

**Supreme Court Board of Certified Reporters
Arizona State Courts Building
1501 West Washington, Phoenix, AZ 85007
Conference room CLD2
12:00 p.m. – 1:00 p.m.**

**January 8, 2007
Approved Regular Session Minutes**

MEMBER ATTENDANCE

Present:

Judge Lawrence Winthrop
Allen Sonntag

Telephonically Present:

Judge Jan Kearney
Sandra Markham
Patricia Seguin
Terri Faust

Absent:

Jean Lea
Kathleen Montalvo

OTHER ATTENDEES

AOC Staff:

Kandace French
Rhonda Simmons
Kimberly Siddall
Nina Preston
Doris Leonard
Connie Gonzalez

Guests:

Linda Hironimus
John Bouley
Corinne Magewick
Lydia Elias
Maria Geare
Tammy Gillett
Mary Williams, Attorney General's Office

CALL TO ORDER

Called to Order by:
Time:

Chair Sandra Markham
12:02 p.m.

1) **REVIEW OF CERTIFICATION APPLICATIONS**

1-A: Applicants for Initial Standard Certification

Individuals Addressing the Board Kimberly Siddall

Discussion: *Recommendation renewal certification be granted to Debra Galvin, David Lee, Laura McDole, Tamara Gillett and Toni Henson*

Motion: Renewal certification be granted.

Motion Proposals: First Judge Lawrence Winthrop
 Second Judge Jan Kearney
 Recusals: Terri Faust recused for Tamara Gillett

Motion Results: Pass **BCCR-07-01**

Discussion: Recommended renewal applications for Standard certification be deferred until the February 12th meeting pending receipt of proof of continuing education for Lisa Blanks and Laurel Dunn. Also recommended Laurel Dunn complete the missing 1 hour of continuing education by January 26th and a \$25 late fee be assessed. It is recommended Hilda Lopez be granted Standard certification.

Motion: Defer renewal applications as discussed for Lisa Blanks and Laurel Dunn. Assess a \$25 late fee against Ms. Dunn and require her to complete the missing hour of continuing education by January 26. Grant standard certification to Hilda Lopez.

Motion Proposals: First Judge Lawrence Winthrop
 Second Allen Sonntag

Motion Results: Pass **BCCR-07-02**

Discussion: Gary Gibbons submitted a request to surrender his certificate.

Motion: Grant voluntary surrender of certificate.

Motion Proposals: First Judge Lawrence Winthrop
Second Allen Sonntag

Motion Results: Pass **BCCR-07-03**

Discussion: Recommended to deny renewal applications of Denise Style and Kari Kerns as components of the RPR have not been completed. Also noted Kari Kerns is requesting a refund of her application fee.

Motion: Deny renewal applications and deny refund of application fee to Kari Kerns.

Motion Proposals: First Judge Lawrence Winthrop
Second Allen Sonntag

Motion Results: Pass **BCCR-07-04**

1-B: Review, discussion and possible action regarding request of Denise Vaishville and discussion and possible action regarding her application for renewal of certification.

Individuals Addressing the Board Kandace French

Discussion: Ms. Vaishville submitted a Request for Extension of temporary certification based on extenuating circumstances and Board agreed to renew the provisional certification to January 9, 2007 and defer action on renewal application until this meeting. After review of RPR results, Staff recommended denying application. Ms. Markham stated for the minutes the Zachary Markham mentioned in this action is of no relation to her.

Motion: Deny renewal application.

Motion Proposals: First Judge Lawrence Winthrop
Second Patricia Seguin
Recusals Terri Faust

Motion Results: Pass **BCCR-07-05**

1-C: Discussion and possible action regarding the Hearing Officer's Report and Recommendation with respect to Lydia Elias and Board's response thereto.

Individuals Addressing the Board Kandace French and Rhonda Simmons

Discussion: Ms. Elias read a letter addressed to the Board. Ms. Elias then asked Kandace French to read a letter of recommendation from Judge Jane Eikleberry, Ms. Elias' employer. Rhonda Simmons stated a need for clarification of this issue.

Motion: Board moves to Executive Session to consult with legal counsel.

Motion Proposals: First Judge Lawrence Winthrop
 Second Patricia Seguin

Motion Results: Pass **BCCR-07-06**

Executive Session #1 ended at 12:31 p.m.

Motion: In regard to the discussion above, the Board rejects the Report of Findings of Fact and Conclusion of Law regarding Ms. Elias and affirms the Board's prior order denying the renewal of Ms. Elias.

Motion Proposals: First Judge Lawrence Winthrop
 Second Patricia Seguin

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

1-D: Discussion and possible action regarding denial of renewal of provisional standard certification to Diane Laur and Petition for Special Action in Superior Court in Pima County case number C20070010.

Individuals Addressing the Board Kandace French and Rhonda Simmons

Discussion: Board previously denied renewal of provisional standard certification of Ms. Laur. The letter was sent to Ms. Laur, including Board's final decision, but did not include Findings of Fact and Conclusions of Law as required. Ms. Laur filed a Special Action based on the Board's omission. Staff recommends the matter be rectified by the Board by directing staff and legal counsel to draft a Final Order of the Board to include Findings of Fact and Conclusions of Law to be presented to the Board at the February meeting. Nina Preston deferred to Mary Williams of the Attorney General's Office for clarification of questions and concerns of the Board.

Motion: Board moves to Executive Session to consult with legal counsel.

Motion Proposals: First Judge Lawrence Winthrop
Second Allen Sonntag

Motion Results: Pass **BCCR-07-008**

Executive Session #2 ended at 12:50 p.m.

Discussion: In the matter of Diane Laur, Board should propose a stipulation to agree to stay of the Order until February 7, remand the matter back to the Board for Findings of Fact and conclusions of law and, secondarily, direct Board counsel to talk to Ms. Laur's counsel regarding the stipulation. The Board would enter into a stay to allow Ms. Laur to continue working until this issue is resolved.

Motion: Legal counsel to prepare a stipulation to stay proceedings until February 12 to allow Ms. Laur to continue working until this issue is resolved. Secondarily, Board to direct counsel, Mary Williams, to talk to Ms. Laur's counsel regarding the stipulation to stay proceedings and remand to the Board.

Motion Proposals: First Judge Lawrence Winthrop
Second Allen Sonntag
Recusals Terri Faust (left the meeting for these discussions)

Motion Results: Pass **BCCR-07-009**

CALLS TO THE PUBLIC

Individuals Addressing the Board: John Bouley
Lydia Elias

Discussion: Both Mr. Bouley and Ms. Elias spoke on Ms. Elias' behalf. Ms. Elias stated she understood the Board denying her request and asked if there was some way she could extend her certification, allowing her to find another position. She was informed by Judge Winthrop the Board had no authority to grant her request.

ADJOURNMENT

Motion: Meeting be adjourned

Motion Proposals: First Judge Lawrence Winthrop
Second Allen Sonntag

Motion Results: Pass **BCCR-07-010**

Time: 1:18 PM

/del