



## **Board of Certified Reporters**

Arizona State Courts Building  
1501 West Washington Street  
Phoenix, Arizona 85007-3222  
Conference Room 109

Date: March 3, 2009  
Time: 1:00 p.m. – 4:00 p.m.

### **Approved Regular Meeting Minutes**

#### **MEMBER ATTENDANCE:**

##### **Present:**

G. Allen Sonntag  
Hon. Lawrence Winthrop  
J. Tyrrell Taber

##### **Telephonically Present:**

Terri Faust  
Patricia Calabro  
Kathleen R. Montalvo

##### **Absent:**

Hon. Robert Carter Olson  
Patricia Seguin  
Cheryl Austin

#### **OTHER ATTENDEES**

##### **AOC Staff:**

Nancy Swetnam  
Jenny Lubben  
Kimberly Siddall  
Jennifer Greene  
Linda Grau  
Bonnie Toms  
Tony Posante

##### **Guests:**

Diane Sonntag  
Laurie Adams  
John W. Boyd  
John Windhorst  
Judy Griffin  
Gayle Thomson

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**CALL TO ORDER**

*Called to Order By:* G. Allen Sonntag

*Time:* 1:02 pm

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**1) REVIEW AND APPROVAL OF MINUTES**

***1-A: Review and approval of Regular Minutes for the meeting of December 9, 2008.***

*Discussion:* Board discussed approval of Regular Minutes for the meeting held on December 9, 2008.

*Motion:* Move to approve Regular Session Minutes for the meeting held on December 9, 2008.

*Motion Proposals:*

First	Hon. Lawrence Winthrop
Second	J. Tyrrell Taber
Recusal	Patricia Calabro

*Motion Results:* Pass **BCCR-0916**

***1-B: Review and approval of Regular and Executive Minutes for the meeting of December 29, 2008.***

*Discussion:* Board discussed approval of Regular Session Minutes for December 29, 2009 with correction of grammatical errors on pages 10, 13, and 14.

*Motion:* Move to approve Regular and Executive Session Minutes of the meeting held on December 29, 2008 as amended.

*Motion Proposals:*

First	Hon. Lawrence Winthrop
Second	Kathleen R. Montalvo
Recusal	Patricia Calabro

*Motion Results:* Pass **BCCR-0917**

***1-C: Review and approval of Regular Minutes for the meeting of January 6, 2008.***

*Discussion:* Board discussed approval of Regular Minutes of the meeting held on January 6, 2009.

*Motion:* Move to approve Regular Session Minutes of the meeting held on January 6, 2009.

**Motion Proposals:** First Hon. Lawrence Winthrop  
Second Patricia Calabro  
**Motion Results:** Pass **BCCR-0918**

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2) **PENDING COMPLAINTS**

**2-A: Review, discussion and possible action regarding the following non-certificate holder complaints:**

*NC08-C008 – Patricia Edgar aka Patricia Landau*  
*NC08-C007 – Stephanie Dillard*

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** At the Board’s request, Staff drafted letters to Ms. Dillard and Ms. Edgar regarding certified reporter status listed in their professional profiles on the Gateway Community College website. Division records reflect neither has held active certification since December 31, 2001. Staff determined Ms. Edgar does not presently hold active certification in Michigan, Texas, or California. The NCRA reports program accreditation remains active for the Gateway Community College’s court reporting program and both Ms. Edgar and Ms. Dillard have continuing NCRA memberships.

**Motion:** Motion made to finalize the drafted letters and mail to Ms. Edgar and Ms. Dillard.

**Motion Proposals:** First J. Tyrrell Taber  
Second Hon. Lawrence Winthrop  
**Motion Results:** Pass **BCCR-0919**

**2-B: Review, discussion and possible action regarding complaint number 08-C006 involving Sandra Brice.**

**Individuals Addressing the Board:** Nancy Swetnam

**Discussion:** On January 30, 2009 Probable Cause Evaluator entered a finding probable cause does not exist in regards to complaint number 08-C006 involving Sandra Brice. Staff recommends the Board accept the finding and dismiss complaint.

