



Board of Certified Reporters

Arizona State Courts Building
1501 West Washington Street
Phoenix, Arizona 85007-3222
Conference Room 109

Date: February 9, 2010

Time: 1:00 p.m.

APPROVED Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Allen Sonntag
Judge Peter Swann
Judge Edward Bassett
Ty Taber
Patricia Calabro

Telephonically Present:

Patricia Seguin
Terri Faust
Cheryl Austin

Absent:

Kathleen Montalvo

OTHER ATTENDEES

AOC Staff:

Linda Grau
Kimberly Siddall
Jennifer Greene
Tony Posante
Deborah MacDougall
Alex Navarro
Nancy Swetnam
Doris Leonard

Members of the Public:

Doreen Borgmann
Erica Grund
Diane Sonntag
Yvonne De la Torre
Rosina Seymour
Tony Garcia
Mary Meyer
Chris Green
Michele Balmer
Suzanne Simms

CALL TO ORDER

Called to Order By:

G. Allen Sonntag

Time:

1:05 p.m.

1) REVIEW AND APPROVAL OF MINUTES

1-A: *Review and discuss approval of the Regular Session Minutes for the meeting of January 12, 2010.*

Individual Addressing the Board: G. Allen Sonntag

Discussion: Patricia Calabro noted on page 3 of the minutes, first paragraph, it reads: “the applications be deferred to the February 6, 2010 meeting.” The date is corrected to read February 9, 2010. Correction has been made to the January 12th minutes.

Motion: Approve regular session minutes of January 12, 2010.

Motion Proposals: First Patricia Calabro
Second Terri Faust

Motion Results: Pass **BCCR-10-07**

2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding complaint number 09-C005 involving certified reporter Bethany Campbell.*

Individual Addressing the Board: Nancy Swetnam

Discussion: Staff noted a correction to page 2 of the Allegation Analysis Report and Probable Cause Evaluation and Decision. The second paragraph of page 2 reads “...informing Campbell of the requirement she submit a written response within 10 days.” This should read “...she submit a written response within 30 days.”

Probable Cause Evaluator Mike Baumstark entered a finding probable cause exists as to Allegation 1 and 2 of complaint number 09-C005 on January 25, 2010. Staff recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Bethany Campbell (“Campbell”) committed the alleged acts of misconduct and enter a finding grounds for formal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a), (H)(6)(k)(2) and (H)(6)(k)(3) for acts of misconduct involving ACJA §7-201(F)(1),(H)(3)(c) and ACJA § 7-206(F)(1) and (J)(4)(c).

It was further recommended the Board request staff contact Ms. Campbell in advance of filing to the Notice of Formal Statement of Charges to determine if Ms. Campbell is willing to resolve this matter through a Consent Agreement. In the event Ms. Campbell is willing, a Consent Agreement will be presented for Board review at the next meeting. If not, staff will proceed with the filing of the Notice of Formal Statement of Charges without further action of the Board.

Motion: Accept the finding of the Probable Cause Evaluator.

Motion Proposals: First Ty Taber
Second Patricia Seguin

Motion Results: Pass **BCCR-10-08**

Motion: Accept the recommendation of staff regarding the finding for formal discipline and request staff contact Ms. Campbell regarding the possible Consent Agreement resolution of this matter; with the Notice of Formal Statement of Charges to file without if further Board review if Ms. Campbell is not interested in a Consent Agreement.

Motion Proposals: First Patricia Calabro
Second Terri Faust
Motion Results: Pass **BCCR-10-09**

3) ADMINISTRATIVE ISSUES

3-A: Discussion regarding Board Member training - No action is requested regarding this agenda item. Rather, it was included on the Agenda to enable the Board to discuss training as it pertains to Board members.

Patricia Calabro asked staff to present to the Board specific guidelines as to what the Board of Certified Reporters does: who they serve; items accomplished; who to talk to, etc. Nancy Swetnam agreed to do a presentation for the Board. Nancy requested all Board members be present and allot one hour. Allen Sonntag suggested this one-hour presentation be held at the conclusion of the next Board meeting. Board recommended this item be made a part of the Agenda for April 13, 2010.

3-B: Discussion regarding Certified Reporter Program budget and the every other year renewal application fee.

Nancy Swetnam presented a Power Point showing categories of Expenses, Budget Consideration, Revenues FY01-FY09, Fee and Revenue Estimates, FY10 Recap, FY11 and FY12 projections.

3-C: Discussion regarding Arizona Code of Judicial Administration § 7-206(J)(1)(g).

