advisory Board
 4. Leonard James, Guardianship Certification Advisory Board
- C. Appointment of committee members for the Complaint Review Committees
Upon proper motion and second, the Commission appointed Mellony Ariail, Dan Brouillette, and Leonard James to their respective Complaint Review Committees and reappointed the existing Complaint Review Committee members for another term.
- D. Uniform Format Manual Revisions
The Commission approved the Uniform Format Manual (UFM) revisions at the previous Commission meeting. Commission staff expects to submit the UFM revisions to the Supreme Court within the next two weeks for their adoption. Mr. Rinard expects the UFM revisions to be approved in February or March.
- E. Update to Commission's Open Meeting Policy
Upon proper motion and second, the Commission adopted the following amendments to the Open Meeting Policy:
 1. Repeals the requirement that remote meetings must include a posting of a physical location.
 2. Requires witnesses appearing remotely to disclose presence of other people in the room.
 3. Prohibits written communication during testimony.
 4. Prohibits members of the Commission, Advisory Boards, and

Complaint Review Committees from conducting off the record communications via text, email, or otherwise

5. Restricts deliberation of unposted subjects raised during public comment. Members of the Commission, Advisory Boards, and Complaint Review Committees may only answer policy questions and deliberations are limited to adding the subjects to a later agenda.
- F. Update on Complaint Penalty Matrix
Mr. Rinard noted there have been previous discussions to create a penalty matrix to streamline and create consistency with penalties and sanctions for the Complaint Review Committees. This is also a recommendation from the Sunset Advisory Commission. Commission staff are planning to develop a penalty matrix for the Court Reporters with the assistance of the Court Reporters Certification Advisory Board. The penalty matrix will list all the penalties or sanctions that are possible. However, the Complaint Review Committee is not bound by the matrix, as it's on a case-by-case basis; Commission staff would like consistency when recommendations are made to the committees.
- G. Update on Alternative Dispute Resolution
Commission staff has noted a complaint backlog has developed. The Commission rules allow for Alternative Dispute Resolution. Commission staff intends to use this in cases where the respondent admits to the rule violation, or staff has enough evidence to enter in a settlement. This would bypass the Complaint Review Committee and go directly to the Commission upon settlement. Mr. Rinard can initiate the settlement, or the parties can. There is no cost to the Commission.
- H. Guardianship Abuse, Fraud, and Exploitation Deterrence Program (GAFEDP) Annual Report 2022
Handouts were provided.
- I. Commission Meeting Dates
1. Next Commission Meeting – Friday, May 5, 2023

Agenda Item XII. Public Comment

The following individuals provided public comment:

- Pasqual Perez

Agenda Item XIII. Closing Remarks

Judge Harle thanked everyone for their attendance and appreciated everyone's attendance.

Agenda Item XIV. Adjournment

The meeting was adjourned at 11:02a.m.



Judge Sid Harle, Chair

May 8 2023

Date