**Motion:** Motion to accept recommendation of the Probable Cause Evaluator and dismiss complaint.

**Motion Proposals:** First Patricia Calabro  
Second Terri Faust  
**Motion Results:** Pass **BCCR-0920**

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**3) REVIEW OF CERTIFICATION APPLICATIONS**

**3-A: Review, discussion and possible action regarding pending applications for renewal of certification:**

*Michelle Buckhannon  
Treva Colwell  
Kathleen Gilmore  
Michele Kaley  
Cynthia Lineburg  
Bonnie Ponce  
Matthew Rose  
Amy Stewart  
Bernadette Chari  
Jonna Baker  
Vicki Champion  
Michael Haley  
Hilda Lopez  
Karen Niemtschk  
Frankie Powers  
Margaret Riley  
Teresa Vos  
Christopher White*

**Individuals Addressing the Board:** Kimberly Siddall

**Discussion:** Regarding applicants Michelle Buckhannon, Treva Colwell, Kathleen Gilmore, Michele Kaley, Cynthia Lineburg, Bonnie Ponce, Matthew Rose and Amy Stewart, Staff recommends the Board grant renewal certification.

**Motion:** Move to accept Staff recommendation to grant renewal certification.

**Motion Proposals:** First J. Tyrrell Taber  
Second Hon. Lawrence Winthrop  
**Motion Results:** Pass **BCCR-0921**

**Discussion:** Applicant Bernadette Chari failed to disclose civil action regarding HOA dues owed on property she and her husband own; case was dismissed. Staff recommends the Board grant renewal certification

with language regarding non-disclosure on future applications may result in denial or disciplinary action.

**Motion:** Move to accept Staff recommendation to grant renewal certification.

**Motion Proposals:** First Hon. Lawrence Winthrop  
Second Kathleen R. Montalvo

**Motion Results:** Pass **BCCR-0922**

**Discussion:** Regarding applicants Jonna Baker, Michael Haley, Hilda Lopez, and Christopher White, Staff recommends the Board grant renewal certification.

**Motion:** Move to accept Staff recommendation to grant renewal certification.

**Motion Proposals:** First Hon. Lawrence Winthrop  
Second J. Tyrrell Taber

**Motion Results:** Pass **BCCR-0923**

**Discussion:** Regarding applicants Vicki Champion and Teresa Vos, Staff recommends deferral to May 5, 2009 meeting as applications are incomplete at this time.

**Motion:** Move to defer consideration for renewal certification to May 5, 2009 meeting.

**Motion Proposals:** First Hon. Lawrence Winthrop  
Second Terri Faust

**Motion Results:** Pass **BCCR-0924**

**Discussion:** Certificate holder Karen Niemtschk failed to disclose action regarding a Forcible Detainer which she brought against a renter. Judgment was awarded to the certificate holder. Staff recommends the Board grant renewal certification with language regarding non-disclosure on future applications may result in denial or disciplinary action.

**Motion:** Move to accept Staff recommendation to grant renewal certification.

**Motion Proposals:** First J. Tyrrell Taber  
Second Hon. Lawrence Winthrop

**Motion Results:** Pass **BCCR-0925**

**Discussion:** Certificate holder Frankie Powers failed to disclose action

regarding a debt she owes and stated she was not aware Capital One Bank had filed an action against her. Staff recommends the Board grant renewal certification with language regarding non-disclosure on future applications may result in denial or disciplinary action.

**Motion:** Move to accept Staff recommendation to grant renewal certification.

**Motion Proposals:** First J. Tyrrell Taber  
Second Terri Faust

**Motion Results:** Pass **BCCR-0926**

**Discussion:** Certificate holder Margaret Riley disclosed her involvement in an action resulting in a default judgment and degree of foreclosure and order sale of her home. Staff recommends the Board grant renewal certification.

**Motion:** Move to accept Staff recommendation to grant renewal certification.

**Motion Proposals:** First Patricia Calabro  
Second Hon. Lawrence Winthrop

**Motion Results:** Pass **BCCR-0927**

**3-B: Interview with and possible action regarding certificate holder John Boyd.**

**Individuals Addressing the Board:** Kimberly Siddall, Nancy Swetnam, Linda Grau, Jennifer Greene, John W. Boyd, John Windhorst

**Discussion:** Discussion regarding the written statement Mr. Boyd provided to the Board via a letter dated February 8, 2009. Mr. Winhorst spoke as a character witness for Mr. Boyd.

