

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

June 4, 2007
10:00 a.m. to 2:00 p.m.

Approved Regular Session Meeting Minutes

MEMBER ATTENDANCE

Present:

Judge Lawrence Winthrop
Allen Sonntag
Terri Faust

Telephonically Present:

Jean Lean, Vice Chair
Kathleen Montalvo
Patricia Seguin

Absent:

Sandra Markham, Chair

OTHER ATTENDEES

AOC Staff:

Kandace French
Kimberly Siddall
Nina Preston
Rhonda Simmons
Linda Grau
Lauren Eiler

Guests:

Denise Style
Michele Balmer
Diane Sonntag

CALL TO ORDER

Called to Order By:

Vice Chair Jean Lea

Time:

10:03 a.m.

1) REVIEW AND APPROVAL OF MINUTES

1-A: Regular Session Minutes for the meeting of April 9, 2007.

Individual Addressing the Board: Jean Lea

Discussion: Judge Winthrop requested of the April 9, 2007 Minutes, page 6, 4-B, under Discussion, third line. Change “verbiage” to “language”. Also noted proposed correction on page 9, 6-A, under Motion, third line. Change “medication conditions” to “medical restrictions”.

Motion: Moved to approve Minutes of April 9, 2007 as amended.

Motion Proposals: First Judge Winthrop
Second Allen Sonntag

Motion Results: Pass **BCCR-07-054**

Discussion: Judge Winthrop requested correction on the May 14, 2007 Minutes, page 2, 1-A, under Motion, third line. Change “Chair’s” to “Acting Chair’s”.

Motion: Moved to approve Minutes of May 14, 2007 as amended.

Motion Proposals: First Judge Winthrop
Second Terri Faust

Motion Results: Pass **BCCR-07-055**

2) **REVIEW OF PENDING COMPLAINTS**

Individuals Addressing the Board: Lauren Eiler, Acting Director

2-A: Review of complaints dismissed by the Division Director pursuant to Arizona Code of Judicial Administration § 7-201(D)(4)(a) and (H)(2)(b):

Complaint Number 07-C001

Complaint Number 07-C002

Individual Addressing the Board: Lauren Eiler, Acting Director

Discussion: With reference to Complaint No. 07-C001, Ms. Eiler stated this complaint does not meet the required complaint criteria contained in ACJA § 7-201 and was submitted as an anonymous complaint. Ms. Eiler recommended the Board affirm the dismissal of complaint number 07-C001 pursuant to ACJA § 7-201(H)(2)(d).

Motion: Moved to affirm the dismissal of complaint number 07-C001 pursuant to ACJA § 7-201(H)(2)(d).

Motion Proposals: First Judge Winthrop
Second Allen Sonntag

Motion Results: Pass **BCCR-07-056**

Discussion: With reference to Complaint No. 07-C002, Ms. Eiler stated this complaint falls outside the jurisdiction of the Supreme Court and the complaint was dismissed with prejudice pursuant to ACJA § 7-201(H)(2)(b). Ms. Eiler recommended the Board affirm the dismissal of complaint number 07-C002 pursuant to ACJA § 7-201(H)(2)(b).

Motion: Moved to affirm the dismissal of complaint number 07-C002 pursuant to ACJA § 7-201(H)(2)(b).

Motion Proposals: First Judge Winthrop
Second Terri Faust

Motion Results: Pass **BCCR-07-057**

2-B: Report to the Board regarding status of pending complaints.

Individual Addressing the Board: Lauren Eiler, Acting Division Director

Discussion: Staff informed the Board there are currently four pending certified reporter complaints. Two pending complaints were discussed at this meeting. The remaining two pending complaints involve a currently active certificate holder for whom the Board proposed a Consent Agreement to resolve the complaints. Certificate holder failed to reply or submit a counter proposal and, at the last meeting, the Board withdrew the Consent Agreement and ordered the filing of Notice of Formal Statement of Charges and service is pending.

Motion: No action.

