

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

Third Court of Appeals  
Price Daniel Sr. Building  
209 W. 14th Street, Room 101  
Austin, Texas 78701  
Friday, May 6, 2016  
(10:00 a.m. Until Adjournment)

The meeting of the Judicial Branch Certification Commission (JBCC or Commission) was called to order by Judge Lee Hamilton, Chair, at 10:06 a.m., Friday, May 6, 2016. Members present were Judge Lee Hamilton, Chair; Judge Migdalia Lopez; Judge Polly Spencer; Velma Arellano; Mark Blenden; Don Ford; Ann Murray Moore and Judge Ben Woodward. Judge Sid Harle attended by phone.

Staff members present were Jeff Rinard, Certification Division Director; Scott Gibson, JBCC General Counsel; Michele Henricks, Compliance Manager; Lesley Ondrechen, Licensing Manager; Tyees Holcombe, Judicial Regulatory Assistant; Jilian Stengle, Investigator; Chris Nelson, Licensing Specialist; Socorro Herrera, Administrative Assistant; and Veena Mohan, Assistant Attorney General.

Complaint review committee members present and appearing by telephone conference call were Molly Pela, Chair of the Complaint Review Committee of the Court Reporters Certification Advisory Board and Eric Johnson, member of the Complaint Review Committee of the Process Server Certification Advisory Board. Melissa Fischer, Chair of the Complaint Review Committee of the Licensed Court Interpreters Advisory Board, attended in person.

Agenda Item III, Opening Remarks.

Jeff Rinard, Certification Division Director gave a status update on the JBCC and the Certification Division, including the Office of Court Administration's customer service survey. He also updated the Commission on the guardianship compliance project.

Agenda Item IV, Approval of Prior Meeting Minutes.

February 5, 2016 minutes were approved.

Agenda Item V, Non-Compliance with Orders on Matters Considered by the JBCC.

Court Reporters Certification:

A. Compliance Order, May 1, 2015: in the Matter of Helen Wooten, Cause No. 12-5447-43

Ms. Mohan advised the Commission that neither Ms. Wooten nor anyone representing her was present. She summarized the history of the complaint against Ms. Wooten and the disciplinary action. Ms. Wooten has not complied with the compliance order issued following the May 1, 2015 Commission meeting, by which her certification was suspended for twelve months or until all pending records were produced. Ms. Mohan noted that another complaint has been filed against Ms. Wooten, whose certification expired on December 31, 2015 and has not been renewed.

After discussion, upon proper motion and second, the Commission voted to refuse to renew Ms. Wooten's certification for a period of two years. If she applies for certification after two years, she must start the process anew, including taking the required exams.

B. Consider Scheduling Compliance Hearing to Inquire into Correction of, Grounds for, or Compliance with, Probated Suspension of Shorthand Reporter Certification in the Matter of Brenna Short, Cause Nos. CSR-15-09210-033 and CSR-15-09210-035

Ms. Mohan summarized the complaints against Ms. Short and the sanction imposed by the Commission at its October 30, 2015 meeting. Ms. Short has not complied with the conditions of her probated suspension, and new and serious complaints have been filed since that time. Ms. Mohan asked the Commission to consider a compliance hearing before the next regularly scheduled meeting. After discussion, the consensus was to schedule a hearing for June 7 or June 14, subject to Commissioners' availability.

Agenda Item VI, Approval of Determination for Disciplinary Action by JBCC and Issuance of Final Order - complaints considered by JBCC on February 5, 2016.  
Court Reporters Certification:

A. In the Matter of Bonnie Rodriguez, Cause No. CSR-15-05495-080

This item was issued as a default order. Ms. Rodriguez did not respond to the letter notifying her of the recommended sanction and did not appear at this meeting. After discussion, a motion was made and seconded to issue a public reprimand and to impose an administrative penalty of \$500 with the following terms and conditions:

- Complete five hours of continuing education in Rules and Ethics within six months of the date of the final order. This continuing education requirement is in addition to the ten hours of continuing education required for renewal of certification.
- Payment of administrative penalty of \$500 is due within six months of the date of the final order.

After discussion, the motion carried. Upon proper motion and second, the Commission found that Ms. Rodriguez had violated the rules as stated and adopted the recommended disciplinary action.

To accommodate those who appeared in person and by telephone, Agenda Items VII.F, VII.G, VIII.C and IX.I were taken up out of order. Chairman Hamilton reminded those present that this is not an evidentiary hearing.

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

Court Reporters Certification Complaint Review Committee - February 26, 2016 and March 31, 2016

F. In the Matter of Beverly Ellis, Cause No. 22-CSR-2016

Complainant Sharon Hernandez appeared in person. Respondent Beverly Ellis participated in the meeting by telephone. Ms. Mohan summarized the complaint.

Ms. Hernandez addressed the Commission regarding her complaint, alleging that the record she received was not timely and not complete. Ms. Ellis also addressed the Commission. Ms. Pela advised the Commission that both Ms. Hernandez and Ms. Ellis participated in the Complaint Review Committee meeting. At the Chair's request, she summarized the reasons for the recommendation to dismiss, stating the Committee found no violations.