Arizona Code of Judicial Administration § 7-206(J)(1)(g) reads:

g. Contracts for reporter services between persons holding certificates under this section or any person for whom the reporters act as agents and any attorney at law or agent or any insurance company or agent or any other person are prohibited.

- (1) This subsection shall not apply to contracts for certified reporting services for the courts, agencies, or instrumentalities of the United States or of the state of Arizona.
- (2) A reporter may upon request of an attorney or an agent of an attorney or an insurance company, quote rates for both originals and copies of depositions for a particular deposition to be taken, or for all depositions in a case, provided the same rate is charged to all other parties obtaining copies and disclosure is made to all parties involved in the case. Quoting rates for all depositions in a case does not constitute a contract.
- (3) A certified reporter shall not relinquish control of transcript production, distribution and invoicing to any entity in a manner which prevents the certified reporter from complying with the requirements of this section, and the applicable state and local laws, rules and regulations.

No action is requested regarding this item. Rather, the item was included on the Agenda to enable to the Board to discuss this section of the ACJA § 7-206(J) Code of Conduct.

3-D: Update regarding status of Certified Reporter Program sunset review.

When the Certified Reporter Program was established by the Arizona Legislature, language was included in ARS § 32-4009 which scheduled the termination of the Certified Report Program on June 30, 2009. On April 21, 2008, the Governor signed Senate Bill 1050 (Chapter 54, Laws 2008) repealing ARS § 32-4009 and making the Certified Reporter Program permanent.

3-E: Update regarding pending legislation.

To date, staff review of recently introduced bills reveals there are no pending bills under consideration which directly impact the Certified Reporter Program.

Staff reported as of beginning of the meeting, there were no pending bills under consideration which directly impact the Certified Reporter Program.

4) CERTIFICATION AND ELIGIBILITY

Individual Addressing the Board: Kimberly Siddall

4-A: Review, discussion and possible action regarding pending applications for renewal of certification:

Staff recommends granting renewal certification to the following:

Theresa Aguilar
Jean Albright
Jacquelyn Allen
Ernie Ambort
Lisa Anderson
Heidi Anderson
Kathryn Andrew
Susan Auletta
Cindy Bachman
Laureen Badar
Mary Jo Bair
Rossana Baker
Deanna Bakurza
Michele Balmer
Sheryl Barker
Lora Barnett
Patricia Barron
Marilou Barry
Crystal Bartlowe
Mark Bartunek
Wanda Bauer
Becky Baumert
Kate Baumgarth
Mary Beatty
Christine Bemiss
Cindy Benner
Mary Bernal
Monica Berry
Patricia Bischoff-McCarthy

Linda Blackmon
Nancy Bledsoe
Linda Bock
Lynn Bolen
Karen Bolton
Rita Borboa
Doreen Borgmann
Dawna Boswell
James Bouley
John Bouley
Michael Bouley
Martin Bouley
Deborah Boyette
Lisa Bradley
Sharon Bradley
Kathleen Braley
Barbara Brodrick
Cecelia Brookman
Barbara Buesing
Melanie Builder
Marianne Burton
Eve Burton
Susa Byrum
Patricia Calabro
Linda Cantrell
Christine Chamberlain
Vicki Champion
Wendell Chapman
Bernadette Chari
Linda Christensen
David Christy
Deborah Cleary
Christine Coaly
Gerard Coash
Meri Coash
Leslie Collins-House
Ellen Colonna
James Colville
Treva Colwell
Scott Coniam
Deborah Corradini
John Cozza
Deborah Croci
Lynn Cronin
Marjorie Crosby
Tamlyn Crosse
Elva Cruz-Lauer
Tina Cummings
John Dalsin
Kelley Dalton
Michaela Davis

Donna DeLavina
Norma DeLong
Jeanne Depenbrok
Sabre Deterding
Helene Diehl
Michael Dippel
Donna Dobson
Diane Donoho
Talia Douglas
Jane Doyle
Holly Draper
Lawrence Driver
Howard Dropkin
Diane Dzwonkoski
Linda Eakin
Mary Edgar
Kimberly Empey
Lydia Estrada-Gray
Glinda Fabok
Kimberly Faehn
Sharon Fain
Terri Faust
Diane Fayette
Gail Ferguson
George Finn
Leslie Foldy
Lori Fraley
Luz Franco
Randi Friedman
Angela Fritts
Janice Fuller
Amy Fuller
Adam Gage
Darlene Gall
Debra Galvin
Anthony Garcia
Guillermina Garcia-Hunt
Vanessa Gartner
Maria Geare
Patricia Gerson
Pamela Giffin
Laurinda Ginsberg
Lisa Glennie
James Glover
Melissa Gonsalves
Ana Goodenough
Autumn Grant
Pamela Griffin
Judith Griffin
Jodie Guhr
Stephanie Gustave

