

Supreme Court Board of Certified Court Reporters

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

December 13, 2004 Approved Regular Session Minutes

Members Present:

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

AOC Staff Present:

Rhonda Simmons
Jane Covert
Nancy Swetnam
Nina Preston

Guests Present:

Paul O'Connell

Call to Order

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

Review and Approval of Meeting Minutes

Regular session minutes of October 4, 2004 and November 8, 2004.

The Board reviewed the October 4, 2004 regular session minutes. Ms. Brandfon requested staff change Page 4, under Keeping the Record Committee, 4th Line, "to" should be inserted prior to "be".

A **motion** was made by Judge Jan Kearney and seconded by William E. Druke to adopt the minutes as amended of October 4, 2004. Motion passed. **BCCR-04-123**

A **motion** was made by William E. Druke and seconded by Judge Jan Kearney to adopt the minutes of November 8, 2004. Motion passed. **BCCR-04-124**

Continuing Education Discussion

Rhonda Simmons reported during the 2004 renewal process many court reporters did not comply with the continuing education policy as written. For example, many court reporters obtained all of their credits by taking NCRA-approved online courses. According to the Continuing Education Policy, online courses are considered self-study and court reporters are not permitted to obtain more than half of the required credits from self-study without preapproval by the Board. Court reporters that provided

documentation of attending 10 hours of approved activities were not questioned, regardless of whether the activities were all self-study. Other types of documentation of 10 hours of unapproved activities were forwarded to the Board for review and final determination. Rhonda Simmons recommended and the Board agreed information should be mailed to all certified court reporters informing them of the Continuing Education Policy and reminding them that the policy will be strictly adhered to in the next renewal period.

Recommendations and Board Action

Applicants for Initial Certification

The following court reporter requested she be granted Provisional Standard Certification based on staff awaiting the FBI results of her fingerprints. Rhonda Simmons informed the Board the court reporter listed below meets all qualifications for certification, but because the FBI results have not been processed and returned for her, she should be granted Provisional Standard Certification effective January 1, 2005:

Barbara Buesing

A **motion** was made by Sylvia Brandfon and seconded by Judge Jan Kearney to grant Provisional Standard Certification as of January 1, 2005 to the court reporter listed above based on all documents provided and because FBI results have not been processed and returned for her. Motion passed. **BCCR-04-125**

Applicants for conversion

Rhonda Simmons reported the following court reporter requested her certificate be converted from Temporary to Provisional Standard Certification, and renewed for 2005, based on proof showing she passed two skill components and the written portion of the RPR and meets all qualifications for Provisional Standard Certification:

Denise Style

A **motion** was made by Jean Lea and seconded by James Bouley to convert the Temporary Certification of the court reporter listed above to Provisional Standard Certification, based on documentation provided showing she completed two skill components and the written portion of the RPR and meets all other qualifications for Provisional Standard Certification and that her certificate be renewed for 2005 certification. Motion passed. **BCCR-04-126**

Rhonda Simmons reported the following court reporters requested their certificates be converted from Provisional Standard Certification to Standard Certification, and renewed for 2005, based on proof showing they passed all components of the RPR and meet all qualifications for Standard Certification:

Kathryn Blackwelder
Mildred Senden

A **motion** was made by Jennifer Stadler and seconded by Judge Philip Hall 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 and that their certificates be renewed for 2005 certification. Motion passed. **BCCR-04-127**

The following court reporters requested their certificates be converted from Provisional Standard Certification to Standard Certification, and renewed for 2005, based on staff receipt of the FBI results and meeting all other qualifications for Standard Certification:

Jovanna Roman
Michelle Seymour
Margaret Smith

A **motion** was made by Judge Jan Kearney and seconded by Sylvia Branfon to convert the Provisional Standard Certification of the court reporters listed above to Standard Certification, and their certificate be renewed for 2005, based on staff receipt of the FBI results. Motion passed. **BCCR-04-128**

Applicants for Renewal of Certification

Rhonda Simmons informed the Board the applicants on the attached list "D" Page #1 of court reporters requested renewal of Standard Certification.

