

On The Record . . .

Official Newsletter of BERTOLINO LLP

June 2021



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

Our Firm

Tony R. Bertolino, Esq.
Managing Partner

Sheri L. Middlemas
Chief Operating Officer

Frank A. King, Esq.
Senior Associate Attorney

Kerry J. Bloodsaw, Esq.
Associate Attorney

Penny Smith
Certified Paralegal

London de la Teja
Accounts Receivable Manager

Bruce Kingsley
Client Relations Coordinator

Melissa Caffery
Legal Assistant

Marcus Wennrich
Marketing Coordinator

Joseph Gillespie-Hill
Summer Associate

Claire Crofford
Summer Associate

Four Proactive Ways to Avoid License Board Complaints

Complaints filed against your professional license are stress-inducing, may feel overwhelming, and can put your career at risk. Certainly, you can defend against any allegation of wrongdoing, and one of our license defense attorneys can help you do so. However, it is indisputable that the best course of action is to avoid complaints in the first place.

Here are four (4) proactive strategies any licensed professional can implement to help avoid license board complaints.

1. Actively listen to the people you serve.

Whether you are a health care practitioner serving the needs of patients, a real estate agent helping a client buy a first home, or another licensed professional who serves customers, active listening skills can help you avoid complaints. People who feel heard may be less likely to file a complaint.

2. When possible, address the concerns of the people you serve.

This goes hand-in-hand with active listening. People who feel heard and have their concerns addressed may be less likely file a complaint. Also, apologies go a long way. However, be very careful when addressing concerns. You do not want to inadvertently admit fault, which could be used as evidence by a Board.

3. Respond to people in a timely fashion.

Make it a point to respond to clients, customers, or patients within a reasonable

amount of time. Depending on your industry, perhaps an internal policy that you will respond within a certain number of business day is appropriate. In some situations, sending a quick email stating that you will respond with more information soon is appropriate. Be mindful of specific rules your licensing board may have regarding communications or responding to requests. For example, the Texas Medical Board has strict rules on providing patient's medical records once requested.

4. Keep good records.

If your licensing board has rules about what records to produce and how to maintain them, then make sure to adhere to those rules. Notably Texas doctors, nurses, other licensed health care professionals, and lawyers have specific rules on record maintenance. Regardless of your industry, it is always good business practice to maintain adequate records in an organized way. Having some notes about a job or a work order may become valuable evidence to dispute allegations made against you with your licensing board.

The fact is that regardless of how careful and meticulous you are, no matter how deeply you understand the rules of your profession, a complaint may still be lodged against you. If that has happened to you, we are always here to help.

-Managing Partner, Tony Bertolino



Spotlight: Claire Crofford

Meet Claire Crofford, a summer associate with BERTOLINO LLP and responsible for assisting the firm's attorneys with meeting clients' legal needs.

Ms. Crofford is a student at the University of Texas

School of Law where she works as an article's editor for one of the school's legal journals. In 2019, Ms. Crofford graduated summa cum laude from the University of Oklahoma with a Bachelor of Arts in Spanish. She then completed a Masters of Public Health in Epidemiology with the University of Texas Health Science Center of Houston. During her masters, she worked as a researcher for the Michael & Susan Dell Center's School Physical Activity and Nutrition survey.



In her free time, Ms. Crofford can be found rock climbing at the Austin Bouldering Project, practicing violin and piano, or training for her next run. She also enjoys cooking for friends and family.

[Click here for more of Team Bertolino](#)



THE VETERANS DAY 5K

TOYS FOR TOTS

THE VETERANS DAY 5K



Team Bertolino and Total Health Evolution will have a registration tent at the Brushy Creek Amphitheater during their Third Annual 4th of July Celebration.

Join us from 4:30pm to 9:00pm for an amazing Independence Day with live music, food and fun, and sign-up for the Veteran's Day 5K to benefit Toys for Tots.



REGISTER TODAY!

The 5th Annual Veteran's Day 5K Fun Run to benefit the Marine Corp Toys for Tots Program.

- Chip Timers
- Finisher Medals, guaranteed to the first 200 to register
- Plenty of Swag
- Free wine for all finishers over 21 years



Hallmark Achievements - June 2021

Texas Department of Insurance v. Y.O.

Facts: Texas Department of Insurance sent our client, Y.O., a Tex. Ins. Code Sec. 38.001 request for information regarding her consulting contract with a municipality where she allegedly identified herself as a life and health counselor, but did not have a license. TDI additionally asked her about selling insurance products without a license because she had applied for her general lines insurance agency license as well as her life and health counselor license. TDI held up her license applications until the inquiries were finished.