Syndie Hagardt
Steve Haight
Deborah Hanlon
Jennifer Hanssen
Margaret Harcarik
Christine Harrington
Melissa Hart
Kelly Hartwig
Janet Hauck
Terese Heisig
Sheryl Henke
Debra Henson
Charles Herder
Karen Heutzenroeder
Gary Hill
Monica Hill-Morrisette
Claudia Hilton
Van Honeman
Joyce Howard
Zella Howard
Teresa Hudson
Bonnie Humm
April Hunt
Barbara Jackson
Andrea Tracy Jamieson
Robin Jasper
Holly Johnson
Robin Johnson
Wayne Johnson
Kathleen Johnston
Tracy Johnston
Karen Kahle
Shirley Kenyon
Karen Kessler
Scott Kindle
Rene King
Robert King
Doug Kirkpatrick
Denice Klassen
Jeffrey Klein
Julie Knowlton
Shirley Koch-Smith
Kellie Konicke
Karen Kovacs
Tara Kramer
Anita Landeros
Paul Landsman
Christina Larsen
Jody Lenschow
Roberta Liberato
Bonnie Lindsey

Cynthia Lineburg
Eileen Livingston
Doreen Loboock
Kathryn Lorenz
Catherena Lott
Judy Love-Hosler
Elizabeth Lumia
Cynthia Mahoney
Ashlee Mangum
Mary Manning
Barbara Manning
Lorena Marin-Garcia
Sandra Markham
Jill Marnell
Sandra Marruffo
Karla Martin
JoAnn Mason
Dawn Maxfield
Pamela Mayer
Carol McCue
Cynthia McDevitt
Laura McDole
Ann McInnis
William McNutt
Amy Merrifield
Mary Meyer
Catherine Miccolis
Laura Miller
Lorraine Milligan
David Minder
Debora Mitchell
Susan Mitchell
Renee Mobley
Donald Moll
Lilia Monarrez
Marisa Montini
Linda Moore
Debora Moore
Karine Moore-Deysie
Sandalee Moring
Cynthia Morris-Crowe
Sandra Munter
Deirdre Muzall
Teresa Nesselroad
Dawn Oaks
Kathleen O'Donnell
Melody O'Donnell
Rebecca Ogle
Kelly Oglesby
Sandy Ong-Wolf
Robin Osterode

Julie Ottmar
Kelly Palmer
Stacey Palmer
Nancy Papietro
LeAnn Pappas
Florence Pasteur
Helene Paustian
Jacqueline Perkins
Katherine Pitotti
Shelley Plate
Kimberly Portik
Wendy Pullium
Dianne Quigley
Dotty Reaume
Clarice Reed
Tracy Reinke
Marta Rice
Janet Rice
Gene Richards
Nancy Richmond
Phyllis Rissky
Lory Rivera
Lerryn Roberds
Bonita Robertson
Julianne Roesly
Josie Roper
Barbara Rosado
Janell Rose
Colette Ross
Daunice Rottas
Nancy Rowland
Kim Rupiper
Holly Sack
Sharon Sandomire
Deanna Sandor
S. Annette Satterlee
Nicole Schaffner
Kenneth Schippers
Gail Schlanger
Jennifer Schuck
Dorothy Schulte
MaryJo Schumacher
Kaylene Scotson
Rosina Seymour
Michelle Seymour
Cindy Shearman
Barbara Short
Marta Silva
George-Ann Silverman
Suzanne Simms
Robert Sipos

Carrie Smalanskas
Alisa Smith
Barbara Smith
George Sonntag
Diane Sonntag
Vivian Spencer
Carolyn Stallworth
Shannon Stevenson
Traci Stutsman
Carolyn Sullivan
Catherine Tapia
Roxanne Tarn
Donna Terrell
Carol Trejo
Deborah Tucker
Denise Vaishville
Kristine Valdez
Juliette Vidaurri
Mary Vincelette
Lisa Vitoff
Sandra Waldo
Laura Walker
Judith Warmuth
Denise Warren
Mildred Waterman
Wilma Weinreich
Traci Wheeler
Cheryl Wilder
Stephanie Winters
Kristin Woodall
Kelly Woods
Thomas Woppert
Kimberly Workman
Kristen Wunsch
Laurie Yazwa
Lori Yeager
Christeen Zavala
Catherine Taylor
Elizabeth Howard
Mary Davis
Angela Miller
John Lopez
Jo Ann Kramer
Mark Miller
David Lee
Jennifer Smith
Patricia Stewart
Rachelle Young
Susan Grenz
Kristi Spires
Miguel Benitez