There being no further discussion, and upon proper motion and second, the complaint was dismissed.

G. In the Matter of Lisa Moody, Cause No. 23-CSR-2016

Complainant Sharon Hernandez appeared in person. Respondent Lisa Moody did not appear; her attorney, Myrna Gregory, appeared by telephone. Ms. Mohan summarized the complaint.

Ms. Hernandez addressed the Commission regarding her complaint, and responded to questions from the Commissioners. Ms. Pela summarized the Committee's findings, stating it found no violations.

After discussion, and upon proper motion and second, the Commission dismissed the complaint.

Agenda Item VIII, Advisory Board Complaint Review Committee Recommendations for Disciplinary Action.

Court Reporter Certification Complaint Review Committee - February 26, 2016 and March 31, 2016

C. In the Matter of Angelia Singleton, Cause No. CSR-15-06509-084

Complainant Sharon Hernandez appeared in person. Respondent Angelia

Singleton did not appear. Ms. Mohan summarized the complaint. It is undisputed that Ms. Singleton did not timely provide records. Ms. Hernandez addressed the Commission regarding her complaint.

Upon proper motion and second, the Commission found violations as stated. A motion was made and seconded to adopt the Committee's recommendation to issue a public reprimand and to impose an administrative penalty of \$500 with the following terms and conditions:

- Complete four hours of continuing education in Rules and Ethics within one year of the date of the Final Order. This continuing education requirement is in addition to the ten hours of continuing education required for renewal of certification.
- The \$500 administrative penalty is due within one year of the date of the Final Order.

Ms. Hernandez questioned whether the Commission could compel production of a transcript. Ms. Mohan advised that is not a sanction the JBCC can impose. There being no further discussion, the motion carried.

Agenda Item IX, Administrative Dismissal of Complaints.

I. In the Matter of Cause No. 35-CSR-2016

Ms. Mohan told the Commission that the complaint is recommended for administrative dismissal because there is no duty for a court reporter to supervise substitute court reporters, and the court reporter complained of did not take the record. Complainant Sharon Hernandez indicated her understanding of the reasons for administrative dismissal. Upon proper motion and second, the administrative dismissal was ratified by the Commission.

The Commission recessed at 11:21 a.m. and reconvened at 11:35 a.m.

To accommodate a witness who was participating by telephone, Agenda Items VII.H and VIII.D were taken up out of order.

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

Court Reporters Certification Complaint Review Committee - February 26, 2016 and March 31, 2016

H. In the Matter of Brenna Short, Cause No. 37-CSR-2016

Ms. Mohan advised the Commission that the complaint was withdrawn by the complainant; therefore, staff recommends dismissal. There being no discussion, upon proper motion and second, the complaint was dismissed.

Agenda Item VIII, Advisory Board Complaint Review Committee Recommendations for Disciplinary Action

Court Reporter Certification Complaint Review Committee - February 26, 2016 and March 31, 2016

D. In the Matter of Brenna Short, Cause No. 27-CSR-2016

Jean Williams, on behalf of complainant Cynthia Parker, appeared by telephone. Ms. Mohan summarized the complaint. The Complaint Review Committee recommended revocation of Ms. Short's certification, based on its findings of several violations. Ms. Mohan requested that the Commission take no action, but consider this complaint during the compliance hearing to be scheduled for June. There were no objections, and no action was taken on this complaint.

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

Court Reporters Certification Complaint Review Committee - February 26, 2016 and March 31, 2016

A. In the Matter of Micaela Ynostrosa, Cause No. CSR-15-02869-078

B. In the Matter of Tanner Feast, Cause No. CSR-15-08708-088

C. In the Matter of Mary M. Sparks-Cox, Cause No. CSR-15-01946-089

D. In the Matter of Veronica Wimberly, Cause No. 03-CSR-2016

E. In the Matter of Luis Duran, Jr., Cause No. 09-CSR-2016

The above matters were taken in a bloc. Ms. Mohan reported the Complaint Review Committee recommended dismissal of these complaints. There being no discussion, and upon proper motion and second, the complaints were dismissed.

Process Servers Complaint Review Committee - March 30, 2016

I. In the Matter of Chad Freeman, Cause No. 13-PS-2016

J. In the Matter of Wanda Dowlearn, Cause No. 31-PS-2016

These two matters were taken up together. At the Chair's request, Mr. Johnson summarized the reasons for the Committee's recommendations for dismissal. There was no discussion. Upon proper motion and second, the Commission adopted the Committee's recommendations to dismiss.

Licensed Court Interpreters Complaint Review Committee - March 30, 2016

K. In the Matter of Minerva Garcia, Cause No. 15-LCI-2016

Ms. Mohan summarized the complaint, noting that affidavits provided contained conflicting testimony. There being no discussion, and upon proper motion and second, the Commission adopted the Committee's recommendations to dismiss.

Agenda Item VIII, Advisory Board Complaint Review Committee Recommendations for Disciplinary Action.