A **motion** was made by William E. Druke and seconded by Jean Lea to grant renewal of Standard Certification to the court reporters on List "D" "Page 1" based on documentation provided showing they meet all qualifications for certification. Motion Passed. Judge Jan Kearney recused. **BCCR-04-129**

Rhonda Simmons informed the Board the applicants on the attached list "D" Page #2 of court reporters requested renewal of Standard Certification.

Rhonda Simmons reported court reporter Cindy Benner has 7.75 COJET credits. Ms. Benner also provided documentation of a college course entitled Elementary Aerobic. Ms. Simmons stated she attempted to contact Ms. Benner and was informed she was in Egypt. Ms. Benner did not provide information relative to the class and was therefore unable to bring information before the Board to determine if it was directly related to court reporting. The Board agreed Ms. Benner should have requested pre-approval of the class and the unofficial transcript does not indicate a grade for the class, or that the class was completed. The Board questioned the usefulness of the Aerobic language in court reporting. Ms. Benner is an official court reporter for Maricopa County and would have a ten day lapse in certification if the Board denied certification due to her continuing

education credits. Rhonda Simmons reminded the Board that official court reporters are required to obtain 16 COJET hours every year, and therefore Ms. Benner may have the appropriate number of continuing education hours. The Board tabled its decision in order for Ms. Simmons to contact Ms. Benner with regards to her continuing education.

Rhonda Simmons reported court reporter Patricia Bishoff-McCarthy provided an NCRA transcript showing 4.5 credits which translates to 45 continuing education credits. However, based on the Continuing Education Policy, you are only able to obtain 5 credits from any one activity, unless the activity has been deemed by the Board to be directly related to court reporting. Ms. Simmons requested documentation from Ms. Bischoff-McCarthy. Ms. Bischoff-McCarthy indicated she received a letter from California State University which states she has captioned these classes and attached the course outline for the classes. The Board previously agreed captioning is not an approved continuing education activity. The Board discussed captioning as being part of a court reporters job; however, NCRA appeared to give credit for the captioning. Ms. Bishoff-McCarthy gave proof that she passed the California certification exam, but no documentation that NCRA gives credit for passing state certification exams. The Board agreed Ms. Bischoff-McCarthy has only provided documentation of 5 continuing education hours.

Patricia Bischoff-McCarthy

A **motion** was made by William E. Druke and seconded by Judge Jan Kearney to deny renewal of Standard Certification Patricia Bishoff-McCarthy, for lack of approved continuing education credits. Motion Passed. **BCCR-04-130**

A **motion** was made by William E. Druke and seconded by Jean Lea to grant renewal of Standard Certification to the court reporters on List "D" "Page 2" based on documentation provided showing they meet all qualifications for certification, with the exception of court reporters, Cindy Benner and Patricia Bischoff-McCarthy. Motion Passed. Judge Jan Kearney, Judge Philip Hall, Jean Lea, and James Bouley recused. **BCCR-04-131**

Rhonda Simmons informed the Board the applicants on the attached list "D" Page #3 requested renewal of Standard Certification. Rhonda Simmons requested the Board add Christine Coaly to Page #3. Ms. Coaly brought her renewal application in late.

A **motion** was made by William E. Druke and seconded by Judge Jan Kearney to grant renewal of Standard Certification to the court reporters on List "D" "Page 3" based on documentation provided showing they meet all qualifications for certification, to include Christine Coaly. Motion Passed. James Bouley and Jean Lea recused. **BCCR-04-132**

Rhonda Simmons informed the Board the applicants on the attached list "D" Page #4 requested renewal of Standard Certification.

A **motion** was made by William E. Druke and seconded by Jean Lea to grant

renewal of Standard Certification to the court reporters on List “D” “Page 4” based on documentation provided showing they meet all qualifications for certification. Motion Passed. Judge Jan Kearney recused. **BCCR-04-133**

Rhonda Simmons informed the Board the applicants on the attached list “D” Page #5 requested renewal of Standard Certification.