Gayle Thomson
Joanne Williams
Laurel Dunn
Linda Lopez
Christopher White
Pamela Remus
Jovanna Roman

Motion: Grant renewal certification to the following certificate holders:

Theresa Aguilar
Jean Albright
Jacquelyn Allen
Ernie Ambort
Lisa Anderson
Heidi Anderson
Kathryn Andrew
Susan Auletta
Cindy Bachman
Laureen Badar
Mary Jo Bair
Rossana Baker
Deanna Bakurza
Michele Balmer
Sheryl Barker
Lora Barnett
Patricia Barron
Marilou Barry
Crystal Bartlowe
Mark Bartunek
Wanda Bauer
Becky Baumert
Kate Baumgarth
Mary Beatty
Christine Bemiss

Motion Proposals: First Ty Taber
Second Judge Peter Swann
Recusals Terri Faust: Kathryn Andrew; Mary Jo Bair
Patricia Calabro: Susan Auletta

Motion Results: Pass **BCCR-10-10**

Motion: Grant renewal certification to the following certificate holders:

Cindy Benner
Mary Bernal
Monica Berry
Patricia Bischoff-McCarthy
Linda Blackmon
Nancy Bledsoe
Linda Bock
Lynn Bolen

Karen Bolton
Rita Borboa
Doreen Borgmann
Dawna Boswell
James Bouley
John Bouley
Michael Bouley
Martin Bouley
Deborah Boyette
Lisa Bradley
Sharon Bradley
Kathleen Braley
Barbara Brodrick
Cecelia Brookman
Barbara Buesing
Melanie Builder

Motion Proposals: First Ty Taber
Second Judge Peter Swann
Recusals Terri Faust: Mary Bernal
Patricia Calabro: Barbara Brodrick; Melanie Builder

Motion Results: Pass **BCCR-10-11**

Motion: Grant renewal certification to the following certificate holders:

Marianne Burton
Eve Burton
Susan Byrum
Patricia Calabro
Linda Cantrell
Christine Chamberlain
Vicki Champion
Wendell Chapman
Bernadette Chari
Linda Christensen
David Christy
Deborah Cleary
Christine Coaly
Gerard Coash
Meri Coash
Leslie Collins-House
Ellen Colonna
James Colville
Treva Colwell
Scott Coniam
Deborah Corradini
John Cozza
Deborah Croci
Lynn Cronin
Marjorie Crosby

Motion Proposals: First Ty Taber

Motion Proposals: First Ty Taber
Second Judge Peter Swann
Recusals Terri Faust: Helen Diehl
Patricia Calabro: Lawrence Driver

Motion Results: Pass **BCCR-10-13**

Motion: Grant renewal certification to the following certificate holders:
Kimberly Faehn
Sharon Fain
Terri Faust
Diane Fayette
George Finn
Leslie Foldy
Lori Fraley
Luz Franco
Randi Friedman
Angela Fritts
Janice Fuller
Amy Fuller
Adam Gage
Darlene Gall
Debra Galvin
Anthony Garcia
Guillermina Garcia-Hunt
Vanessa Gartner
Maria Geare
Patricia Gerson
Pamela Giffin
Laurinda Ginsberg
Lisa Glennie

Motion Proposals: First Ty Taber
Second Judge Peter Swann
Recusals Terri Faust: Terri Faust
Patricia Calabro: Kathleen Fink-Gehrke

Motion Results: Pass **BCCR-10-14**

Motion: Grant renewal certification to the following certificate holders:
James Glover
Melissa Gonsalves
Ana Goodenough
Autumn Grant
Pamela Griffin
Judith Griffin
Jodie Guhr
Stephanie Gustave
Syndie Hagardt
Steve Haight
Deborah Hanlon
Jennifer Hanssen

Margaret Harcarik
Christine Harrington
Melissa Hart
Kelly Hartwig
Janet Hauck
Terese Heisig
Sheryl Henke
Debra Henson
Charles Herder
Karen Heutzenroeder
Gary Hill
Monica Hill-Morrisette
Claudia Hilton

Motion Proposals: First Ty Taber
Second Judge Peter Swann
Recusals Patricia Calabro: Melissa Gonsalves; Steve Haight;
Melissa Hart; Terese Heisig

