



Board of Certified Reporters

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

Conference Room 109

Date: July 7, 2009

Time: 1:00 p.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Patricia Calabro
Hon. Lawrence Winthrop
J. Tyrrell Taber

Telephonically Present:

Terri Faust
G. Allen Sonntag
Patricia Seguin

Absent:

Hon. Robert Carter Olson
Cheryl Austin
Kathleen R. Montalvo

OTHER ATTENDEES

AOC Staff:

Linda Grau
Kimberly Siddall
Jennifer Greene
Tony Posante
Afton Foutz

CALL TO ORDER

Called to Order By:

G. Allen Sonntag

Time:

1:03 p.m.

1) REVIEW AND APPROVAL OF MINUTES

1-A: Review and discuss approval of the Regular Session Minutes for the meeting held on May 5, 2009.

Individuals Addressing the Board:

Linda Grau

Discussion:

No discussion.

Motion:

Move to approve Regular Session Minutes for the meeting of May 5, 2009.

Motion Proposals: First Hon. Larry Winthrop
Second Patricia Calabro
Motion Results: Pass **BCCR-0947**

2) **PENDING COMPLAINTS**

2-A: Review, discussion and possible action regarding non-certificate holder complaint number 09-C004 involving Sue Baquet.

Individuals Addressing the Board: Linda Grau

Note: The Board's review of Hearing Officer Marshall's Recommendation Report is agenda item 3-A of this meetings' agenda. Agenda item 2-A will be reviewed after Agenda item 3-A.

2-B: Review, discussion and possible action regarding the Division Director Recommendations to dismiss complaint numbers NC09-C002 and NC09-C003.

Note: Pursuant to ACJA § 7-201(H)(1)(g)(3), complaints recommended for dismissal by the Division Director are confidential and not a matter of public record.

Individuals Addressing the Board: Linda Grau

Discussion:

Complaint Number NC09-C002:

On April 20, 2009, the Certification and Licensing Division ("Division") received a complaint involving a non-certificate holder over which the Board and the Division does not have jurisdiction. On May 8, 2009, Division Director Swetnam recommended the Board dismiss the complaint with prejudice for lack of jurisdiction and recommended the matter be referred to the entity which holds jurisdiction. Pursuant to ACJA § 7-201, a copy of the recommendation to dismiss was forwarded to the complainant. On May 27, 2009, the Division received a request for Board review of the recommended dismissal from the complainant. On June 17, 2009, the Division received supplemental materials from the complainant. It was recommended the Board dismiss the complaint with prejudice and refer the matter to the entity that holds jurisdiction.

Complaint Number NC09-C003:

On April 20, 2009, the Division received a complaint involving a non-certificate holder over which the Board and the Division does not have jurisdiction. On May 8, 2009, Division Director Swetnam

recommended the Board dismiss the complaint with prejudice for lack of jurisdiction and recommended the matter be referred to the entity which holds jurisdiction. Pursuant to ACJA § 7-201, a copy of the recommendation to dismiss was forwarded to the complainant. No request for Board review has been received from the complainant. It was recommended the Board dismiss the complaint with prejudice and refer the matter to the entity that holds jurisdiction.

Motion: Move to dismiss complaint numbers NC09-C002 and NC09-003.

Motion Proposals: First Ty Taber
Second Patricia Calabro
Recusal Hon. Larry Winthrop as to complaint number NC09-C003 only.

Motion Results: Pass **BCCR-0948**

Note: Patricia Calabro has agreed to sign any orders on behalf of the Board regarding Agenda Items for this meeting.

2-C: Review, discussion and possible action regarding complaint number 09-C001 involving Kelly Palmer.

Individuals Addressing the Board: Linda Grau

Complaint Number 09-C001 – Kelly Palmer

Discussion: Probable Cause Evaluator Mike Baumstark entered a finding probable cause does not exist in complaint number 09-C001. Staff recommended the Board accept the finding of the Probable Cause Evaluator and dismiss complaint number 09-C001.

Motion: Move to accept the finding of the Probable Cause Evaluator and dismiss complaint number 09-C001.

Motion Proposals: First Hon. Larry Winthrop
Second Patricia Seguin

Motion Results: Pass **BCCR-0949**

3) CERTIFICATION AND ELIGIBILITY

3-A: Review, discussion and possible action regarding Hearing Officer Andrew Marshall's Recommendation Report regarding the denial of certification to Sue Baquet.

Individuals Addressing the Board: Kimberly Siddall

Discussion: On January 6, 2009, the Board denied Ms. Baquet's standard certification application, in part based on her failure to comply with laws, rules and orders governing reporters. Ms. Baquet requested and received a hearing on the denial of her application for standard certification. Hearing Officer Andrew Marshall's Recommendation Report recommends the denial be upheld.

Motion: Move to accept Hearing Officer Marshall's recommendation and affirm the earlier denial of Sue Baquet's application for standard certification.

Motion Proposals: First Hon. Larry Winthrop
Second Ty Taber

Motion Results: Pass **BCCR-00950**

2-A: Review, discussion and possible action regarding non-certificate holder complaint number 09-C004 involving Sue Baquet.

Individuals Addressing the Board: Linda Grau

Discussion: Previously, the Board reviewed and considered a staff recommendation to petition the Superior Court for issuance of a Cease and Desist Order enjoining Ms. Baquet from engaging in any activities which require certification and from representing herself as an Arizona certified reporter until such time as she is granted certification by the Board. At the May meeting, the Board moved to defer taking action on the non-certificate holder pending resolution of the certification application denial hearing. Hearing Officer Marshall's report has been reviewed by the Board and the denial of her application was affirmed. Discussion of a Consent Agreement and a possible Cease and Desist Order.

Motion: Move to request staff contact Ms. Baquet and her attorney to inquire as to whether Ms. Baquet is willing to stipulate to a Cease and Desist Order, establishing a deadline for Ms. Baquet's response in 21 days; if Ms. Baquet does agree, the Board will proceed with the petition for a Cease and Desist Order.

Motion Proposals: First Ty Taber
Second Hon. Larry Winthrop

Motion Results: Pass **BCCR-0951**

3-B: Review, discussion and possible action regarding renewal applicant Terri L. Vos.

Individuals Addressing the Board: Kimberly Siddall

Discussion: At the May meeting, the Board deferred entering a determination regarding Ms. Vos' renewal application pending receipt of documentation of her completion of required continuing education. No documentation has been received from Ms. Vos, to date. Therefore, it was recommended the Board defer consideration of the application to the September meeting.

Motion: Move to defer consideration until the September meeting.

Motion Proposals: First Hon. Larry Winthrop
Second Ty Taber

Motion Results: Pass **BCCR-0952**

3-C: Review, discussion and possible action regarding applicant for Standard Certification Gayle Thomson.

Individuals Addressing the Board: Kimberly Siddall

Discussion: The Board previously deferred entering a determination regarding Ms. Thomson's application pending her participation in the Arizona Written Examination. Ms. Thomson has not participated in the exam. Recommendation that the Board defer consideration of the application to the September meeting.

Motion: Move to defer consideration until the next meeting, in the interim have staff send a letter to Ms. Thomson and her attorney pointing out that the exam has not yet been taken. She has until the next Board meeting, September 1, 2009 to take the examination.

Motion Proposals: First Hon. Larry Winthrop
Second Ty Taber

Motion Results: Pass **BCCR-0953**

CALL TO THE PUBLIC

No one came forward.

ADJOURNMENT

Motion: Adjourn the meeting.

Time: 1:35 p.m.

Initials: AF

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