

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.

August 8, 2005 Draft Regular Session Minutes

Members Present:

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

AOC Staff Present:

Rhonda Simmons
Nina Preston
Brenda Lee Dominguez
Barbara Savage
Minnie Worthington

Guests:

Dr. Patricia Johnson
Michele Balmer
Joanne Williams
Holly Fitzgerald
Marvin Atwood
Sandra Marruffo
Melinda Vallmay
Leslie Foldy
Jennifer Greene

Members Absent:

Judge Jan Kearney
James Bouley

Call to Order

The meeting was called to order by Sandra Markham at 10:02 a.m.

Review and Approval of meeting Minutes

Regular session minutes of June 6, 2005, June 10, 2005 and July 11, 2005.

Judge Lawrence Winthrop requested a correction be made on June 6, 2005 session minutes on page 4 under Topics for Discussion and Possible Code Revisions. In the first paragraph, line 1 the word “given” should be changed to “as”.

A **motion** was made by Judge Lawrence Winthrop and second by Jennifer Stadler to approve the June 6, 2005 minutes as amended. Motion passed. **BCCR-05-076**

A **motion** was made by Judge Lawrence Winthrop and seconded by Patricia Seguin to approve the June 10, 2005 minutes. Motion passed. **BCCR-05-077**

A **motion** was made by Judge Lawrence Winthrop and seconded by Patricia Seguin to approve the July 11, 2005 minutes. Motion passed. **BCCR-05-078**

Recommendations and Board Action

Applicants for Initial Certification

The following reporters requested Provisional Standard Certification be granted based on staff awaiting the FBI results of their fingerprints. Rhonda Simmons informed the Board the following reporters have passed the RPR and Arizona Written Exam and meet all other qualifications for certification, but because the FBI results have not been processed and returned to the Program, they should be granted Provisional Standard Certification at this time:

Holly Draper
Sheryl Henke
Sue Wolf

A **motion** was made by William Druke and seconded by Judge Lawrence Winthrop to grant Provisional Standard Certification to the reporters listed above based on all documents provided and because FBI results have not been processed and returned on them. Motion passed. **BCCR-05-079**

The following reporter requested she be granted Standard Certification. Rhonda Simmons informed the Board Michelle Wellner has passed the Arizona Written Exam and RPR. The Program has received her fingerprint results with no questions.

Michelle Wellner

A **motion** was made by William Druke and seconded by Patricia Seguin to grant Standard Certification to Michelle Wellner based on documentation provided showing she meets all qualifications for certification. Motion passed. **BCCR-05-080**

Applicants for Conversion

Rhonda Simmons reported the following reporter requested her certificate be converted from Provisional Standard Certification to Standard Certification based on the Program receiving her fingerprint results with no questions.

Christine Sanzone

A **motion** was made by Judge Lawrence Winthrop and seconded by Patricia Seguin to convert the above reporter's Provisional Standard Certification to Standard Certification based on the Program receiving her fingerprint results with no questions. Motion passed. **BCCR-05-081**

Rhonda Simmons reported the following reporter requested her certificate be converted from Provisional Standard Certification to Standard Certification based on the Program

receiving documentation showing she passed all components of the RPR and she meets all other qualifications for certification.

Cynthia Reed

A **motion** was made by William Druke and seconded by Patricia Seguin to convert Cynthia Reed's Provisional Standard Certification to Standard Certification based on the Program receiving documentation she has passed the remaining components of the RPR. Motion passed. **BCCR-05-082**

Rhonda Simmons reported the following reporter requested her certificate be converted from Temporary Standard Certification to Standard Certification based on the Program receiving documentation showing she has passed the remaining components of the RPR and she meets all other qualifications for certification.

Vanessa Gartner

A **motion** was made by Judge Lawrence Winthrop and seconded by Patricia Seguin to convert Vanessa Gartner's Temporary Certification to Standard Certification based on the Program receiving documentation she has passed the remaining components of the RPR. Motion passed. **BCCR-05-083**

Continuing Education Issues

Consideration for requests for continuing education credit.

Rhonda Simmons informed the Board Terri Faust is requesting 26 credits for continuing education for attending an NCRA conference in Philadelphia and completing the first modular of Certified Manager Reporting Services.

A **motion** was made by Jean Lea and seconded by Jennifer Stadler to grant 26 hours of continuing education credit to Terri Faust for completing the first modular of Certified Manager Reporting Services through NCRA. Motion passed. **BCCR-05-084**

Rhonda Simmons informed the Board Denise Gonzales is requesting 6.5 credits for continuing education for attending a Pima County Staff Conference which is COJET approved.

