



Board of Certified Reporters

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

Conference Room 109

Date: September 14, 2010

Time: 1:00 p.m.

APPROVED Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

G. Allen Sonntag, Chair
Hon. Edward W. Bassett
J. Tyrrell Taber (arrival @ 1:30p.m.)

Telephonically Present:

Terri Faust, Vice Chair
Patricia Seguin (joined @ 1:17pm)
Patricia Calabro
Cheryl Austin
Kathleen R. Montalvo

Absent:

Hon. Peter B. Swann

OTHER ATTENDEES:

AOC Staff:

Kimberly Siddall
Linda Grau
Debbie MacDougall
Alex Navarro
Karla Clanton
Jennifer Greene
Deann Barker

Joni Hill
Cindy Lineburg
Lisa Glenne
John MacDonald
Donna DeLaVino

Guests:

Robin Jasper
Laura Ashbrook
Pam Griffin
Melissa Gonsalves
Sara Miller

CALL TO ORDER

Called to Order By: G. Allen Sonntag

Time: 1:11 p.m.

Roll call of members present to confirm a quorum.

1) REVIEW AND APPROVAL OF MINUTES

1-A: Review and discuss approval of the Regular Session Minutes for the meeting held on June 8, 2010.

Individuals Addressing the Board: G. Allen Sonntag

Discussion: Cheryl Austin addressed a typo on page 9 (top of the page) in the Ferguson case.

Motion: Approval of minutes of June 8, 2010

Motion Proposals: First Hon. Edward Bassett
Second Kathleen Montalvo

Motion Results: Pass **BCCR-10-72**

2) PENDING COMPLAINTS

2-A: Review, discussion and possible action regarding certificate holder complaint number 09-C005 and proposed Consent Agreement involving Bethany Campbell.

Individuals Addressing the Board: Linda Grau

Discussion: On April 13, 2010, the Board reviewed a written request from Ms. Campbell and agreed to amend the proposed Consent Agreement involving complaint number 09-C005. The Amended Consent Agreement was forwarded to Ms. Campbell. On May 11, 2010, Ms. Campbell signed and returned the attached proposed Amended Consent Agreement for Board review. The proposed Amended Consent Agreement includes a provision that reads:

Campbell shall submit written confirmation to the Board she has fulfilled all pending transcript requests through the date she signs this Consent Agreement.

Ms. Campbell did not submit the written confirmation with the signed proposed Amended Consent Agreement. On August 12, 2010, Division staff reviewed available online Court of Appeals records and it appears Ms. Campbell has no past due transcripts owed to the Court of Appeals.

Therefore, it is recommended the Board determine whether to decline to enter the Amended Consent Agreement and authorize the Chair to sign Notice of Formal Statement of Charges in complaint number 09-C005 on behalf of the full Board or in the alternative, if the Board is so inclined, authorize the Chair to sign the proposed Amended Consent Agreement in complaint number 09-C005.

Motion: Enter the Amended Consent Agreement

Motion Proposals: First Hon. Edward Bassett
Second Terri Faust
Recusal None
Motion Results: Pass **BCCR-10-73**

Motion: Authorize the Chair to sign Consent Agreement on behalf of the full Board

Motion Proposals: First Terri Faust
Second Patricia Calabro
Recusal None
Motion Results: Pass **BCCR-10-74**

2-B: Review, discussion and possible action regarding certificate holder complaint number 09-C011 and proposed Consent Agreement involving Margaret Riley, also known as Margaret Archibeque.

Individuals Addressing the Board: Linda Grau

Discussion: On June 8, 2010, the Board reviewed and discussed complaint number 09-C011, accepted the finding of the Probable Cause Evaluator, and entered a finding of grounds for formal disciplinary action exists. The Board also accepted a recommendation to offer a Consent Agreement resolution of the complaint to Ms. Riley in advance of the filing of a Notice of Formal Statement of Charges.

It is recommended the Board enter the Consent Agreement to resolve complaint number 09-C011 and authorized the Chair to sign the Consent Agreement on behalf of the full Board.

