



The Twentieth Judicial Circuit of Florida
CERTIFIED PROCESS SERVER REVIEW BOARD
1700 MONROE STREET
FORT MYERS, FLORIDA 33901
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MINUTES OF MEETING

September 23, 2010
3:00 p.m.
2000 Main Street
Suite 402, Conf Room B
Fort Myers, Florida 33901

COMMENCEMENT OF MEETING

On September 23, 2010, Chairman Averill called the meeting of the Certified Process Server Review Board (Board) to order at approximately 3:23 p.m.

ATTENDANCE OF MEMBERS

Board Member Present: Ernest Averill, Jr., Chair
Lynette Young
Lt. Andy Lewis
Sgt. Chris Webb

Board Member Absent: Robert Tardif, Esquire, Vice-Chair, was unable to attend.

Also present: Tammy Laughlin
Randy Scott
Eric Fishbeck, Administrative Office of the Courts
Dolly Ballard, Administrative Office of the Courts

READING AND APPROVAL OF MINUTES

Sgt. Webb moved to approve the minutes of the August 16, 2010, Board meeting. Ms. Young seconded the motion, which passed unanimously.

REVIEW OF FORMAL COMPLAINTS

Mr. Michael Barker, #157193

Sgt. Webb reported as a follow-up from the August 16, 2010, Board Meeting. Sgt. Webb has found that the complaint received was directed to Mr. Michael Barker's son and not directly to Mr. Barker himself. There is no further action necessary.

Mr. Mark Hritz, #157600

The Board discussed a notice that was placed onto a home by Mr. Hritz. Sgt. Webb will contact Mr. Hritz to discuss the notice and provide a report at the next Board Meeting.

Mr. Samuel Orejobi, #157458

The Board discussed the Disciplinary Procedure regarding Mr. Samuel Shola Orejobi: review of the three formal complaints, the related finding of probable cause on August 16, 2010, and the response from Mr. Nico J. Vitale (*counsel*) dated September 13, 2010. Ms. Young moved to schedule a disciplinary hearing which is to be set on October 21, 2010, at 3:00 pm. Notification will be sent to the appropriate parties. Sgt. Web seconded the motion, which passed unanimously.

STAFF REPORT

The Board reviewed the updated Applicant Checklist, Application, and Agreement. These documents have been posted onto the Website. Eric Fishbeck advised the Board that responses received have been positive. Staff has also received comments that the documents might be combined into a single electronic packet ensuring that all information may be downloaded at the same time, thus reducing the chance of any miscommunication.

BOARD MEMBER ITEMS

Public Comment Follow-up

The Board discussed a public comment concern from the August 16, 2010, meeting regarding background investigation. The Statute reads: *applicants must submit to a background investigation, at the applicants' expense, which shall include any criminal record of the applicant.* The Agreement reads: *shall submit to a background investigation, which shall include but not be limited to, the review of any criminal record.* Sgt. Webb stated that information obtained is strictly confidential, is not public information, and is never distributed. All information is destroyed once reviewed. Sgt. Webb only brings issues (not the report) to the Board for discussion. Discussion followed concerning credit checks of applicants. The Board believes that the Statutes clearly allows for credit checks in the background investigation, but does not conduct them.

Certified Process Server Applicants

The Board discussed that the Lee County Sheriff's Office, Human Resource personnel have advised them of concerns from some process server applicants. A few applicants have been argumentative and expressed objection to the content of the forms. The Board recommends that the Lee County Sheriff's Office, Human Resource personnel advise applicants to direct these kinds of concerns to the Board.

Service of Non-Enforceable Judicial Process Training

Ms. Young reported that the first 40-hour course took place at the Lorenzo Walker Institute of Technology. There were approximately 25 new attendees. The first 4-hour course was on September 13th and the second course is scheduled for October 6, 2010. Ms. Young attended representing the Board where she reminded the attendees to be responsible.

Application Process

Mr. Averill discussed that the Application Checklist states, *incomplete application packages will not be accepted without approval*. He further informed the Board that some surety companies do not want to issue a bond three to four months in advance, even if it is a renewal. And, that sometimes a bond is not available at the time the application is submitted. He also advised that some applicants may not have attended the training class at the time they submit their application. Discussion followed. The Board agreed to allow applicants who have timely filed their application by November 1, 2010, may submit missing documentation to Board Staff by December 31, 2010. Also, Ms. Young requested that the Application Checklist be updated to reflect that the annual application fee is non-refundable.

PUBLIC COMMENTS

The Chair opened the Meeting to public comment.

Ms. Tammy Laughlin offered that with regard to the training schools, if the Board does not want to provide a list of schools from which to attend, they may just state that the applicant needs to find a course. Or, state, any other sanctioned 40-hour course.

Mr. Randy Scott discussed that the Administrative Order states that the Board shall recommend a training program administered by a third party. Does this require a motion or a vote? Discussion followed. Sgt. Webb offered that the Board is recommending a 40-hour course as opposed to perhaps a 30-hour course. The Board is recommending a sanctioned 40-Hour Non-Enforceable Judicial Process Server Course, and not a particular school.

Mr. Randy Scott requested clarification about the application. He asked if there is anything in the application that does not have to be fulfilled in order to get a license. The Board replied that everything must be completed or the application is considered incomplete.

NEXT MEETING

Next meeting set for the third Thursday of the month: October 21, 2010, beginning at 3:00 p.m. The meeting location will be, 2000 Main Street (SunTrust Bldg), Suite 402, Conference Room B.

ADJOURNMENT

There being no further business, Chairman Averill declared the meeting adjourned by unanimous consent. Meeting adjourned at 4:13 p.m.

Respectfully submitted by,

Dolly Ballard
Court Operations Manager