

On The Record . . .

Official Newsletter of BERTOLINO
LLP

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Firm Announcements

New Year, Exciting Changes Coming

Hello everyone! We hope your 2019 has gotten off to a great start. As you know, with a new year come new opportunities for growth and change, and we at BERTOLINO LLP are no strangers to either.

This month marks the last month we will be in our present Austin office, where we have been since our inception. Our firm is growing and thriving, and we needed more space to accommodate that growth, so we are leaving the ol' 823 building for greater pastures.

As such, be on the the lookout for future correspondence from the firm regarding the new Austin location and the new developments taking place. We are so excited to see what 2019 and beyond have in store for us all!

Live from the "BLAWG": What is the Texas Sunset Commission and what does it do?

Over the past few months, we have discussed several developments in the world of Texas administrative law that involved the "Texas Sunset Advisory Commission."

True to its name, the Sunset Advisory Commission is responsible for reviewing the viability of dozens of state agencies in Texas.

Read more at our [BLAWG](#) to find out more!



Board and Agency Updates



New Chief Disciplinary Counsel Takes the Reigns at the State Bar of Texas

The State Bar of Texas Office of the Chief Disciplinary Counsel ("CDC") represents the Commission for Lawyer Discipline and is charged with investigating and prosecuting allegations of professional misconduct made against licensed Texas attorneys.

Recently, long-time head of the agency, Lisa Acevedo, announced her departure, and after a months-long search for her replacement, the State Bar announced that Ms. Acevedo would be replaced by Seana Willing.

Ms. Willing comes to the CDC with a wealth of experience and, in fact, started her career with the CDC over 20 years ago as a staff attorney.

Before accepting the CDC position, Ms. Willing served as Executive Director of the State Commission on Judicial Conduct.

A Word from the Managing Partner

As mentioned in the Firm Announcements sections above, I am beyond excited about our move to the new office, which will take place toward the end of February. I look forward to presenting the new office to all our clients, colleagues, friends, staff, and family and to hosting an "Open House" party sometime in early-to-mid March. We will keep you posted!

Texas Appraiser Licensing and Certification Board v. C.S.

C.S. is a licensed residential appraiser who was alleged to have purposefully undervalued a residential home to his own benefit and to the detriment of the sellers, who were also the complainants. Specifically, the complainants alleged C.S. visited their home under false pretenses because he never intended on appraising the fair value of their home and instead wanted to "low-ball" the value to benefit his buyer-client. They further alleged that, even if C.S. was rightfully appraising their home, C.S. should not have accepted the assignment because he did not have the proper experience with their neighborhood.

Of course, C.S. denied the allegations. In response to the complaint, C.S. hired our firm to compile all the required documentation and respond in writing to the Board's investigators. After doing so, the firm convinced the Board that the allegations had absolutely no merit, and the Board dismissed the complaint.

Texas Education Agency v. W.B.

W.B. is an educator who was accused of inappropriate conduct at school, including sending a message through a dating application. W.B. hired our firm to provide a detailed written response to the allegations and to attend an informal conference before the Texas Education Agency ("TEA"), where W.B. would have the chance to discuss their side of the story.

As it turned out, W.B. was beta-testing the application for extra income, as W.B. had done in the past. When W.B. downloaded the application and checked to see if it was running properly, one of W.B.'s student's names appeared as a suggested "friend." W.B. contacted the student and told them to remove themselves from the application and further informed the student that W.B. would have to inform the proper school officials because the student was a minor and the dating application was for adults only.

Upon making the report, school officials contacted the TEA, in part, because they felt it W.B. should not be contacting their students via the application. W.B. denied any wrongdoing and, after explaining the details to TEA, including providing substantive evidence in W.B.'s favor, our firm secured a dismissal of the complaint against W.B.

Texas Education Agency v. K.H.

K.H. is an educator who was accused of inappropriate conduct at school, including allegations that K.H. engaged in sexual conduct on campus. K.H. vehemently denied the accusations and hired our firm to represent them before an informal conference at the Texas Education Agency ("TEA").

We attended the informal conference with K.H. and showed TEA that the allegations arose out of fabrications made by K.H.'s former significant other, who had engaged in a scheme to humiliate K.H. and attempted to derail K.H.'s stellar career as an educator by making false accusations and reports to school and school district administrators.

After reviewing the evidence and hearing K.H.'s side of the story, TEA dismissed the complaint and informed K.H. that their educator's certificate would not be affected.



Upcoming Dates of Interest

- Feb. 1 - National Freedom Day
- Feb. 12 - Abraham Lincoln's Birthday
- Feb. 14 - Valentine's Day
- Feb. 18 - President's Day
- Feb. 20 - Love Your Pet Day
- Feb. 22 - George Washington's Birthday

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