Motion: Accept Staff Recommendations

Motion Proposals: First Hon. Edward Bassett
Second Cheryl Austin
Recusal None
Motion Results: Pass **BCCR-10-75**

2-C: Review, discussion and possible action regarding certificate holder complaint number 09-C012 and proposed Consent Agreement involving Gail Ferguson.

Individuals Addressing the Board: Linda Grau

Discussion:

On June 8, 2010, the Board reviewed and discussed complaint number 09-C012, accepted the finding of the Probable Cause Evaluator, and entered a finding of grounds for formal disciplinary action exists. The Board also accepted a recommendation to offer a Consent Agreement resolution of the complaint to Ms. Ferguson in advance of the filing of a Notice of Formal Statement of Charges.

It is recommended the Board enter the Consent Agreement to resolve complaint number 09-C012 and authorized the Chair to sign the Consent Agreement on behalf of the full Board.

**Linda Grau pointed out, as a point of record, that page 2 of the consent had not been posted to the website until today but is now posted.

**Cheryl Austin questioned the “hand-delivered” letter of March 2010. It was explained the letter was concerning renewal of license and not concerning this case.

Motion:

Accept Staff Recommendations

Motion Proposals:

First Hon. Edward Bassett
Second Patricia Calabro

Motion Results:

Pass **BCCR-10-76**

2-D:

Review, discussion and possible action regarding certificate holder complaint number 09-C010 and proposed Consent Agreement involving Dana Smith.

Individuals Addressing the Board:

Linda Grau

Discussion:

On June 8, 2010, the Board reviewed and discussed complaint number 09-C010, accepted the finding of the Probable Cause Evaluator, and entered a finding of grounds for formal disciplinary action exists. The Board also accepted a recommendation to offer a Consent Agreement resolution of the complaint to Ms. Smith in advance of the filing of a Notice of Formal Statement of Charges.

It is recommended the Board enter the Consent Agreement to resolve complaint number 09-C010 and authorized the Chair to sign the Consent Agreement on behalf of the full Board.

Motion: Accept Staff Recommendations

Motion Proposals: First Hon. Edward Bassett
Second Kathleen Montalvo
Recusal None

Motion Results: Pass **BCCR-10-77**

2-E: *Review, discussion and possible action regarding certificate holder complaint number 09-C013 and proposed Consent Agreement involving Kristen Brown.*

Individuals Addressing the Board: Linda Grau

Discussion: On June 8, 2010, the Board reviewed and discussed complaint number 09-C013, accepted the finding of the Probable Cause Evaluator, and entered a finding of grounds for formal disciplinary action exists. The Board also accepted a recommendation to offer a Consent Agreement resolution of the complaint to Ms. Brown in advance of the filing of a Notice of Formal Statement of Charges.

It is recommended the Board enter the Consent Agreement to resolve complaint number 09-C013 and authorized the Chair to sign the Consent Agreement on behalf of the full Board.

Motion: Accept Staff Recommendations

Motion Proposals: First Hon. Edward Bassett
Second Terri Faust
Recusal None

Motion Results: Pass **BCCR-10-78**

2-F: *Review, discussion and possible action regarding certificate holder complaint number 09-C008 and proposed Consent Agreement involving Yvonne De La Torre.*

Individuals Addressing the Board: Linda Grau

Discussion: On June 8, 2010, the Board reconsidered and amended January 12, 2010 Board Order regarding the proposed disciplinary sanctions in complaint number 09-C008. At the June meeting, the Board approved offering Ms. De La Torre the attached Consent Agreement resolution of the pending formal disciplinary action.

It is recommended the Board enter the Consent Agreement to resolve complaint number 09-C008 and authorized the Chair to sign the Consent Agreement on behalf of the full Board.

