

Supreme Court Board of Certified Court Reporters

Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room CLD1
12:00 p.m. - 1:00 p.m.

August 9, 2004
Approved Minutes

Members Present:

Sylvia Brandfon
Jean Lea
Sandra Markham
William E. Druke
Judge Philip Hall
Jennifer Stadler
Judge Jan Kearney
Douglas Brooks

AOC Staff Present:

Rhonda Simmons
Lauren Hargrave

Members Absent:

James Bouley

Call to Order

The meeting was called to order by Sandra Markham at 10:06 a.m.

Review and Approval of Meeting Minutes

Regular session minutes of June 14, 2004 and July 12, 2004.

The Board reviewed the June 14, 2004 regular session minutes. Ms. Brandfon requested staff change "hour" to "hours" on page 3, motion BCCR-04-063.

A **motion** was made by William E. Druke and seconded by Judge Jan Kearney to adopt the minutes as amended from June 14, 2004. Motion passed. **BCCR-04-079**

A **motion** was made by William E. Druke and seconded by Jennifer Stadler to adopt the minutes from July 12, 2004. Motion passed. **BCCR-04-080**

Recommendations and Board Action

Applicants for Initial Certification

Rhonda Simmons reported there were no applicants for initial certification.

Applicants for conversion

Rhonda Simmons reported the following court reporters requested they be converted from Provisional Standard Certification to Standard Certification based on proof showing they passed all components of the RPR and meet all qualifications for Standard Certification:

Donna DeLavina
Lori Fraley
Laura McDole
Shannon Stevenson
Melissa Hart

A **motion** was made by William E. Druke and seconded by Sylvia Brandfon to convert the Provisional Standard Certification of the court reporters listed above to Standard Certification, based on documentation provided showing they completed all components of the RPR and meet all other qualifications for Standard Certification. Motion passed. **BCCR-04-081**

The following court reporters requested their certificates be converted from Provisional Standard Certification to Standard Certification based on staff receipt of the FBI results and meeting all other qualifications for Standard Certification:

Rochelle Dobbins
Susan Grenz
Kristen Wunsch
Bonnie Lindsey
Bonnie Humm

A **motion** was made by Sylvia Brandfon and seconded by Judge Philip Hall to convert the Provisional Standard Certification of the court reporters listed above to Standard Certification based on staff receipt of the FBI results. Motion passed. **BCCR-04-082**

Request for Extension of Expired Temporary Certificate

Rhonda Simmons reported Suzanne Chaffee, now known as Suzanne Bolognini, requested the Board reinstate her Temporary Certification. Ms. Bolognini failed to request a further extension of her Temporary Certification prior to the expiration of her certification on February 28, 2004. Ms. Simmons reported there are no provisions within the Code to extend an expired temporary certificate. Ms. Simmons introduced a draft letter for the Board's consideration. The draft letter was reviewed and approved by legal counsel. The Board discussed Ms. Chaffee's previous applications and status with regards to her RPR certification.

A **motion** was made by William E. Druke and seconded by Douglas Brooks to

approve the proposed draft letter. Motion passed. **BCCR-04-083**

Continuing Education Issues

Consideration of requests for continuing education credit

Rhonda Simmons reported the Voice Writers of Arizona, LLC is giving free RPR preparation classes to certificate holders and is requesting approval of the curriculum. The curriculum is similar to Gateway and Metropolitan; however, RPR prep classes offered by community colleges are given 100% approval. The class is free and is being held during the evenings and weekends. The Board previously approved a non-community college prep class given by a court reporter. Ms. Simmons recommended for consistency purposes, the Board preapprove the class for five continuing education credits. The Board discussed concerns regarding the class and the qualifications of the instructors.

Voice Writers of Arizona LLC – RPR Prep Class

Rhonda Simmons reported Diane J. Dzwonkoski is requesting continuing education credit for two independent training classes which are both online computer classes. Ms. Simmons reported the continuing education policy states an individual can only receive 5 credits within the self study area. However, the policy additionally states topics such as the Case Catalyst are 100% approved. The Board discussed the number of hours Ms. Dzwonkoski is requesting compared to the length of time required to review the curriculum.

Stenograph Basic Skills CBT Case Catalyst 4 Microsoft Windows XP Interactive

A **motion** was made by Judge Jan Kearney and seconded by William E. Druke to approve Voice Writers of Arizona LLC – RPR Prep Class for 5 hours, Stenograph Basic Skills CBT Case Catalyst 4 for 2 hours, and Microsoft Windows XP Interactive for 3 hours. Motion passed. **BCCR-04-084**

Executive Session

A **motion** was made by Judge Philip Hall and seconded by William E. Druke to go into Executive Session to discuss records exempt by law or rule from public inspection or for advice of counsel. Motion passed. **BCCR-04-085**

Executive Session Ended

Review and Approval of Executive Session Meeting Minutes

Executive Session Minutes of June 14, 2004

A **motion** was made by William E. Druke and seconded by Jean Lea to adopt the Executive Session minutes as amended in Executive Session of June 14, 2004. Motion passed. **BCCR-04-086**

Consideration of Complaint(s) & OSC's

(During Executive Session the Board reviewed the confidential record of the reporter and for the purposes of the public session will identify reporter as Court Reporter #1)

