

# On The Record . . .

Official Newsletter of BERTOLINO LLP

December 2021



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## Our Firm

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Sheri L. Middlemas  
*Chief Operating Officer*

Troy Beaulieu, Esq.  
*Director of Legal Services*

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*Senior Associate Attorney*

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*Associate Attorney*

Penny Smith  
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*Accounts Receivable  
Manager*

Bruce Kingsley  
*Client Relations Coordinator*

Melissa Caffery  
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Marcus Wennrich  
*Marketing Coordinator*

## A Brief Holiday Message from the Managing Partner

This is our last *On The Record...* newsletter edition for 2021 and I want to begin by extending a special thanks to our firm's Chief Operating Officer, Sheri Middlemas, for a great job in preparing and publishing our monthly newsletter throughout this year. And I really hope our readers have enjoyed the content that we have provided.

Well, the Christmas season is now upon us and so is a brand-new year. I don't know about you, but I am amazed by how fast the year 2021 came and went. And although it seems like this year zipped by, our law firm (the Bertolino family) still enjoyed some notable moments this year that I'd like to briefly share with you.

First, and most notable, our family has grown...literally. This year, two of our employees gave birth to two baby boys. I'm happy to report that the moms and sons are healthy and doing great! Our legal staff has also grown. Following a long and exhausting search, I finally filled our Director of Legal Services position by hiring a very experienced and talented attorney to oversee and lead my legal team into next year and beyond.

In addition, this year our law firm collaborated with Total Health Evolution in co-organizing the 5th Annual Veteran's Day 5K Fun Run benefiting Toys-for-Tots. And I am happy to report that there were many smiling faces when my fellow co-organizer and owner of Total Health Evolution, Derrick White, delivered a pickup truck full of toys at a local drop site. I can only imagine the smiles on the childrens' faces when they unwrap their Toys-for-Tots Christmas gifts this year. As of the date of this newsletter, the local Toys-for Tots program in Austin has supported 21,449 children and have distributed 46,824 toys. I want to thank

everyone who participated and contributed to this event.

There were other notable moments this year, but I have limited space on this newsletter, so I will wait to share them for another day. That said, I'm really looking forward to the new notable moments and memories that year 2022 is going to bring.

Finally, I want to wish all our *On the Record...* readers, our clients (both current and former), our vendors, our families, our friends, and our employees a very Merry Christmas and Happy New Year!!!

T.R. NT



### Spotlight: Welcome Troy Beaulieu, our New Director of Legal Services

Troy Beaulieu has joined the firm as our new Director of Legal Services and Senior Associate Attorney. Troy grew up as an Air Force brat, his family was stationed at Bergstrom Air Force Base in Austin during a good bit of his childhood, and he graduated from high school in Austin. Looking for the true college experience away from home, Troy travelled to the Northeast to attend Boston College for his undergraduate studies where he studied history and political science, and developed a particular interest in the important constitutional contributions of James Madison. Quickly realizing that it was cold, wet, and snowing most of the school year in Boston and it has hot and humid during summer breaks when he was home in Texas, Troy decided to complete his degree in three years and move back to Texas to attend law school at Baylor.

Troy married his high school sweetheart, Ana, and they've been married over 20 years and have a 12-year-old son and 5-year-old daughter. In his spare time, Troy enjoys cooking for his family. He highly recommends Pinterest for inspiration and recipes. Troy also enjoys reading about American history and has a particular interest in the constitutional philosophy and contributions of James Madison. Troy is a musician and grew up learning piano from his mother, who is a piano teacher, and he studied voice. During his time at Boston College, Troy sang with the University Chorale and had the exciting opportunity to perform with John Williams and the Boston Pops. Troy also enjoys traveling; his experience as an Air Force brat gave Troy a keen interest in seeing history up close and personal.

Troy spent the last 15 years of his legal career working in state government. Troy worked exclusively on professional licensing matters at the Texas Appraiser Licensing and Certification Board during that time, where he served as director of enforcement for the final 5 years of his tenure. Troy is excited to join the Bertolino team so he can leverage his unique experience in government to protect clients' professional license and livelihood.

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## Hallmark Achievements

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### **Texas State Board of Occupational Therapists v. JY**

**Facts:** A former employer of JY's filed a complaint against her for negligence and for failing to provide timely reports after treatment sessions. The Board requested a response to the complaint from JY.

**Outcome:** BERTOLIO LLP submitted a response and provided evidence showing that JY did submit a majority of her reports prior to her resignation. BERTOLINO LLP argued that there was no evidence of negligence and that the complaint was retaliatory in nature. The Board dismissed the complaint.

