

Supreme Court Board of Certified Reporters

Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room CLD1
10:00 a.m. - 2:00 p.m.

January 9, 2006 Approved Regular Session Minutes

Members Present:

Judge Lawrence Winthrop
Patricia Seguin
Jennifer Stadler
Jean Lea
Jennifer Stadler
Kathleen Montalvo
Sandra Markham
William Druke

AOC Staff Present:

Rhonda Simmons
Nina Preston
Brenda Lee Dominguez
Linda Grau
Kandace French
Kimberly Siddall
Nancy Swetnam
J.R. Rittenhouse

Guests:

Linda Hironimus
John Bouley

Members Absent:

James Bouley

Members Telephonically Present:

Judge Jan Kearney

Regular Session

Call to Order

The meeting was called to order by Sandra Markham at 10:04 a.m.

Review and Approval of Meeting Minutes

December 12, 2005

William Druke requested the first sentence under section Hearing Officer Report and Final Decision by the Board, Troy Kelley, on page 1 read as the following: Rhonda Simmons reported to the Board that Hearing Officer, Anne Phillips, recommended the Board grant Mr. Kelley's extension for his temporary certification. On page 2, first paragraph on the third line replace "Mr. Kelley's demonstration that he has extenuating circumstances," with "the Hearing Officer having found extenuating circumstances to extend the certification".

A **motion** was made by Judge Lawrence Winthrop and seconded by William Druke to adopt the December 12, 2005 Regular Session minutes as amended. Motion passed. **BCCR-06-001**

December 29, 2005

A **motion** was made by William Druke and seconded by Judge Lawrence Winthrop to adopt the December 29, 2005 Regular Session minutes. Motion passed. **BCCR-06-002**

A **motion** was made by Jean Lea and seconded by William Druke to adopt the December 29, 2005 Executive Session minutes. Motion passed. **BCCR-06-003**

Hearing on Denial of Certification

Lisa Blanks – vacated.

Recommendations and Board Action

Applicants for Initial Certification.

Kelly Dalton

Kimberly Siddall reported Kelly Dalton has submitted an initial application. Ms. Dalton was certified from 2000 until 2004, but did not renew in 2005. Neither a current photo nor a fingerprint card was submitted with this application, but both are in the file with application submitted in 2000. Ms. Dalton has signed a 5.9.3 Written Statement.

A **motion** was made by Judge Lawrence Winthrop and seconded by William Druke to grant Standard Certification to Kelly Dalton with the provision that an updated photo be submitted. Motion Passed. **BCCR-06-004**

Applicants for Renewal.

Kimberly Siddall reported the following applicants have submitted renewal applications and have paid the late fee. The applications are complete and no information has been presented during the background which is contrary to certification being granted. The applicants have demonstrated they meet the continuing education requirement for certification. It is recommended they be granted renewal certification:

Jennifer Arford
Lisa Blanks
Susan Humphrey
Kimberly McAndrews

A **motion** was made by William Druke and seconded by Jean Lea to renew the Standard Certification of the reporters listed above based on documentation provided showing they meet all qualifications for renewal. Motion passed. **BCCR-06-005**

Kimberly Siddall reported to the Board that Wanda Curry has submitted a renewal application and has paid the late fee. The application was complete and no information has been presented during the background which is contrary to certification being granted. Ms. Curry has not met the continuing education requirement for certification; she has received 6 hours of continuing education in 2005 and has received 4 hours in 2006.

A **motion** was made by Judge Lawrence Winthrop and seconded by William Druke to grant Wanda Curry Standard Certification with the provision applicant pays the \$25.00 late fee for not completing 10 hours of continuing education in 2005 and must complete 10 hours of continuing education for 2006. Jean Lea recused. Jennifer Stadler opposed. Motion passed. **BCCR-06-006**

Rhonda Simmons reported to the Board that Deborah Trattel has submitted a renewal application. On December 12, 2005 the Board denied her certification and required she complete and turn in all of her continuing education by December 31, 2005; she has 7 hours, but needs 3 more hours. Ms. Trattel did submit documentation that she attended "Live Notes" training in the last week of December for 3 hours.