Motion Results: Pass **BCCR-10-15**

Motion: Grant renewal certification to the following certificate holders:

Van Honeman
Joyce Howard
Zella Howard
Teresa Hudson
Bonnie Humm
April Hunt
Barbara Jackson
Andrea Tracy Jamieson
Robin Jasper
Holly Johnson
Robin Johnson
Wayne Johnson
Kathleen Johnston
Tracy Johnston
Karen Kahle
Shirley Kenyon
Karen Kessler
Scott Kindle
Rene King
Robert King
Doug Kirkpatrick
Denice Klassen
Jeffrey Klein
Julie Knowlton
Shirley Koch-Smith

Motion Proposals: First Ty Taber
 Second Judge Peter Swann
 Recusals Terri Faust: Van Honeman; Wayne Johnson; Tracy Johnston; Karen Kahle
 Patricia Calabro: Bonnie Humm; Andrea Tracy Jamieson; Doug Kirkpatrick
 Pass **BCCR-10-16**

Motion: Grant renewal certification to the following certificate holders:

Kellie Konicke
 Karen Kovacs
 Tara Kramer
 Anita Landeros
 Paul Landsman
 Christina Larsen
 Jody Lenschow
 Roberta Liberato
 Bonnie Lindsey
 Cynthia Lineburg
 Eileen Livingston
 Doreen Loboock
 Kathryn Lorenz
 Catherena Lott
 Judy Love-Hosler
 Elizabeth Lumia
 Cynthia Mahoney
 Ashlee Mangum
 Mary Manning
 Barbara Manning
 Lorena Marin-Garcia
 Sandra Markham
 Jill Marnell
 Sandra Marruffo
 Karla Martin

Motion Proposals: First Ty Taber
 Second Judge Peter Swann
 Recusals Terri Faust: Kathryn Lorenz; Elizabeth Lumia
 Pass **BCCR-10-17**

Motion: Grant renewal certification to the following certificate holders:

JoAnn Mason
 Dawn Maxfield
 Pamela Mayer
 Carol McCue
 Cynthia McDevitt
 Laura McDole
 Ann McInnis
 William McNutt
 Amy Merrifield

Mary Meyer
Catherine Miccolis
Laura Miller
Lorraine Milligan
David Minder
Debora Mitchell
Susan Mitchell
Renee Mobley
Donald Moll
Lilia Monarrez
Marisa Montini
Linda Moore
Debora Moore
Karine Moore-Deysie
Sandalee Moring
Cynthia Morris-Crowe

Motion Proposals: First Ty Taber
Second Judge Peter Swann
Recusals Terri Faust: Debra Moore
Patricia Calabro: Mary Meyer
Pass **BCCR-10-18**

Motion: Grant renewal certification to the following certificate holders:
Sandra Munter
Deirdre Muzall
Teresa Nesselroad
Dawn Oaks
Kathleen O'Donnell
Melody O'Donnell
Rebecca Ogle
Kelly Oglesby
Sandy Ong-Wolf
Robin Osterode
Julie Ottmar
Kelly Palmer
Stacey Palmer
Nancy Papietro
LeAnn Pappas
Florence Pasteur
Helene Paustian
Jacqueline Perkins
Katherine Pitotti
Shelley Plate
Kimberly Portik
Wendy Pullium
Dianne Quigley
Dotty Reaume
Clarice Reed

Motion Proposals: First Ty Taber
 Second Judge Peter Swann
 Recusals Terri Faust: Deirdre Muzall
 Patricia Calabro: Kelly Oglesby; Nancy Papietro; Wendy Pullium
 Pass **BCCR-10-19**

Motion: Grant renewal certification to the following certificate holders:
 Tracy Reinke
 Marta Rice
 Janet Rice
 Gene Richards
 Nancy Richmond
 Phyllis Rissky
 Lory Rivera
 Lerryn Roberds
 Bonita Robertson
 Julianne Roesly
 Josie Roper
 Barbara Rosado
 Janell Rose
 Colette Ross
 Daunice Rottas
 Nancy Rowland
 Kim Rupiper
 Holly Sack
 Sharon Sandomire
 Deanna Sandor
 S. Annette Satterlee
 Nicole Schaffner
 Kenneth Schippers
 Gail Schlanger

Motion Proposals: First Ty Taber
 Second Judge Peter Swann
 Recusals Terri Faust: Bonita Robertson
 Patricia Calabro: Tracy Reinke; Julianne Roesly
 Pass **BCCR-10-20**

