



BOARD OF CERTIFIED REPORTERS

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Hearing Room 109

April 8, 2014
1:00 P.M.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

G. Allen Sonntag
Melissa Gonsalves
J. Tyrrell Taber
Hon. Peter Swann

Telephonically Present:

Patricia Seguin
Terri Faust
Hon. Edward Bassett
Kathleen Montalvo

Absent:

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Kimberly Siddall
Debbie MacDougall
Anne Hunter
Arnita Oliver

Guests:

CALL TO ORDER

Called to Order By: G. Allen Sonntag, Chair

Time: 1:02 P.M.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: Review and approval of regular minutes for the meeting February 11, 2014.

Individual Addressing the Board: G. Allen Sonntag, Chair

Discussion: None.

Motion: Move to approve the regular minutes for the meeting of February 11, 2014.

Motion Proposals: First J. Tyrell Taber
Second Judge Swann

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: Review, discussion and possible action regarding entry of a Final Order in the formal disciplinary action involving complaint number 13-C002/Sandy Ong-Wolf.

Individual Addressing the Board: Anne Hunter

Discussion: On December 9, 2013, the Board moved for filing of formal charges in complaint number 13-C002/Sandy Ong-Wolf. Ms. Ong-Wolf was served with the attached Notice of Formal Statement of Charges on February 20, 2014. Ms. Ong-Wolf failed to file an Answer to the attached formal charges and did not request a hearing. Having reviewed the charges, it is recommended the Board:

- Adopt the Factual Allegations of Misconduct in the Notice of Formal Statement of Charges as the Findings of Fact in this matter.

- Adopt the Formal Charges contained in the Notice of Formal Statement of Charges as the Conclusions of Law in this matter.
- Order the following disciplinary sanctions pursuant to ACJA § 7-201(H)(24)(a)(6):
 - a) Revocation of Ong-Wolf’s reporter certification, pursuant to ACJA § 7-201(H)(24)(a)(6)(i) and Arizona Revised Statutes (“ARS”) § 32-4041(A)(4);
 - b) Issue a cease and desist order enjoining Ong-Wolf from providing any and all reporting services that require active Arizona Supreme Court certification pursuant to ARS and/or AJCA and may not produce transcripts except for those proceedings that took place while Ong-Wolf’s certificate was valid and active;
 - c) Assess costs associated with the investigation and related disciplinary proceedings, to be remitted to the Certification and Licensing Division made payable to “Arizona Supreme Court” no later than ninety (90) days following entry of the Board’s Final Order in the amount of \$104.00, pursuant to ACJA § 7-201(H)(24)(a)(6)(j); and,
 - d) Impose civil penalties, as a disciplinary sanction, in the amount of \$250.00, to be remitted to the Certification and Licensing Division made payable to “Arizona Supreme Court” no later than ninety (90) days following entry of the Board’s Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(k).

Motion: Move to accept staff’s recommendation.

Motion Proposals: First Judge Swann
 Second J. Tyrrell Taber

Motion Results: Pass

3) INITIAL CERTIFICATION AND ELIGIBILITY:

3-A: Review, discussion, and possible action regarding pending initial certification

applications for the following applicants:

1. Laurie Cooper
2. Tammy Loy

Individual Addressing the Board: Kimberly Siddall

Discussion: It is recommended the Board grant initial certification to the following applicants:

1. Laurie L. Cooper
2. Tammy Loy

Motion: Move to accept staff's recommendation.

Motion Proposals: First J. Tyrrell Taber
Second Judge Swann

Motion Results: Pass

Remarks by Chief Justice White Berch

4) CERTIFICATION AND ELIGIBILITY:

4-A: *Review, discussion, and possible action regarding the request for extension or waiver of continuing education (CE) requirement for certificate holder Marge Harcarik.*

Individual Addressing the Board: Kimberly Siddall

Discussion: Ms. Harcarik is requesting the Board waive the required 20 hours of CE for the 2012 and 2013 calendar year. The request of waiver is due to serious medical issues.

Staff recommends the Board determine whether the attached request should be considered a special circumstance pursuant to ACJA § 7-206(L)(9)(c)(2)(d) that would warrant an extension or waiver of CE credits and direct staff accordingly.

Motion: Move to accept staff's recommendation to waive the required hours.

Motion Proposals: First J. Tyrrell Taber
Second Judge Bassett

Motion Results: Pass

4-B: *Review, discussion, and possible action regarding the request for placement on inactive status received from certificate holder Lora Barnett.*

Individual Addressing the Board: Kimberly Siddall

Discussion: Staff has confirmed there are no pending complaints, and therefore, it is recommended the Board accept Ms. Barnett's request to be placed on inactive status.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Judge Swann
Second J. Tyrrell Taber

Motion Results: Pass

4-C: *Review, discussion, and possible action regarding the request for placement on inactive status received from certificate holder Lynn Bolen.*

Individual Addressing the Board: Kimberly Siddall

Discussion: Staff has confirmed there are no pending complaints against Ms. Bolen, and therefore, it is recommended the Board accept Ms. Bolen's request to be placed on inactive status and direct staff to refund the active renewal fee of \$450.00.

Motion: Move to accept staff's recommendation.

Motion Proposals: First J. Tyrrell Taber
Second Judge Swann

Motion Results: Pass

5) ADMINISTRATIVE ISSUES:

5-A: *Update, discussion, and possible action regarding proposed amendment to ACJA § 7-201 to address untimely renewals.*

Individual Addressing the Board: Anne Hunter

Discussion: A brief update/overview by Anne Hunter of the proposed amendment regarding untimely renewals. A pilot program was put into place to process untimely renewal applications and recommend to the applicable board to renew a certificate if the applicant demonstrates good cause for the untimely filing. The pilot program has been extended.

5-B: *Review, discussion, and possible action regarding proposed amendment to Rule 32.4, Arizona Rules of Criminal Procedure.*

Individual Addressing the Board: Mark Wilson

Discussion: Discussion is held concerning the Petition to Amend Rule 32.4 of Arizona Rules Criminal Procedure submitted by the Honorable Joseph C. Welty, Superior Court of Arizona, Maricopa County.

The Board declines to comment on the proposed petition.

6) OTHER BUSINESS:

6-A: *Update regarding amendments to § 7-206.*

Individual Addressing the Board: Mark Wilson

Discussion: A brief update is given regarding the process which started in September 2013. Proposed changes were presented to this Board and a Task Force was appointed by Chief Justice White Berch. The Task Force came up with a recommendation in February. The recommendation was taken to the AJC and the AJC voted to adopt the recommendation of the Task Force. The recommendation is in the process of being finalized.

CALL TO THE PUBLIC

Individuals Addressing the Board: G. Allen Sonntag, Chair

Remarks by Mark Wilson and Melissa Gonsalves

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Judge Swann
Second J. Tyrrell Taber

Motion Results: Pass

Time: 1:52 P.M.

Initials: AO