A **motion** was made by Judge Philip Hall and seconded by William E. Druke to grant renewal of Standard Certification to the court reporters on List “D” “Page 5” based on documentation provided showing they meet all qualifications for certification. Motion Passed. Judge Jan Kearney, Jean Lea, and James Bouley recused. **BCCR-04-134**

Rhonda Simmons informed the Board the applicants on the attached list “D” Page #6 requested renewal of Standard Certification.

A **motion** was made by William E. Druke and seconded by Jean Lea to grant renewal of Standard Certification to the court reporters on List “D” “Page 6” based on documentation provided showing they meet all qualifications for certification. Motion Passed. Judge Jan Kearney recused. **BCCR-04-135**

Rhonda Simmons informed the Board the applicants on the attached list “D” Page #7 requested renewal of Standard Certification.

A **motion** was made by William E. Druke and seconded by Judge Philip Hall to grant renewal of Standard Certification to the court reporters on List “D” “Page 7” based on documentation provided showing they meet all qualifications for certification. Motion Passed. Judge Jan Kearney, Jean Lea, and Sandra Markham recused. **BCCR-04-136**

Rhonda Simmons informed the Board the applicants on the attached list “D” Page #8 requested renewal of Standard Certification.

A **motion** was made by Judge Philip Hall and seconded by Sylvia Branfon to grant renewal of Standard Certification to the court reporters on List “D” “Page 8” based on documentation provided showing they meet all qualifications for certification. Motion Passed. Judge Jan Kearney recused. **BCCR-04-137**

Rhonda Simmons informed the Board the applicants on the attached list “D” Page #9 requested renewal of Standard Certification.

A **motion** was made by Sylvia Branfon and seconded by William E. Druke to grant renewal of Standard Certification to the court reporters on List “D” “Page 9” based on documentation provided showing they meet all qualifications for certification. Motion Passed. **BCCR-04-138**

Rhonda Simmons informed the Board the applicants on the attached list “D” Page #10 requested renewal of Standard Certification.

A **motion** was made by William E. Druke and seconded by Judge Philip Hall to grant renewal of Standard Certification to the court reporters on List “D” “Page 10” based on documentation provided showing they meet all qualifications for certification. Motion Passed. James Bouley, Jennifer Stadler, and Judge Jan Kearney recused. **BCCR-04-139**

Rhonda Simmons informed the Board the applicants on the attached list “D” Page #11 requested renewal of Standard Certification.

A **motion** was made by Judge Philip Hall and seconded by Jennifer Stadler to grant renewal of Standard Certification to the court reporters on List “D” “Page 11” based on documentation provided showing they meet all qualifications for certification. Motion Passed. Jean Lea and Judge Jan Kearney recused. **BCCR-04-140**

Rhonda Simmons informed the Board the applicants on the attached list “D” Page #11 requested renewal of Standard Certification.

A **motion** was made by Judge Philip Hall and seconded by Jennifer Stadler to grant renewal of Standard Certification to the court reporters on List “D” “Page 11” based on documentation provided showing they meet all qualifications for certification. Motion Passed. Jean Lea and Judge Jan Kearney recused. **BCCR-04-140**

Rhonda Simmons informed the Board the applicants on the attached list “D” Page #12 requested renewal of Standard Certification.

A **motion** was made by William E. Druke and seconded by Jean Lea to grant renewal of Standard Certification to the court reporters on List “D” “Page 12” based on documentation provided showing they meet all qualifications for certification. Motion Passed. **BCCR-04-141**

Rhonda Simmons informed the Board the applicants on the attached list “E” requested renewal of Provisional Standard Certification. Provisional Standard Certificate holders have until December 31, 2005 to pass the final components of the RPR.