Motion: Grant renewal certification to the following certificate holders:
 Jennifer Schuck
 Dorothy Schulte
 MaryJo Schumacher
 Kaylene Scotson
 Rosina Seymour
 Michelle Seymour
 Cindy Shearman
 Barbara Short
 Marta Silva

George-Ann Silverman
Suzanne Simms
Robert Sipos
Carrie Smalanskas
Alisa Smith
Barbara Smith
George Sonntag
Diane Sonntag
Vivian Spencer
Carolyn Stallworth
Shannon Stevenson
Traci Stutsman
Carolyn Sullivan
Catherine Tapia
Roxanne Tarn
Donna Terrell

Motion Proposals: First Ty Taber
Second Judge Peter Swann
Recusals Terri Faust: Kaylene Scotson; Robert Sipos; Barbara Smith; Vivian Spencer; Catherine Tapia
Patricia Calabro: Jennifer Schuck; Cindy Shearman; Barbara Short
Allen Sonntag: George Sonntag; Diane Sonntag
Pass **BCCR-10-21**

Motion: Grant renewal certification to the following certificate holders:
Carol Trejo
Deborah Tucker
Denise Vaishville
Kristine Valdez
Juliette Vidaurri
Mary Vincelette
Lisa Vitoff
Sandra Waldo
Laura Walker
Judith Warmuth
Denise Warren
Mildred Waterman
Wilma Weinreich
Traci Wheeler
Cheryl Wilder
Stephanie Winters
Kristin Woodall
Kelly Woods
Thomas Woppert
Kimberly Workman
Kristen Wunsch
Laurie Yazwa
Lori Yeager
Christeen Zavala

Catherine Taylor
Elizabeth Howard
Mary Davis
Angela Miller
John Lopez
Jo Ann Kramer
Mark Miller
David Lee
Jennifer Smith
Patricia Stewart
Rachelle Young
Susan Grenz
Kristi Spires
Miguel Benitez
Gayle Thomson
Joanne Williams
Laurel Dunn
Linda Lopez
Christopher White
Pamela Remus
Jovanna Roman

Motion Proposals: First Ty Taber
Second Judge Peter Swann
Recusals Terri Faust: Kristine Valdez; Denise Warren
Pass **BCCR-10-22**

Discussion: Staff recommends deferring the renewal of certification to the following certificate holders until the April 13, 2010 meeting, pending receipt of additional information:

Kristen Brown
Gail Ferguson
Margaret Riley
Marylynn LeMoine
Michael Haley
Colleen Kelly
Cathy Hoff
Sandra Riley
Yvonne Whitefield
Steven King
Thomas Ritter
Dana Smith
Michelle Wellner
Carlton Dawson
Brenda Brown
Cheryl Austin
Hilda Lopez
Gail Vinson

Motion: Grant deferring renewal of certification to the following certificate holders until the April 13, 2010 meeting:
Kristen Brown

Gail Ferguson
Margaret Riley
Marylynn LeMoine
Michael Haley
Colleen Kelly
Cathy Hoff
Sandra Riley
Yvonne Whitefield
Steven King
Thomas Ritter
Dana Smith
Michelle Wellner
Carlton Dawson
Brenda Brown
Cheryl Austin
Hilda Lopez
Gail Vinson

Motion Proposals: First Ty Taber
Second Patricia Calabro
Recusals Terri Faust: Hilda Lopez; Gail Vinson
Patricia Calabro: Colleen Kelly; Wanda Curry
Cheryl Austin: Cheryl Austin
Pass **BCCR-10-23**

NOTE: *The Board accepts Ms. Siddall's verbal correction of \$100.00 (not \$50.00) pursuant to ACJA § 7-206 (K)(3)(d) with respect to the delinquent CE fee amount.*

Discussion: Staff recommends the following certificate holders be granted renewal and, pursuant to ACJA § 7-206(L)(9)(e) be assessed a delinquent CE fee of \$100.00, to be remitted not later than February 26, 2010:
Kathryn Blackwelder
Heidi Callahan
Courtney Vanderwalker

Motion: Grant renewal of the following certificate holders and, pursuant to ACJA § 7-206(L)(9)(e), be assessed a delinquent CE fee of \$100.00, to be remitted no later than February 26, 2010:
Kathryn Blackwelder
Heidi Callahan
Courtney Vanderwalker

Motion Proposals: First Ty Taber
Second Patricia Calabro
Motion Results: Pass **BCCR-10-24**

Discussion: Staff recommends the following certificate holders be granted renewal adding language regarding failure to disclose.
Julie Jarrett
Hilary Zive