Court Reporter Certification Complaint Review Committee - February 26, 2016 and March 31, 2016

A. In the Matter of Helen Wooten, Cause No. CSR-15-05447-052

B. In the Matter of Helen Wooten, Cause No. CSR-15-05447-053

Both the above matters were tabled from the February 5, 2016 meeting. Ms. Mohan noted that both complaints are now moot, and she does not recommend that they be prosecuted. The Commission took no action on these items.

Process Servers Complaint Review Committee, - March 30, 2016

E. In the Matter of Jimmy Andrews, Cause No. 05-PS-2016

Ms. Mohan summarized the complaint. Upon proper motion and second, the Commission found violations as stated. A motion was made and seconded to adopt the Committee's recommendation to issue a letter of reprimand. There was no discussion, and the motion carried.

F. In the Matter of Lillian Zapata, Cause No. 11-PS-2016

Ms. Mohan summarized the complaint, noting that the Respondent has acknowledged her error. Upon proper motion and second, the Commission found violations as stated. There being no further discussion, a motion was made and seconded to issue a letter of reprimand with the following condition:

- Require that the Respondent retake the seven hour precertification civil process service education course approved by the JBCC within six months of the final order.

The motion carried.

G. In the Matter of Sergio Lane, Cause No. 26-PS-2016

Ms. Mohan summarized the complaint. The service performed was for an Oregon case, and therefore not within the Commission's jurisdiction. However, the Committee recommended a letter of reprimand based on other violations. Upon proper motion and second the Commission found violations as stated. There was no further discussion. Upon proper motion and second, the Commission voted to issue a letter of reprimand.

Agenda Item IX, Administrative Dismissal of Complaints.

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

Court Reporter Certification

A. In the Matter of Cause No. CSR-15-07101-068

B. In the Matter of Cause No. 02-CSR-2016

C. In the Matter of Cause No. 10-CSR-2016

D. In the Matter of Cause No. 14-CSR-2016

E. In the Matter of Cause No. 17-CSR-2016

F. In the Matter of Cause No. 32-CSR-2016

G. In the Matter of Cause No. 33-CRF-2016

H. In the Matter of Cause No. 34-CSR-2016

J. In the Matter of Cause No. 38-CSR-2016

K. In the Matter of Cause No. 43-CSR-2016

Guardianship Certification

L. In the Matter of Cause No. CG-15-00123-077

M. In the Matter of Cause No. CG-15-00124-074

Process Server Certification

N. In the Matter of Cause No. 28-PS-2016

O. In the Matter of Cause No. 42-PS-2016

P. In the Matter of Cause No. 45-PS-2016

Agenda Item X, Request for Reconsideration - Administrative Dismissal of Complaints.

Court Reporter Certification

A. In the Matter of Cause No. CSR-15-09129-063

The basis for the complaint concerns inaccuracies in the record. Inaccuracies in the record are not within the Commission's jurisdiction; the remedy lies with the courts.

After discussion, and upon proper motion and second, the Commission affirmed its decision to ratify the administrative dismissal.

B. In the Matter of Cause No. 14-CSR-2016

This complaint concerns inaccuracies in the record, which are not within the Commission's jurisdiction. The remedy lies with the courts. The same complaint was filed with Court Reporters Certification Board and was dismissed on May 9, 2014.

Upon proper motion and second, the Commission affirmed its decision to ratify the administrative dismissal.

Agenda Item XI, Administrative Matters Relating to the JBCC.

A. Recommendations on the Guardianship Certification Code of Ethics

Mr. Rinard reported that the Guardianship Certification Advisory Board reviewed all public comments received on the proposed Code at its April 14, 2016 meeting. Chairman Hamilton permitted comment from Rosa Berumen of the Department of Aging and Disability Services regarding the proposed requirement to document each record of contact for a ward.

After discussion, the consensus of the Commission was it is not necessary to re-publish for public comment the revisions recommended by the Advisory Board to the proposed Code. A motion was made and seconded to approve the Code of Ethics for submission to the Supreme Court for adoption. After further discussion, the motion carried.

B. Annual Reports - Certified Guardians, Guardianship Programs and County Clerks

Ms. Ondrechen reviewed the summary of reported information, and responded to questions from the Commission regarding the reports. No action was taken.

C. Licensed Court Interpreter and Process Server Codes of Ethics

Mr. Rinard reported that these Codes have been approved by the Supreme Court. The approved Codes have been posted on the JBCC website.

D. Proposed JBCC Meeting Dates for FY 2017

1. After discussion and upon proper motion and second, the Commission approved the following meeting dates: November 4, 2016; February 3, 2017; May 5, 2017; and August 4, 2017.
2. The next meeting is scheduled for August 5, 2016.

Agenda Item XII, Public Comments.

There was no public comment.

Agenda Item XIII, Report from Chair.

The Chair expressed his appreciation for the work done by the Commission and its staff.

Agenda Item XIV, Adjournment.

The meeting was adjourned at 12:21 p.m.



Judge Lee Hamilton, Chair



Date