

JUDICIAL BRANCH CERTIFICATION COMMISSION MINUTES OF THE MEETING

Virtual Meeting Conducted by Zoom
205 W. 14th Street
Austin, Texas 78701
Friday, November 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. Members in attendance by Zoom were Judge Sid Harle; Judge William Sowder; Judge Polly Spencer; Judge Glen Harrison; Velma Arellano; Ann Murray Moore; Don Ford; and Mark Blenden. Judge Victor Villarreal was absent.

Staff members in attendance were Jeff Rinard, Commission 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; Brian Keenan, Criminal History Specialist; and Veena Mohan, Assistant General Counsel.

Agenda Item III. Opening Remarks

Judge Harle welcomed everyone to the meeting and noted the meeting was being held via Zoom.

Jeff Rinard, Commission director, thanked the Commission for their service and noted the Commission is going into its 10th year. Mr. Rinard also thanked the staff for their hard work. Mr. Rinard provided statistics for Fiscal Year 2023: 988 new certifications and 2212 renewals were approved; 117 complaints were received; and staff administered 305 exams for guardians and licensed court interpreters. Mr. Rinard noted the team were able to settle some complaints before they went to Commission. Melinda Saucedo, Compliance Manager, said with the settlements, more cases are able to be resolved. She expects the JBCC to triple the number of complaints resolved with settlements.

Agenda Item IV. Approval of Prior Meeting Minutes

The August 4, 2023 minutes were approved.

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

Agenda Item V. Approval of Commission Settlement Actions and Issuance of Final Order

Guardianship Certification

A. In the Matter of Francisco Cisneros, Cause No. 0482

Sanction: Suspension of guardianship certification for a consecutive six-month period effective the date of the Final Order issued by the Commission. Complete three hours of continuing education in ethics in addition to the 12 hours of continuing education hours required for recertification.

Court Reporters Certification

B. In the Matter of Maggie Estes, Cause No. 0417

Sanction: Reprimand and assess an administrative penalty of \$950 total, due within 12 months after the date of the Final Order.

C. In the Matter of Connie Calvert, Cause No. 0443

Sanction: Reprimand and assess an administrative penalty of \$950 total, due within 12 months after the date of the Final Order.

Process Servers Certification

D. In the Matter of Everett Moore, Cause No. 0404

Sanction: Complete the seven-hour precertification civil process service education no later than 12 months after the date of the Final Order issued by the Commission.

5 in favor, 2 opposed

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

Process Servers Certification

A. In the Matter of Daniel Garcia, Cause No. 0400

Sanction: Reprimand and assesses an administrative penalty in the amount of \$100 at \$50 per rule violation, due within 12 months after the date of the Final Order

B. In the Matter of Angela Elemen, Cause No. 0418

Sanction as amended by the Commission: Revocation of certification for a period of two years, complete the seven-hour precertification civil process service education course and assess an administrative penalty in the amount of \$2500 due within 12 months after the date of the Final Order

6 in favor, 1 opposed

C. In the Matter of David Hulkewicz, Cause No. 0426

Sanction: Reprimand and assess an administrative penalty of \$500, due within 12 months after the date of the Final Order

D. In the Matter of Lindra Jackson, Cause No. 0429

Sanction: Reprimand and assess an administrative penalty of \$150 total due

- within 12 months after the date of the Final Order
- E. In the Matter of Ira Diggs, Cause No. 0460
Sanction: Reprimand and assess an administrative penalty in the amount of \$2500 due within 12 months after the date of the Final Order
 - F. In the Matter of Christina Boger, Cause No. 0499
Sanction: Complete a seven-hour precertification civil process service education course in addition to the continuing education requirements for renewal of process server certification and assess an administrative penalty in the total amount of \$2500, due within 12 months after the date of the Final Order
 - G. In the Matter of Christina Boger, Cause No. 0569
Sanction: Revocation of certification and assess an administrative penalty in the amount of \$3500, due within 12 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:

Court Reporters Certification

- A. In the Matter of Sachiko Nagao, Cause No. 0415
Judge Harle and Judge Spencer abstained

Process Servers Certification

- B. In the Matter of DeAnna Dresco, Cause No. 0384

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. 0398
- B. In the Matter of Cause No. 0402
- C. In the Matter of Cause No. 0423
- D. In the Matter of Cause No. 0428
- E. In the Matter of Cause No. 0433
- F. In the Matter of Cause No. 0434

Court Reporters Certification

- G. In the Matter of Cause No. 0438
- H. In the Matter of Cause No. 0454

- I. In the Matter of Cause No. 0559
- J. In the Matter of Cause No. 0573

Guardianship Certification

- K. In the Matter of Cause No. 0600

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:

Process Servers Certification

- A. In the Matter of Cause No. 0431

Court Reporters Certification

- B. In the Matter of Cause No. 0573

Agenda Item X. Request for Reconsideration of Denial of Process Server Application for Certification from Applicant Douglas Matthys

The Commission convened in closed session at 10:57 a.m. and reconvened in public session at 11:05 a.m.

The Commission considered the applicant's request for reconsideration of staff's denial of guardian application for certification. The Commission did not take action, and the application remains denied.

Agenda Item XI. Administrative Matters Relating to the Commission

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

- A. Update on Adopted Commission Rules. The Supreme Court will have an administrative conference on November 7, 2023, and the Commission anticipates approval of the Commission Rules at this conference.
- B. Update on Adopted Court Reporters Uniform Format Manual. Similar to item A, the Supreme Court is working to adopt the Uniform Format Manual.
- C. New Court Reporters Advisory Board Members. Kelly Hanna and Karen Usher have been appointed to the Court Reporters Advisory Board, bringing the total number of members on the Board to nine.
- D. Guardianship Update. Since 2019, 55,000 guardianship registrations have been received by Commission staff. 35,000 guardianship trainings have been taken in English and Spanish. 26,000 criminal history background checks have been conducted. The Guardianship

Abuse, Fraud and Exploitation Deterrence Program (GAFEDP) continues to work on audits. For the GAFEDP in Fiscal Year 2023, 11,000 cases were reviewed, 5900 cases were recommended for closure, and 5400 cases are active. 24% of cases are missing annual reports, 48% are missing annual accounting, 42% are missing inventory, 32% are out of compliance in total, and the program also found 1290 cases had deceased wards. The team is almost done with the entire state as a project and a program. The team will continue to complete audits and bring counties into compliance.

E. Next Commission Meeting – Friday, February 2, 2024

Agenda Item XII. Public Comment

No public comment.

Agenda Item XIII. Closing Remarks

Judge Harle thanked the staff for their work and thanked the Advisory Boards for their work. Judge Harle thanked everyone for their attendance.

Agenda Item XIV. Adjournment

The meeting was adjourned at 11:37 a.m.



Judge Sid Harle, Chair

February 5 2024

Date