

Process Servers

Sanction Matrix

Under Texas Government Code Section 153.004, the Judicial Branch Certification Commission (Commission) may reprimand, deny, revoke, suspend, or refuse to renew a certification, registration, or license of a regulated persons, including certified process servers, for a violation of applicable statutes, rules, and ethical standards, and/or orders issued by the director or Commission. The Commission may place on probation a person whose certification, registration, or license is suspended and may require the person: (1) report regularly to the Commission on matters that are the basis of the probation; (2) limit practice to areas prescribed by the Commission; or (3) continue or review professional education until the person attains a degree of skill satisfactory to the Commission in those areas that are the basis for the probation. Per Texas Government Code Sections 153.051-.052, the Commission is also authorized to issue administrative penalties for such violations in the maximum amount of \$500. Each day a violation continues or occurs is a separate violation for purposes of imposing an administrative penalty.

The Sanctions Matrix provides general guidelines for the Process Server Complaint Review Committee (Committee) and the Commission for imposing sanctions and administrative penalties. The Commission and the Committee are not bound by the sanctions specified in this Sanctions Matrix. Upon a finding of mitigating or aggravating facts or circumstances, the Commission and Committee may deviate from these guidelines.

The sanction and/or administrative penalty may be based on:

- The seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;
- The threat to health or safety caused by the violation;
- Any previous violations;
- The amount necessary to deter a future violation;
- Whether the violator demonstrated good faith, including, when applicable, whether the violator made good faith efforts to correct the violation; and
- Any other matter that justice requires.

Violation	Section	Suggested Sanction
Failing to treat everyone with respect while serving process	<i>Respect</i> Code of Ethics 1	Reprimand
Failing to provide an accurate return of service or report of service as to all documents served	<i>Accurate Returns; Honesty</i> Code of Ethics 2(a)	Reprimand and complete 7-hour precertification civil process service education course
Signing, submitting, or filing any document that is false or misleading	<i>Accurate Returns; Honesty</i> Code of Ethics 2(b)	Permanent revocation and \$500 administrative penalty
Failing to be candid and truthful concerning all process service matters	<i>Accurate Returns; Honesty</i> Code of Ethics 2(c)	Permanent revocation and \$500 administrative penalty
Falsely swearing or committing perjury in a communication to the Commission or any federal or state regulatory or licensing authority or court	<i>Accurate Returns; Honesty</i> Code of Ethics 2(d)	Permanent revocation and \$500 administrative penalty
Serving documents, other than a subpoena, for a lawyer or law firm where process server is otherwise employed	<i>Service by Law Firm Employee</i> Code of Ethics 3	7-hour precertification civil process service education course
Serving process in a suit in which process server has an interest in the outcome of the suit, or is a party or is employed by a party or party's attorney	<i>Process Server Objectivity</i> Code of Ethics 4(a) and 4(b)	7-hour precertification civil process service education course
Serving process in a suit which the process server's participation would create a distinct appearance of impropriety	<i>Appearance of Impropriety</i> Code of Ethics 5	7-hour precertification civil process service education course
Exaggerating authority or position or affiliation with court, agency, or office while serving process	<i>Exaggerating Authority</i> Code of Ethics 6 Commission rule 8.6(a)	Reprimand
Attempting service of process in a private capacity, while employed in law enforcement, while wearing a law enforcement officer's uniform or uniform that resembles a law enforcement officer.	<i>Wearing Uniform or Displaying Badge</i> Code of Ethics 7	Reprimand and \$500 administrative penalty

Violation	Section	Suggested Sanction
Displaying a law enforcement badge or a badge that resembles a law enforcement badge	<i>Wearing Uniform or Displaying Badge</i> Code of Ethics 7	Reprimand
Failing to provide updated contact information to the Commission through the Commission's online certification system within 30 days of the change. This includes the process server's current name, business name, business address, home address, business and home telephone numbers, email address, and fax number.	<i>Maintaining Contact Information with the Commission</i> Code of Ethics 8 and Commission rule 3.11(c)	Reprimand
Failing to promptly respond to inquiries by the Commission and all inquiries from parties and clients within the time prescribed in the request	<i>Prompt Response</i> Code of Ethics 9 and Commission rule 3.11(b)	Reprimand
Failing to cooperate fully with investigation of a complaint filed with the Commission	<i>Cooperation with Complaint Investigation</i> Code of Ethics 10 and Commission rule 3.11(b)	Reprimand
Failing to provide (when requested) information on how to file a complaint against a process server with the Commission	<i>Cooperation with Complaint Investigation</i> Code of Ethics 10	\$100 administrative penalty
Failing to report another process server's violation of the Code of Ethics to the Commission	<i>Reporting Violations</i> Code of Ethics 11	Reprimand and \$500 administrative penalty
Filing a false or baseless complaint with the Commission against another process server	<i>Reporting Violations</i> Code of Ethics 11	Reprimand and \$350 administrative penalty
Failing to comply with the continuing education requirements adopted by the Commission and approved by the Texas Supreme Court.	<i>Continuing Education</i> Code of Ethics 12 Commission rules 4.2(a) and 8.5(b)	Reprimand and \$250 administrative penalty

