

# **Before the Presiding Judges of the Administrative Judicial Regions**

## **Per Curiam Rule 12 Decision**

**APPEAL NO.:** 07-001

**RESPONDENT:** Carl Weeks, Chair, Process Server Review Board

**DATE:** February 9, 2007

**SPECIAL COMMITTEE:** Judge B. B. Schraub, Chairman; Judge John Ovard; Judge David Peeples; Judge Olen Underwood; Judge Kelly G. Moore

Applicant requested records of the Process Server Review Board related to actions of the Board on applications for certification. The Board provided most of the requested records, but withheld those related to the “stated good cause” for denials of certification on the grounds that the information is exempt from disclosure under Rule 12.5(k). We concur that the withheld records are exempt from disclosure because they are records relating to investigations of the applicants’ character or conduct.

Under both current procedures and proposed rules promulgated by the Supreme Court of Texas, applicants to become certified process servers must file a sworn application containing criminal history information and also must file a criminal history record obtained from the Department of Public Safety. These forms constitute the basis of the Board’s approval or rejection for good cause of the applications, and are records relating to investigations of the applicants’ character or conduct. When the Board notifies applicants that their applications have been denied and discloses the reasons for denial, those stated reasons necessarily relate to the results of the investigations and are exempt from disclosure under Rule 12.5(k). Accordingly, we deny the appeal.