

Supreme Court Board of Certified Reporters
Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room CLD-1

March 11, 2008
12:15 p.m. – 1:15 p.m.

Approved Regular Telephonic Meeting Minutes

MEMBER ATTENDANCE

Present:

Judge Lawrence Winthrop

Telephonically Present:

Terri Faust
Jean Lea (joined at 12:21 pm)
Kathleen Montalvo
Allen Sonntag
Patricia Seguin
Sandra Markham
Judge Robert Carter Olson
Tyrell Taber

Absent:

None

OTHER ATTENDEES

AOC Staff:

Kandace French
Jenny Lubben
Nancy Swetnam
Linda Grau
Nina Preston
Doris Leonard
Linda Grau
Alex Navarro

Guests:

None

CALL TO ORDER

Called to Order By:

Sandra Markham, Chair

Time:

12:15 p.m.

1) REVIEW OF PENDING COMPLAINTS

1-A: Review, discussion and possible action regarding proposed Consent Agreement with Royce Conner involving complaint Numbers 04-C004 and 05-C014.

Individual Addressing the Board: Nancy Swetnam

Discussion: Staff recommended Board review and discuss the proposed Consent Agreement and Disciplinary Order. It is further recommended the Board authorize the Chair to sign the Consent Agreement and Disciplinary Order on behalf of the full Board once Mr. Conner has entered the Consent Agreement.

Motion: Accept the Consent Agreement and Disciplinary Order resolution.

Motion Proposals: First Ty Taber
Second Judge Winthrop

Motion Results: Pass **BCCR 08-027**

Further Discussion: Strike the word "Plaintiff" on page 2, line 12 of the Consent Agreement and Disciplinary Order Nos. CRP NFC-04-C004; CRP NFC-05-C014 and insert the word "Respondent".

Motion: First: Allen Sonntag
Second: Kathy Montalvo

Motion Results: Pass **BCCR-08-028**

1-B: Review, discussion and possible action regarding complaint number 07-C003 involving Jessica Casto-Moroz.

Individuals Addressing the Board: Nancy Swetnam

Discussion: Staff recommended the Board enter a finding of probable cause exists pursuant to ACJA § 7-201(H)(6)(a), (H)(6)(k)(2), (H)(6)(k)(3), and (H)(6)(k)(7) for acts of misconduct involving Arizona Rules of Criminal Procedure Rules 31,8(b)(2) and 31.9(a), ACJA § 7-201(F)(1) and (F)(6), and ACJA § 7-

206(F)(1), (J)(4)(c), (J)(4)(e), (J)(4)(f), and (J)(6)(a). It is further recommended the Board motion for filing of Notice of Formal Statement of Charges to Casto-Moroz pursuant to ACJA § 7-201(H)(10). Should the Board ultimately enter findings these violations have occurred, the Board impose the following sanctions pursuant to ACJA § 7-201(H)(24)(a)(6):

- a) Revoke Casto-Moroz's certification, certificate number 50254, pursuant to ACJA § 7-201(H)(24)(a)(6)(i);
- b) Issue a cease and desist order enjoining Casto-Moroz from engaging in any activities which require certification or representing herself to the public as a certified reporter for the period of any revocation and until such time as any and all conditions for reinstatement are met in full, as determined by the Board, pursuant to ACJA § 7-201(H)(24)(a)(6)(g);
- c) Order and mandate as a condition for reinstatement, Casto-Moroz participate in no less than ten (10) hours of continuing education in the curriculum areas of professional responsibility, ethics, and the rules of court, in addition to any hours otherwise required for renewal, pursuant to ACJA § 7-201(H)(24)(a)(6)(f);
- d) Assess costs associated with the investigation and related disciplinary proceedings to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(j); and,
- e) Impose civil penalties in the amount of \$250.00 per found violation to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(k).

