

**Supreme Court Board of Certified Reporters**  
Arizona State Courts Building  
1501 West Washington Street, Phoenix, Arizona 85007  
Conference Room CLD-1

April 9, 2007  
10:00 a.m. – 2:00 p.m.

**Approved Regular Meeting Minutes**

**MEMBER ATTENDANCE**

***Present:***

Judge Lawrence Winthrop  
Sandra Markham  
Jean Lea  
Allen Sonntag  
Terri Faust

***Telephonically Present:***

Patricia Seguin

***Absent:***

Kathleen Montalvo

**OTHER ATTENDEES**

***AOC Staff:***

Kandace French  
Nina Preston  
Doris Leonard  
Rhonda Simmons  
Linda Grau

***Guests:***

Michele Balmer, ACRA  
Jennifer Schuck, ACRA  
Royce Conner  
Michael Haley  
Joseph Notaro, Lex Reporting  
Donna Hallam, Staff Attorney, Supreme Court  
Jennifer Greene, Court Services, AOC

---

## CALL TO ORDER

*Called to Order By:*  
*Time:*

Chair Sandra Markham  
10:12 am

---

### 1) REVIEW AND APPROVAL OF MEETING MINUTES

*Individuals Addressing the Board:* Sandra Markham

- 1-A: Regular and Executive Session Minutes of December 11, 2006*
- 1-B: Regular Session Minutes of December 28, 2006*
- 1-C: Regular and Executive Session Minutes of January 8, 2007*
- 1-D: Regular and Executive Session Minutes of January 17, 2007*
- 1-E: Regular Session Minutes of February 12, 2007*
- 1-F: Regular Session Minutes of March 12, 2007*

*Discussion:* Format changes and corrections were discussed and noted.

*Motion:* Board approve Items 1-A through 1-F with corrections

*Motion Proposals:* First Judge Winthrop  
Second Allen Sonntag

*Motion Results:* Pass **BCCR-07-036**  
Fail  
Recusals

---

### 2) ADMINISTRATIVE ISSUES

*2-A: Interview with and possible action regarding applicant, Michael Haley*

*Individuals Addressing the Board:* Kandace French

*Discussion:* Mr. Haley was present and answered questions from the Board. Staff will follow up with the Court of Appeals to determine if there are any outstanding transcripts due to the Court of Appeals before a final determination is made on his application for initial certification.

*Motion:* Staff contact the Court of Appeals and if no transcripts are outstanding Mr. Haley's application for certification is approved.

*Motion Proposals:* First Judge Winthrop  
Second Jean Lea

**Motion Results:** Pass            **BCCR-07-037**  
Fail  
Recusals

**2-B: Review, discussion and possible action regarding pending Applicants for Initial Standard Certification.**  
**Leopold Mankiewicz**  
**Katherine Pitotti**  
**Julie Jarrett**

**Individuals Addressing the Board:**     Kandace French

**Discussion:**            Staff recommended standard certification be granted to Leopold Mankiewicz, Katherine Pitotti and Julie Jarrett.

**Motion:**                Grant standard certification to Leopold Mankiewicz, Katherine Pitotti and Julie Jarrett

**Motion Proposals:** First            Judge Winthrop  
Second            Jean Lea

**Motion Results:** Pass            **BCCR-07-038**  
Fail  
Recusals

**2-C: Review, discussion and possible action regarding the request of Adam Gage to withdraw from the hearing process.**

**Individuals Addressing the Board:**     Kandace French

**Discussion:**            Staff recommended the Board note Mr. Gage's request to withdraw his name from the hearing process and grant standard certification. It was further discussed Mr. Gage be directed to the Hearing Officer for an Order withdrawing from the hearing process.

**Motion:**                Grant Standard Certification to Mr. Adam Gage.

**Motion Proposals:** First            Judge Winthrop  
Second            Terri Faust

**Motion Results:** Pass            **BCCR-07-039**  
Fail  
Recusals

---

3) **ADMINISTRATIVE ISSUES** (*taken out of order*)

**3-C:** *Review, discussion and possible action regarding request for implementation of Ethics Advisory Committee as presented by Michele Balmer*

**Individuals Addressing the Board:** Kandace French

**Discussion:** Ms. Balmer presented questions and concerns to the Board regarding implementing an Ethics Advisory Committee within the Certification and Licensing Division. After considerable discussion, it was determined CLD had neither the resources nor manpower at this time. Board members indicated a desire to be a part of the ACRA Ethics Committee. Staff suggested ACRA implement an Ethics Advisory Committee to review issues and make non-binding recommendations which would be reviewed by the Board members indicating a desire to be a part of the committee for guidance.