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### **Texas State Board of Professional Engineers v. DH**

**Facts:** A former client of DH's filed a complaint against him alleging that he lied to the client, misled the client, failed to act as a reasonable engineer would have by not requesting an extension to his site plans and cost the client almost \$200,000. The complaint was investigated, and the Board found evidence amounting to a code violation. The Board set the matter for an informal settlement conference.

**Outcome:** During the informal conference, BERTOLINO LLP presented two witnesses and provided several documents proving that DH did not lie or mislead the client. The evidence also showed that DH acted as any engineer would have in the same or similar situation. Through the presented evidence BERTOLINO LLP argued that the complaint was missing information and context and was made to make DH look incompetent. Further, BERTOLINO LLP argued that there was no evidence showing that it was DH's actions that led to the client's loss of \$200,000. After closing arguments, the Board voted to dismiss the matter.



## Client Survey: Your Opinion Matters

Bertolino LLP strives to be a 100% client-centered law firm. Running a client-centered law firm means putting our clients at the center of our thinking. This goes beyond the legal deliverables the Firm will provide: Being client-centered means truly putting ourselves in our client's shoes and looking at the experience of hiring an attorney and going through a legal matter from our client's point of view.

Each month, we will pose a quick, client-focused survey in this section of our newsletter. We asked our clients to please assist us by taking this survey, as your feedback is essential in our on-going efforts to deliver an amazing client experience.

-Sheri L. Middlemas,  
Chief Operating Officer



This year Bertolino law firm introduced a new tool that allows our attorneys and clients to easily and securely communicate and share documents. *Clio for Clients* is a portal used by attorneys and all firm staff to send documents and share key details like status and next steps for our clients to access on demand from the *Clio for Clients* mobile app or web browser. Clients can scan and share documents, access their case details in a central spot, and message or chat their attorney and others at the firm.

What is the most appealing feature of Clio for Clients, our attorney-client portal?

Easy to use, secure communications

Select

Case information is centrally located to access when it's convenient for me

Select

Quickly scan and send documents to my legal team from anywhere

Select

Protect access to case information using Face ID, Touch ID, or fingerprint

Select

All of the above!

Select

Thank you!

# **Make a Good First Impression with Your Regulator: An Insider's Perspective**

**Part One of a Two-Part Series by Troy Beaulieu, Esq.**

I recently joined the Bertolino team as the new Director of Legal Services. In my prior life as a state regulator, I handled professional license complaints and application matters. The ones that generated questions up front were situations where the license holder made a poor first impression with the agency staff looking at the case. Taking care of key issues such as these will go a long way to keep you in good stead with your regulator.

## **COMMUNICATION IS KEY**

### **Keep an Eye out for Mail, Email and Phone Messages from your Regulator**

Respond timely to notices, or other communications you receive. If you have a question, check on the agency's website, which often lists frequently asked questions, and provides information. Many state agencies have a hotline or customer service center you can contact to answer your concern. Ask them to provide you written confirmation of their guidance, so you have it for future reference. Even when you do not have a specific matter pending before your state regulator, open your mail regularly, read e-mails and respond to phone calls from the state. If you are going out of town or have long-term health issues impacting your ability to do so, plan for someone to do so and document in writing those expectations. Have someone notify you immediately about any communication from your regulator. Crucial deadlines to address matters can be lost when a licensed professional is lax in handling communication from their regulator. In addition, many state agencies have laws imposing disciplinary action when you fail to respond timely to a matter pending before your regulator, even if the underlying complaint lacks merit.

### **Let Your Attorney Communicate with your Regulator**

If you hired an attorney for a specific matter (a complaint or perhaps an application to obtain, renew or upgrade your license), the attorney or law firm will usually communicate with your state regulator for you and the agency will not contact you. Make sure to let your attorney handle those communications so that there is not confusion. Your lawyer will keep you informed of what's going on and discuss any needed action. If you receive correspondence from your regulator while represented, immediately notify your attorney so important information is not missed.

### **Keep your Contact Information Updated with your State Licensing Agency**

Key to good communication is people being able to reach you. If you have a change in contact information, update your regulator so they can reach you. Demonstrating your contact information is updated may impact whether notices were properly delivered. In fact, many state agencies require license holders to update their contact information timely and you may face disciplinary action for failing to do so. Many agencies provide easy-to-access license holder portals and self-service tools on their website to make this task

easy.

From the Bertolino Family to Yours ...



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