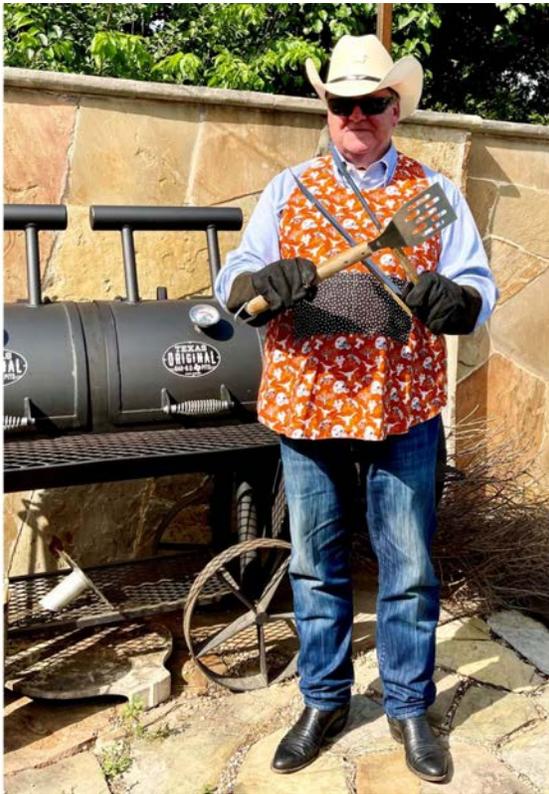
Outcome: Bertolino LLP assisted with written responses and documents which satisfied that portion of the inquiry. TDI followed up with a second Tex. Ins. Code Sec. 38.001 inquiry about Y.O.'s contractual relationship with another entity - a school district. Bertolino LLP again assisted Y.O. with written responses and documents to TDI. TDI closed the investigation and issued a letter of warning to Y.O. regarding holding herself out as a life and health counselor without a license. TDI also issued her general lines insurance agency license.

Texas Department of State Health Services v. A.M.

Facts: Our client, A.M., faced a complaint filed by the Department alleging that our client falsified a medical report and allowed a subordinate to practice outside his scope. The Department pursued the matter through the investigative phase and argued that our client committed acts which required discipline.

Outcome: Through negotiations with staff counsel, Bertolino LLP was able to modify the language regarding the finding of facts within the proposed agreed order and afforded the client only a simple reprimand within the order. Therefore, the order issued no requirements or conditions against the client.

Side Bar ...



Firm Senior Associate, Frank King, is not only an exceptional litigator but also a pretty good grill-master. To celebrate his birthday month and the official start of summer, Frank gives us some insight into his off-time and serves up one of his favorite recipes. Happiest of birthdays, Frank!

What is your background? Where are you from?

I was born and raised in Austin, Texas at the original Seton Hospital on Seton Avenue. First time spanked by a nun, but certainly not the last. Attended St. Louis Parochial School, Lamar Junior High, McCallum and Anderson High Schools. Received all of my degrees from UT. Hook 'em Unicorns!

What do you like to do in your spare time?

Travel - especially international

Frank's "Beer Butt Chicken"

Tender, falling-off-the-bone chicken that's moist on the inside, crispy on the outside:

1 (4 - 5 pound) whole chicken
2 tablespoons extra virgin olive oil
1 tablespoon kosher salt or sea salt
1 tablespoon ground black pepper
2 tablespoons chopped fresh thyme leaves, or 1 tablespoon dried thyme
2 tablespoons chopped fresh rosemary, or 1 tablespoon dried rosemary
2 teaspoons garlic powder
2 teaspoons onion powder
1 (16 ounce) tallboy Lone Star beer

I prefer to use a smoker, but it is inefficient unless you are smoking at least four birds. For a charcoal grill, prepare your grill for indirect heat - put the coals on one side of the grill, leaving the other side free of coals. Lump charcoal is better than briquets, but may be harder to control the heat.

Pat the chicken dry. Remove neck and giblets from cavity of chicken. Coat the chicken in olive oil. Mix the salt, pepper, and spices in a bowl, and rub it all over the chicken. Let it rest for about an hour for the spices to soak in (optional).

Chug half of the Lone Star beer. Open up the top of the beer can with a church key all the way around. Put a few sprigs of rosemary and a couple cloves of garlic (and any other spices you desire) into the beer can. Lower chicken onto the half-filled beer can butt-first.

Preheat grill to medium high heat (about 350 degrees F). Grill on

travel. I have visited every continent except Antarctica and swam in every ocean, except the Arctic - so I still have a couple of places left on my bucket list. Favorite places include trekking around Annapurna in Nepal, sailing the islands of French Polynesia and the Greek Islands in the northern Aegean, visiting the Terra Cotta Warriors in Xian, China and the temples in Kyoto, Japan. I also like camping, hiking and visiting wineries. The latest plan is to visit every national park in the continental US, and eventually go to Patagonia in the Argentinian wine country and hop over to the Galapagos Islands.

Anything else?

I love to smoke, grill and BBQ for backyard pool parties. Here's one of my favorite recipes.

indirect heat - place the chicken on the cool side of the grill, using the chicken legs and beer can as a tripod to support the chicken on the grill and keeping it stable.

Do not even check the chicken for at least an hour. After an hour, check the chicken and refresh the coals if needed. Cook for 1 - 1 ½ hours total or until juices run clear and a meat thermometer reads 160°F - 165° F. when inserted in the thickest part of the breast. Carefully transfer the chicken to a pan, beer can still inside ("carefully" because the beer can, and the beer inside of it, is very hot!). One way to do this is to slide a metal spatula under the bottom of the beer can and use tongs to hold the top of the chicken. Carefully lift the chicken off of the can. If the beer can gets stuck, lay the chicken on its side, and pull the can out with tongs. Let rest for 10 minutes before carving. Enjoy!

[Contact Us](#)

[Visit Our Website](#)

BERTOLINO LLP | (512) 476-5757 | 3101 Bee Cave Road, Suite 270, Austin, TX 78746
www.bertolinolaw.com | info@bertolinolaw.com