

Twentieth Judicial Circuit Certified Civil Process Server Review Board

MINUTES OF MEETING

January 30, 2008

2:30 p.m.

2072 Victoria Ave., Ft. Myers, FL 33901

In attendance: Lt. Kent Caldwell, Acting Chair
 Robert Tardif, Board Member
 Andrew Paul Kelly, Board Member
 Ernie Averill, Board Member
 Suzanne Ederr, representative of the Chief Judge and Court Admin

Board Members Absent: Jennifer Scott, Board Member

1. Quorum present.
2. Lt. Caldwell, acting as temporary Chair, gathered contact information from each person present.
3. Mr. Kelly announced that he would likely be moving from the State of Florida in the spring. It was discussed that a replacement would need to be appointed by the Chief Judge and a recommendation was made by Mr. Averill that Lynette Young, a Collier process server, would be a good candidate. Mr. Kelly agreed that he will give 30 days notice prior to leaving so as to give the Chief Judge ample opportunity to appoint a replacement.
4. Election of Chair and Vice-Chair: A motion was made to nominate Lt. Caldwell as Chair and the motion was seconded. A motion was made to nominate Mr. Averill as Vice-Chair and the motion was seconded. A vote was taken and both motions passed. Lt. Caldwell was unanimously elected as Chair and Mr. Averill was unanimously elected as Vice-Chair.
5. Board Members were advised that the Court Administration website's homepage now includes a link to a Certified Civil Process Server webpage. Inquiries regarding the Chief Judge's list of Certified Civil Process Servers can be referred to that webpage.
6. Gated Communities: Discussion was held as to the difficulty that civil process servers sometimes encounter when trying to serve process on a person located within a gated community. Lt. Caldwell has sent a notice to Wackenhut to be given to their field staff providing information as to the Chief Judge's list of Certified Civil Process Servers, including a copy of the ID cards, list of process servers, and link to the website. But, there are gated communities not manned by Wackenhut. When guards are uncertain as to what to do when a process server seeks admittance, they often call the Sheriff's department. Accordingly, the Board members suggested that a letter be sent by the Chief Judge to all Sheriffs within the 20th Circuit advising them of the new Certified Civil Process Server list. Ms. Ederr agreed to discuss the Board's recommendation with the Chief Judge.
7. Lt. Caldwell reported that, in the course of business, he found a 5 day eviction notice posted on a dwelling's door that did not include the ID number of the process server, as required by statute. The name on the notice was Brian Johns, a certified process server who works for

Teresa Joiner. Lt. Caldwell spoke to Ms. Joiner and advised that she needed to ensure that all process servers include their ID number on the notice. Upon further inspection, Lt. Caldwell noticed that the signature of Brian Johns on the notice did not seem to match the signature of Brian Johns on his oath. The Board members compared the signatures and agreed that they looked significantly different and it appeared obvious that it was not actually Brian Johns' signature on the notice. The signature purporting to be Brian Johns' was notarized by Janet Lowdermilk, who is also a certified civil process server. This raised concerns as to whether Brian Johns' name was forged, with or without his permission, and as to whether Janet Lowdermilk notarized a false signature, which could possibly constitute a criminal offense. Brian Johns and Janet Lowdermilk are two of several other process servers working for Teresa Joiner and the additional concern is whether this is an isolated incident or a normal practice. A motion was made to find probable cause against Brian Johns and Janet Lowdermilk for violations of AO 1.11, sections 11.D, G, and/or H, and the motion was seconded. A vote was taken and the motion passed. Letters to Mr. Johns and Ms. Lowdermilk were drafted during the course of the meeting advising of the finding of probable cause and the procedures to be followed as per AO 1.11. The Board members present reviewed and approved the letters which were then signed by Lt. Caldwell as Chair. Lt. Caldwell will mail the letters via certified mail. Upon receipt of a response from Mr. Johns and Ms. Lowdermilk, or upon the passing of 15 days without having received a response, a Board meeting will be scheduled to review the responses, if any, and to decide further action as per AO 1.11.

8. Shane Benson: Mr. Benson was an applicant rejected at the discretion of the Chief Judge from being included on the initial list of Certified Civil Process Servers due to his criminal background record. Mr. Benson sent a letter to the Chief Judge inquiring as to how to get onto the list. Upon request for further review, the Board members present reviewed Mr. Benson's background information which, even though in excess of 5 years old, did reveal numerous arrests including drug possession, battery, violations of probation, and traffic offenses. A motion was made to recommend to the Chief Judge that his prior decision stand, and the motion was seconded. A vote was taken and the motion passed.

9. Ms. Ederr agreed to type up proposed minutes of the meeting to submit to the Board for approval at its next meeting.

10. Discussion was held as to whether to allow applicants to submit an application and submit to a drug test and background check and receive a determination prior to taking the required class so as to avoid the expense of taking the class if the applicant was going to be otherwise disqualified. No action was taken with regard to this discussion.

11. Next meeting to be set depending upon responses from Mr. Johns and Ms. Lowdermilk.

12. Meeting Adjourned at 4:50 p.m.