

# On The Record . . .

Official Newsletter of BERTOLINO LLP

October 2022



[Click here to share with a friend or colleague](#)

## Our Firm

Tony R. Bertolino, Esq.  
*Managing Partner*

Sheri L. Middlemas  
*Chief Operating Officer*

Troy Beaulieu, Esq.  
*Director of Legal Services*

Frank A. King, Esq.  
*Senior Associate Attorney*

Kerry J. Bloodsaw, Esq.  
*Associate Attorney*

London de la Teja  
*Accounts Receivable Manager*

Penny Smith  
*Certified Paralegal*

Melissa Caffery  
*Legal Assistant*

Boyan Tantchev  
*Brand Strategist*

## Moving in to the Future

by Tony Bertolino, Esq.

Effective October 1, 2022, the Bertolino Law Firm officially became a hybrid-remote work environment. After much thought and deliberation over the last two years, I decided to convert our law firm from a traditional office space work environment into a hybrid-remote work environment due to my changing and evolving business model.



Quite frankly, my decision came very easy to me. As you know, our law firm represents license-holders and applicants throughout the country, let alone Texas. Our legal services are not limited to a specific city, region, or locale. In fact, due to commuting restrictions, 99.95% of our clients (and prospective new clients) have never even met us in our physical law office. Instead, we have effectively utilized technology such as email, KENECT messaging, telephone and now Zoom video conferencing. And although the Covid-19 pandemic and the subsequent lockdowns in 2020 and 2021 forced our law firm into a mandatory remote work environment, I am convinced that hybrid-remote currently works for me.

BERTOLINO LLP will remain principally based and located in Austin Texas, which is the capitol city and headquarters for all licensing agencies in the state of Texas. I will continue to commute to work each day at a down-sized, private office space located in downtown Austin and my

remaining employees will work from home (hence, hybrid-remote). My new office space location has conference room availability in case our attorneys and support staff ever need to meet our clients face-to-face. We also have full office supplies, mail service, printers, copiers, scanners, and the like. The new office address is:

823 Congress Avenue  
Suite 300  
Austin, Texas 78701

Whether we work in a traditional office space work environment or a hybrid-remote environment, my employees must continue to follow the law firm's strict written policies, systems, and procedures. I will not waiver from my commitment to ensure client confidentiality and the production of high-quality work product. In fact, I have strict policies and procedures that require my employees to:

1. Be clean, well dressed and ready for work each day.
2. Create and maintain a dedicated workstation (i.e., create an environment that supports working and protects client confidentiality).
3. Set, maintain and be available during work hours.
4. Focus on quality output (i.e., fully utilize our case management system and other available law firm resources).
5. Attend all meetings and, when necessary, schedule more check-ins with supervisors and fellow colleagues (i.e., over communicate).
6. Limit distractions during work time (i.e., establish family rules).
7. Obey all BERTOLINO LLP's Policies Systems, and Procedures (PSPs).

Although our physical work environment has changed, our core values have not. The Bertolino Law Firm remains

committed to providing a 100% client-centered experience and defending our clients' careers, livelihood, and reputation.



## Employee Spotlight: Boyan Tantchev

Bertolino Law Firm is excited to announce our newest team member, Boyan Tantchev. Join us in welcoming Boyan and get to know him better with these fun facts about our new Brand Strategist.

My nickname at work: Since I have only been here for a few days, I think this is TBD!

I am skilled at: Making fire trap beats

On the weekends and in my free time I am often: Pretending I am Gordon Ramsey screaming at myself in the kitchen :(

Number one on my bucket list: Visit the Maldives, but it's also \$10,000 per night so we'll see...my birthday is January 10<sup>th</sup> \*cough cough\*

The best sweet or salty snack: Chocolate dipped pretzels or basically any Asian food

Best movie ever: Older favorite movie is "Blow" with Johnny Depp where he plays a drug cartel leader named George Jung who had ties with major drug cartel leaders like Pablo Escobar. But my newer favorite movie is "Get Out" by Jordan Peele. If you haven't seen it go see it! The twist at the end is CRAZY.