Motion: Accept Staff Recommendations

Motion Proposals: First Hon. Edward Bassett
Second Patricia Calabro
Recusal None

Motion Results: Pass **BCCR-10-79**

2-G: *Review, discussion and possible action regarding the Division Director recommendation to dismiss complaint number NC10-C006 pursuant to Arizona Code of Judicial Administration § 7-201(H)(2)(a) and ACJA § 7-206(H)(1).*

Individuals Addressing the Board: Linda Grau

Discussion: Pursuant to ACJA § 7-206(H)(1), Certification and Licensing Division Director Nancy Swetnam can recommend the Board dismiss complaints that do not meet the criteria contained in ACJA § 7-201(H)(2)(a) without investigation.

Matters subject to Board review and complaints dismissed by the Board pursuant to ACJA § 7-201(H)(2)(a) and ACJA § 7-206(H)(1) are CONFIDENTIAL and not available for public inspection.

On April 9, 2010, the Division received complaint number NC10-C006 and an initial screening of the matter determined the complaint does not meet the criteria contained in ACJA § 7-201(H)(2)(a)(2)(d) and (e). Therefore, it is recommended the Board accept the recommendation of the Division Director and dismiss complaint number NC10-C006.

Motion: Accept Division Director Recommendation of Dismissal

Motion Proposals: First Hon. Edward Bassett
Second Cheryl Austin
Recusal None

Motion Results: Pass **BCCR-10-80**

2-H: *Review, discussion and possible action regarding the Division Director recommendation to dismiss complaint number NC10-C012 pursuant to Arizona Code of Judicial Administration § 7-201(H)(2)(a) and ACJA § 7-206(H)(1).*

Individuals Addressing the Board: Linda Grau

Discussion: Pursuant to ACJA § 7-206(H)(1), the Certification and Licensing Division Director can recommend the Board dismiss complaints that do not meet the criteria contained in ACJA § 7-201(H)(2)(a) without investigation.

Matters subject to Board review and complaints dismissed by the Board pursuant to ACJA § 7-201(H)(2)(a) and ACJA § 7-206(H)(1) are CONFIDENTIAL and not available for public inspection.

On July 6, 2010, the Division received complaint number NC10-C012 and an initial screening of the matter determined the complaint does not meet the criteria contained in ACJA § 7-201(H)(2)(a)(2)(a). Therefore, it is recommended the Board accept the recommendation of the Division Director and dismiss complaint number NC10-C012.

Motion: Enter into Executive Session

Motion Proposals: First Cheryl Austin
Second Patricia Calabro
Recusal None
Motion Results: Pass **BCCR-10-81**

Executive Session Begins: 1:29 p.m.
Executive Session Ends: 1:38 p.m.

Motion: Accept Division Director Recommendation of Dismissal

Motion Proposals: First Hon. Edward Bassett
Second Kathleen Montalvo
Recusal None
Motion Results: Pass **BCCR-10-82**

3) **ADMINISTRATIVE ISSUES**

3-A: *Review, discussion and possible action regarding public comments received pertaining to the Board's proposed amendments to Arizona Code of Judicial Administration § 7-206(J).*

Individuals Addressing the Board: Linda Grau

Discussion:

- Process for Proposals for Amendments to the ACJA Section described.
- Summary of posted public comments.
- Discussion of Delaware lawsuit:
 - Details added by Jennifer Greene
- Comments from public present at the meeting:
 - Melissa Gonsalves (language, Delaware, regulation)

Motion: Approve proposed Amendments to ACJA §7-206(J) and pass to Superior Court for consideration

Motion Proposals: First J. Tyrrell Taber
Second Hon. Edward Bassett

Motion Results: Pass **BCCR-10-83**

4) REVIEW OF INITIAL CERTIFICATION APPLICATIONS

4-A: *The following applicants have submitted complete applications, demonstrating they meet the minimum eligibility requirements, and no information has been presented during the background investigation which is contrary to licensure being granted. It is recommended the Board grant a Court Reporters license to the following applicants:*

1. Brookbank, Katherine J.
2. Upham, Debra K.

Individuals Addressing the Board: Alex Navarro

Discussion: None

Motion: Accept Staff Recommendations

Motion Proposals: First J. Tyrrell Taber
Second Patricia Calabro

Motion Results: Pass **BCCR-10-84**

The following applicants remain incomplete pending receipt of background and/or additional information. It is recommended the following applicants be deferred to the November 9th meeting. In the event the anticipated information is received prior to the November 9th meeting, an alternative recommendation will be presented at the meeting.

