

**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, August 2, 2019
(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 10:00 a.m., Friday, August 2, 2019. Members present were Judge Lee Hamilton; Judge Sid Harle; Judge Polly Spencer; Judge Victor Villarreal; Don Ford; Anne Murray Moore; and Mark Blenden. Judge William Sowder and Velma Arellano attended by phone.

Staff members present were Jeff Rinard, Certification Division Director; Scott Gibson, JBCC General Counsel; Michele Henricks, Compliance Manager; Sheryl Jones, Licensing Manager, Melinda Saucedo, Investigator; Tyees Holcombe, Judicial Regulatory Assistant; and Veena Mohan, Assistant Attorney General.

Complaint review committee members attending by phone were Pat Dyer, Process Servers Complaint Review Committee; Molly Pela, Court Reporters Complaint Review Committee and Jamie Maclean, Guardians Complaint Review Committee.

Agenda Item III, Opening Remarks

Judge Hamilton welcomed everyone to the meeting and thanked Director Jeff Rinard for his leadership, JBCC Staff, and the Advisory Boards.

Director Jeff Rinard announced JBCC's 5-year anniversary on September 1, 2019, and provided information on accomplishments, expansion and new endeavors in the future, thanking staff, the Advisory Boards, and the Commission.

Agenda Item IV, Approval of Prior Meeting Minutes

The May 3, 2019 minutes were approved.

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

Agenda Item V. Approval of JBCC Disciplinary Action, by Default, and Issuance of Final Order from Complaints

Upon proper motion and second, the Commission voted to approve disciplinary actions and issuance of Final Orders in the following matters:

Court Reporters Certification – June 7, 2019

A. In the Matter of Sandra Powell, Cause No. 0051

Sanction: Assess administrative penalty of \$27,000 calculated at \$500 per date for 54 dates Respondent performed duties as a court reporter after certification expired on December 31, 2016. Administrative penalty due 5 years after date of Final Order.

Process Servers Certification – November 20, 2018 & March 14, 2019

B. In the Matter of Matthew Antkowiak, Cause No. 0065

Sanction: Reprimand and required to complete 7-hour precertification civil process service education course within 6 months after the date of the Final Order.

C. In the Matter of Sandra Dunbar, Cause No. 0072

Sanction: Reprimand and \$250 administrative penalty due within 6 months after the date of the Final Order.

D. In the Matter of John D. Whitehead, Cause No. 0086

Sanction: Reprimand

Guardianship Certification – December 12, 2018

E. In the Matter of Melissa Marcano, Cause No. 0079

Sanction: Reprimand and \$250 administrative penalty due 6 months after the date of the Final Order.

Agenda Item VI. Approval of Agreed Orders – Acceptance by Respondent of Sanction/Administrative Penalty

Upon proper motion and second, the Commission voted to approve Agreed Orders for the following complaints:

Court Reporters Certification and Court Reporting Firm Registration – September 21, 2018

A. In the Matter of Fox Reporting – Cause No. 0061

Sanction: Reprimand and \$500 administrative penalty due 6 months after the date of Agreed Order.

Process Server Certification – September 27, 2018 & November 30, 2018

B. In the Matter of James Hilow, Cause No. 0069

Sanction: Reprimand and required to complete 7-hour precertification civil process service education course due 6 months after the date of the Final Order

- C. In the Matter of Christine Foster, Cause No. 0073
Sanction: Reprimand

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

Upon proper motion and second, the Commission voted to dismiss the following complaints:

Court Reporters Complaint Review Committee – June 7, 2019

- A. In the Matter of Karen Kolohe, Cause No. 0118
- B. In the Matter of Karen Kolohe, Cause No. 0147
- C. In the Matter of Kimberly Broussard, Cause No. 0120
- D. In the Matter of Jan Williams, Cause No. 0126
- E. In the Matter of Vielica Dobbins, Cause No. 0112

Process Servers Complaint Review Committee – June 13, 2019

- F. In the Matter of Victoria Martinez, Cause No. 0104
- G. In the Matter of Nathaniel Whittington, Cause No. 0109
- H. In the Matter of Karla Ingram, Cause No. 0111