My favorite candy: Sour Patch Kids

My favorite sports teams: I used to watch basketball like 10 years when Derrick Rose was supposed to be the new Michael Jordan but then he kept getting injured and I gave up on sports. Now I get excited for the world cup but not too excited since Bulgaria never qualifies.

If I had a theme song that played every time I walk into the office it would be: "Drop It Like It's Hot"

People say I look like: I get Zach Braff a lot

The best part of my job: It's remote!... Er, what I mean is that everyone is extremely talented and friendly and hardworking at Bertolino!

[Learn more about Boyan here](#)

Save Money on Legal Fees: Ask How You Can Help

A series by London de la Teja, AR Manager



From the moment of new client onboarding, we are now working as a team. There will be a list of things the legal team will need from you right off the bat. We ask you for your documents, any letters you have received and will most likely give you some homework to do.

One of the best ways to keep your costs down is to communicate to your attorney and legal team about things you can do to contribute to lowering your costs. Let them know that you are available to handle certain tasks yourself instead of the team doing it for you. For example, picking up documents, scanning and sending documents, communicating to some third parties, assist with preparing responses etc. The more you can do, the less your lawyer must.

This open line of communication and willingness to help will really be beneficial to your case in the long term. We know this isn't always possible, but it is good to have this information for top of mind awareness.

## Hallmark Achievements

### Texas Medical Board v. AG

**Facts:** Our client, AG, hired us to help him obtain his physician license in Texas. The client had some issues in his past that could have negatively impacted his application. He wanted to make sure the matters were disclosed appropriately so that he could obtain a license without incident.



**Outcome:** The firm obtained the client's background records and drafted the necessary disclosure documentation, explaining the circumstances and outcome of the matters. The firm then worked to make sure the required records were provided directly to the Board. After proper disclosure of the history, the client's application was approved, and he obtained his physician license.

### Texas State Board of Pharmacy v. ARH

**Facts:** Our client, ARH, hired us to defend against allegations of unprofessional conduct as a pharmacist. The Board staff claimed the client had acted unprofessionally and negligently in connection with handling a patient matter and had scheduled the client for an informal settlement conference to hear an explanation of what had occurred. The complaint was negatively impacting our client, who was anxious and stressed over the allegations impacting her long-time career.



**Outcome:** The firm got the impending conference rescheduled so the client had adequate time to prepare her case. The firm then submitted a written response addressing the claims, demonstrating how the accusations lacked merit and how it was inappropriate to take any disciplinary action against our client. We then represented the client at an informal settlement conference with agency

staff and Board members to address any questions. At the conference we stressed the agency needed to close the case because the complaint lacked any merit, and it would not serve justice to discipline our client. We demonstrated the complaint lacked merit and the panel of Board members decided to dismiss the allegations against our client without any action against the her license.

## Texas Education Agency v. MT



**Facts:** Our client, MT, hired us to defend against allegations of unprofessional conduct towards other employees. The claims had been filed by staff members who were retaliating against our client for doing his job and meeting his obligations. The complaint was negatively impacting our client's ability to continue in his chosen profession.

**Outcome:** The firm submitted a written response addressing the claims, demonstrating how the accusations lacked merit and how they were levied against our client simply for doing his job properly. We then represented the client at an informal settlement conference with agency staff to address any questions. At the conference we stressed the agency needed to close the case because the complaint lacked any merit. We demonstrated that the retaliatory complaint was filed by disgruntled staff members with ulterior motives and no evidence. As a result, the investigation was closed, and the case dismissed without any action against our client's license.

## Working on a Team: What to Watch Out for When You Work with Unlicensed or Paraprofessional Staff in Your Practice

by Troy Beaulieu, Esq.



Today's business environment is replete with opportunities for teamwork and many high-functioning business models leverage multidisciplinary teamwork to achieve great things for their clients. Doing so is a regular part of daily operations for most businesses. However, regulatory agencies do have specific expectations for what is required to practice a profession, vocation, or trade. Many times, license holders who employ unlicensed or paraprofessional team members who aid in the overall work the license holder performs are subject to limitations on the work they may complete. Recognizing this interplay and adhering to these boundaries, and obligations is critical to avoiding complaints or problems during the application process.