**Motion:** Motion to go into Executive Session in order to consult with legal counsel.

**Motion Proposals:** First J. Tyrrell Taber  
Second Hon. Lawrence Winthrop

**Motion Results:** Pass **BCCR-0928**

**Executive Session:** 1:29pm – 1:43 pm

**Discussion:** Discussion regarding continued periodic drug testing. Additional questions were asked of Mr. Boyd by the Board.

**Motion:** Motion to approve Staff recommendation to grant renewal certification subject to periodic drug testing thru certification

expiration in February 2010.

**Motion Proposals:** First Hon. Lawrence Winthrop  
Second Patricia Calabro  
**Motion Results:** Pass **BCCR-0929**

**3-C: Review, discussion and possible action regarding request of consideration of expired certificate holder Gayle Thomson.**

**Individuals Addressing the Board:** Kimberly Siddall, Nancy Swetnam, Linda Grau, Jennifer Greene, Gayle Thomson, Adam Palmer

**Discussion:** Discussion regarding Ms. Thomson's attempt to file a renewal application on November 24, 2008. Previous year certification had expired due to failure to submit payment or application. Mr. Palmer, attorney for Ms. Thomson, spoke regarding a computer malfunction during Ms. Thomson's 2007 renewal attempt and requested the Board reinstate her certification effective January 1, 2008. A letter from Mr. Palmer has been presented for Board review. Ms. Swetnam stated that as Ms. Thomson has no record of payment and her certification has lapsed, there is nothing to renew.

**Motion:** Motion to stand by earlier decision Ms. Thomson must begin certification process again

**Motion Proposals:** First J. Tyrrell Taber  
Second Hon. Lawrence Winthrop  
**Motion Results:** Pass **BCCR-0930**

**3-D: Review, discussion and possible action regarding pending applications for Initial Standard Certification:**

**Kaylene Scotson**  
**Gary Hill**  
**Judith Griffin**  
**John Turman**

**Individuals Addressing the Board:** Nancy Swetnam, Kimberly Siddall, Linda Grau, Jennifer Greene, Judith Griffin, Adam Palmer

**Discussion:** Regarding applicant Kaylene Scotson, Staff recommends the Board grant Standard Certification.

**Motion:** Move to accept Staff recommendation to grant Standard Certification.

**Motion Proposals:** First Hon. Lawrence Winthrop

	Second	Kathleen R. Montalvo
	Recusal	Terri Faust
<b>Motion Results:</b>	Pass	<b>BCCR-0931</b>
<b>Discussion:</b>	Regarding applicant Gary Hill, Staff recommends the Board grant Standard Certification.	
<b>Motion:</b>	Move to accept Staff recommendation to grant Standard Certification.	
<b>Motion Proposals:</b>	First	J. Tyrrell Taber
	Second	Patricia Calabro
	Recusal	Terri Faust
<b>Motion Results:</b>	Pass	<b>BCCR-0932</b>
<b>Discussion:</b>	Regarding applicants Judith Griffin and John Turman.	
<b>Discussion:</b>	Ms. Siddall informed Board that Ms. Griffin's application for renewal is incomplete as the fingerprint card has not yet been received. Ms. Griffin expressed concerns regarding certification procedure and length of time to process fingerprint cards.	
<b>Motion:</b>	Regarding applicant John Turman, motion to defer pending application for Initial Standard Certification to next Board Meeting to be held on May 5, 2009.	
<b>Motion Proposals:</b>	First	J. Tyrrell Taber
	Second	Hon. Lawrence Winthrop
	Recusal	Terri Faust
<b>Motion Results:</b>	Pass	<b>BCCR-0933</b>
<b>Motion:</b>	Regarding applicant Judith Griffin, motion to hold special telephonic Board Meeting once we hear back from DPS regarding the fingerprint card.	
<b>Motion Proposals:</b>	First	J. Tyrrell Taber
	Second	Hon. Lawrence Winthrop
	Recusal	Terri Faust
<b>Motion Results:</b>	Pass	<b>BCCR-0934</b>

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**CALL TO THE PUBLIC**

Diane Sonntag came forward with concerns regarding certification procedures such as contacting applicants when problems arise, and checks and balances now in place.

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**ADJOURNMENT**

***Motion:*** Adourn the meeting.

***Motion Proposals:*** First Hon. Lawrence Winthrop  
Second J. Tyrrell Taber

***Motion Results:*** Pass **BCCR-0935**

***Time:*** 2:25 p.m.

Initials: BT