A **motion** was made by William E. Druke and seconded by Jean Lea to grant renewal of Provisional Standard Certification to the court reporters on List “E” based on documentation provided showing they meet all qualifications for Provisional Standard Certification. Motion Passed. Judge Jan Kearney recused. **BCCR-04-142**

Rhonda Simmons informed the Board the applicants on the attached list “F” requested their temporary certification be extended until February 28, 2005. Currently, no documentation is needed to prove an extenuating circumstance exists. This extension is given for the purpose of allowing the temporary extension holders time to determine if they need a further extension and to submit documentation if a further extension is needed. The Board discussed Denise R. Vaishville who had a complaint filed and formal charges where filed. Ms. Simmons reported Ms. Vaishville has complied with all requirements within the formal charges.

A **motion** was made by Jennifer Stadler and seconded by Jean Lea to grant renewal of Temporary Extensions to the court reporters on List “F” through February 28, 2005. Motion Passed. Judge Philip Hall recused. **BCCR-04-143**

Applicants for Inactive Status

Rhonda Simmons informed the Board the applicant on the attached list “G” requested inactive status. The applicant provided documentation for continuing education and paid the inactive fee.

A **motion** was made by William E. Druke and seconded by Jean Lea to grant inactive status to the court reporters on List “G”. Motion Passed. **BCCR-04-144**

Review of voluntary surrenders of certification

Rhonda Simmons informed the Board the following court reporters are requesting the Board accept their voluntary surrenders of their certificates. There are no outstanding disciplinary actions against the court reporters:

Laurie Adams
Wendy Weiss

Lisa Chaney
Staci Williams

Laurie Gustafson

A **motion** was made by William E. Druke and seconded by Jennifer Stadler to accept the voluntary surrenders of certification of the above listed individuals. Motion Passed. **BCCR-04-145**

Consideration of Consent Agreement (Case No. 04-C001)

Rhonda Simmons reported the Board found Probable Cause regarding Pamela Lohr and therefore the matter may not be discussed in Executive Session. Rhonda Simmons informed the Board of the provisions of the proposed agreement. The Board discussed the violation of the transcript guidelines and the timeframe for payment of costs and fines.

A **motion** was made by William E. Druke and seconded by Judge Jan Kearney to accept the Consent Agreement for Case No. 04-C001. Motion Passed. **BCCR-04-146**

Continuing Education Issues

Consideration of requests for continuing education credits

Rhonda Simmons reported in an attempt to bring additional continuing education opportunities to the Flagstaff area, a court reporter is seeking preapproval of a seminar entitled Invisible Physics, presented by an attorney, regarding stress management in the workplace. The court reporter is requesting two credit hours be given to court reporters who attend the program.

A **motion** was made by Jean Lea and seconded by Jennifer Stadler to approve 2 hours of continuing education credit for “Invisible Physics” a stress management in the workplace seminar. Motion passed. **BCCR-04-147**

Rhonda Simmons reported she received an email from Chris Kyselka, ASU, Extended Campus Program, and Associate Director. Mr. Kyselka provided the program with the information on the ASU lectures which many court reporters attended this year. Mr. Kyselka advised the program they will no longer sign attendance certificates for court reporters due to difficulties they encountered with court reporters in the previous year.

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-04-148**

Executive Session Ended

Review and Approval of Executive Session Meeting Minutes

Executive Session Minutes of October 4, 2004 and November 8, 2004.

A **motion** was made by Judge Philip Hall and seconded by James Bouley to adopt the executive session minutes from October 4, 2004. Motion passed. **BCCR-04-149**

A **motion** was made by Judge Philip Hall and seconded by James Bouley to adopt the executive session minutes from November 8, 2004. Motion passed. **BCCR-04-150**

(During Executive Session the Board reviewed the confidential record of the reporters contained on list H)

A **motion** was made by William E. Druke and seconded by Judge Jan Kearney to grant renewal of Standard Certification to the court reporters on List "H". Motion Passed. James Bouley recused. **BCCR-04-151**

(During Executive Session the Board reviewed the confidential record of the reporter contained on list I)

A **motion** was made by William E. Druke and seconded by Judge Jan Kearney to grant renewal of Provisional Standard Certification to the court reporter on List "I" and include advisory language pertaining to her continuing education and properly reflecting attendance. Motion Passed. **BCCR-04-152**