3) REVIEW OF CERTIFICATION APPLICATIONS

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

Shirley Kenyon

Individual Addressing the Board: Kimberly Siddall

Discussion: Ms. Kenyon held Standard certification but did not renew her certificate by December 31, 2006. Ms. Kenyon filed a renewal application. Staff recommended certification be granted to Ms. Kenyon.

Motion: Moved to defer action on agenda item 3-A to allow Staff to confirm Ms. Kenyon did not practice as a court reporter while not certified. Further moved to place this agenda item on the July 9 meeting agenda.

Motion Proposals: First Allen Sonntag
Second Judge Winthrop

Motion Results: Pass **BCCR-07-058**

Bonnie Ponce

Individual Addressing the Board: Kimberly Siddall

Discussion: Ms. Ponce has passed all requirements of the RPR and requested the previously-set denial hearing be vacated. Staff recommended the Board grant standard certification.

Motion: Moved to grant standard certification to Ms. Ponce.

Motion Proposals: First Terri Faust
Second Judge Winthrop

Motion Results: Pass **BCCR-07-059**

Maria Vasquez

Individual Addressing the Board: Kimberly Siddall

Discussion: Ms. Vasquez' application remains incomplete or pending receipt of background review results. Staff recommended this application be deferred to the July meeting.

Motion: Moved to defer this agenda item to the July meeting. Staff will obtain the remaining application materials and recommend appropriate action at that time.

Motion Proposals: First Judge Winthrop
Second Allen Sonntag

Motion Results: Pass **BCCR-07-060**

4) **CERTIFICATION AND ELIGIBILITY**

4-A: Review, discussion and possible action regarding the bimonthly reports by temporary certificate holders:

*Sandra Brice
Maria Geare*

Individual Addressing the Board: Kandace French

Discussion: The Board discussed status of the two temporary certificate holders listed above. The Board requested Staff monitor the status of court reporter availability in Mohave County. With regard to Ms. Gear, the Board requested Staff advise them of the status of her RPR results at the July 9th meeting.

Motion: No action.

4-B: Review, discussion and possible action regarding the Hearing Officer's Report and Recommendation with respect to Denise Style.

Individual Addressing the Board: Nina Preston, AOC Legal Counsel

Discussion: Ms. Preston requested the Board defer this matter to the July meeting for presentation of an Order for the Board's consideration.

Motion: Moved to defer the matter of Denise Style to the July 9, 2007 meeting.

Motion Proposals: First Judge Winthrop
Second Allen Sonntag

Motion Results: Pass **BCCR-07-061**

4-C: Review of pending re-submission requests for continuing education credit approval.

Individual Addressing the Board: Kandace French

Discussion: Board discussed certificate holder submission of CE requests already deemed as non-qualifying events pursuant to ACJA 7-206(L)(7).

Motion: Moved to deny approval of the submitted continuing education credits.

Motion Proposals: First Allen Sonntag
Second Judge Winthrop

Motion Results: Pass **BCCR-07-062**

CALL TO THE PUBLIC

Jean Lea, Vice Chair

Individuals Addressing the Board: Michele Balmer, President, ACRA

Discussion: Ms. Balmer posed questions to the Board regarding ACJA § 7-206(J)(3)(d), Fees and Services. Requested direction from the Board and clarification regarding fees to be charged by a certified reporter. She asked this be added to the agenda for the August 13th meeting for further review and discussion.

Motion: No action.

Revisit

2-A: Review of complaints dismissed by the Division Director pursuant to Arizona Code of Judicial Administration § 7-201(D)(4)(a) and (H)(2)(b)

Motion: Moved to authorize Judge Winthrop to sign Division Director-dismissed complaints on behalf of the full Board.

ADJOURNMENT

Jean Lea, Vice Chair

Motion: Moved to adjourn.

Motion Proposals: First Judge Winthrop
Second Terri Faust

Motion Results: Pass **BCCR-07-063**

Time: 10:38 a.m.

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