

**Regular Meeting of
Supreme Court Board of Certified Reporters
Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference Room CLD1
10:00 p.m. – 2:00 p.m.**

**October 2, 2006
Approved Regular Session Minutes**

Members Present:

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

AOC Staff Present:

Rhonda Simmons
Kandace French
Kimberly Siddall
Dara Fonseth
Nina Preston
Linda Ferelli
Doris Leonard

Members Absent:

Judge Jan Kearney
James Bouley
Patricia Seguin

Guests:

Lydia Elias
Linda Hironimus
Donald Newcomer
John Bouley
Doreen Lobock

CALL TO ORDER

The regular session was called to order by Chair Sandra Markham at 10:05 a.m.

1) REVIEW AND APPROVAL OF MINUTES

1-A: Regular and Executive Session Minutes for the telephonic meeting of August 14, 2006.

Motion by Judge Winthrop to approve the Regular and Executive Minutes for the August 14, 2006 meeting as amended. William Druke seconded the motion. Motion carried.
BCCR-06-124.

1-B: Regular and Executive Session Minutes for the meeting of August 28, 2006.

Motion by Judge Winthrop to approve the Regular Session Minutes for the August 28, 2006 meeting.. Kathleen Montalvo seconded the motion. Motion carried. **BCCR-06-125.**

Motion by Judge Winthrop to approve the Executive Session Minutes for the August 28, 2006 meeting. Kathleen Montalvo seconded the motion. Motion carried. **BCCR-06-126.**

1-C: Regular Session Minutes for the meeting of September 11, 2006.

Motion by Jean Lea to approve the Regular Session Minutes for the meeting of September 11, 2006. Judge Winthrop seconded the motion. Motion carried. **BCCR-06-127.**

2) ADMINISTRATIVE ISSUES

2-A: Update regarding ACJA § 7-206 and § 7-201.

Rhonda Simmons presented copies of the approved versions of § 7-201 and § 7-206, signed by the Chief Justice, based on recommendations of the Arizona Judicial Council. Provisions in 7-206 and 7-201 will be effective January 1, 2007. These items are for information only and require no motion.

2-B: Discussion regarding Board Member Training.

Rhonda Simmons informed the Board that the Council on Licensure, Enforcement and Regulation (“CLEAR”) will be providing a mandatory Board member training on December 4, 2006. Sandra Markham and Jean Lea advised they will be traveling and unavailable for the December 4 training. Rhonda advised that, effective January 1, 2007, three additional boards, Fiduciary, Defensive Driving and Confidential Intermediary, will be developed and there is a need for staffing.

2-C: Discussion and Recommendation on the reporter legislation proposed by the Keeping the Record Committee.

Kandace French presented and summarized Legislative Proposals 2007-02, 2007-16 and 2007-17. Rhonda Simmons informed the Board will need to give a recommendation to the Arizona Judicial Council as to whether to adopt the proposals, adopt with amendments or not adopt the amendments before the next AJC meeting on October 12, 2006.

Motion by William Druke to adopt the proposed technical changes set forth in the statutes dealing with reporters, and that A.R.S. § 12-224 be amended to increase the cost a court reporter can charge a party ordering an appeal transcript to \$3.25 per page and \$0.30 per page for copying. Judge Winthrop seconded the motion. Motion passed. **BCCR-06-128.**

3) **CERTIFICATION AND ELIGIBILITY**

3-A: Discussion and possible action regarding the temporary certification letter sent to Sandra Brice.

Rhonda Simmons discussed the letter sent to Sandra Brice, stating the Board denied certification on August 14th and on August 28th reconsidered and withdrew their denial and extended her temporary certification based on the extenuating circumstances facing the Court system in Mohave County. Ms. Simmons recommended the Board send a letter to Ms. Brice advising that she is eligible to request her temporary certification be converted to provisional standard certification. The Board also agreed a letter should be sent to Mohave County Court Administrator advising Ms. Brice's temporary certification is only good through December 31, 2006.

Motion by Judge Winthrop to advise Mohave County that Ms. Brice's temporary certification has been granted only through December 31, 2006 and to advise Ms. Brice that she can apply to convert her certificate to a provisional standard certification at renewal. Kathleen Montalvo seconded the motion. Motion passed. **BCCR-06-129.**

3-B: Discussion and possible action regarding the Hearing Officer's Report and Recommendation with respect to Diane Laur.

Rhonda Simmons stated the Board is expected to either adopt the recommendations of the Hearing Officer, adopt with amendments or deny the Hearing Officer's recommendations with respect to the provisional standard certification.

Motion by William Druke to deny recommendations of the Hearing Officer and affirm the denial renewal of Ms. Laur's provisional standard certification. Judge Winthrop seconded the motion. Motion passed. **BCCR-06-130.**

3-D: Review of pending requests for continuing education credit approval. (taken out of order)

Kandace French presented pending requests for continuing education approval. The Board reviewed the following requests and staff recommendations:

CE APPROVAL REQUEST:

1. Wines of the Northwest presented by Oregon & Washington Court Reporters Association on 10/13/2006. Requested 1.5 hours; staff recommends the Board deny this request.