Court Reporter #1

A **motion** was made by William E. Druke and seconded by Sylvia Brandfon to issue a Letter of Concern, assess \$250.00 for costs, and recommend a future Board consider a probationary period if Court Reporter #1 requests certification in the future. Motion passed. **BCCR-04-087**

(During Executive Session the Board reviewed the confidential record of the reporter and for the purposes of the public session will identify reporter as Court Reporter #2)

Court Reporter #2

A **motion** was made by Judge Philip Hall and seconded by Judge Jan Kearney to clarify the Board's previous motion for Court Reporter #3 in the June 14, 2004 minutes with regards to Court Reporter #2; clarification should indicate it was the intent of the Board to have a Letter of Concern issued in addition to the other sanctions previously imposed by the Board. Motion passed. **BCCR-04-088**

Topics for Discussion

Letter from Court reporter Re: Provisional Standard Certification

Rhonda Simmons reported a court reporter wrote a letter to the Board requesting more time to pass the RPR and addressing various issues including what appears to be a medical issue. Ms. Simmons drafted a letter which the Board reviewed for consideration. The Board discussed and made changes to the proposed draft letter.

A **motion** was made by Douglas Brooks and seconded by Jean Lea to adopt the draft reply as amended by the Board. Motion passed. **BCCR-04-089**

Renewal Application

Rhonda Simmons presented the Board with a proposed revised renewal application. Ms. Simmons stated Nina Preston is currently doing research to see if a notary is necessary and electronic filing is being considered for the future. The certificate holder is responsible for updating the program with new contact information; a space for updating

contact information is provided on the proposed application.

Ms. Simmons reported that the Continuing Legal Education (CLE) policy for attorneys indicates an attorney is not required to submit CLE documentation with their renewal application. Alternatively, attorneys file an affidavit stating they completed the required CLE; the State Bar then conducts random audits at which point an attorney would then be required to submit documentation regarding their CLE. Ms. Simmons stated the Board may wish to consider implementing a similar procedure for court reporters. The Board discussed audits and rule changes needed to sanction court reporters who do not comply with continuing education requirements. The Board also discussed clerical changes to the proposed renewal application.

The Board agreed court reporters should file proof of their continuing education for the 2004-2005 renewal period and potentially implementing an affidavit procedure for the 2005-2006 renewal period with random audits. The Board discussed revisions and requested Ms. Simmons and Ms. Preston propose specific revisions to implement the compliance by affidavit for the Board's review at a future meeting.

A **motion** was made by Jean Lea and seconded by Sylvia Brandfon to adopt the proposed renewal application as amended by the Board. Motion passed. **BCCR-04-90**

Policies on Extensions of Temporary Certification Based on Extenuating Circumstances.

Rhonda Simmons reported the Board previously discussed changes to the Policy on Request for Extensions of Temporary Certification. The proposed policy was reviewed and approved by Nina Preston, Legal Council for the Board. The Board reviewed the proposed revisions and agreed the Policies should be adopted after amended by William E. Druke.

A **motion** was made by Douglas Brooks and seconded by Jennifer Stadler to adopt the proposed revisions to the policies on Extensions of Temporary Certification Based on Extenuating Circumstances as amended. Motion passed. **BCCR-04-91**

Temporary Extension Update

During Executive Session the Board reviewed a letter from a reporter and for the purposes of the public session will identify the reporter as Court Reporter #3. No action was taken; this was for informational purposes only.

Program Update

Keeping the Record Committee

Rhonda Simmons reported the Keeping the Record Committee did not meet last month; however, there was a work group meeting. The Board discussed a suggestion received in an email for transcribers to be brought under the Board's authority. The Board discussed the issues the committee is dealing with and the tasks facing the committee.

Legislative Changes

Rhonda Simmons reported the legislative changes previously discussed by the Board will not go forward until after the Keeping the Record Committee has completed its recommended changes to statutes affecting court reporters.

Complaints

Rhonda Simmons reported 2 complaints were closed last month, 1 was received last month, bringing the total open complaints to 18.

Code Revisions

Rhonda Simmons reported the proposed code was adopted by the Chief Justice on July 21, 2004. The program will not mail new code books to each individual court reporter as it has done in the past. A postcard will be mailed, or a letter will be included in the renewal packet which will inform reporters they can obtain the new code from the Court Reporter Website or they can make a written request for a hard copy.

Independent Medical Evaluator

Rhonda Simmons reported the program sent out one hundred requests for bid over a month ago and no bids were received. Sylvia Brandfon gave Ms. Simmons recommendations and Ms. Simmons will pursue these suggestions. The program will be sending out an additional one hundred requests for bid within the next week.

Rhonda Simmons reported there are currently 469 court reporters that hold Standard Certification, 39 court reporters hold Provisional Standard Certification, and 16 hold Temporary Certification, for a total of 524 certified court reporters in Arizona.

Call to the Public

There was no response from the public.

Adjournment

A **motion** was made by Jean Lea and seconded by Judge Jan Kearney to adjourn. Motion passed. **BCCR-04-092**

The meeting of the Board of Certified Court Reporters adjourned at 12:15 p.m.