

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 07-003

RESPONDENT: Carl Weeks, Chair, Process Server Review Board

DATE: June 1, 2007

SPECIAL COMMITTEE: Judge B. B. Schraub, Chairman; Judge John Ovard; Judge David Peeples; Judge Olen Underwood; Judge Jeff Walker

The Process Server Review Board (“the Board”) is a judicial agency within the definition of Rule 12.2(b). It was created by the Supreme Court of Texas to certify and to revoke certification of persons authorized to serve process under Rules 103 and 536 of the Rules of Civil Procedure. In the instant case, a letter was written to the Board that led to an investigation by the Board into whether a process server’s certification should be revoked. Applicant, who is not the person being investigated by the Board, did not request a copy of the letter, but requested the identity or source of the letter. The Board refused to reveal the source, and applicant appealed.

If a record gives notice to the Board of facts or circumstances that merit an investigation into the character or conduct of a certified process server that ultimately could serve as the basis for certification revocation, then the identity of the author or source of that record necessarily relates to the investigation and would be exempt from disclosure under Rule 12.5(k). Accordingly, we deny the petition for review.