A **motion** was made by Judge Lawrence Winthrop and seconded by Kathleen Montalvo to grant 3 hours of continuing education for "Live Notes" training and renew Standard Certification for Deborah Trattel. Motion passed. **BCCR-06-007**

Applicants for Conversion.

Deborah Hanlon (fingerprints)

Kimberly Siddall reported to the Board fingerprint results were received on Deborah Hanlon and no information was received with any questions. It is therefore recommended her certificate be converted from Provisional Standard Certification to Standard Certification.

A **motion** was made by Judge Lawrence Winthrop and seconded by Kathleen Montalvo to convert the Provisional Standard certificate of Deborah Hanlon to Standard Certification based on the Program receiving fingerprint results with no questions. Motion passed. **BCCR-06-008**

Applicants for Extensions of Temporary Certification.

Renee Hunter
Kari Kerns

A **motion** was made by Jennifer Stadler and seconded by William Druke to convert Temporary Certification for Renee Hunter and Kari Kerns to Provisional Standard Certification pursuant to § 7-206(G)(5)(a)(2). Motion passed. **BCCR-06-009**

Marla Graham

A **motion** was made by Jennifer Stadler and seconded by William Druke to deny certification due to failure to submit requested documentation to the Board. Motion passed. **BCCR-06-010**

Continuing Education Issues

Judge Jan Kearny joined the meeting telephonically at 10:26 a.m.

Consideration of requests for continuing education credit.

Kandace French reported to the Board Elizabeth Howard has requested 1 hour of continuing education for “Three Steps to Realizing Your Dreams” to be held at the ASU Downtown Campus on January 12, 2006.

A **motion** was made by Judge Lawrence Winthrop and seconded by Jean Lea to deny continuing education credit for the seminar “Three Steps to Realizing Your Dreams” as this seminar does not relate to the practice of reporting. Motion passed. **BCCR-06-011**

Kandace French reported to the Board Rabin Monroe has requested continuing education credit hours be carried over from 2005 to 2006 for the Registered Merit Reporter exam she passed in 2005.

A **motion** was made by William Druke and seconded by Patricia Seguin to deny the request of carrying over continuing education credit hours from 2005 to 2006 for the Registered Merit Reporter exam. Motion passed. **BCCR-06-012**

Review of proposed continuing education resource listing for Program Website.

Kandace French presented to the Board a spreadsheet containing approved continuing education courses and requested the approval of the Board to post this spreadsheet to the Certified Reporter website.

A **motion** was made by Patricia Seguin and seconded by Kathleen Montalvo to approve the posting of the spreadsheet of approved continuing education to the Certified Reporter website. Motion passed. **BCCR-06-013**

Review of Complaint(s)

Review and discussion regarding Certified Reporter Program complaint numbers 05-C006, 05-C013 and 04-C007.

05-C013

Rhonda Simmons reported the transcription in question was prepared while the reporter was certified, but the complaint came in after certification lapsed; thus the Board does not have jurisdiction pursuant to § 7-206 (H)(1)(e).

A **motion** was made by William Druke and seconded by Patricia Seguin to dismiss complaints 04-C007 and 05-C006 due to lack of probable cause. Motion passed. **BCCR-06-014**

A **motion** was made by William Druke and seconded by Patricia Seguin to dismiss complaints 05-C013 due to lack of jurisdiction, pursuant to § 7-206 (H)(1)(e). Motion passed. **BCCR-06-015**

Topics for Discussion and Possible Code Revisions

Review and discussion of proposed revision of ACJA § 7-206 and § 7-201.