Violation	Section	Suggested Sanction
Failing to report to the Commission conviction of any felony or misdemeanor offense, within 14 days of conviction. A conviction includes the initial plea, verdict, or findings of guilt, plea of no contest, or pronouncement of sentence by a trial court even though that conviction may not be final or sentence may not be actually imposed until all appeals are exhausted. It also includes placement on deferred adjudication in certain cases. <i>See the Commission’s Criminal Conviction Guidelines</i> on the Commission’s website.	<i>Reportable Events</i> Code of Ethics 13(a) and 13(c); Commission rule 3.11(d)	Reprimand and \$350 administrative penalty
Failing to immediately report disciplinary action, including, but not limited to, suspension or revocation of a certificate or registration	<i>Reportable Events</i> Code of Ethics 13(b)(1)	6-month probated suspension and \$500 administrative penalty
Failing to immediately report to the Commission refusal by another licensing authority to issue or renew a license or other authorization to deliver process or provide process service in another jurisdiction	<i>Reportable Events</i> Code of Ethics 13(b)(2)	6-month probated suspension and \$500 administrative penalty
Failing to report being held in contempt by a state or federal court to the Commission	<i>Reportable Events</i> Code of Ethics 13(b)(3) and 14(j)	6-month suspension and \$500 administrative penalty
Violating this Code or knowingly assisting or inducing another to do so	<i>Misconduct</i> Code of Ethics 14(a)	Reprimand and \$350 administrative penalty
Falsely representing possession of a certificate, degree, or title	<i>Misconduct</i> Code of Ethics 14(b)	\$150 administrative penalty
Committing a criminal act	<i>Misconduct</i> Code of Ethics 14(c)	Reprimand and \$350 administrative penalty

Violation	Section	Suggested Sanction
Violating any Texas law or law of another state or United States relating to the conduct of a process server	<i>Misconduct</i> Code of Ethics 14(d)	Reprimand and \$350 administrative penalty
Engaging in conduct involving dishonesty, fraud, deceit, misrepresentation, or obstruction of justice	<i>Misconduct</i> Code of Ethics 14(e)	Permanent revocation and \$500 administrative penalty
Being convicted or placed on deferred adjudication or community supervision in connection with any felony or other crime involving fraud, dishonesty, or other conduct involving moral turpitude	<i>Misconduct</i> Code of Ethics 14(f)	6-month suspension and \$350 administrative penalty
Being found by a court to have knowingly filed a false return of service	<i>Misconduct</i> Code of Ethics 14(g)	Permanent revocation and \$500 administrative penalty
Violating a rule promulgated by the Texas Supreme Court relating to the conduct of a process server	<i>Misconduct</i> Code of Ethics 14(h)	6-month suspension and \$500 administrative penalty
Violating a final state or federal order that has not been lawfully stayed	<i>Misconduct</i> Code of Ethics 14(i)	Permanent revocation and \$500 administrative penalty
Being held in contempt of court	<i>Misconduct</i> Code of Ethics 14(j)	Permanent revocation and \$500 administrative penalty
Directly or indirectly causing or being a party to a breach in the security of a private process server examination in any private process server course	<i>Misconduct</i> Code of Ethics 14(k)	Permanent revocation and \$500 administrative penalty
Serving process with an expired, suspended, or revoked certification	<i>Misconduct</i> Code of Ethics 14(l)	Permanently refuse to renew or approve a process server certification and \$500 administrative penalty
Employing or engaging a process server to execute a service of process whose certification has been suspended, revoked, or has expired	<i>Misconduct</i> Code of Ethics 14(m)	6-month suspension and \$500 administrative penalty

Violation	Section	Suggested Sanction
Falsely reporting completion of continuing education upon renewal	<i>Continuing Education</i> Commission rule 8.5(a)	Suspension until continuing education completed or 6-month suspension, whichever period is longer, and \$500 administrative penalty
Failing to maintain documentary evidence of completing continuing education for 3 years after date of completion	<i>Approval of Continuing Education</i> Commission rule 4.3(g)	Reprimand
Directing a person to contact the Texas Supreme Court or the Clerk of the Texas Supreme Court to file a complaint, to confirm certification of the process server, or for any other purpose relating to the execution of the service of process.	<i>Misrepresentation or Misleading Conduct Regarding Authority</i> Commission rule 8.6(b)	Reprimand
Implying or creating the impression that a person may contact the Texas Supreme Court or Clerk of the Texas Supreme Court regarding any matter relating to the service of process or the process server, except with regard to a matter before the Texas Supreme Court in its adjudicative capacity.	<i>Misrepresentation or Misleading Conduct Regarding Authority</i> Commission rule 8.6(b)	Reprimand
Serving citation or other civil process in person on a member, officer, or employee of the senate or house of representatives during any legislative proceeding.	<i>Service During Governmental Operations or Procedures Prohibited</i> Commission rule 8.7	Permanent revocation