



BOARD OF CERTIFIED REPORTERS

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

February 11, 2014
1:00 P.M.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

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

Telephonically Present:

Terri Faust
Patricia Seguin
Honorable Edward Bassett

Absent:

Kathleen Montalvo

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Linda Grau
Kimberly Siddall
Debbie MacDougall
Bill MacIntyre
Pasquale Fontana
Arnita Oliver
Michelle Jackson

Guests:

John MacDonald
Dan Maynard
Pam Griffin
Jennifer Honn
Jill M. Smith
Julie Ottmar
Jennifer Kilpatrick

CALL TO ORDER

Called to Order By: G. Allen Sonntag, Chair

Time: 1:03 P.M.

1) REVIEW AND APPROVAL OF MINUTES:

1-A *Review and approval of regular session minutes for the meeting of December 9, 2013.*

Individual Addressing the Board: G. Allen Sonntag, Chair

Discussion: None

Motion: Move to accept regular session minutes for the meeting of December 9, 2013.

Motion Proposals: First Patricia Seguin
Second Melissa Gonsalves

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: *Review, discussion and possible action regarding complaint number 13-C002 involving certified reporter Sandy Ong-Wolf.*

Individual Addressing the Board: Linda Grau

Discussion: **Complaint number 13-C002 – Sandy Ong-Wolf.** The complaint was received by the Division on January 14, 2013. The complainant alleges that:

- Ms. Ong-Wolf overbilled approximately \$15,000.00 to the Superior Court in Mohave County for transcripts over a period of two and half years.

The matter was investigated and submitted for probable cause determination.

During the investigation, it was determined Ms. Ong-Wolf was charged with and pled guilty to Theft, a class 6 open-ended felony, related to the overbillings. Ms. Ong-Wolf has subsequently been sentenced and placed on probation with deferred jail terms and required fees and fines, with a restitution amount to be determined.

On December 5, 2013, Probable Cause Evaluator Mike Baumstark entered a finding probable cause *does exist* in complaint number 13-C002.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding that grounds for formal disciplinary action exists pursuant to ACJA § 7-201(H)(6)(a), (H)(6)(e), (H)(6)(k)(3) and (H)(6)(k)(7) for acts of misconduct involving ACJA § 7-201(F)(1), ACJA § 7-206(F)(1), (J)(1)(f), (J)(2)(c), (J)(4)(f) and (J)(6)(a).

When considering applications for certification from individuals with prior convictions, ACJA § 7-201(E)(2)(c)(3) provides factors pertaining to the conviction(s) for the Board to consider. It is recommended the Board consider the following factors:

- 1) Ong-Wolf's age, experience in the profession and level of sophistication at the time of the conduct and conviction.
- 2) The degree of possible harm and the cumulative effect of Ong-Wolf's conduct.
- 3) Ong-Wolf's level of disregard of ethical or professional obligations.
- 4) The relationship of the conviction to the purpose of certification.
- 5) The involved fraud, deceit and dishonesty on Ong-Wolf's part that resulted in harm.

Should the Board ultimately enter a finding these violations have occurred, it is recommended the Board impose the following sanctions pursuant to ACJA § 7-201(H)(24)(a)(6):

- a) Revoke 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, pursuant to ACJA § 7-201(H)(24)(a)(6)(g). Ong-Wolf shall report the sale of any and all official transcripts of record taken prior to the revocation to the Superior Court of record and provide the Superior Court with a copy of every invoice for review.

- c) Assess costs associated with the investigation and related disciplinary proceedings, to be remitted no later than ninety (90) days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(j).
- d) Impose a civil penalty in the amount of \$250.00 per found violation to be remitted no later than ninety (90) days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(k).

It is recommended the Board move for the filing and service of Notice of Formal Statement of Charges and Right to Hearing, pursuant to ACJA § 7-201(H)(10), and that the Board order the Chair to sign the charging document on behalf of the full Board without further review of the full Board.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Judge Swann
Second J. Tyrrell Taber

Motion Results: Pass

2-B: Update regarding the status of pending complaints.

Individual Addressing the Board: Linda Grau

Discussion: As of January 28, 2014, there are 12 pending complaints.

3) INITIAL CERTIFICATION AND ELIGIBILITY:

3-A: Review, discussion and possible action regarding pending initial certification application for the following applicant:

- Jennifer Honn

Individual Addressing the Board: Linda Grau

Discussion: It is recommended the Board accept the hours Ms. Honn completed in July 2013 and grant initial certification effective immediately.

Motion: Move to accept staff's recommendation.

Motion Proposals: First J. Tyrrell Taber
Second Patricia Seguin

Motion Results: Pass

3-B: *Review, discussion, and possible action regarding previously certified application of Kristi Weeks.*

Individual Addressing the Board: Linda Grau

Discussion: At the December 9, 2013, the Board accepted staff's recommendation to grant certification to Kristi Weeks. Staff inadvertently failed to include a request that the certification be granted effective March 1, 2014.

It is recommended Ms. Weeks' certification be effective March 1, 2014.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Judge Swann
Second J. Tyrrell Taber

Motion Results: Pass

4) CERTIFICATION AND ELIGIBILITY:

4-A: *Review, discussion, and possible action regarding requests for placement on inactive status received from certificate holder Daeleen R. Melendez.*

Individual Addressing the Board: Kimberly Siddall

Discussion: It is recommended the Board accept her 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-B: Review, discussion, and possible action regarding Voluntary Surrender request received from certified reporter Connie Roach.

Individual Addressing the Board: Kimberly Siddall

Discussion: It is recommended the Board accept the voluntary surrender of Connie Roach.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Judge Swann
Second J. Tyrrell Taber

Motion Results: Pass

5) ADMINISTRATIVE ISSUES:

5-A: Nomination and election of the 2014 Board of Certified Reporters vice chair.

Individual Addressing the Board: Debbie MacDougall

Discussion: Terri Faust was nominated as vice chair for the 2014 Board of Certified Reporters.

Motion: Move to accept the nomination of Terri Faust as vice chair for 2014.

Motion Proposals: First G. Allen Sonntag
Second J. Tyrrell Taber

Motion Results: Pass

5-A: Update regarding proposed amendment to ACJA § 7-201 to address untimely renewals.

Individual Addressing the Board: Mark Wilson

Discussion: Brief update on the proposed amendment by Division Director Mark Wilson.

6) OTHER BUSINESS:

6-A: Update regarding Task Force on Certified Reporter Regulation.

Individual Addressing the Board: Mark Wilson

Discussion: Brief update on the Taskforce by Division Director Mark Wilson along with commentary from various Board members.

6-B: Review, discussion, and possible action regarding staff's proposed amendments to ACJA § 7-206.

Individual Addressing the Board: Mark Wilson

Discussion: Brief discussion was included during Agenda Item 6A.

CALL TO THE PUBLIC

Individuals Addressing the Board: John MacDonald
Dan Maynard
Pam Griffin

Motion: Move to adjourn.

Motion Proposals: First G. Allen Sonntag
Second J. Tyrrell Taber

Motion Results: Pass

Time: 2:54 P.M.

Initials: AO