BOARD OF CERTIFIED REPORTERS

Meeting Amended Agenda – Thursday, June 6, 2019

Arizona Supreme Court - 1501 West Washington Street
Phoenix, Arizona 85007 - 10:00 A.M. - Conference Room 109
General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)
Members of the Public May Attend Meeting in Person

For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).

CALL TO ORDER ..... ***Melissa Gonsalves, Chair***

1) REVIEW AND APPROVAL OF MINUTES ..... ***Melissa Gonsalves, Chair***

1-A: *Review and approval of the regular session minutes for the meeting of April 11, 2019.*

2) PENDING COMPLAINTS.....***Division Staff***

2-A: *Review, discussion and possible action regarding rejection of Consent Agreement by certificate holder, Kim Bata, and further consideration of complaint No. 17-C001.*

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

3) INITIAL CERTIFICATION AND ELIGIBILITY.....***Division Staff***

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

1. Paula Campbell
2. Amanda Harwell
3. Janet Barry

4) RENEWAL CERTIFICATION .....***Division Staff***

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

1. Clark Edwards

5) ADMINISTRATIVE ISSUES…… *Division Staff*

5-A: *Review, discussion and possible action regarding Code changes to accommodate reciprocal certification.*

5-B: *Nomination and election of the Board of Certified Reporters Vice Chair.*

CALL TO THE PUBLIC ..... *Melissa Gonsalves, Chair*

ADJOURNMENT ..... *Melissa Gonsalves, Chair*

BOARD OF CERTIFIED REPORTERS
Agenda Summary – Thursday, June 6, 2019

1) REVIEW AND APPROVAL OF MINUTES

1-A: Review and approval of the regular session minutes for the meeting of April 11, 2019.

Attached for the Board's review are the regular session minutes from the Board meeting of April 11, 2019.

BOARD OF CERTIFIED REPORTERS
Agenda Summary – Thursday, June 6, 2019

2) PENDING COMPLAINTS

2-A: *Review, discussion and possible action regarding rejection of Consent Agreement by certificate holder, Kim Bata, and further consideration of complaint No. 17-C001.*

On February 7, 2019, the Board considered and approved a form of Consent Agreement which Division staff drafted in accordance with the Board's instruction. On February 13, 2019, the approved Consent Agreement was provided to Kim Bata through her counsel for signature. On March 19, 2019, Division staff received proposed revisions from Ms. Bata's counsel. On April 11, 2019, the Board considered and rejected Ms. Bata's proposed revisions to the Consent Agreement. Notice of the Board's decision was communicated to Ms. Bata's counsel on April 18, 2019 and the approved Consent Agreement forwarded for her signature.

On May 1, 2019, the Division received Ms. Bata's second rejection of the Board's approved Consent Agreement through correspondence from her counsel. On May 9, 2019, the Division responded to Ms. Bata's counsel forwarding the April 11, 2019 agenda item summary, materials provided to the Board and the audio of staff's presentation and the Board's deliberation and vote on the matter. Staff's response included a notice that staff anticipated providing Ms. Bata's rejection to the Board at the June meeting.

On May 15, 2019, the Division received further correspondence from Ms. Bata's counsel. The letter contained a number of statements including Ms. Bata's desire to further negotiate the language in the Consent Agreement, their belief that Ms. Bata has a binding contractual agreement with the Board and cannot now be sanctioned and that Ms. Bata is unavailable to appear at the June meeting. The letter also requested communication with counsel for Division staff.

BOARD OF CERTIFIED REPORTERS
Agenda Summary – Thursday, June 6, 2019

2) PENDING COMPLAINTS

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

As of May 31, 2019, there are currently two open complaints, one of which is presented on this agenda under item 2A.

CERTIFIED REPORTER COMPLAINTS
COURTOOLS MEASURE 4
AGE OF PENDING CASELOAD
Shaded Areas Represent Cases within Time Standard of 22 Months

Age (Months)	Number Cases	Percent	Cumulative Percent
0-4	1	50%	50%
5-9	0	0%	50%
10-14	0	0%	50%
15-19	0	0%	50%
20-22	0	0%	50%
23-35	1	50%	100%
36-50			
Over 50			
Total	**2**	**100%**	**100%**

BOARD OF CERTIFIED REPORTERS

Meeting Agenda – Thursday, June 6, 2019

3) INITIAL CERTIFICATION AND ELIGIBILITY

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

The following applicants have applied for initial certified reporter certification. The applicants successfully passed the program examination and have submitted completed applications demonstrating that they meet the minimum education requirements and have provided proof of passing the RPR or the CVR.