Consideration of Complaint(s) & OSC's

(During Executive Session the Board reviewed the confidential record of the reporter in case number 04-C005 and for the purposes of the public session will be identified as Case # 04-C005)

A **motion** was made by William E. Druke and seconded by Jennifer Stadler to dismiss Case # 04-C005 for lack of probable cause. Motion passed. **BCCR-04-153**

(During Executive Session the Board reviewed the confidential record of the reporter in case number 02-C008 and for the purposes of the public session will be identified as Case # 02-C008)

A **motion** was made by William E. Druke and seconded by James Bouley to dismiss Case # 02-C008 for lack of probable cause. Motion passed. **BCCR-04-154**

(During Executive Session the Board reviewed the confidential record of the reporter in case number 04-C006 and for the purposes of the public session will be identified as Case # 04-C006)

A **motion** was made by William E. Druke and seconded by Judge Jan Kearney to dismiss Case # 04-C006 for lack of jurisdiction. Motion passed. **BCCR-04-155**

(During Executive Session the Board reviewed the confidential record of the reporter in case number 02-C009 and for the purposes of the public session will be identified as Case # 02-C009)

A **motion** was made by William E. Druke and seconded by Judge Jan Kearney to dismiss Case # 02-C009 for lack of jurisdiction. Motion passed. **BCCR-04-156**

(During Executive Session the Board reviewed the confidential record of the reporter in

case number 01-C024 and for the purposes of the public session will be identified as Case # 01-C024)

A **motion** was made by William E. Druke and seconded by Judge Jan Kearney to issue a Letter of Concern reflecting four years between the events, and assess costs in Case # 01-C024. Motion passed. **BCCR-04-157**

Topics for Discussion

Independent Medical Evaluation Reports

(During Executive Session the Board reviewed the confidential reports submitted for temporary certificate holders from the Independent Medical Evaluator)

A **motion** was made by William E. Druke and seconded by Jennifer Stadler directing staff to mail the Independent Medical Evaluations along with a cover letter as discussed in Executive Session to the temporary certificate holders. Motion passed. **BCCR-04-158**

A **motion** was made by William E. Druke and seconded by Jennifer Stadler directing staff to obtain an independent medical evaluation for the temporary certificate holder discussed in Executive Session. Motion passed. **BCCR-04-159**

The Board agreed the deadline for submitting information regarding an extension will be January 15, 2005.

Donna Hallam Letters

Rhonda Simmons reported the Program receives Donna Hallam letters frequently. Ms. Simmons is requesting the Board determine a consistent procedure for dealing with the letters. Discussion was held. The Board agreed the letters should be handled in the same way OSC's were determined should be handled.

A **motion** was made by William E. Druke and seconded by Judge Jan Kearney directing staff to send a letter to Donna Hallam indicating no action will be taken on the letters; however, if Ms. Hallam believes it is helpful to copy the Board on these letters she may continue to send them to the Program. If Ms. Hallam continues to copy the Board on the letters, they will be kept in a binder for reference purposes only. Motion passed. **BCCR-04-160**

Program Update

Keeping the Record Committee

Sandra Markham reported the Keeping the Record Committee agreed the Transcript Manual would be designated for transcribers which will be part of the procurement process. Committee members indicated they would like the Board to expand the Court Reporter Guidelines by adding guidelines for consistency purposes.

Complaints

Rhonda Simmons reported one complaint was received last month. The total number of open complaints is 18 and the Board closed 7 complaints during the present Board meeting. Therefore the total number of open complaints is now 11.

Board Appointments

Rhonda Simmons reported Judge Philip Hall and Sylvia Branfon will be leaving the Board. It is anticipated Judge Jan Kearney to be reappointed. Judge Lawrence F. Winthrop has agreed to fill the Court of Appeals position on the Board and hopefully by January the Chief Justice Designee will be appointed.

Call to the Public

There was no response from the public.

Adjournment

A **motion** was made by Judge Jan Kearney and duly seconded to adjourn. Motion passed. **BCCR-04-161**

The meeting of the Board of Certified Court Reporters adjourned at 1:30 p.m.