Motion: Grant renewal of certification for the following certificate holders adding language regarding failure to disclose
Julie Jarrett
Hilary Zive

Motion Proposals: First Ty Taber
Second Judge Swann
Pass **BCCR-10-25**

Discussion: Staff recommends renewal of certification be granted for the following certificate holder and, pursuant to ACJA § 6-206(L)(9)(e) be assessed a delinquent fee of \$100.00 to be remitted not later than February 26, 2010.
Wanda Curry

Motion: Grant renewal of certification for the following certificate holder and, pursuant to ACJA § 6-206(L)(9)(e) be assessed a delinquent fee of \$100.00 to be remitted not later than February 26, 2010:
Wanda Curry

Motion Proposals: First Ty Taber
Second Judge Swann
Pass **BCCR-10-26**

Discussion: Staff recommends renewal of certification for the following certificate holder:
Leopold Mankiewicz.

Motion: Grant renewal of certification for the following certificate holder:
Leopold Mankiewicz

Motion Proposals: First Ty Taber
Second Patricia Cabalo
Pass **BCCR-10-27**

BOARD ADJOURNS FOR BREAK: 2:32 p.m.

BOARD RECONVENES: 2:46 p.m.

4-B: Review, discussion, and possible action regarding pending applications for Initial Standard Certification.

Individuals Addressing the Board: Kimberly Siddall

Discussion: Staff recommended the Board grant initial standard certification to the following certificate holders, effective date March 1, 2010, and inform them to remit the \$230.00 difference of the two-year initial certification to be received no later than February 26, 2010:

Shayna Montgomery
Susan L. Reynolds
Nicola S. Bauman

Motion: Grant initial standard certification to the following certificate holders, effective March 1, 2010. Staff to inform them to remit the \$230.00 difference of the two-year initial certification to be received no later than February 26, 2010:

Shayna Montgomery
Susan L. Reynolds
Nicola S. Bauman

Motion Proposals: First Judge Swann
Second Patricia Calabro
Motion Results: Pass **BCCR-10-28**

4) **CERTIFICATION AND ELIGIBILITY**

4-C: *Review, discussion and possible action regarding request for extension of continuing education requirements for certificate holder Laura G. Dunn.*

Individual Addressing the Board: Kimberly Siddall

Discussion: Ms. Dunn is requesting an extension to obtain her continuing education. Ms. Dunn was audited for proof of continuing education. Pursuant to the Arizona Code of Judicial Administration (ACJA) § 7-206(L)(9)(c)(2):

The Board shall determine whether extenuating circumstances exist. In reviewing the request, the Board shall consider if the certified reporter has been unable to devote sufficient hours to fulfill the requirements during the certification period because of:

- (a) full-time service in the armed forces of the United States during a substantial part of the certificate period;
- (b) an incapacitating illness documented by a statement from a currently licensed health care provider;
- (c) a physical inability to travel to the sites of approved programs documented by a statement from a currently licensed health care provider; or
- (d) any other special circumstances the Board deems appropriate.

Staff recommended the Board determine whether Ms. Dunn's request should be considered a special circumstance pursuant to ACJA § 7-206(L)(9)(c)(2)(d) and determine if the request would warrant an extension or waiver of CE credits.

Motion: Grant Ms. Dunn's request to be considered a special circumstance pursuant to ACJA § 7-206(L)(9)(c)(2)(d) and a 45 day extension be given to Ms. Dunn to obtain her required credits of continuing education.

Motion Proposals: First Ty Taber
Second Judge Swann

Motion Results: Pass **BCCR-10-29**

4D: Review, discussion and possible action regarding request for extension of continuing education requirements for certificate holder Judy Gibbons

Individuals Addressing the Board: Linda Grau

Discussion: Ms. Dunn is requesting an extension to obtain her continuing education. Ms. Dunn was audited for proof of continuing education. Pursuant to the Arizona Code of Judicial Administration (ACJA) § 7-206(L)(9)(c)(2):

The Board shall determine whether extenuating circumstances exist. In reviewing the request, the Board shall consider if the certified reporter has been unable to devote sufficient hours to fulfill the requirements during the certification period because of:

- (a) full-time service in the armed forces of the United States during a substantial part of the certificate period;
- (b) an incapacitating illness documented by a statement from a currently licensed health care provider;
- (c) a physical inability to travel to the sites of approved programs documented by a statement from a currently licensed health care provider; or
- (d) any other special circumstances the Board deems appropriate.

It is recommended the Board determine whether Ms. Gibbons' request should be considered a special circumstance pursuant to ACJA § 7-206(L)(9)(c)(2) and determine if the request would warrant an extension or waiver of CE credits.