**3-A:** *Report to the Board regarding the status of Special Action filed by Diane Laur.*

**Individuals Addressing the Board:** Kandace French introduced Nina Preston, Board counsel

**Discussion:** A draft of the Board of Certified Reporters Findings of Fact, Conclusions of Law and Order in the matter of Diane Laur was discussed by the Board with Ms. Preston.

**Motion:** Approve draft Findings of Fact, Conclusions of Law and Order

**Motion Proposals:** First Judge Winthrop  
Second Jean Lea

**Motion Results:** Pass **BCCR-07-040**  
Fail  
Recusals Terri Faust

**3-B: *Review, discussion and possible action regarding CART certification as presented by Jennifer Shuck.***

***Individuals Addressing the Board:*** Jennifer Schuck

***Discussion:*** A report on “What is CART?” was presented by Ms. Shuck and questions from the Board were discussed and answered. Ms. Shuck requested the Board consider certifying CART providers.

**3-D: *Review, discussion and possible action regarding the Arizona Supreme Court Capital Case Task Force’s investigation into improved time frames for resolution of appeals of capital cases and the role of the certified reporter as presented by Jennifer Greene and Donna Hallum***

***Individuals Addressing the Board:*** Jennifer Greene and Donna Hallum

***Discussion:*** Information was presented by Ms. Greene and Ms. Hallum relative to the Arizona Supreme Court’s Capital Case Task Force’s investigation of ways to improve time frames required to resolve appeals in capital cases. It was determined each County has a different way of transcribing and storing transcripts. Ms. Hallum will continue to research and contact each agency to try and find a better method if possible.

**3-E: *Review, discussion and possible action regarding recommendation of sanctions against certified reporters for failure to provide transcripts as presented by Melinda Vollmer.***

***Individuals Addressing the Board:*** Kandace French

***Discussion:*** Ms. Vollmer was not present at this meeting; therefore, no action was taken at this time.

***Motion:*** None

---

4) CERTIFICATION AND ELIGIBILITY

**4-A: Review, discussion and possible action regarding the Hearing Officer's Report and Recommendation with respect to Lorraine Halberg**

**Individuals Addressing the Board:** Kandace French

**Discussion:** Staff recommended the Board adopt the Findings of Fact, Conclusions of Law and recommendations of the Hearing Officer denying certification of Lorraine Halberg.

**Motion:** Move to adopt the Hearing Officer's recommendations Findings of Fact and Conclusions of Law

**Motion Proposals:** First Judge Winthrop  
Second Jean Lea

**Motion Results:** Pass **BCCR-07-041**  
Fail  
Recusals

**4-B: Review, discussion and possible action regarding the Hearing Officer's Report and Recommendation with respect to Lynette Roswood.**

**Individuals Addressing the Board:** Kandace French

**Discussion:** Staff recommended adopting the Findings of Fact of the Hearing Officer and further recommends the Board strike Conclusion of Law #2 and insert recommended language with respect to grandfathering or waiving the requirements for certification. It was further recommended the Board adopt the remainder of the Conclusions of Law and recommendation of the Hearing Officer.

**Motion:** Board moves to adopt the Findings of Fact of the Hearing Officer and moves to strike Conclusion of Law #2 and replace with "The Board is under the jurisdiction of the Supreme Court of Arizona. The Chief Justice of the Supreme Court of Arizona has made it very clear there will be no "grandfathering" or waiving the requirements for certification". The Board further moves to adopt the remainder of the Conclusions of Law and recommendation of the Hearing Officer.