Nancy Swetnam and J.R. Rittenhouse gave a presentation on the most current rough draft of the revisions to Arizona Code of Judicial Administration (ACJA) § 7-201: General Requirements. § 7-201 currently serves as the general requirements for 3 of the programs of the Certification and Licensing Division: Confidential Intermediaries, Defensive Driving and Fiduciaries. The amendments are being drafted to § 7-201 and the program specific sections of ACJA to have § 7-201 apply to all programs, including Certified Reporter. § 7-201 will contain general definitions, procedures and policies regarding certification and disciplinary proceedings. § 7-201 and § 7-206 will be ready for public comment by the end of January, 2006. J.R. Rittenhouse requested the Board forward their comments to her email address jrittenhouse@cours.az.gov.

Break - 12:00 p.m.

Judge Jan Kearney left the meeting at 12:00 p.m.

Return from break – 12:20 p.m.

Review and discussion of proposed revision of ACJA § 7-206 and § 7-201 (continued).

Rhonda Simmons informed the Board there will be a lot of strikethroughs, because certain items from § 7-206 are being moved to § 7-201.

Major changes have been made to § 7-206, Appendix A, Code of Conduct. Following are the Board's recommendations:

Standard 1. Ethics.

A change was made to a. in that it was broken out to a., b. and c. to read as follows:

- a. A ~~court~~ reporter shall avoid impropriety and the appearance of impropriety in all professional activities;
- b. A reporter shall respect and comply with the laws, and
- c. A reporter shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judicial system.

Standard 3. Fees and Services.

Board recommends a. and b. to read as follows:

- a. Except as provided in standard 2(e), a ~~court~~ reporter shall charge all private parties or their attorneys in the same action the same price for an original transcript and charge all private parties or their attorneys the same price for ~~a~~ an initial copy of a transcript for like services performed in an action. Additional copies purchased by the ordering party after the initial copy may be charged at a reduced rate; however, the same rate must apply to all parties requesting additional copies. A ~~court~~ reporter may provide services on a pro bono basis as provided in this section.
- b. A ~~court~~ reporter shall, upon request at any time, disclose in writing an itemization of all rates and charges to all parties or their attorneys. A reporter shall, upon request at any time, disclose in writing an itemization of all rates and charges to the program manager. A ~~court~~ reporter shall maintain an accurate account of services rendered.

Major changes have been made to § 7-206, Appendix B, ~~Certification~~ Fee Schedule. Following are the Board's changes and recommendations:

D. Miscellaneous Fees.

<u>1. Replacement of certificate or name change</u>	<u>\$ 25.00</u>
<u>2. Public record request per page copy fee</u>	<u>\$.50</u>
<u>3. Certificate of correctness of copy of record</u>	<u>\$ 18.00</u>

Guests left the meeting.

Christina Soto, Administrative Assistant II, was introduced to the Board.

Executive Session – 1:00 p.m.

A **motion** was made by William Druke and seconded by Jean Lea to go into Executive Session. Motion passed. **BCCR-06-016**

Executive Session Ended at 2:06 p.m.

Review and Approval of Executive Session Minutes

A **motion** was made by William Druke and seconded by Jean Lea to approve the December 12, 2005 Executive Session minutes as amended in Executive Session. Motion passed. **BCCR-06-017**

Recommendations and Board Action (revisited)

Applicants for Extensions of Temporary Certification.

Marla Graham

A **motion** was made by Jennifer Stadler and seconded by Patricia Seguin to reconsider motion BCCR-06-010 for Marla Graham. The Board amended the motion to state Marla Graham was denied certification for failure to provide a written request and adequate documentation to establish extenuating circumstances pursuant to ACJA § 7-206(G)(5)(a)(1)(b). Motion passed. **BCCR-06-018**

Jean Barclay

A **motion** was made by William Druke and seconded by Jennifer Stadler to defer consideration for Jean Barclay's request to find extenuating circumstances and continue Temporary Certification until February 13, 2006 with the provision Ms. Barclay submit documentation of all prior RPR test results and any request for test accommodations to the Board by February 1, 2006. Motion passed. **BCCR-06-019**