Motion:

Do not revoke but suspend Ms. Casto-Moroz's certificate for three (3) months subject to the remaining staff-recommended sanction conditions, letters b through e:

- b) Issue a cease and desist order enjoining Casto-Moroz from engaging in any activities which require certification or representing herself to the public as a certified reporter for the period of any revocation and until such time as any and all conditions for reinstatement are met in full, as determined by the Board, pursuant to ACJA § 7-201(H)(24)(a)(6)(g);
- c) Order and mandate as a condition for reinstatement, Casto-Moroz participate in no less than ten (10) hours of continuing education in the curriculum areas of professional responsibility, ethics, and the rules of court, in addition to any hours otherwise required for renewal, pursuant to ACJA § 7-201(H)(24)(a)(6)(f);
- d) Assess costs associated with the investigation and related disciplinary proceedings to be remitted no later than 60 days following entry of the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(j); and,
- e) Impose civil penalties in the amount of \$250.00 per found violation to be remitted no later than 60 days following entry of

the Board's Final Order, pursuant to ACJA § 7-201(H)(24)(a)(6)(k).

Motion Proposals: First Judge Winthrop
Second Patricia Seguin

Motion Results: Pass **BCCR-08-029**

Further Discussion: Motion for Judge Winthrop to sign Board's Final Order as amended by above Motion.

Motion: First: Ty Taber
Second: Kathy Montalvo

Motion Results: Pass **BCCR-08-030**

2) CERTIFICATION AND ELIGIBILITY

2-A: *Review, discussion and possible action regarding Inactive Status request received from certified reporter Amy K. Bowler, certificate number 50322.*

Individual Addressing the Board: Kimberly Siddall

Discussion: Staff recommended the Board accept the transfer of Amy Bowler to inactive status, in good standing.

Motion: Grant transfer of Amy Bowler's certificate to inactive status, in good standing.

Motion Proposals: First Judge Winthrop
Second Jean Lea

Motion Results: Pass **BCCR-08-031**

2-B: Review, discussion and possible action regarding pending applications for Initial Standard Certification:

*Jessica Iams
Nancy Rowland
Lela Thomas*

Individual Addressing the Board: Kimberly Siddall

Discussion: Certificate holder, Jessica Iams, submitted a completed application. Staff recommended the Board grant Standard Certification to Ms. Iams.

Motion: Grant Standard Certification to Jessica Iams.

Motion Proposals: First Judge Winthrop
Second Jean Lea

Motion Results: Pass **BCCR-08-032**

Further Discussion: Certificate holders, Nancy Rowland and Lela Thomas, submitted incomplete applications for renewal certification. As of today's meeting, all remaining documents have been received. Staff recommended the Board grant renewal certification for Nancy Rowland and Lela Thomas.

Motion: Grant renewal certification to Nancy Rowland and Lela Thomas.

Motion Proposals: First Judge Winthrop
Second Kathy Montalvo

Motion Results: Pass **BCCR-08-033**

2-C: Review, discussion and possible action regarding pending applications for renewal of certification:

Amy Bowler

Individual Addressing the Board: Kimberly Siddall

Discussion: Completed application received and Staff recommended granting renewal certification to Amy Bowler.

Motion: Grant renewal certification to Amy Bowler

Motion Proposals: First Judge Carter Olson
Second Allen Sonntag

Motion Results: Pass **BCCR-08-034**

Further Discussion: The application for renewal certification for Rhonda Harris is now complete. Staff recommended granting renewal certification to Ms. Harris.

Motion: Grant renewal certification to Rhonda Harris.

Motion Proposals: First Jean Lea
Second Kathy Montalvo

Motion Results: Pass **BCCR-08-035**

More Discussion: The application for renewal certification for Kathleen Gilmore is complete. Board granted Ms. Gilmore until March 7, 2008 to complete the 10 hour continuing education requirement. Ms. Gilmore has requested a 30-day extension to complete these requirements. Staff recommended the application be deferred to the April 15, 2008 meeting.

Motion: Grant a 30-day extension for Kathleen Gilmore to complete the necessary continuing education requirements and request proof of completion of these requirements by Ms. Gilmore.

Motion Proposals: First Judge Winthrop
Second Allen Sonntag

Motion Results: Pass **BCCR-08-036**

CALL TO THE PUBLIC.....Sandra Markham

No Public present.

ADJOURNMENT

Motion: Meeting is adjourned.

Motion Proposals: First Judge Winthrop
Second Terri Faust

Motion Results: Pass **BCCR-08-037**

Time: 1:12 P.M.