**Motion Proposals:** First Judge Winthrop  
Second Allen Sonntag

**Motion Results:** Pass **BCCR-07-042**

**4-C: Review, discussion and possible action regarding the request of Scott N. Gamertsfelder for exemption from taking the Arizona Written Examination.**

**Individuals Addressing the Board:** Kandace French

**Discussion:** Staff recommended the Board deny Mr. Gamertsfelder's request and treat his renewal application as a new application for certification and require him to retake and pass the Arizona Written Examination prior to being granted certification.

**Motion:** Deny Mr. Gamertsfelder's request and treat his renewal application as a new application for certification under ACJC § 7-201(E)(1) and ACJA § 7-206(E)(1) and require him to retake and pass the Arizona Written Examination and comply with all other requirements for certification prior to being granted certification.

**Motion Proposals:** First Judge Winthrop  
Second Allen Sonntag

**Motion Results:** Pass **BCCR-07-043**  
Fail  
Recusals

**4-D: Review of pending requests for continuing education credit approval.**

**Individuals Addressing the Board:** Kandace French

**Discussion:** A list of Continuing Education credit requests was presented with Staff's recommendation the Board grant the hours for each course as reflected on the list. Board further questioned Staff on the continued submission of CE requests by certificate holders. Staff was directed to return CE requests to certificate holders if the request fell within ACJA § 7-206(L) for approved activities.

**Motion:** Motion to approve the hours as shown on the Continuing Education list as presented.

**Motion Proposals:** First Judge Winthrop  
Second Allen Sonntag

**Motion Results:** Pass **BCCR-07-044**  
Fail  
Recusals

---

## 5) REVIEW OF PENDING COMPLAINTS

**5-A: Review, discussion and possible action regarding Rhonda Thacker's default on the Notice of Formal Charges.**

**Individuals Addressing the Board:** Kandace French and Linda Grau

**Discussion:** Staff recommended the Board enter a finding Rhonda Thacker in default on the submitted complaints and also recommends the Board adopt the factual allegations contained in the Formal Statements of Charges and adopt the stated charges as conclusions of law. Staff further recommends the Board order civil penalties in the amount of \$425.00 and impose costs associated with the processing of complaints.

**Motion:** The Board defer action for further Staff investigation.

**Motion Proposals:** First Judge Winthrop  
Second Allen Sonntag

**Motion Results:** Pass **BCCR-07-045**  
Fail  
Recusals Sandra Markham  
Jean Lea is Co-Chair on this matter

---

## 6-A: Formal Interview of Certificate Holder Royce Conner

**Individuals Addressing the Board:** Kandace French, Nina Preston, Linda Grau, Royce Conner

**Discussion:** This item is not on today's Agenda. Ms. Preston, Board counsel, read § 1.2.02(C)(2) regarding addition of items to the present Agenda. Board discussed requirements for adding an item to the Agenda.

**Motion:** Include Mr. Conner's formal interview regarding disciplinary action on today's Agenda.

**Motion Proposals:** First Jean Lea  
Second Allen Sonntag

**Motion Results:** Pass **BCCR-07-046**  
Fail  
Recusals

Chair Sandra Markham recessed the Board at 12:15 p.m. for 15 minutes to review the case summary regarding Royce Conner

**Discussion:** Board discussed probation, lengths of term of probation, further continuing education classes, reimbursement of costs and fines.

**Motion:** Motion to direct staff to discuss parameters of the minimum requirements of discipline, keeping in mind Mr. Conner's ability to pay under the current medical restrictions and prepare a Consent Agreement for Mr. Conner's approval and presentation at the next full Board meeting scheduled for June 4, 2007.

**Motion Proposals:** First Judge Winthrop  
Second Allen Sonntag

**Motion Results:** Pass **BCCR-07-047**  
Fail  
Recusals Terri Faust

---

### **CALL TO THE PUBLIC by Sandra Markham**

**Individuals Addressing the Board:** Michele Balmer

**Attachments:** Case Summary and Recommendation

**Discussion:** Ms. Balmer confirmed her understanding that due to staffing issues of CLD, the Division does not have current plans to establish an ethics advisory committee and is proposing ACRA put together its own.

---

### **ADJOURNMENT**

**Motion:** Meeting be adjourned.

**Motion Proposals:** First Judge Winthrop  
Second Allen Sonntag

**Motion Results:** Pass **BCCR-07-048**  
Fail

**Time:** 12:50 p.m.