Motion: Grant Ms. Gibbons' request to be considered a special circumstance pursuant to ACJA § 7-206(L)(9)(c)(2)(d) and a 60 day extension be given to Ms. Gibbons to obtain her required credits of continuing education.

Motion Proposals: First Judge Swann
Second Ty Taber

Motion Results: Pass **BCCR-10-30**

4-E: Review, discussion and possible action regarding request for placement on Inactive Status received from certified reporter Barbby L. Ashian, certification number 50316.

Individuals Addressing the Board: Linda Grau

Discussion: Ms. Ashian was granted standard certification on December 9, 2002. On December 24, 2009, Ms. Ashian submitted a request for her certification to be placed on inactive status. ACJA § 7-201(E)(8)(a) reads:

“A certificate holder may transfer to inactive status, upon written request to

the board. Upon recommendation of division staff the board may accept the transfer of the certificate holder to inactive status and division staff shall note in the certification database the certificate holder is on inactive status, in good standing. The inactive certificate holder shall not engage in the practice of the profession or occupation of certification pro bono or for a fee or other compensation while on inactive status and shall not present themselves as a certificate holder.”

Division records confirm there are no pending complaints involving Ms. Ashian.

Staff recommends the Board accept the transfer of the certificate holder to inactive status in good standing.

Motion: Grant the transfer of certificate holder, Ms. Ashian, to inactive status in good standing

Motion Proposals: First Ty Taber
Second Patricia Calabro
Recusal Terri Faust
Motion Results: Pass **BCCR-10-31**

4-F: Review, discussion and possible action regarding request for placement on Inactive Status received from certified reporter Lisa Andreassen, certification number 50371.

Individuals Addressing the Board: Linda Grau

Discussion: Ms. Andreason was granted standard certification on December 9, 2002. On December 31, 2009, Ms. Andreason submitted a request for her certification to be placed on inactive status. ACJA § 7-201(E)(8)(a) reads:

A certificate holder may transfer to inactive status, upon written request to the board. Upon recommendation of division staff the board may accept the transfer of the certificate holder to inactive status and division staff shall note in the certification database the certificate holder is on inactive status, in good standing. The inactive certificate holder shall not engage in the practice of the profession or occupation of certification pro bono or for a fee or other compensation while on inactive status and shall not present themselves as a certificate holder.

Division records confirm there are no pending complaints involving Ms. Andreason.

It is recommended the Board accept the transfer of the certificate holder to inactive status in good standing.

Motion: Grant the transfer of certificate holder, Ms. Andreason, to inactive status in good standing.

Motion Proposals: First Patricia Calabro
Second Cheryl Austin
Motion Results: Pass **BCCR-10-32**

CALL TO THE PUBLIC

1. Yvonne DeLaTorre - Presented an issue she has with complaint C008. Allen Sonntag informed Ms. DeLaTorre the Board meeting was not the appropriate forum given the pending formal action. Ms. DeLaTorre left the meeting.
2. Erica Grund - (newly elected President of ARCA) - Presented updates of the organization and concerns they have about the complaints process. Also, she requested the Board reconsider establishment of an Advisory Committee to handle issues such as rule violations and dealing with the issues of rampant undermining of our State's CR program by national companies, who want total control of state's CR programs and desire to conduct business in Arizona (charging exorbitant fees for CR services; requiring total relinquishment of controls, etc.).
3. Mary Meyer and Chris Green - (ACRA members) - After discussion and input with the Board on the language/clarity of 7-206, it was determined if additional discussion was requested it be put in writing and submitted to the Division by the close of business on March 26, 2010. If said request is received by said date, it would be included on the April 13th Board of Certified Reporter's Agenda.
4. Rosina Seymour (Certified CR) - Concerned about a mass mailing targeting large law firms offering American Express incentives to do depositions, court reporting, etc. She contacted the national CR firm to get her questions answered about this and, bottom line was told they wanted the court reporters to give up total relinquishment control of invoicing and transcripts in that they become sole property of this organization.
5. Suzanne Simms (Certified CR) - Shared her concerns regarding CNA and other national CR and insurance firms coming to Arizona and their sharing of proprietary information (i.e., invoicing and transcripts). References made to Thomson-West and Reuters, as part of a national group, who have access to highly confidential and proprietary information that is being shared and shouldn't be so readily available.

ADJOURNMENT

3:58 p.m.

Motion: Meeting adjourned
First: Patricia Calabro
Second: Judge Peter Swann

Initials: del