Sandra Brice

A **motion** was made by William Druke and seconded by Judge Lawrence Winthrop to move to find extenuating circumstances exists to extend Temporary Certification until July 10, 2006 based upon Provider's statement of prognosis being excellent for passing examination and recommend Ms. Brice request testing accommodations for extra time to transcribe. Motion passed. Sandra Markham opposed. **BCCR-06-020**

Blanch Paulsen

A **motion** was made by Patricia Seguin and seconded by Judge Lawrence Winthrop to deny Temporary Certification to Blanch Paulsen for failure to provide adequate documentation pursuant to § 7-206(G)(5)(a)(1)(b); including failure to provide a written request for extension of her Temporary Certification. Motion passed. **BCCR-06-021**

Denise Vaishville

A **motion** was made by Patricia Seguin and seconded by Jean Lea to extend Temporary Certification to Denise Vaishville until December 31, 2006, based on the showing of extenuating circumstances. Motion failed.

A **motion** was made by William Druke and seconded by Patricia Seguin to convert Temporary Certification to Provisional Standard Certification for Denise Vaishville, based on no finding by the Board of extenuating circumstances, pursuant to § 7-206(G)(5)(a)(1)(b). Jean Lea opposed. Motion passed. **BCCR-06-022**

Topics for Discussion and Possible Code Revisions (revisited)

Review and discussion of proposed revision of ACJA § 7-206 and § 7-201.

Following are the Board's changes and recommendations to § 7-206, Appendix B, ~~Certification~~ Fee Schedule:

A. Initial Certification.

- 1. Initial Certification Fee \$225.00
- 2. Fingerprint Processing Fee \$50.00
(Rate as set by Arizona law and subject to change.)

C. Examination Fee for the Arizona Written Test.

- 1. Applicants for Initial Certification \$ 50.00
- 2. Reexaminations \$ 50.00
(For any applicant who did not pass the examination on the first attempt.
The \$50.00 fee applies to each reexamination.)
- 3. Reregistration \$ 50.00
(For any applicant who registers for an examination date and fails to appear
at the designated site on the scheduled date and time.)

D. Miscellaneous Fees.

- 4. Continuing Education disciplinary fee \$ 50.00

Following is the recommendation by William Druke for changes to § 7-206, Appendix A, Code of Conduct:

Standard 6. Performance in Accordance with Law.

- b. Contracts covering ~~each~~ reporter services having a fixed period of time, minimum or otherwise, between persons holding certificates under this section or any person for whom the reporters act as agents and any attorney at law or agent any insurance company or agent or any other person, are prohibited.

~~This prohibition does not prevent any person holding a certificate~~ A reporter may not enter into a contract for deposition, upon request of an attorney or an agent of an attorney or an insurance company, from quoting rates for both originals and copies of depositions for a particular deposition to be taken, or for all depositions in a case, provided that the same rate is charged to all other parties obtaining copies and provided further that the charge for the original is no less than 60 per cent higher than the charge per copy.

Following is the recommendation by Sandra Markham and Rhonda Simmons regarding § 7-206(G)(5)(b)(1)(d) and (G)(5)(b)(2)(d):

Provisional Standard Certificate.

(G)(5)(b)(1)(d):

- (d) ~~An applicant granted a provisional standard certificate shall take and pass the remaining SKT component(s) of the RPR examination by December 31, 2005 and shall provide documentation to the board by January 31, 2006. Applicants who are granted a provisional standard certificate shall pass the remaining skill component(s) of the RPR within 12 months of being granted a provisional standard certificate.~~

(G)(5)(b)(2)(d):

- (d) Applicants who are granted a provisional standard certificate shall pass the remaining skill component(s) of the RPR within 12 months of being granted a provisional standard certificate ~~or by December 31, 2005, whichever is later.~~

Following is the recommendation for changes to § 7-206, Appendix D, Continuing Education Policies:

D. Authorized Continuing Education Activities.

2. m. Management issues including public relations and customer service; accounting, time management, ergonomics, ~~human resources, financial planning and planning for retirement or changing careers within reporting;~~ office management, ~~maintaining individual reporter's health and emotional adjustment, and stress management.~~

Sandra Markham requested Board members to provide her with three examples of classes that the NCRA has approved, but is not related to reporters and she will draft a letter to the association with the Board's concern over these approvals.