It is recommended initial certified reporter certification be granted to the following applicants:

1. Paula Campbell
2. Amanda Harwell

3. Janet Barry applied for initial certified reporter certification. The applicant successfully passed the program examination and has submitted a completed application demonstrating that she meets the minimum education requirements and has provided proof of passing the RPR. Applicant disclosed a 1988 dissolution of marriage and a 2007 DUI.

It is recommended initial certified reporter certification be granted to Janet Barry.

BOARD OF CERTIFIED REPORTERS
Agenda Summary – Thursday, June 6, 2019

4) RENEWAL CERTIFICATION APPLICATIONS

4-A: Review, discussion and possible action regarding pending applications for renewal of certification:

1. Clark Edwards has submitted an application for renewal of standard certification and meets the minimum eligibility requirements for renewal as a certified reporter. Mr. Edwards failed to disclose a 2016 Class C Misdemeanor conviction that occurred in Salt Lake City, Utah. Mr. Edwards was initially charged for "failure to register or expired vehicle registration infraction." During the proceedings, on two occasions, Mr. Clark failed to appear. The charge of "Willfully Failing to Appear" was entered for which he was found guilty and sentenced to a fine of $300.00. Mr. Edwards stated that he had paid the fine in its entirety. Mr. Edwards further stated, "It was wrong for me not to appear and provide evidence that the car had now been registered and pay the fines resulting from the citation." "I allowed fears of having to pay the fine and other feelings to prevent me from taking care of the matter timely."

During a subsequent review of Mr. Edwards' application, it was further discovered that he had been charged with a traffic infraction/misdemeanor on December 24, 2015. A plea of no contest was entered by Mr. Edwards and it was dismissed with prejudice on December 8, 2016. Mr. Edwards also failed to appear in this matter but was not formally charged. Division is concerned that Mr. Edwards' behavior demonstrates a pattern of non-compliance with court orders.

Clark Edwards 2016-2018 renewal application was presented to the Board on October 12, 2017 with Staff's recommendation to grant renewal of the certificate with the standard non-disclosure language and additional cautionary language that emphasizes the importance of complying with court orders. The Board considered but did not accept Staff's recommendation and directed Staff to consider another appropriate sanction.

Mr. Edwards has since submitted his 2018-2020 renewal application and no issues of concern have been noted. Mr. Edwards has acknowledged his wrongful behavior and actions with regard to his 2016-2018 renewal application and has expressed remorse for those occurrences reiterating that they will not occur again and that he will not let his emotions get the best of him. Furthermore, Mr. Edwards has agreed to enter into a Consent Agreement, the terms of which require that he accept a Letter of Concern from the Board which will highlight the Board's concerns regarding his failures to comply with court orders and his failures to disclose information on an application for certification.

Pursuant to ACJA § 7-201(H)(24)(b)(2), A letter of concern is a written informal discipline sanction and is not confidential or appealable.

It is recommended renewal of certification be granted to Clark Edwards for the 2016-2018 and 2018-2020 renewal periods with the stipulation that Mr. Edwards enter into the proposed Consent Agreement, thus resulting in a Letter of Concern.

BOARD OF CERTIFIED REPORTERS

Meeting Agenda – Thursday, June 6, 2019

5) ADMINISTRATIVE ISSUES

5-A: Review, discussion and possible action regarding Code changes to accommodate reciprocal certification.

Staff will present information and provide materials at the meeting.

BOARD OF CERTIFIED REPORTERS

Meeting Agenda – Thursday, June 6, 2019

5) ADMINISTRATIVE ISSUES

5-B: Nomination and election of the Board of Certified Reporters Vice Chair.

At the April 11, 2019 meeting, the Vice Chair was appointed as Chair for the Board. Therefore, pursuant to ACJA § 7-201(I)(3)(b), it is recommended the Board nominate and appoint a new Vice Chair.