### Be Careful About Who Does What

One of the common themes I saw as a former state regulator were situations where a license holder was working with another individual who was unlicensed, in some type of formalized training (such as an apprentice type license) or held a paraprofessional type of license that limited what the person

could do.

In these situations, doctors, pharmacists, appraisers, real estate brokers and a variety of other license holders may face exposure to a complaint for allowing someone else to do work that can only be completed by someone with the appropriate license type. For example, a pharmacy technician working with a pharmacist cannot provide clinical advice to patients about specific medications or drug interactions because only a pharmacist has the training and experience to do so. Likewise, a certified real estate appraiser may not delegate completion of property inspections or other tasks to an appraiser trainee under their sponsorship or an unlicensed clerical assistant when the client's assignment conditions do not permit doing so. Failing to carefully monitor these situations so that legal boundaries are not crossed by others you are working with can lead to allegations of unlicensed activity against your coworker and a complaint against you alleging you facilitated unlicensed activity. Not only does this expose you to a potential complaint, but it also may cause problems for your coworker if they are in the process of applying for a license.

### **Be Mindful of Any Supervision Requirements or Responsibility for Tasks Delegated**

Another frequent issue involves license holders fail to follow supervision requirements or are responsible for tasks delegated to another. Many times, the law requires a license holder to supervise or monitor the assistance being provided by an unlicensed person, someone in formal training, or someone working in a paraprofessional capacity. For example, real estate brokers have responsibility for the sales agents they supervise and must make sure they are supervising those persons adequately. Pharmacists have some accountability for the pharmacy technicians they work with, lawyers must oversee and are responsible for the legal work performed by paralegals and legal assistants, and certified real estate appraisers must actively, personally, and diligent supervise the appraiser trainees they are sponsoring. Failure to adhere to supervision, oversight and monitoring requirements can lead to allegations by your regulator that you have failed in your duties as a license holder and may expose the coworker the problems if they are applying for a license.

### **When in Doubt, Consult Competent Legal Counsel for Advice**

If you have questions or concerns about your circumstances, you should acquire competent legal advice from a knowledgeable attorney. Someone who regularly practices administrative law / license defense law and can provide you with instruction on your obligations and limits under the laws administered by your regulatory agency. Thankfully, Bertolino LLP focuses on these exact areas and regularly counsels clients who confront these challenges. Get ahead of the curve and address these business operations issues through solid legal counsel before they turn into a complaint or investigation by your regulator.

### **Conclusion**

Teamwork is crucial to running a successful business regardless of the industry you work in. However, each industry has its own unique obligations and parameters impacting who is allowed to do certain work and whether that

work must be monitored or supervised by others. As a license holder, you can embrace opportunities for teamwork and leverage paraprofessional and unlicensed assistants to make your business more efficient so long as you stay aware of your obligations and the legal limitations that impact these dynamics. When in doubt, you should seek legal advice from knowledgeable attorneys who are familiar with your obligations as a regulated license holder. Knowing your duties and limitations on proper practice will help you grow your business and achieve great things for clients and customers free from any problems with your regulator.

## Side Bar ...



### Building a Brighter Future

Helping people goes far beyond paperwork and legal battles. At Bertolino Law Firm, we know that little things like helping build homes are the types of actions that make the biggest change in our community. That's why last month Team Bertolino sponsored a Habitat for Humanity build!

Bertolino not only provided hands-on building, we also funded the day's build for materials needed. Committing to building a house takes a lot of energy and time but the end result is absolutely worth it!

If we all learn to work together the possibilities for the future are endless. One little house at a time is all it takes to make a huge change in our world. The most important thing to remember is that teamwork is absolutely necessary for any project to function properly. If you would like to check out some more pictures from the project click [HERE!](#)

P.S.

For those of you that our new to the newsletter, make sure to follow us on our LinkedIn page for weekly posts! There is no better place to keep up with the Bertolino Law Firm in real time. Happy Halloween y'all!

[Contact Us](#)

[Visit Our Website](#)

BERTOLINO LLP | (512) 476-5757 | 823 Congress Avenue, Suite 300, Austin, TX 78701  
[www.bertolinolaw.com](http://www.bertolinolaw.com) | [info@bertolinolaw.com](mailto:info@bertolinolaw.com)