

CAUSE NO. 0568

|                  |   |                            |
|------------------|---|----------------------------|
| IN THE MATTER OF | § | BEFORE THE JUDICIAL BRANCH |
|                  | § |                            |
| DONALD WOMBLE    | § | CERTIFICATION COMMISSION   |

**AGREED FINAL ORDER**

The above-styled and numbered matter came to be considered on February 7, 2025, before the Judicial Branch Certification Commission (Commission).

This Agreed Final Order (Order) is executed pursuant to Texas Government Code Section §153.054(a)(1), which allows a respondent to accept the determination of the Process Servers Complaint Review Committee (Committee) and the imposition of a penalty or sanction as an agreed order. In a desire to conclude this matter without further delay and expense, the Commission and Donald Womble (Respondent) agree to resolve this matter in accordance with the following terms.

Upon the determination of the Committee, the Commission makes the following findings of fact, conclusions of law, and final order for Cause No. 0568.

Findings of Fact:

1. The Respondent was initially certified as a process server with certification number PSC-17559 on October 9, 2019. His certification expired on October 31, 2023. At all times material to this case, he was certified by the Commission as a process server.
2. The complainant (Complainant) filed a complaint against the Respondent alleging that he filed several false returns stating he personally served defendants when he did not.
3. Through the course of the Complainant's investigation, the Complainant determined that the Respondent falsified certain returns of service by stating he personally served the defendants when he did not.
4. On December 19, 2023, the Respondent entered a plea agreement and was found guilty of Tampering with a Governmental Record, a third-degree felony. He was sentenced to 10 years probation, 350 hours of community service, a total fine of \$12,675, and the permanent relinquishment of his process server certification.

Conclusions of Law:

1. The Respondent was certified as a process server in the State of Texas on the date of the violations and, as such, is subject to the jurisdiction of the Commission. Tex. Gov't Code §§ 153.004(a) and 156.001(2).
2. A certified process server is subject to disciplinary action, including a reprimand, administrative penalty, or denial, suspension, revocation, or refusal to renew the process server's certification, for violation of the laws, rules, *Code of Ethics for Certified Process Servers* (Code of Ethics), or

orders of the Commission or Director. Tex. Gov't Code § 153.004 and Rule 5.4. The Commission may place on probation a person whose certification is suspended. Texas Gov't Code § 153.004(c) and Rule 5.4(d). The Commission may impose an administrative penalty on a person who violates its laws, rules, or orders. Tex. Gov't Code § 153.051 and Rule 5.6(a). The amount of the administrative penalty may not exceed \$500 for each violation. Tex. Gov't Code § 153.052 and Rule 5.7(a).

3. Code of Ethics 2, Accurate Returns, subsection (b), states that a process server must not sign, submit, or file any document that is false or misleading. On December 19, 2023, the Respondent violated this provision by entering a guilty plea to Tampering with a Governmental Record, a third-degree felony, by falsely stating on certain returns of service filed with the court that he served the defendants when he did not.
4. Code of Ethics 2, Accurate Returns, subsection (c), states that a process server must be candid and truthful concerning all process service matters. On December 19, 2023, the Respondent violated this provision by entering a guilty plea to Tampering with a Governmental Record, a third-degree felony, by falsely stating on certain returns of service filed with the court that he served the defendants when he did not.
5. Code of Ethics 2, Accurate Returns, subsection (d) states that a process server must not falsely swear or commit perjury in any communication to the Commission or any federal or state regulatory or licensing authority or court. On December 19, 2023, the Respondent violated this provision by entering a guilty plea to Tampering with a Government Record, a third-degree felony, by falsely swearing on certain returns of service filed with the court that he served the defendants when he did not.
6. Code of Ethics 14, Misconduct, subsection (c), states that a process server must not commit any criminal act. The Respondent violated this provision when he was convicted of Tampering with a Governmental Record in connection with certain returns of service he filed with the court, which he falsified.
7. Code of Ethics 14, Misconduct, subsection (d), states that a process server must not violate any law of the State of Texas relating to the conduct of a process server. The Respondent violated this provision when he was convicted of Tampering with a Governmental Record in connection with certain returns of service he filed with the court, which he falsified.
8. Code of Ethics 14, Misconduct, subsection (e), states that a process server must not engage in conduct involving dishonesty, fraud, deceit, misrepresentation, or obstruction of justice. On December 19, 2023, the Respondent violated this provision by entering a guilty plea to Tampering with a Governmental Record, a third-degree felony, by falsely swearing on certain returns of service filed with the court that he served the defendants when he did not.
9. Code of Ethics 14, Misconduct, subsection (f), states that, in connection with any felony involving dishonesty, fraud, or deceit, a process server may be considered to have engaged in misconduct upon a final conviction. The Respondent violated this provision when he was convicted of Tampering with a Governmental Record in connection with certain returns of service he filed with the court, which he falsified.

**Agreement Regarding Sanction:**

The parties agree that the Commission will permanently refuse to renew or approve the Respondent's process server certification for violation of the following rules:

- Code of Ethics 2(b)
- Code of Ethics 2(c)
- Code of Ethics 2(d)
- Code of Ethics 14(c)
- Code of Ethics 14(d)
- Code of Ethics 14(e)
- Code of Ethics 14(f)

By signing this Order, the Respondent:

1. agrees to its terms; acknowledges his understanding of it; and agrees that he will satisfactorily comply with the mandates of the Order or be subject to possible disciplinary action by the Commission; and
2. waives his right to a hearing and all rights to appeal of this Order under Commission rule 5.13.

I, DONALD WOMBLE, HAVE READ AND UNDERSTAND THE FOREGOING ORDER. I UNDERSTAND THAT BY SIGNING THE ORDER I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A CONTESTED HEARING AND THE RIGHT TO APPEAL. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS ORDER IS CONTINGENT UPON THE APPROVAL OF THE COMMISSION AND IS NOT FINAL AND EFFECTIVE FOR PURPOSES OF RESOLVING THIS MATTER UNTIL APPROVED BY THE COMMISSION. I UNDERSTAND THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE ARE NO OTHER AGREEMENTS OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE REGARDING THIS MATTER.

DATED: 1/16/2025, 2025.



Donald Womble

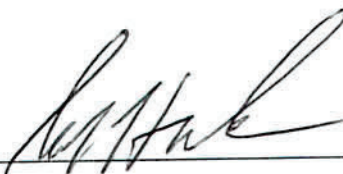
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Commission, meeting in Austin, Texas, on February 7, 2025, that:

The Commission will permanently refuse to renew or approve the Respondent's process server certification for violation of the following rules:

- Code of Ethics 2(b)
- Code of Ethics 2(c)
- Code of Ethics 2(d)
- Code of Ethics 14(c)
- Code of Ethics 14(d)
- Code of Ethics 14(e)
- Code of Ethics 14(f)

This Order is effective on the date of the Commission Chair's signature.

SIGNED the 24 day of February, 2025.

A handwritten signature in black ink, appearing to read 'Sid Harle', is written over a horizontal line.

The Honorable Sid Harle, Chair  
Judicial Branch Certification Commission