2. Building Confidence & Competence presented by Oregon & Washington Court Reporters Association on 10/14/2006. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
3. Writing Techniques presented by Oregon & Washington Court Reporters Association on 10/14/2006. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
4. NW Judges Speak on the Role of Court Reporters in the 21st Century presented by Oregon & Washington Court Reporters Association on 10/14/2006. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
5. Writing with the Starts/Passing the Test presented by Oregon & Washington Court Reporters Association on 10/15/2006. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.
6. Motivation & Goal Settings presented by Oregon & Washington Court Reporters Association on 10/15/2006. Requested 1.5 hours; staff recommends the Board grant 1.5 hours.

Motion by Judge Winthrop the Board approve items 2, 3, 4, 5, 6 for a total of 7 hours, modify item 6 from 1.5 to 1.0 hours, and further moves the Board deny item 1, Wines of the Northwest. William Druke seconded the motion. Motion carried. **BCCR-06-131**.

Kandace French presented item 7, Real Time Writing, for 5.0 hours.

Motion by Jean Lea the Board approve item 7 for 5.0 hours. Jennifer Stadler seconded the motion. Motion passed. **BCCR-06-132**.

Motion by Jennifer Stadler to enter into **Executive Session** at 11:00 a.m. to discuss confidential information and for the Board to receive advice from legal counsel. Kathleen Montalvo seconded the motion. Motion carried. Public guests left the meeting. **BCCR-06-133**.

Public guests returned to the Regular Session at 11:35.

4) **REVIEW OF PENDING COMPLAINTS**

4-A: *Review and discussion of complaints: 05-C001, 05-C009 and 05-C016.*

Complaint No. 05-C001:

The Board having received and reviewed the Investigation Summary, Probable Cause Evaluation Report and Recommendation for this complaint:

Motion by Judge Winthrop that complaint number 05-C0001 be dismissed but with an advisory letter regarding signing someone else's signature. Kathleen Montalvo seconded the motion. Motion passed. **BCCR-06-134.**

Complaint No. 05-C009:

The Board having received and reviewed the Investigation Summary, Probable Cause Evaluation Report and Recommendation for this complaint:

Motion by William Druke that complaint number 05-C009 be dismissed with an advisory letter regarding the keeping of records. Jennifer Stadler seconded the motion. Motion passed. **BCCR-06-135.**

Complaint No. 05-C016:

The Board having received and reviewed the Investigation Summary, Probable Cause Evaluation Report and Recommendation for this complaint:

Motion by Judge Winthrop that complaint number 05-C016 be dismissed. William Druke seconded the motion. Motion passed. **BCCR-06-136.**

CERTIFICATION AND ELIGIBILITY (taken out of order)

3-C: Discussion and possible action regarding the Hearing Officer's Report and Recommendation with respect to Lydia Elias and the Board's Response thereto.

The Board previously reviewed the Hearing Officer's Report and Recommendation regarding the provisional standard certification of Lydia Elias. The Board agreed to allow AOC legal draft a response to the Hearing Officer's Report and Recommendation for Board review at today's meeting. Staff will ask the Board to review the response, amend if necessary and approve for signature.

Motion by William Druke to continue this matter until the December meeting for additional drafting and research by counsel. Jean Lea seconded the motion. Motion passed. **BCCR-60-137.**

5) REVIEW OF CERTIFICATION APPLICATIONS

5-A Applicants for Initial Standard Certification.

Kimberly Siddall recommends Standard Certification be granted to **Laureen Badar and Kimberly Urban**.

Motion by William Druke to recommend Standard Certification for both applicants, with Laureen Bader's to be effective January 1, 2007 and Kimberly Urban to be effective immediately. Jean Lea seconded the motion. Motion passed. **BCCR-60-138**.

CALL TO PUBLIC: (taken out of order) John Bouley addressed the Board and asked about terms of the currently open Board positions. Mr. Bouley also inquired about the Superior Court committee meetings schedule and whether those meetings are open to the public. Mr. Bouley inquired about the Arizona Judicial Council and the process for proposing legislation.

Motion by William Druke to go into **Executive Session** at 11:45. Judge Winthrop seconded the motion. Motion passed. Public guest dismissed. **BCCR-60-139**.

Return to Regular Session.

REVIEW OF CERTIFICATION APPLICATIONS

5-A: Applicants for Initial Standard Certification.

Kimberly Siddall recommends Standard certification be granted to **Kristine Howard**.

Motion by William Druke to recommend Standard certification for Kristine Howard to be effective January 1, 2007. Kathleen Montalvo seconded the motion. Motion passed. **BCCR-60-140**.

There being no further business, Jean Lea made a **motion** to adjourn the meeting at 11:50 a.m. Judge Winthrop seconded the motion. Motion passed. **BCCR-60-141**.