6. Authoring or Coauthoring Articles. Subject to board review and approval, a certified ~~court~~ reporter may receive continuing education credit for authoring or coauthoring an article directly related to ~~court~~ reporting, if the article is published in a state or nationally recognized professional journal of ~~court~~ reporting or law and if the article is a minimum of one thousand words in length. A maximum of up to one three hours of continuing education credit may be earned for authoring an article or articles in any one renewal period. The board must approve the published article for the author to receive continuing education credit. The board shall not grant credit for the same article published in more than one publication or republished in the same publication in later editions.

8. Self Study. Subject to board review and approval, a certified ~~court~~ reporter may receive continuing education credit for self study, including correspondence courses, procedure manuals, video and audio tapes, on-line computer seminars; ~~police and fire ride-alongs~~ and other methods of independent learning. The self study shall be from an approved program and written materials shall accompany all self-study activities. The board shall not grant credit for simply reading books, seminars or other printed materials. ~~With the exception of self study courses provided by the NCRA, a~~ All self study shall be preapproved by the board for continuing education credit; ~~no credit may not be granted will be provided~~ if the request for approval is submitted after completion of the program. ~~Except for NCRA courses, t~~The board may grant a maximum of five continuing education credits for self study in any one renewal period.

11. c. Case catalyst and other courses provided by ~~court~~ reporting software vendors, including on-line courses.

Jennifer Stadler recommended removing all verbiage pertaining to “waiver” in (G)(4) and (G)(4)(a) and Rhonda Simmons recommended removing the sentence in (G)(4)(a) beginning with “The reporter shall submit this notarized...”:

4. Extension ~~or Waiver~~ of Continuing Education Requirements. A ~~court~~ reporter seeking renewal of certification who has not fully complied with the continuing education requirements may request an extension ~~or waiver~~ of the continuing education requirements under the following conditions:
 - a. The reporter shall submit a notarized statement to the board, explaining the facts regarding non-compliance and requesting an extension ~~or waiver~~ of continuing education requirements. ~~The reporter shall submit this notarized statement no later than the October 1st preceding the expiration of the reporter’s certificate on December 31st.~~ Upon a showing of extenuating circumstances, the board may grant an extension of a maximum of 90 days to complete the continuing education requirements, ~~or a waiver of part of all of the continuing education requirements for the renewal period for which the reporter is requesting.~~

Rhonda Simmons recommended removing (G)(4)(b)(4):

(4) ~~being retired from court reporting and not performing any reporting services; or~~

Please send comments or questions to the certified reporter mailbox at courtrep@courts.as.gov or Rhonda Simmons. The certified reporters will be emailed advising them of the code revisions going out for public comment.

Certification for Court Reporting Firms.

The Board tabled this matter until the next agenda and asked staff to request information from the party requesting certification of firms on why they think it is necessary and to also provide documentation from other jurisdiction's statutory provisions for the Board's review.

Billing for Copies.

Changes to the code were addressed today during discussion regarding "Standard 3. Fees and Services" (see the section in the minutes titled "Topics for Discussion and Possible Code Revisions")

Program Update

Board Meeting Schedule Revisions.

The following Board meetings have been changed: June 12, 2006 has been changed to June 5, 2006 and October 9, 2006 has been changed to October 2, 2006.

Complaints.

Rhonda Simmons reported that 2 complaints have been closed and 1 was received in January and is ready for probable cause. There are currently 21 open complaints.

Call to the Public

None at this time.

Adjournment

A **motion** was made by Judge Lawrence Winthrop and seconded by Jean Lea to adjourn. Motion Passed. **BCCR-06-023**

The meeting of the Board of Reporters adjourned at 3:19 p.m.