A **motion** was made by William Druke and seconded by Jennifer Stadler to grant 6.5 hours of continuing education credit to Denise Gonzales for attending the Pima County Staff Conference. Motion passed. **BCCR-05-085**

Rhonda Simmons informed the Board Darlene Reimer is requesting 2 credits for attending two ASU seminars, Do Sweat the Small Stuff and Falling Forward that fall under the management category of the Continuing Education Policy.

A **motion** was made by William Druke and seconded by Jennifer Stadler to grant 2 hours of continuing education credit to Darlene Reimer for attending two ASU seminars, Do Sweat the Small Stuff and Falling Forward. Motion passed. **BCCR-05-086**

Executive Session

A **motion** was made by William Druke and seconded by Kathleen Montalvo to go into Executive Session. Motion passed. **BCCR-05-087**

Executive Session Ended

Dr. Patricia Johnson left the meeting at 1:00 p.m.

Recommendations and Board Action (Continued)

(During Executive Session, the Board reviewed the confidential records of the following reporters.)

Certified Reporter #12

A **motion** was made by William Druke and seconded by Jean Lea to grant Standard Certification to Certified Reporter #12. Motion passed. **BCCR-05-088**

Certified Reporter #13

A **motion** was made by William Druke and seconded by Judge Lawrence Winthrop to convert the Provisional Standard Certification of Certified Reporter #13 to Standard Certification. Motion passed. **BCCR-05-089**

Review and Approval of Executive Session Minutes

A **motion** was made by Judge Lawrence Winthrop and seconded by Jean Lea to approve the June 6, June 10 and July 11, 2005 Executive Session minutes. Motion passed. **BCCR-05-090**

Continuing Education Issues (Continued)

Rhonda Simmons reported Collette Ross is requesting eight hours of continuing education credit for the following classes: Ten Smart Ideas for a Slightly Crazy World, Life Time 5, Diversification Deliveries, All About Earnings and Managed Futures and Alternative Investments, but agreed she should obtain the remaining credits in an area more directly related to the profession of reporting.

A **motion** was made by Jennifer Stadler and seconded by Jean Lea to grant one hour of continuing education credit to Collette Ross for “Slightly Crazy World”; one and a half hours continuing education credit for “Life Time 5”; one hour continuing education credit for “Diversification Deliveries”; two and a half hours continuing education credit for “All About Earnings” and two hours continuing education credit for “Managed Futures and Alternative Investments.” Motion passed. **BCCR-05-091**

Interviews with Licensed Treating Professionals and Consideration of Extensions of Temporary Certification

(During Executive Session, the Board interviewed the licensed treating professionals of reporters with temporary extensions and reviewed confidential records.)

Certified Reporter #1

A **motion** was made by William Druke and seconded by Patricia Seguin to grant Certified Reporter #1 an extension of Temporary Certification through December 31, 2005. Motion passed. **BCCR-05-092**

Certified Reporter #2

A **motion** was made by William Druke and seconded by Judge Lawrence Winthrop to extend the Temporary Certification of Certified Reporter #2 through December 31, 2005. Motion passed. **BCCR-05-093**

Certified Reporter #4

A **motion** was made by William Druke and seconded by Patricia Seguin to Convert the Temporary Certification of Certified Reporter #4 to Provisional Standard Certification. Motion passed. **BCCR-05-094**

Certified Reporter #5

A **motion** was made by William Druke and seconded by Judge Lawrence Winthrop to extend the Temporary Certification of Certified Reporter #5 through December 31, 2005. Motion passed. **BCCR-05-095**

Certified Reporter #6

A **motion** was made by William Druke and seconded by Patricia Seguin to extend the Temporary Certification of Certified Reporter #6 through December 31, 2005. Motion passed. **BCCR-05-096**

Certified Reporter #7

A **motion** was made by William Druke and seconded by Patricia Seguin to deny the request for extension of Temporary Certification to Certified Reporter #7. Motion passed. **BCRR-05-097**.

Certified Reporter #8

A **motion** was made by William Druke and seconded by Patricia Seguin to extend the Temporary Certification of Certified Reporter #8 through December 31, 2005. Motion passed. **BCCR-05-098**

Consideration of Complaint

(During Executive Session, the Board reviewed the confidential records of Reporter #11.)

Certified Reporter #11

A **motion** was made by Jean Lea and seconded by Kathleen Montalvo to dismiss a complaint filed against Certified Reporter #11 due to lack of probable cause. Motion passed. **BCCR-05-099**

Topics for Discussion

April Pereira Consent Agreement.

The Board discussed April Pereira's Answer to the Formal Statement of Charges, No. CR-NFC-03-C010 and the Consent Agreement prepared by Nancy Beck, Assistant Attorney General and signed by April Pereira. Nancy Swetnam suggested the Consent Agreement should assess costs associated with the investigation of this complaint. The Board agreed to defer this issue until the next meeting in order for staff to calculate costs and determine if April Pereira continues to be interested in a Consent Agreement that assesses costs.

