



BOARD OF CERTIFIED REPORTERS

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

December 9, 2013
1:00 P.M.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Hon. Peter B. Swann
Hon. Edward W. Bassett
J. Tyrrell Taber
Melissa Gonsalves

Telephonically Present:

G. Allen Sonntag
Terri Faust
Patricia Seguin
Cheryl Cummings
Kathleen Montalvo

Absent:

OTHER ATTENDEES:

AOC Staff:

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

Guests:

John MacDonald

CALL TO ORDER

Called to Order By: G. Allen Sonntag, Chair

Time: 1:00 P.M.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: *Review and approval of regular session minutes for the meeting of October 29, 2013.*

Individual Addressing the Board: G. Allen Sonntag, Chair

Discussion: None

Motion: Move to approve the regular session minutes for the October 29, 2013 meeting.

Motion Proposals: First Melissa Gonsalves
Second Patricia Seguin

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-C005 and Kimberly McAndrews.*

Individual Addressing the Board: Linda Grau

Discussion: On October 7, 2013, the Board moved for filing of formal charges in complaint number 13-C005 to Kimberly McAndrews. Ms. McAndrews was served with the Notice of Formal Statement of Charges on October 10, 2013. On October 29, 2013, Ms. McAndrews filed the attached Answer to the formal charges and did not request a hearing. Having reviewed the charges and the filed Answer, 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 McAndrews’ reporter certification, pursuant to ACJA § 7-201(H)(24)(a)(6)(i) and Arizona Revised Statutes (“ARS”) § 32-4041(A)(4);
 - b) Issuance of a cease and desist order enjoining McAndrews 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 McAndrews’ certificate was valid and active;
 - c) Assessment costs associated with the investigation and related disciplinary proceedings, as a disciplinary sanction and a condition of reinstatement, in the amount of \$489.75, 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)(j); and,
 - d) Impose civil penalties, as a disciplinary sanction, in the amount of \$250.00 per found violation, for a total amount of \$1,000.00, 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 J. Tyrrell Taber
 Second Judge Swann

Motion Results: Pass

Second Motion: Move to designate Judge Swann to sign the order on the behalf of the chair and of the full board.

Motion Proposals: First J. Tyrrell Taber
Second Kathleen Montalvo

Motion Results: Pass

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

Individual Addressing the Board: Linda Grau

Discussion: As of November 26, 2013, there are 10 pending complaints. Two of the pending complaints involve non-certificate holders. The remainder involved certified reporters; one of which is on this agenda for Board consideration and possible entry of the final order.

3) ADMINISTRATIVE ISSUES:

3-A: There are no administrative issues for the Board to consider at this time.

4) INITIAL CERTIFICATION AND ELIGIBILITY:

4-A: Review, discussion, and possible action regarding pending initial certification applications for the following applicants:

1. *Kristi Week*
2. *Laurie Brinkman*
3. *Lori Pulsifer*

Individual Addressing the Board: Linda Grau

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

1. *Kristi Week*
2. *Laurie Brinkman*
3. *Lori Pulsifer*

Motion: Move to Grant initial certification to the following applicants:

1. *Kristi Week*
2. *Laurie Brinkman*

3. *Lori Pulsifer*

Motion Proposals: First Patricia Seguin
Second Judge Swann
Motion Results: Pass

4-B: *Telephonic interview and possible action regarding application for initial certification of Clark Edwards:*

Individual Addressing the Board: Linda Grau

Discussion: At 1:16 P.M., Clark Edwards appears telephonically.

Discussion and updates regarding possible action regarding the initial certification for Clark Edwards.

Motion: Move to grant certification to Clark Edwards effective March 1, 2014.

Motion Proposals: First Judge Bassett
Second Patricia Seguin
Motion Results: Pass

5) **CERTIFICATION AND ELIGIBILITY:**

5-A: *Review, discussion, and possible action regarding request for placement on inactive status received from the following certificate holders:*

1. *Debra Burnham*
2. *Nancy B. Rowland*

Individual Addressing the Board: Kimberly Siddall

Discussion: It is recommended the Board accept the requests to be placed on inactive status to the following applicants:

1. *Debra Burnham*
2. *Nancy B. Rowland*

Motion: Move to accept the requests to place the following applicants on inactive status:

1. *Debra Burnham*
2. *Nancy B. Rowland*

Motion Proposals: First Judge Swann
Second J. Tyrrell Taber
Motion Results: Pass

6) OTHER BUSINESS:

6: A: Update regarding Taskforce 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 John MacDonald and Dan Maynard concerning staff's proposed language changes and how the current language relates to current practices.

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

G. Allen Sonntag, Chair

Motion: Move to adjourn.

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

Time: 1:53 p.m.

Initials: AO