Agenda Item VIII. Administrative Dismissals of Complaints

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

Court Reporters Certification

- A. In the Matter of Cause No. 0110
- B. In the Matter of Cause No. 0148

Process Servers Certification

- C. In the Matter of Cause No. 0064
- D. In the Matter of Cause No. 0096
- E. In the Matter of Cause No. 0108
- F. In the Matter of Cause No. 0145
- G. In the Matter of Cause No. 0156

Guardianship Certification

- H. In the Matter of Cause No. 0070
- I. In the Matter of Cause No. 0097
- J. In the Matter of Cause No. 0098
- K. In the Matter of Cause No. 0102
- L. In the Matter of Cause No. 0106
- M. In the Matter of Cause No. 0107
- N. In the Matter of Cause No. 0133

- Licensed Court Interpreters
O. In the Matter of Cause No. 0082

Agenda Item IX. Request for Reconsideration on Denial of Licensed Court Interpreter Endorsement Application

A. Daniel Saenz

Daniel Saenz appeared in person. Jilian Stengle presented the agenda item.

The Commission convened in closed session at 10:50 a.m. and reconvened in public session at 11:27 a.m.

Upon proper motion and second, the Commission voted to grant the request for reconsideration, directing staff to license the applicant under a Basic designation and waive the November 2019 exam fee for applicant to take the exam again.

Agenda Item X. Administrative Matters Relating to the JBCC

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

A. Court Reporters Advisory Board Efforts to Address Court Reporter Shortage – February 22, 2019 & June 28, 2019.

1. SB 891 – Court Reporter Statutory Revision

a. JBCC Rule Amendment to Fee Schedule – Sec. 154.107, Texas Gov't Code -

Upon proper motion and second, the Commission voted to recommend a proposed rule amendment to the Supreme Court. The amendment implements SB 891 which requires the waiver of firm registration renewal fees if a court reporter owns more than 50 percent of the firm and maintains actual control of the firm.

b. Reciprocity and Endorsement - Director Jeff Rinard reported that based on advice of counsel, staff will review and approve (when appropriate) endorsement applications as part of staff's licensing function with input from the advisory board as needed. Mr. Rinard thanked the Board for their assistance.

Agenda items A.1.c, d, and A.2. concerning provisional and apprentice certifications, states substantially equivalent to Texas, and national certifications are in process.

B. Recommendations of Court Reporters Advisory Board – June 28, 2019

1. TCRA Proposal for Online Exam for Court Reporters

The Board voted to recommend online exams to the Commission with details on implementation to be addressed in the future.

2. Statement of Proficiency Requirement for Court Reporters Skills Test
Upon proper motion and second, the Commission voted to approve the recommendation of the Court Reporters Advisory Board to eliminate the Statement of Proficiency (SOP) as a prerequisite to sit for the state exam in rule, to be forwarded to the Supreme Court for review and adoption.

Director Jeff Rinard gave updates on agenda items X.C., X.D., and X.E. concerning SB 31 and expansion of the guardian compliance project that includes establishing a Guardian Abuse, Fraud, and Exploitation Deterrence Program (GAFEDP), Guardianship Registration, and Spanish Guardianship Training.

F. JBCC Meeting Dates

1. Next JBCC Meeting – Friday, November 1, 2019

Agenda Item XI. Public Comment

The following individuals gave public comment:

- Shari Krieger, President, TCRA
- Attorney Steve Bresnen
- Pam Marcinik, Chair-TCRA Testing Advisory Council

Agenda Item XII. Closing Remarks from Chair

Judge Hamilton recognized the legislature in their efforts to address guardianship matters and the court reporter shortage by passing laws and appropriating funds for those areas. He also thanked the JBCC and TCRA for their impressive work with the court reporting profession.

Agenda Item XIII. Adjournment

The meeting was adjourned at 12:00 p.m.



Judge Lee Hamilton, Chair

11-1-19

Date