Topics for Discussion and Possible Code Revisions

Proposed Code Revisions § 7-206.

Rhonda Simmons discussed the Timeline for Implementation of SB1311 regarding Voice Writers. The Board recommended a change on page 3 "...program manager..." should be changed back to "...program coordinator..." because this was not a statutory change included in SB 1311.

A **motion** was made by William Druke and seconded by Judge Lawrence Winthrop to approve the suggested changes to § 7-206 and forward the

suggestions to the Chief Justice for approval and signature. Motion passed.
BCCR-05-100

Code Revisions Related to Transcript Format Guidelines.

Sandra Markham reported the Keeping the Record Committee is striving for uniformity across the state in transcript formats. She suggested guests be permitted to address the Board regarding these suggested revisions to the Transcript Format Guidelines. Michele Balmer requested that F(3) “Begin at page one (1) for each day of proceedings, even in multiple-day proceedings.” be changed. The Board recommended the following verbiage: “Unless otherwise requested begin at page one (1) for each day of proceedings, even in multiple-day proceedings.” Nancy Swetnam informed the Board E(1)(d) and E(2)(e) on page three should read as follows: “Include the reporter’s certificate number and title or abbreviation.” Section G(1) on line three “CCR” should read “CR” and G(3) on the last line remove the word “court”.

A **motion** was made by William Druke and seconded by Patricia Seguin to make the above technical changes and forward the proposed Arizona Transcript Format Guidelines to the Keeping the Record Committee. Motion passed. **BCCR-05-101**

A **motion** was made by William Druke and seconded by Judge Lawrence Winthrop that all appendices to § 7-206 also be submitted to the Chief Justice for approval and signature. Motion Passed. **BCCR-05-102**

NCRA Response to Board Request.

Rhonda Simmons reported NCRA is determining whether they can extend administration of the RPR to voice writers.

Esquire Ad.

The Board reviewed an ad by Esquire and found potential violations of the Code. Rhonda Simmons reported Esquire is a national reporting firm and the Board does not have jurisdiction over firms; because firms are not certified in Arizona. An Esquire representative informed the Board the ad was pulled in Arizona and the concern is moot.

ACRA Request for Advisory Committee Formation.

Rhonda Simmons reported that ACRA has requested an Ethics Advisory Committee be formed to assist the reporting community with issues concerning Code of Conduct and ethics. The Board discussed previous hesitations with forming an Ethics Advisory Committee due to the cost of such administration.

A **motion** was made by Judge Lawrence Winthrop and seconded by Patricia Seguin to give staff the authority to investigate the setup and cost of forming an

Ethics Advisory Committee to assist the reporting community. Motion Passed.
BCCR-05-103

Court Reporting Firms Interpretation of the Code of Conduct.

Rhonda Simmons reported to the Board the ACRA has requested the Program publish the disposition of complaints. The Board discussed the fact that dismissed complaints are confidential and would not be published.

A **motion** was made by Judge Lawrence Winthrop and seconded by Patricia Seguin to give staff the authority to publish on the Certified Reporter Website those findings as related to discipline imposed by the Board on the reporter website. Motion Passed. **BCCR-05-104**

Request for Clarification from Sandy Marruffo.

Rhonda Simmons informed the Board of a question she received from Ms. Marruffo regarding whether reporters doing work for Esquire Deposition Services may be in danger of losing their licenses due to some illegal marketing situation. Rhonda Simmons reported Ms. Marruffo is referring to the Esquire ad previously discussed and stated there are potential violations related to the ad.

A representative of Esquire who was in attendance stated the promotion for the iPod has been pulled from Arizona. The Board agreed at that point the issue was moot.

Program Update

Rhonda Simmons reported that there were four new complaints received in July. There are a total of 24 open complaints with none of them in backlog.

Call to the Public

As of August 12, 2005 reporters will be required to be referred to as Certified Reporters due to changes in SB 1311. Rhonda Simmons reported that she will be putting this information on the Certified Reporter Website.

Leslie Foldy, ACRA President, discussed the difficulty some reporters may have with the change due to costs associated with changing their current letterhead, business cards, etc. Ms. Foldy asked if existing letterhead and business cards could just have the word "Court" crossed out. The Board advised Ms. Foldy they cannot give legal advice. Ms. Foldy stated ACRA is proposing legislation to try to get it changed back to Certified Court Reporter.

Adjournment

A **motion** was made by William Druke and seconded by Jean Lea to adjourn.
Motion Passed. **BCCR-05-105**

The meeting of the Board of Certified Reporters adjourned at 2:22 p.m.