

Twentieth Judicial Circuit Certified Civil Process Server Review Board

MINUTES OF MEETING

February 28, 2008

9:00 a.m.

2072 Victoria Ave., Ft. Myers, FL 33901

In attendance: Lt. Kent Caldwell, Chair  
Ernie Averill, Vice-Chair  
Jennifer Scott, Board Member  
Andrew Paul Kelly, Board Member  
Suzanne Ederr, representative of the Chief Judge and Court Admin

Board Members Absent: Robert Tardif, Board Member

1. Quorum present.
2. Minutes of January 30, 2008 meeting were reviewed. A motion was made to accept minutes and motion was seconded. A vote was taken and the motion passed unanimously.
3. Lt. Caldwell reported that the certified letter to Janet Lowdermilk providing notification of a finding of probable cause was returned as unclaimed, and the certified letter to Brian Johns providing notification of a finding of probable cause was accepted on February 14<sup>th</sup>. No responses were received from either one. The certified letters were mailed on Feb. 1<sup>st</sup> and, pursuant to the rules under Administrative Order 1.11, the fifteen days had passed and the finding of probable cause was to be deemed admitted. Mr. Averill advised the Board that Terry Joiner, the owner of the company, had contacted him and was willing to appear before the Board and provide an explanation. Ms. Joiner reported to Mr. Averill that she has signed returns on behalf of her process servers with their permission and with powers of attorney. The process servers knew of this and did not think that there was anything improper. However, Ms. Joiner has since stopped this practice. The certified letter sent to Janet Lowdermilk and Brian Johns was read out loud. Since neither had responded, a motion was made to issue a proposed disposition to revoke their certifications, and a discussion was had as to the procedures provided by the rules under Administrative Order 1.11. A recommendation was made by Mr. Averill that a hearing be held before revoking their certifications. Further discussion was held as to procedure, and it was pointed out that the rules provide that the letter advising of a proposed disposition does give an opportunity to request a hearing. Ms. Lowdermilk and Mr. Johns will have fifteen days from the date the proposed disposition is issued within which to request a hearing. A motion was again made to issue a proposed disposition to revoke Ms. Lowdermilk's and Mr. John's certifications, and the motion was seconded. A vote was taken and the motion passed unanimously.
4. Ms. Ederr reported that the Chief Judge had sent a letter to Mr. Benson advising that his previous decision to not add him to the Chief Judge's list of certified process servers based upon his criminal history background check would stand. Also, based upon the Board's recommendation, the Chief Judge would also be sending a letter to the Sheriffs of the five counties advising of the new Chief Judge's list of certified civil process servers.

5. Lt. Caldwell reported that he had been advised that process server, Nicholas Krancher, ID #157188, was arrested on February 9, 2008, 1:58 a.m., for DUI, 1<sup>st</sup> offense, 2<sup>nd</sup> degree misdemeanor. Discussion was held as to whether the Board would take action. It was decided that no action would be taken at this time, but that the matter would be monitored.

6. Lt. Caldwell reported that a letter had been received from Court Investigations, Inc., located in West Palm Beach, complaining about the company owned by certified process servers Chad and Laura Cook. Court Investigations complained that it had paid Suncoast Civil Process to serve summonses, but no return of service was ever filed with the court or returned to Court Investigations. Court Investigations had left phone messages for Suncoast Civil Process on several phone numbers, but the messages had not been returned. The letter was provided to the Board members for review. Lt. Caldwell reported that he had called and left messages for the Cooks on February 20<sup>th</sup> and 21<sup>st</sup>, but that the messages had not been returned. During the Board Meeting, Lt. Caldwell again attempted to call and left messages at 941-626-6854, 941-743-4952, and 888-575-7502 advising that they must call Lt. Caldwell by 5 p.m. Discussion was held and it was determined that a finding of probable cause could be made under subsection 11.H of Administrative Order 1.11. A motion was made to send a letter finding probable cause to Chad and Laura Cook if no response was received by Lt. Caldwell by 5 p.m. The motion was seconded, a vote was taken, and the motion passed unanimously.

7. Board Member Paul Kelly submitted his resignation effective March 31<sup>st</sup>.

8. Next meeting to be tentatively scheduled for March 20<sup>th</sup>, but subject to change.

9. Meeting Adjourned at 10:17 a.m.