3. Farkas, Kimberly A.
4. Furr, Kimberlye A.
8. Pitvorec, Heather E.
9. Saari, Karen S.
10. Santana, Alicia M.
11. Style, Denise R.

Individuals Addressing the Board: Alex Navarro

Discussion: None

Motion: Accept Staff Recommendations

Motion Proposals:	First	Hon. Edward Bassett
	Second	J. Tyrrell Taber
Motion Results:	Pass	BCCR-10-85

The following applicants have submitted complete applications, demonstrating they meet the minimum eligibility requirements, and no information has been presented during the background investigation which is contrary to licensure being granted. It is recommended the Board grant a Court Reporters license to the following applicants:

5. Hill Joni P.
6. Kohut, Marilou S.
7. Miller, Sara J.

Individuals Addressing the Board: Alex Navarro

Discussion: None

Motion: Accept Staff Recommendations

Motion Proposals: First J. Tyrrell Taber
Second Patricia Calabro
Motion Results: Pass **BCCR-10-86**

5) RENEWAL LICENSE APPLICATIONS

5-A: *Review, discussion, and possible action regarding the following pending applications for renewal of certification:*

The following certificate holders have submitted applications for renewal certification. The applications are complete; no further information other than the complaints has been presented during the background which is contrary to standard certification being granted. Therefore, it is recommended to grant renewal certification to the following:

1. Yvonne De La Torre
2. Kristen Brown
3. Margaret Riley

Individuals Addressing the Board: Kimberly Siddall

Discussion: None

Motion: Accept Staff Recommendations

Motion Proposals: First Hon. Edward Bassett
Second Terri Faust
Motion Results: Pass **BCCR-10-87**

The following certificate holder has submitted an application for renewal certification. The application is pending additional investigation from staff. It is tentatively recommended the certificate holder be deferred to the November 9, 2010 meeting. In the event the anticipated information is received prior to the November 9th meeting, an alternative verbal recommendation will be presented to the Board at the meeting:

4. Rochelle Dobbins

Individuals Addressing the Board: Kimberly Siddall

Discussion: None

Motion: Accept Staff Recommendations

Motion Proposals: First J. Tyrrell Taber
Second Hon. Edward Bassett
Motion Results: Pass **BCCR-10-88**

6) OTHER CERTIFICATION ACTIONS

6-A: Review, discussion, and possible action regarding request of Beverlee Caperton:

Individuals Addressing the Board: Kimberly Siddall

Discussion: On or around December 3, 2009, Division staff sent out postcard reminders regarding the upcoming renewal of certification. On February 2, 2010, staff sent Ms. Caperton, a letter stating program records indicated she had not renewed and would expire on February 28, 2010. Staff never received a renewal application and therefore, sent Ms. Caperton a letter on March 3, 2010, stating her certification had expired and she was no longer active.

Beverlee Caperton is requesting the Board reverse her expiration of certification and place her certification on inactive status. Ms. Caperton stated she was unaware of the inactive status until recently and she also stated she does take responsibility for not looking at the code. See enclosed request. Therefore, it is recommended the Board deny Ms. Caperton's request.

Motion: Accept Staff Recommendations

Motion Proposals: First J. Tyrrell Taber
Second Terri Faust
Motion Results: Pass **BCCR-10-89**

CALL TO THE PUBLIC

Melissa Gonsalves discussed possibly filing original transcripts online instead of paper copies.

ADJOURNMENT

Motion: Adjourn the meeting.

Motion Proposals: First J. Tyrrell Taber
Second Hon. Edward Bassett
Motion Results: Pass **BCCR-10-90**

Time: 2:07 p.m.

Initials: DB